San Francisco Bay Conservation and Development Commission
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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 of September 3, 2026 Hybrid Commission Meeting

1. Call to Order: The hybrid meeting was called to order by Acting Chair Eisen at 1:03 p.m. The meeting was held with a principal physical location of 375 Beale Street, San Francisco, California, and online via Zoom and teleconference.

Acting Chair Eisen stated: Good afternoon. Welcome to our hybrid BCDC commission meeting. My name is Rebecca Eisen. I am the Vice Chair of the BCDC, and I am filling in today as the meeting because our Chair Wasserman is traveling.

I want to thank the Commissioners who are here at the Metro Center for attending in person and to acknowledge all of those of you who are attending virtually.

You may have noticed that our Executive Director is also not up here today, but we do have our Regulatory Director Harriet Ross and she and I are going to be partners in crime today.

Before we begin, I want to let everybody know that we are going to defer and postpone Item 11 on the agenda, which is NOAA's reopening of the Section 312 evaluation. Chair Wasserman will want to be there for that, so we are going to move that to September 17.

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

2. Roll Call. Present were: Acting Chair Eisen, Commissioners Ahn, Dorsey (represented by Alternate Tam), Dumlao (represented by Alternate Pemberton), Eckerle (represented by Alternate Kimball), Eklund, Gioia, Gonzalez, Gunther, Hasz, Janoff, Lee (represented by Alternate Kishimoto), Moulton-Peters, Nguyen, Ramos (joined after Roll Call), Randolph (joined after Roll Call), Showalter, Tam (represented by Alternate Gilmore), Taylor, and VACANT (represented by Alternate 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), Department of Finance (Benson), U.S. Environmental Protection Agency (Blake), Governor (Wasserman), San Mateo County (Gauthier), Sonoma County (Hermosillo), Solano County (Mashburn)

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

Bob Hall commented: Good afternoon, Commissioners. My name is Bob Hall. I am here to talk about the rapid, unregulated expansion of artificial turf around the Bay; and I am asking BCDC to review its harms and develop a position statement and regulations. I just walked down Beale Street and passed two new artificial turf installations. I thought we all agreed on the science of climate, and we are not going to do a lot of fossil fuel stuff anymore, but I guess things are changing again.

San Francisco alone has at least 33 artificial turf fields and more are coming, including a project at Crocker Amazon Park that would replace 20 acres of trees and a meadow with concrete and turf.

Here is why this matters to the Bay. Artificial turf cannot be manufactured without PFAS. It is used as a processing aid to shape the plastic blades.

San Francisco's own Rec and Park have confirmed in public records that all turf contains PFAS.

SFEI has found PFAS in 90% of the Bay fish samples, and our wastewater plants are unequipped to remove it.

Beyond PFAS, each field sheds plastic continuously. A single soccer field can lose 2-3,000 pounds of plastic fibers a year. Beach Chalet is going to shreds right now.

Those plastic fibers blow away in the wind. They attach themselves to players' clothes and end up in the storm drains. Turf also contains UV stabilizers, plasticizers like DEHP, heavy metal colorants, and flame retardants. Chemicals linked to endocrine disruption, thyroid harm, reduced IQ in children, and in some cases cancer.

And if the field uses rubber crumb infill, there is another concern: a tire chemical called 6PPD-Q, one of the most toxic compounds ever documented for fish. SFEI has already found it in Bay waters at levels lethal to salmon and steelhead. It has also been found in human blood, urine, and even in spinal fluid.

On top of all this, plastic turf is impervious. It sheds rainwater instead of absorbing it, adding stress to rain to stormwater and sewer systems that already overflow during heavy storms. A growing concern with El Niño on the way.

The state's own Department of Toxic Substances Control has found that microplastics meet multiple hazardous traits under California law, including persistence, mobility, and a credible inhalation exposure pathway.

I am asking BCDC to formally evaluate artificial turf installations as a plastic and PFAS discharge source, issue a position statement, and recommend regulations, including project level review at Crocker Amazon. Thanks. The Coastal Commission has not allowed an artificial turf development in their domain since 2023, so please help out.

Dan Clark addressed Commissioners: Good afternoon. Thank you for allowing me to speak. This is about the Marina Improvement and Remediation Project that you have heard about before, and you have also seen this audiovisual before. I have three quick updates for you today.

The first one is that in your handouts for today or your package for today there is a second water quality prediction report. The first one you received at the last full Commission meeting. Both of these are reports that are analyzing the water quality of what will occur when the project is done, and they are very different reports. They have different methodologies, different people, different assumptions, but they have one conclusion in common, which is that the project does make the water quality worse.

So, the water quality is, I guess, understood that it will be worse, at the same time that the project is now inviting human contact sport or water contact sports into the facility.

The second update is that in your email inbox you have a request from me for ex parte communications. Now you know about ex parte communications. The Chair will ask you about reports for today. There is also a form that you fill out when that happens. Those are necessary rules for BCDC. You have to do them. I don't believe they are terribly burdensome, but they are necessary. They shouldn't chill you from that. The ex parte communications are allowed, and I urge you to respond favorably to the request to learn more about this project, which has both pros and cons for it.

And the last update for you is that staff tells me that the schedule for the full hearing and vote by the Commissioners on the project will be about two months from now, November 5 if it serves me. So, you have got the midterms and the vote on this project coming up soon, two months.

So, I urge you. You will make the decisions about this, and there are things that you I hope that you realize are important and that you take the time to study them and respond favorably for it. I thank you for your time today.

General Counsel Scharff offered clarification: Commissioners, I just want to remind everyone that our rules do prohibit ex partes, and that it is preferable that you do not do it. I will resend out the memo on that, so you have it again. Thanks.

Bill Clark spoke: Good afternoon, Commissioners. My name is Bill Clark, and I am here to express thoughts relating to the Marina Improvement and Remediation Project (MIRP). It appears we are in the final months of the permitting process for the MIRP as it relates to BCDC.

I have to say, as a former SF Marina tenant, it has been a frustrating experience to watch Rec and Park dodge and sail through the obstacles of the permitting process. Especially the avoidance of a full-scale EIR by applying for an addendum to their 2008 EIR for the current MIRP.

We were told at a Water Board hearing for the project some time ago that the limits to their jurisdiction to regulate would be covered by an EIR required for the project down the road. Well, so much for that layer of added scrutiny.

It has been clear for some time now that Rec and Park has no interest in operating a marina but holds onto the facility with an iron fist to capture the income. Deferred maintenance is Rec and Park's preferred mode of marina management, with 95 empty berths in West Harbor and 200 berths in East Harbor lost to 35 years of Inner Harbor dredging neglect.

A proposed recreation area for the southern half of East Harbor is being sold as providing a toxic chemical cap for buried contamination and a new public access opportunity for kayakers instead of what it is, blight waiting to happen when kayakers discover what a dismal kayaking experience such a backwater presents.

The 95 empty berths in West are simply being allowed to become dead inventory with combined access loss to the boating public of 295 slips, along with the cover-up of missing revenue.

Add to this the decommissioning of Gashouse Cove's historic fuel dock, a vital marina amenity, the minimal inclusion and availability of touch-and-go docking or guest docking for those boaters left out of the berthing plan for the New East Harbor slips, along with little consideration for youth sailing programs and instruction, and you have a hollowing out of the boating community at SF Marina.

Wealthy boat owners are the intended end user, and the vast majority of all other boaters have had to seek berthing elsewhere. What does this portend for the future of voting at SF Marina with such a narrow program?

Unfortunately, Rec and Park is a conflicted marina operator, which has produced a conflicted MIRP, encumbered by ulterior motives guiding the design. Who believes that the new West Harbor breakwater will allow for 12-year intervals between each dredging event, saving Rec and Park 12 years of dredging cost. That the recreation area has six feet of usable depth, as stated by Monica Scott at the Design Committee review, when it actually only has four feet.

And I am running out of time so here is my ask: I am really hoping that BCDC will consider requiring Rec and Park to go through the EIR process as a safeguard for aspects of the project that fall beyond BCDC's jurisdiction. That is my ask. Thank you.

Acting Chair Eisen continued: Thank you. That concludes our general public comment period. Of course, we will also take public comment about any item on our agenda during the consideration of that item.

Commissioner Eklund chimed in: Madam Chair, I would like to find out about how we can get information on the items that were brought to the Commission today. At least from the staff, so that we know what the status of these things and when the Commission would actually have an opportunity to discuss it.

Acting Chair Eisen: Are you talking about how the agenda items become the agenda items?

Commissioner Eklund replied: No, I am I am talking about artificial turf. I am talking about all of the comments that were provided today. They stimulated to me the fact that the people, the public is coming to the BCDC for us to consider whether or not we have the authority to get involved in that particular issue.

I think that it is really important for us to hear from staff, like on artificial turf. That makes a lot of sense if plastic from artificial turf is getting into San Francisco Bay. Does BCDC have any jurisdiction over that? Number one.

Dan Clark's question about water quality reports. I would sure like to have some information about that.

And then the Marina Project. Is BCDC permitting that facility? What is the status?

I do not want to sit up here and not have some sort of ability to try to figure out whether the Commission is working on these things. Maybe staff is going to call them or talk to them, I don't know. But when public people come to the BCDC, we need to have some sort of process in order to try to respond to some of their issues.

Acting Chair Eisen responded: I am hearing you loud and clear and I and I think it is a good point. When Larry gets back, our Executive Director gets back, I think it is something that we could take up with him, or I can take up with him, to see if there is some way that we can be sure that we learn about the things that we want to learn about, in addition to whatever the staff is learning.

Commissioner Eklund added: In response to public comment. Regardless of whether we want to know about it, I think it is only fair to the public for us to have some information about what they are bringing to us.

And I don't know, Greg, whether or not you have any ideas.

Mr. Scharff noted: I think there were three questions basically. There's Gashouse Cove. Harriet, do you know when that is coming?

Acting Executive Director Ross answered: Yes, we are in an active application process with San Francisco Parks and Rec, and we have actually had a few meetings with Mr. Dan Clark about his issues, and we are looking into it. We will be taking the Staff Recommendation to the Commission, I thought it was October 15 but maybe it is November 5. So, you will be seeing it soon.

Commissioner Eklund continued: Okay, great. And on the other issues too. And I think it is important for the public that are sitting here to know what BCDC is doing.

Mr. Scharff stated: I do not know what BCDC is doing about artificial turf, but obviously we will talk to Zack and Larry about it and staff and see you know where we are. I just do not know off the top my head.

Commissioner Eklund acknowledged: Great. If we could get some sort of a memo or feedback, that would be great.

Acting Chair Eisen continued to the Report of the Chair.

4. Report of the Chair. Acting Chair Eisen reported on the following:

a. Reminder: I want to remind the Commissioners and Alternates and the public that we have a full-day meeting scheduled on October 1. We will be using it. We will start the meeting at 10:00 a.m. Pacific time and have a full day's work ahead of us. Please make sure that the entire meeting is on your calendars.

b. Not-So-New Commissioner: I also want to advise the Commission that Doan Nguyen, Caltrans Acting Director for District 4, has been named by the California State Transportation Agency as its new representative on the Commission. You may remember that Doan was once an Alternate to the District Director several years ago, and we welcome him back. You fill the eminently capable shoes of David Ambuehl. He has retired from state service, lucky him, and welcome.

c. Commission Environmental Justice Advisors Meeting: The Commissioners and the public should also know that our EJ Advisors are going to be meeting publicly in two weeks, the morning of September 17, which is prior to our Commission meeting on that day. The meeting is listed on the Commission calendar, and the Zoom link is available there.

e. Next Meeting: Our next meeting is going to be on September 17. It will be a full agenda as well and includes some very interesting and discussion-worthy topics. The preliminary agenda for that meeting includes:

- A briefing and discussion on risks associated with bridge allisions due to errant vessels. I am sure everybody knows what an allision is. And an update on BCDC's work as a member of the Harbor Safety Committee.
- We are going to possibly have a briefing and discussion on the new Rising Sea Levels Education Program. If you remember that is offered by the Exploratorium and we have required that, so we are going to get an update on that.
- And then a very large update on BCDC's rising sea level adaptation activities, including the financing MOU, the Funding and Investment Strategy, and the RSAP.

So, as you see, a full meeting.

f. Ex Parte Disclosures: If any Commissioners have inadvertently forgotten to provide our staff with a report on any written or oral ex parte communications, please do so as soon as possible. And any Commissioners who have engaged in such communications, please report on them at this point by raising your hand, unmuting yourself. Please remember that your written report should be detailed enough for the public to understand the conversation's main topics, but that your oral report should not be longer than two minutes. Are there any Commissioners here who have raised their hand?

(No ex parte communications were disclosed.)

5. Report of the Executive Director. Acting Executive Director Ross reported the following: Thank you, Chair. Good afternoon, Commissioners. I just have a few items to share.

You all should have received an email this morning called the Media Roundup very interesting. It includes all of the media pieces, several articles where BCDC is mentioned, so please take a look at that.

Also, wanted to give you an update on our Shoreline Plants update. The Commission approved a contract back in February for a contractor to update BCDC's Shoreline Plants document. It is a landscape guidance that was originally published back in 2007, and it is part of BCDC's suite of public access design guidelines. This update really is intended to integrate changing climate conditions into planning design and incorporate traditional tribal knowledge and best available science, along with a whole host of other things.

The public engagement for the Shoreline Plants update is kicking off at the DRB, the Design Review Board meeting on September 14.

We will also have a public survey that will be released that will really help us inform the research framework, identify the interested parties for future draft reviews, so there is a lot of work going on there.

We are also in the process of setting up several meetings with tribal representatives in the Bay. I believe we sent out 50 letters of consultation. We are really hoping that is going to result in a robust engagement and consultation process for that update.

Also, wanted to tell you a little bit about the Port of San Francisco's Waterfront Resilience Program. It has reached an important milestone by completing the San Francisco Waterfront Coastal Flood Study, which was published by the Corps and posted on their website in July. The flood study describes a recommended plan for adapting the San Francisco's waterfront to sea level rise, along with a cost estimate, comprehensive benefits analysis, and environmental documentation.

The plan reflects a significant amount of public outreach that has been going on, engaged for years, engagement and interagency work that was done towards creating a resilient waterfront, and that includes BCDC collaboration as well.

In this next phase, several reaches of the waterfront will be advancing into more detailed design, while the Port continues to advocate for overall advancement in federal funding at the Congressional level. Of course, so much of it is about money.

BCDC staff will continue our engagement. We are working closely with the Port of San Francisco on this major initiative, including participating in a Regulatory Agency Working Group and working to integrate with the City's Subregional Shoreline Adaptation Plan.

Okay, also wanted to talk a little bit about the EcoAtlas. It is a tool online for the region to use.

We are partnering with regional agencies to solicit data updates to habitat restoration and shoreline adaptation projects mapped as part of the EcoAtlas. This is part of our annual update we do this. This information is used across a variety of funding, planning, and monitoring efforts, including the Bay Adapt Project and Funding Navigator.

It is critical to keep this up to date and accurate. We started outreach to project proponents earlier this summer, and we are requesting updates to the EcoAtlas Project Tracker by October 30. If you have any questions, let me know and I can direct you to the appropriate staff person.

Also wanted to let you know that there's several staff, and I think many of you are also involved, in attending the Restore America's Estuaries Conference later on this month here in San Francisco. The conference is a major national gathering focused on coastal restoration, climate resilience, and equity.

BCDC staff will also be presenting at the Bay Delta Science Conference in Sacramento at the end of this month. This conference is focused on presenting research and is a chance for collaboration on issues really affecting the San Francisco Bay and the Sacramento-San Joaquin Delta. It covers the whole estuary. So please check out and look out for those updates on BCDC's social media account.

Lastly, again, just wanted to reiterate: October 1 is a full day. There's a number of regulatory items I need you all to vote on, so please plan accordingly and block off your calendars. And that's it for me. Thank you.

Acting Chair Eisen acknowledged: Thank you. Any questions of the Acting Executive Director today?

Commissioner Gunther chimed in: Just one question. The vessel safety discussion is on September 17; is that correct?

Acting Executive Director Ross replied: Yes.

Commissioner Janoff inquired about agenda items: Did you say what the topics were that would be discussed on 10/1, the full day, or is that TBD?

Acting Executive Director Ross stated: TBD, let's say TBD. But we are anticipating number of voting items.

Ms. Peterson added: You should receive that information from me in about a week.

6. Consent Calendar

a. Approval of Minutes for August 6, 2026 Meeting

b. Commission Consideration of a Contract to Provide Consulting Services for a Regional ADV Program

Acting Chair Eisen reviewed the items on the Consent Calendar and called for public comment. (No members of the public addressed the Commission.)

Acting Chair Eisen asked if any Commissioners wished to comment on the Consent Calendar.

Commissioner Showalter stated: Yes, I wanted to comment on the contract. I am really glad to see this coming forward. I know when I worked with Santa Clara Valley Water District for many years, we found abandoned and derelict vessels to be a serious flood hazard. There were many thorny legal issues to work through to get them removed and it also physically was not necessarily easy to get them removed. So, I am really glad to see that this is going forward.

But I wanted to make sure that as part of the stakeholder process, we are including the flood control agencies. Is that true?

Mr. Scharff stated: Yes, it is true.

Commissioner Showalter acknowledged: That's great.

Commissioner Gunther commented: When I read the Staff Report I noticed that this is more than just abandoned and derelict vessels, it is also anchor-outs and dealing with issues with anchor-outs. I don't understand. They seem like kind of separate questions to me but maybe I don't understand it in the detail of why they are connected.

Mr. Scharff spoke: They are very much connected. Basically, what you have is you have people buying boats for $500, living on them for a few weeks, and they sink, and they become abandoned and derelict vessels. In fact, we have 46 or 47 sunken boats in the Oakland Estuary that have recently occurred like in the last year and a half. Basically, there has been some enforcement activity there. A couple of those boats moved to Alameda and then sunk off the coast of Alameda, and now Alameda is going to have to deal with that issue. So yes, they are very much connected.

Commissioner Gunther continued: So, a very high percentage of our abandoned and derelict vessels were frequently anchor-outs before they entered their new phase of life.

Mr. Scharff agreed: That is correct.

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

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

VOTE: The motion carried with a vote of 19-0-0 with Commissioners Ahn, Eklund, Gilmore, Gioia, Gonzalez, Gunther, Hasz, Kimball, Kishimoto, Moulton-Peters, Nelson, Nguyen, Pemberton, Ramos, Randolph, Showalter, Tam, Taylor, and Acting Chair Eisen voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

7. Commission Considerations of Administrative Matters.

Acting Chair Eisen 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. Briefing on Public Access. Acting Chair Eisen continued: We turn to Item 8, which is a briefing on public access in California and the Bay.

The Commission will receive the briefing from California Natural Resources Agency Deputy Secretary for Access, that's a long title, Gloria Sandoval, on the agency's Outdoors for All Initiative. This is an effort to connect more people to nature and its many benefits.

After that presentation, BCDC staff will present an overview of how the Commission staff implements the Commission's public access policies and present upcoming staff projects to support that effort. BCDC Bay Design Analyst Ashley Tomerlin will start things off.

Bay Design Analyst Tomerlin addressed attendees: We did reverse the order, so the Design Analysts are going first. Good afternoon, Chair Eisen and Commissioners. Thank you for having us today. My colleague Yuri and I are your Design Analysts. We are technical staff within Regulatory Division.

We advise the agency on all things public access and design, and work closely with Permitting teams to identify maximum feasible public access.

My name is Ashley Tomerlin. I am a landscape architect and a Certified Access Specialist. Prior to BCDC I was a consultant for federal, state, and local agencies on accessible outdoor recreation.

Yuri Jewett is an urban designer and waterfront planner with extensive experience in engagement and community-led design. Before becoming a Design Analyst, she held the roles of Principal Waterfront Planner and Principal Permit Analyst on the Planning and Shoreline Development teams.

Today's briefing is Part 1A. We are looking at the general concept of public access and its applications. Larry has asked that we return later this year with Julie Garren, our Bay Resources Program Manager, for Part 1B, a more specific look at public access in wildlife areas and with restoration projects.

Public access is squishy. It is both abstract and tangible. Public access is the means of activating a space, giving the public the opportunity to engage with and be in our surroundings. Public access is not defined in our laws, but its qualities and characteristics are described in our policies, design guidelines, and demonstrated through decades of precedents. Much like an obscenity, you know public access when you see it.

Public access is not mitigation. The Legislature found the public's ability to access the Bay and the shoreline inadequate and required public access to be a component of the projects we permit. It is not intended to be a burden or a deterrent, but rather a universal public benefit that builds stewardship and community appreciation for our natural resources. There is no formula or calculation for identifying maximum feasible public access.

The common attributes of public access and the services and programs made available through it have evolved since BCDC was established, but the intent of public access remains to bring people to and along the shoreline.

Generally, with public access we are expecting that it is open and usable seven days a week, at all times.

That it is inviting, that everyone feels welcome, and no one should feel excluded.

It is expected to be passively available.

It is expected to be free, or at least low cost, if fees are absolutely necessary.

Public access provides connections and connectivity, facilitating bike and pedestrian movement to and along the shoreline.

And use controls on public access generally diminish the invitation for people to engage with or benefit from that space.

In the declarations of the McAteer-Petris Act the Legislature found that water-oriented recreation and public assembly as key uses essential to public health, and that maximum feasible public access consistent with the project, should be provided in an effort to remedy the inadequate public access available to the shore and the Bay.

This is our fun diagram. Public access is context driven, so there are nuanced qualitative and quantitative variables in each project and every site.

We are looking for a project's impacts to existing and potential future access and ensuring projects do not negatively alter the public's ability to enjoy the Bay or the shoreline.

This can include creating a physical or visual obstruction, removal of previously available access, changes in the intensity of use that may diminish an individual's experience, or other disruptors to public access.

We abide by the constitutional protections for private property that prescribe nexus and rough proportionality to identify what is reasonable. You, as Commissioners, help us adequately condition these projects through permitting to achieve maximum feasible public access.

From the start, public access has been a core mission of our agency. By ensuring that resources are available to everyone we promote a more equitable society. Public access is hard to define but it is easy to recognize, and it is felt acutely in its absence, usually by the people who would most benefit from that resource.

Jumping to another hat that Yuri and I wear, once a permit is issued, we work with the permittees to ensure that what is built reflects what is written in the paper.

Plan review is a compliance exercise that takes up a not insignificant amount of our time. The submittal under review is compared to the permit's authorizations and conditions to ensure what is happening on site is consistent with what was contemplated in the permit.

Permits need to be written in a way that they enable plan review and can allow some limited flexibility if necessary changes arise. Plan review can be construction drawings, monitoring reports, special events reporting, and special events request closures.

With that, I am going to turn it over to Yuri to go through some case studies.

Bay Design Analyst Jewett continued: Good afternoon, Chair Eisen and Commissioners. My name is Yuri Jewett, and I am also a Design Analyst here at BCDC. We thought it would be a good idea to take some time to walk through some recently constructed projects, and at a very high level show you some of the unique design features that we were able to achieve with each one of them.

We have three projects to share with you today and we are going to start big and take a look at Mission Rock in San Francisco. For context, this is a very urban 28-acre mixed-use development project located along the San Francisco Waterfront, just across the channel from the Giants' ballpark. The key takeaway here is that construction phasing is always a big part of a waterfront development at this scale. You just cannot build it all at once.

We have always known that China Basin Park is this open space jewel of the site, so we took great care to make sure that the design for the first open space that came online with this development made a good, strong first impression.

Design is process. So, given the size and complexity of this development, there were many changes made over time. Staff, in partnership with the Design Review Board, ensured that the final design aligned with the site program and neighborhood character.

For example, as you can see here on the left, the initial proposal had a narrow shoreline path with heavily planted areas limiting the visual or physical connection to the water, and very large cypress trees obstructing the view inland.

And then as you can see to the right, it was through review and refinement that we arrived at a project with a more generous Bay Trail that is responsive to the level of use. An urban plaza and perched beach that provided greater visual and physical connection to the water, and an overall public realm to accommodate ballpark crowds and allow transition into a growing neighborhood.

I want to mention one of the more challenging, but I think fun part of our Design Analyst job is that we are often tasked to keep that human experience top of mind. There is a lot of strategic thinking that goes into phasing a large development project but ultimately we are designing spaces for people. We have to think about what spaces look like during the day, in the evening on Wednesday, on Saturday.

We like to take simple things like making a bench in the shade, for example, versus the sun. In this case we worked with the developer to design a really unique beach experience to be enjoyed in the sun, so people matter.

And then I want to just maybe cross the Bay for a bit and take you to another project, another port project, the Port of Richmond, specifically at Terminal 3. And then for context, this is not a large mixed-use development project but an industrial warehouse space that initially offered no public access.

What makes this project unique is that even though the public access was negotiated as part of an industrial use, directly adjacent to the site is the parking lot for the Richmond Ferry Terminal, which is a very public space. So, one of the goals that we had for this project was to bridge those two uses together.

One of the biggest challenges to provide public access at a site with an industrial context is to design it in a way that people can find it; and then once they do find it, they feel welcome to stay.

Fortunately, very early on in this project, the city of Richmond along with a community group called Trails for Richmond Action Committee or TRAC, were invested in this tiny observation spot and participated in what this space could look like.

This is why little projects like this sometimes have the most impact. Community engagement was key in the development of the open space area in this case, and the community even designed these interpretive signs to tell the story of the area. We thought that was really sweet. We do not always get that, and this was a good one.

Then for the last example let's cross the Bay again and I am going to take you to a recently constructed office development project in the Sierra Point area of the city of Brisbane. Oftentimes the public realm is a piece of a very well thought out Master Plan, and in 2019 BCDC issued a permit for this office development that took the Master Plan and design guidelines quite literally to the next level.

One of the key design features for this office development is that large green space you see here in the center. Oftentimes, developments will offer a green space at grade and is outside of our jurisdiction, and these spaces are not always intended for public use. But what made this project different is that the open space was designed to sit on top of an underground parking garage, which elevated it, and offered expansive views of the Bay. So, we worked with the developer to ensure that the public could also access this area as a way to activate this space.

This is the end result. You can see from the renderings of the proposal on the left, and then the final construction on the right, and hopefully pictures are a thousand words there.

As Design Analysts, we do not just support the Permitting Program; we actually also have a lot of a lot of other projects going on. One of them just kicked off recently as we are updating our Shoreline Plants Guidance document. Hopefully the case studies I just showed you, you can see that planting design — and planting design does include artificial turf by the way — plays a big role in our public access spaces. As the ED Report earlier mentioned, we are kicking off the project at the DRB meeting on the 14th, and there's a lot of engagement happening coming up so that will be exciting.

Lastly, in partnership with our GIS Team we are working to provide a public access mapping platform. Both staff and the public have expressed a desire for more accurate and public-facing data related to public access. This is a two-year effort that kicked off in June so once again more details to come. Hopefully, you will be hearing more from us as the year goes on.

Ms. Sandoval continued: Good afternoon, Vice Chair, Commissioners, BCDC staff, and members of the public. My name is Gloria Sandoval, and I have the honor of serving the state as the Deputy Secretary for Access for the Natural Resources Agency. For those that are not familiar with the Resources Agency, it is the agency that oversees departments such as CAL FIRE, the Department of Water Resources, State Parks and the Department of Fish and Wildlife. Now, what does my title mean? The Vice Chair earlier said it is long. Yes, it is long. And then, why am I here today?

I am here to introduce you to California's Outdoors for All Initiative; and emphasize a simple yet profound truth: connecting with nature is essential, it is not a luxury. Every Californian should have the chance to enjoy the health benefits, sense of well-being, and deep connection that the outdoors offer.

Since March of 2024, I have had the opportunity to bring together and work alongside community organizations, California Native American tribes, and government leaders across the state, to strengthen connections, build partnerships, and advance our shared commitment to expanding access to parks and outdoor spaces where every Californian feels welcomed, included, and feels a true sense of belonging.

With 280 state parks, soon 283, and many local, county, and regional parks, Californians are very fortunate to have different ways to connect to the outdoors. I personally have many memories with my family and friends, especially in local parks.

Unfortunately, there is a harsh reality. Access to the outdoors and all the benefits that it brings is still not shared equally across our communities. Access is too often determined by race, income, underinvestment, and many other reasons. Every community deserves outdoor access close to home, and the opportunity to experience the full diversity of our beautiful state's landscapes.

So, why is this important to prioritize time in the outdoors for all Californians? As you will see on the PowerPoint presentation, the first reason: Nature is critical for our physical, mental, and social well-being. Research shows that people who visit outdoor spaces for 30 minutes or more during the week have lower rates of depression and high blood pressure.

Second, outdoor spaces help communities adapt to climate change by serving as refuge from extreme heat, filtering polluted water that runs off roads after it rains, and storing carbon dioxide in trees.

Three, when designed with ecosystem health in mind, outdoor spaces can be good for wildlife and biodiversity too, providing spaces for plants and animals to thrive.

And finally, outdoor recreation is a reliably powerful economic engine for the state. California is home to the nation's largest active industry economy. So yes, time in nature matters.

Lucky for us, we have state leaders such as BCDC plus many partners across the state who for decades have connected Californians to the outdoors. These visionaries serve as the foundation for California's Outdoors for All priorities, an initiative, and I would dare to say a movement.

Launched in 2023, Governor Gavin Newsom and First Partner Jennifer Siebel Newsom made it a priority for the state and partners to increase access to the outdoors for all Californians, regardless of who they are or where they live. Shaped by voices and perspectives of advocates, funders, community members, government partners, and California American Native tribes, the Outdoors for All strategy sets forth a shared vision for bringing government, the private sector, and philanthropy together around shared priorities, and a collective commitment to expanding access to the outdoors for all Californians.

And the shared priorities are:

Establish spaces for people and nature to thrive.

Foster belonging.

Connect people and the outdoors.

Co-create with communities.

Build equitable career pathways and a representative workforce.

And align funding to achieve Outdoors for All.

These serve as our foundational priorities.

Are the priorities we established in 2023 still meeting the moment we are in today?

This past February, the California Natural Resources Agency held its first ever Outdoors for All convening in Sacramento to ask that question to more than 300 leaders and partners across California, including the First Partner and some amazing panelists.

Some key insights from the convening included:

There are still many barriers that Californians face to exploring and appreciating the outdoors, such as inadequate funding for programming, high demand for resources, and coastal access.

Also, more interagency collaboration is needed.

And it is important to create long-term care and connections by meeting people where they are.

Also, more representation and diversity are needed in the outdoors.

Also, it is essential to enhance outdoor access for underserved communities by not only developing new infrastructure but also addressing and removing the barriers that have prevented many individuals from enjoying these spaces.

And we must continue to elevate tribal governments, communities, peoples, and their priorities into our work.

An additional significant outcome of the summit was the increased awareness among partners regarding the numerous partners, departments, conservancies, and commissions within the Natural Resources Agency that provide support for Outdoors for All through grants and various programs. And there was presence for BCDC in the room and many people were surprised how involved you all are in supporting Outdoors for All.

As you can see, prioritizing an Outdoors for All has been embraced by many across our state. Building on this momentum, and this is why I am here today; I would like to extend an invitation to those of you here today and online to join or strengthen this movement by taking the following actions:

Continue supporting Outdoors for All. Please carry the key insights from the convening that I shared with you into your decision-making, using them to shape choices that expand access, strengthen communities, and deepen impact.

If this movement is new to you, I encourage you to connect with me and explore Outdoors for All. There is a place for you in this work, believe me. We are conducting seven convenings across the state, we have completed two. I was in Monterey doing one of the convenings. And just everybody has a sense of ownership to make sure that people truly do connect to the outdoors and that we remove those barriers. So please, if you do not have time to connect or attend these meetings, just simply if you see something on social media, whether it is a post, it is a survey that is going to further strengthen Outdoors for All, please share those, repost them, and share them with your family and friends.

So, thank you for your time and partnership, and thanks to BCDC's Executive Director, who is not here today, Larry, and his team for creating and improving access to the Bay and its shoreline. Supporting Outdoors for All is bigger than access to California's outdoors. It is about building healthier people, more connected communities, and a more resilient planet. Thank you for your time, and if you have any questions, I am available. Thank you for your time.

Acting Chair Eisen acknowledged: Thank you so much. Do not go too far because I am sure there will be questions.

We need to open the agenda item first for public comment.

(No members of the public addressed the Commission.)

Acting Chair Eisen continued: We go directly to Commissioners' questions. Where do we start?

Commissioner Gioia had questions: Having been involved in lots of public access decisions I appreciate this presentation. I had a few questions and also wanted to talk about cost and environmental justice issues.

First, some of the basic questions. When we talk about public access is there a requirement that all of the public access must be ADA accessible?

Ms. Tomerlin answered: Public Access Policy 8 or 9, I forget which one, speaks to being barrier-free for people with disabilities and across the economic spectrum.

Commissioner Gioia continued: Does it have to meet technical ADA requirements? I know that there's exceptions for trails, so I am just trying to understand how that works. Because trails, like a park district trail, has some exemptions under ADA. Trying to see under the law what sort of controls accessibility issues under federal law.

Ms. Tomerlin added: There is a two-part answer to your question. There is under the Americans with Disabilities Act, which is a civil rights law, as a public agency we are required to ensure that our programs, like public access, are accessible.

Commissioner Gioia agreed: Right.

Ms. Tomerlin continued: And California state also has a parallel law, the Unruh Act, that also requires public facilities to be accessible to people with disabilities.

Then there is the Building Code. There is the Americans with Disabilities Act standards. Then there is also the California Building Code. California Building Code is actually more stringent than the ADA standards, and so when we are reviewing projects, project designs for accessibility, that is what we are relying on. We are not building officials, so we are not looking at all of the technical requirements for, say, restrooms. But we are looking at pathways, we are looking at the scoping. We are making sure that if you are putting in a parking facility that you have the required number of accessible parking spaces with that.

We are making sure that the slopes are meeting those standards, whether or not they are for walks or sidewalks or ramps or getting into the outdoor recreation standards.

Commissioner Gioia continued: Do our policies look at requiring that the access be exclusive or is it shared with potentially non-public uses? I will give you a couple of examples where this has come up. I know along the Craneway in Richmond down there near where I live, there is a public access. It is on the Bay Trail around the Craneway and Ford Building. And then occasionally there were events in the Ford Building that spilled over to outside, so those events sometimes seem to be concurrently used with the public access.

And a second interesting example, just this week I was walking along the waterfront access along the Embarcadero in San Francisco and I was sort of surprised. There was a pathway along the outside of one of the finger piers. But then there was access that went through a restaurant that was open until 10:00 o'clock and it said, public access, shoreline walk, walk-through, and it went through a restaurant, there were a couple of restaurants. You probably know what I am talking about.

Ms. Tomerlin replied: Yes.

Commissioner Gioia continued: So, it made me think about the issue of exclusivity versus shared.

Ms. Tomerlin stated: When we are looking at all of the different layers of uses within a public access site, we do not want private or commercial uses to deter or impact the public's ability to use that space.

But there is also some social value in activation of the space. There is the sense of security, knowing that you are not in an isolated dark location and no one is on you. If there is outdoor dining, there is the diners. Walk down the sidewalk and you know that there's people around you, you are not going to get mugged, hopefully. If you do there is somebody right there.

That is one of the processes that we go through when we are working with permittees is we are looking at the activation value and the balance of all of those use demands on a site. With the ultimate goal that there is public access and that everyone feels invited into that space.

Commissioner Gioia noted: So, potentially it does not have to be 100 percent exclusive as long as the other use does not interfere with the public access.

Ms. Tomerlin agreed: Correct.

Commissioner Gioia continued: And then in terms of 24/7. I know that's what we strive for. And I like the Bay Trail, for example, is 24/7. But I have seen situations where it is not always 24/7. So, is that a hard-fast requirement, or does it depend on the circumstance?

Ms. Tomerlin replied: It is an objective. Frequently there are local ordinances, like East Bay Regional Parks District or a local parks district will have ordinances that say parks are open from dawn to dusk. We are not going to get into a debate whether or not that is valid.

Commissioner Gioia asked: What about if our permit, to give you an example. The Bay Trail along the Richmond shoreline, part of it goes on property owned by the City, part of it on East Bay Regional Park District. For example, the city parks adjacent to the Bay Trail are sunrise to sunset but the Bay Trail is 24 hours, so it works there. So, while the park adjacent to it may be closed, the Bay Trail is open. But further down on the same trail the Park District closes it in the evening, right? But I think the underlying permit for a lot of that require it to be 24/7. How do we address that issue?

Mr. Scharff interjected: We normally turn it over to Enforcement, that is really how we address it.

Commissioner Gioia continued: If our permit says that. But there may be cases where we do not make it 24/7 and let's say we let the Park District close it at night if their access points are closed.

Ms. Tomerlin stated: The intent of the Bay Trail is both a public access facility and a transportation facility, and so it is circulation along the shoreline.

Commissioner Gioia cited an example: That is why bicycle riders complained to us when the Park District closed it off because it was a major connector along the East Bay. You could take that from the Bay Bridge to the San Rafael Bridge. The segment that the Park District had was closed.

Ms. Tomerlin noted: So when we are permitting that, we would expect that if we know that there is going to be a segment of Bay Trail closed we would understand what the alternative route is to ensure that connectivity from Point A to B is not interrupted by that time closure.

Commissioner Gioia continued: The last two. This next issue came up when we had the administrative permit discussion about cost of parking at the Berkeley Marina, and that's the issue, you said free or low cost. I think there is a lot of ambiguity there. And I think from an environmental justice perspective obviously that is an important issue, that it be the free or low cost.

We have to make some judgment calls. Is there guidance about it or are we taking this on a case-by-case basis when we are thinking about how to set the cost to address affordability?

Ms. Tomerlin stated: The Bay Plan findings in Public Access actually say that public access is expected to be free. The policy says that it should be accessible to people of all economic spectrums. I think it is an objective exercise in looking at the analysis and the impacts of the particular public access under question.

Commissioner Gioia acknowledged: Right. Because one could argue that really the only real totally accessible is free, because any economic burden, however minimal, could be an economic burden to some. We have not had that. I am just trying to think where this has come up in my 28 years on the Commission here when we have had to deal with the cost issue that way.

Ms. Tomerlin cited an example: Last year with Treasure Island Marina we had a discussion related to the guest dock and whether or not we could require it to be free or it had to be low-cost. And we actually ended up putting it as below market rate for the guest dock because the permittee demonstrated that it would not be economically viable to provide free guest docking. And so, in the permit we said it had to be below market rate.

Commissioner Gioia stated: When we have a policy a lot of this comes up in terms of how we execute or implement this policy in the context of a permit. Yes.

The last, which has been relevant in some communities, including my own in the Richmond area, has been the issue of safety. If the public access is not safe it is not accessible. How we address that issue of safety. Obviously in the design, in the proximity and where it is located, and then there is lighting, things like that. And then sometimes there has been even the issue of the hours of use.

So, we do not have safety in there. I did not see that in the policy. But I know this has come up on some permits in the past and I am just thinking, what do we have in any policies that address that? We may have to work on that.

Ms. Tomerlin replied: I believe safety is mentioned in the Public Access Design Guidelines, which are referenced in Public Access Policy 13.

Commissioner Gioia continued: Because it could come up also in terms of the issue of use, hours of use, or in a permit condition. How we hold, let's say, the entity that is responsible. We could have a permit where the entity, whether it is a city, a homeowners association, a park district, that has the maintenance responsibility for the public access, or a private entity, and what their responsibility is to ensure that it is safe so it is truly accessible.

Mr. Scharff noted: Commissioner Gioia, this actually comes a lot with compliance, funny enough. There's a lot of issues where people want to actually do what you said. Close it a little earlier from dawn to dusk, or close it once it gets dark, those kind of things. There are a lot of different safety issues of casting fishing lines when we allow fishing.

We have tended to deal with those because a lot of the permits say you can make reasonable rules and regulations, and so we have dealt with that on a case-by-case basis if they demonstrate that something is not safe, because we prioritize safety.

Commissioner Gioia made a suggestion: Maybe as we think about policy I think these are areas to think about whether we need to put more guidelines and policies. I realize we have a lot of flexibility when we are doing permits, for public access. I know we did one at the Port of Richmond where because the accessibility was through Port operations, we did not want to have the Trail go through the Port. We had it go as close as possible to the Port or some alternative because you did not want to have the public access through a working port where there were also hazards, for example.

Yes, just interesting. I think lots of open areas where really the case-by-case almost, it is like how do we balance getting enough guidance and policies with the case-by-case on the ground? So, is the intent here to, what are you looking for? Direction to look at the policies coming back? I am mentioning areas where I think I have seen in my time here on the Commission that have come up. Do we need to provide more guidance and policies or leave it more on a case-by-case. What are you looking for from the Commission?

Mr. Scharff stated: I am not sure we were looking for anything from the Commission, to be honest. I think this is just a briefing of what is going on and get some Commissioner feedback. I think what I have heard from you, Commissioner Gioia, is that you would like us to think through whether or not we need guidance on safety policies, which I think is really interesting.

I think the case-by-case, at least from Compliance, has actually been working well because the facts on the ground on every instance always seem slightly different, and so we always prioritize balancing public access and safety, and I think we have been doing a good job at that. And we have not been really bureaucratic and rigid about it, we have been much more like what works best to give the maximum feasible public access while at the same time maintaining safety.

Commissioner Gioia acknowledged: Right. Here is the practical. Let me relate it to something practical. Part of it is what responsibility do we put on the entity that owns and maintains the access, for example.

Let's take the issue of crime, public safety, in which this public access is open 24/7 and there is not a need to enforce safety. And then another part of the Bay Area, I have seen this happen, where there has been concern and even calls by the community to have the access be closed because of safety reasons, or some enforcement to be done to make it accessible; either whether it is by design or other types of enforcement.

Because you may have two exact kinds of access, similar access along the Bay in two different communities where the local conditions lead one to have more restrictions than the other. And one is a more, let's say an EJ community with those issues, and one is not. Because we have seen that. And so, if we are truly trying to address equity and fairness here, we would want to make all our public access accessible to the same extent and not have one be less accessible because of local conditions in an EJ community, let's say. So, I am just suggesting we think about these things, because I have practically seen this come up in communities, including in Richmond.

Acting Chair Eisen chimed in: Commissioner Gioia, I think you brought up a number of important issues, and I see that Greg is taking copious notes. I do want the other Commissioners who have had their hands raised for a while.

Commissioner Gioia acknowledged: I had my chance to weigh in, thanks.

Acting Chair Eisen continued: Thank you so much.

Commissioner Gonzalez commented: Just very quickly. Thank you, Commissioner Gioia, because you have asked excellent questions and you got my juices flowing over here.

My particular interest that has not already been covered focuses on what it means to provide what I will call natural access to our shoreline. Because when I think of shoreline access I think of we are trying to bring nature and bring people closer to nature and all that kind of good stuff.

I looked at the design that you shared, I think it was in Yuri or Ashley's, probably Yuri's presentation. The space by the ballpark. The initial design had a significant number of plants, significant amount of I will just call it nature-present. And the final design as built was a lot more concreted over, a lot more missing trees and the like.

So, when I think about this kind of urban natural interface and protecting our shorelines and the like, I struggle a little bit to understand when I see it how will I know that I am that I am looking at something that is good? Because my first reaction was, oh, I like all those natural grasses, and I like the trees, and I like the feel of connected to what the shoreline used to look like. And yet, what we approved and pursued was much more of a, I will use air quotes, concrete plaza. I know that is not exactly what we got to, but I would just love some feedback, some explanation.

Ms. Tomerlin responded: When we are approaching the design of a public access space we are looking at the physical condition of the site, but we are also looking at the social conditions of the site. And so, when we are looking at McCovey Cove and Mission Rock, we know that you have times where you have 40,000 people going through that space in an hour's duration. That intensity of use would not be consistent with more narrow paths or the high planting context. You just could not get that many people through that space. They would enter the streets and now you have got pedestrian-vehicle conflict.

So, these are the things that we are weighing. We are looking at the context of a site. Every project has to be approached individually because every site has different physical, social, and regulatory contexts.

Commissioner Gonzalez acknowledged and continued: Then I will just continue a little bit further with the restaurant example. I am not familiar with that example, but I can visualize the example where the Bay Trail goes, you have got a restaurant. They have put tables on the other side and so you are essentially passing through the restaurant.

I look at that particular context and say, well, it is not as if there are not other locations where restaurants can exist. There is nothing unique about this particular situation. So, help me understand why having a restaurant expand its borders across, and I will call it the Bay Trail, I do not know for sure that it is the Bay Trail but just work with me. Why that is a good thing? Why there are not alternatives that would avoid that situation?

Ms. Tomerlin replied: The example that Commissioner Gioia was referring to was La Mar at Pier 3 along the Embarcadero.

Commissioner Gioia interjected: Yes, that was, you are correct. But I just want to note, I think Commissioner Gonzalez is raising other - there is both this context on outdoor and indoor. This one is the indoor, yes.

Ms. Tomerlin continued: Yes, and so I am going to try to get to both. So, why La Mar is special is because that is a historic building that related to the ferry services on the Bay. And it is part of the Bayside History Walk that is part of the San Francisco Waterfront Special Area Plan that is supposed to celebrate these historic moments along the shoreline. And so, La Mar's indoor public access is a very novel approach to incorporating public access in this historic site. There is also redundant Bay Trail alignments on either side of the building, and so the Bay Trail goes outboard of the restaurant as well as along the Embarcadero.

With outdoor dining, when we are reviewing those requests along the Embarcadero or any public access space, we are looking at the space and the proposed impact of enclosing those dining tables. We would not be expecting a restaurant to lay out their outdoor dining across the Bay Trail. That is not something that we would approve.

During COVID we got numerous requests to get outdoor dining along the Embarcadero and we were working with each restaurant individually, again site-by-site, driven by context of how people move through the site, the circulation, what are the demands, where are there important views, where are the public access spaces, and we are trying to fit that all together like a puzzle.

Commissioner Gonzalez acknowledged: I do appreciate the thoroughness of how you describe what you are considering, and I also do want to say thank you for the work that you are doing. I think access to the Bay is paramount, and I appreciate the thoughtfulness. That's all, Chair.

Commissioner Kishimoto was recognized: Thank you for the presentations on both the public access and Outdoors for All. I serve as Director on the Midpen Open Space, so I really appreciate the work that is being done for Outdoors for All.

Maybe just one major question and maybe one comment. I guess the question that was raised by the presentation on the public access is, you said many times that public access is not mitigation, it is a universal public benefit. I guess it just raised in my mind the question about the underlying land is obviously not BCDC, it is whoever the private owner or the city. But the contract is to maintain the open space. Is that just as long as that development is there? Is that the wording of it?

Ms. Tomerlin stated: Correct. Generally, when we are incorporating public access into a permit it is required to be in place and maintained in a usable state for the duration of that development.

Commissioner Kishimoto continued: I see. So, if the building ever becomes abandoned, for example, it is whoever the land passes through, it sounds like. It is not an in perpetuity commitment like open space, in a way.

Ms. Tomerlin responded: We do require recordation of public access easements depending on how long we anticipate that public access being in place. Or if there's view corridors, we can put property interests on the view corridors to prohibit development within that area.

Commissioner Kishimoto asked: Okay. So those would not be limited to the current landowner but it would pass on to any future owners, is what you are saying?

Ms. Tomerlin replied: Correct. Our permits run with the land, not the permittee.

Commissioner Kishimoto continued: I appreciated all those beautiful examples of the design team. I am actually participating in this Right Relations Program that TOGETHER Bay Area operates and I guess it just made me think. Does the design team also consider, for example, trying to design in reminders of the native history, the native connection? Or it does not have to be native, it could be connections to the local community, the history, that kind of thing.

Ms. Tomerlin stated: Site interpretation and signage plans and wayfinding plans are frequently incorporated as public access requirements in our permits. The content of that interpretive program is really driven by community engagement and the historic nature of that site.

Commissioner Eklund chimed in: First of all, great presentation, both from CNA as well as staff, great job.

Do we have a map showing San Francisco Bay, the Bay and the Delta, showing where the public access around the Bay is already there, what is being planned. Do we have a map of that sort of?

Ms. Tomerlin answered: We have an internal staff map of what is required public access from BCDC permits. But the project that Yuri mentioned, the GIS update for public access, is intended to update the required public access from BCDC permits to be also outward facing. To really clean it up so that we can put it on the map. Similar to the Our Coast map that the Coastal Commission has.

Commissioner Eklund made a request: Well, I would like to see a map that shows that.

Ms. Tomerlin replied: We do not currently have that. The Bay Trail map is similar. It is a parallel map and a parallel program. Our public access areas tend to be a little bit more expansive than the Bay Trail alignment.

Commissioner Eklund acknowledged: Okay. Yes, I think it is important for us to see the map.

And then also too, my concern is obviously with public spaces that makes it a little bit easier, but what are we doing with private property? Because if somebody owns the shoreline, they personally own that property. What are we doing to try to either buy that piece of property so that there can be public access, or what are we doing to try to complete the Trail so that we do have public access throughout the San Francisco Bay and Delta, at least in our jurisdiction?

Ms. Tomerlin stated: So, it is my understanding with the Bay Trail alignment, both the planned and the existing, is that they have identified current rights-of-way where you can feasibly put the Bay Trail. Whether or not it is in an area like land uses that are commercial, and we know that there is going to be a biotech campus that gets developed. With that kind of development, we will be requiring the Bay Trail to be built, we require the public access area along the shoreline. So, BCDC has a property interest along the shoreline.

When it comes to residential development we tend, like for single-family homes, we do not require public access generally in that situation.

Commissioner Eklund opined: I think that's an issue I think we need to talk about at some point.

Anyway, I guess I want to have some more discussion about this. If we really want to have public access along the waterways that we have jurisdiction over, we need to have that discussion, I think.

So, I had a question for the California Natural Resources Agency. And first of all, I just want to say I am really impressed with your passion, and also with what you are doing.

Do you guys provide grant monies so that if a city or a county wants to do some sort of public access along the Bay so that we can make sure that people have that access, is that something that we can apply for through your agency?

Ms. Sandoval responded: That is a big yes. We do provide grants. And it is not necessarily just through the Natural Resources Agency. We have departments, commissions, and conservancies that provide various grant programs.

For example, California State Parks just opened their application period for I believe it is up to $190 million in grants for entities to either create new parks or renovate new parks. And I believe the deadline for that application period is at the end of this year, December.

So definitely, I really strongly encourage anyone who is listening and who is here, please subscribe to those departments that you think would be a good fit for your community and then subscribe to receive that information, because we definitely do have a lot of grant opportunities. Not necessarily now for programming, but a lot for capital projects.

The Proposition 4, which is the climate bond, it had, I believe, or it has about $700 million to support outdoor access. But not everything is going to be available all at once, it is going to be in phases.

Another way to find out about what is going on with the state and available grant funding is visiting the Resources website, which is my website, resources.ca.gov. Just click on Outdoors for All, and then you also have information there about not only resources within the Natural Resources Agency, but again throughout the I believe over 25 departments, conservancies, and commissions that are really supporting those connections to the outdoors.

Commissioner Eklund offered a suggestion: Great. I would suggest too that you guys send emails to each of the cities and the counties around the Bay Area. Actually, you could probably work with the League of California Cities and CSAC, the California Association of Counties, and have them send that information out. Because the more that we know what is available, it helps us to be able to say to staff, this is something that we need to apply for.

Ms. Sandoval added: And this is the amazing aspect of Outdoors for All. Because, like I said, this work has been going on for years, this is nothing new. But because the current administration elevated Outdoors for All, I serve sort of like the glue to connect people, but also do these presentations and get that feedback, which I call constructive feedback. That way we can improve our outreach.

And not just through the Resources Agency. On a monthly basis I meet with all of these leaders within Agency to discuss new ideas, projects, whatever it may be. But it is breaking down those silos, those barriers to make sure that more people are connecting and more of our Californians have access to these resources.

Commissioner Eklund asked: So, does your grants also allow buying a property from a private owner?

Ms. Sandoval answered: I would have to go back and check, but I do know that from time to time, yes, there is funding also to acquire lands. But again, I would have to go back and check and then follow up with you.

Commissioner Eklund acknowledged: Great, and thank you very much. I have other questions, but I know that there's other people that want to speak as well. Thank you very much.

Commissioner Nelson commented: I want to thank staff and Deputy Secretary Sandoval for the briefing. This is really important because public access is one of the Commission's main functions.

I just wanted to take a moment to observe before we close this and move on to the rest of our agenda that the public access that the Commission is involved with is a combination of public and private work, public parks and public access on privately owned land. That is a real public and private partnership.

And I just wanted to make sure we step back and take a look and note before we move on that if you look at what has resulted from the Commission's work over the life of the Commission, it is really astonishing. Hundreds and hundreds of miles of public access, thousands of miles, thousands of acres, many thousands of acres of parks. And if you step back and look at what was in place when the Commission was created it is a really remarkable legacy and it is really important work. I really appreciate the discussion day talking about how we can improve that work in the future. Thanks.

Acting Chair Eisen acknowledged and continued: Thank you. Thank the staff for a very rich and thought-provoking presentation, we really enjoyed it.

And I also wanted to thank Deputy Secretary Sandoval for the information about the Outdoors for All program. You said time in nature matters, and I wrote that down I liked it so much. Nobody who knows me does not know that I am a birder, and I have often said that birding is a gateway drug. The minute you are out there looking for birds you are connecting with nature and all of that that it entails.

The other thing that happens when you are a birder and people know it is they send you articles all the time and photographs of birds that they have taken with their iPhone in the backyard, asking you to ID the bird.

But in those articles that I have been getting recently I have seen both studies that show that birders have less dementia, et cetera, that's all great.

But the one that I wanted to mention is that birding apparently is now cool; and it is now cool among younger generations and among many ethnicities. So, all of a sudden birding is something that is getting people from all walks of life out into nature, and they are all benefiting from it just as your program hopes for. So, give them a pair of binoculars, and they will be out there. Thank you.

Commissioner Gioia chimed in: Can I just add to something that one of my colleagues said, just to put in a request?

Acting Chair Eisen replied: Sure, sure.

Commissioner Gioia added: She asked about a map. I do think, look, there is a map of the Bay Trail, and a lot of our public access are Bay Trail and there is a map for that.

To the extent that we have approved public access on either private or public property that is not part of the Bay Trail, that is usually contained in our permits. So, maybe a long-term task could be we could have a web-based tool that shows all the public access around the Bay that goes beyond just the Bay Trail.

As I said, I think there's already maps both online and printed of the Bay Trail, of which we have been part of that, granting that requirement, sometimes not.

But to the non-Bay Trail component, having there be an online inventory of what that public access would look like. And it is probably just a matter of going through our permits to identify them on an online map. So, what is the chance of that happening?

Acting Chair Eisen suggested the following: How about having our interns this summer work on that project?

Ms. Tomerlin stated: I would like to say that was one of the projects that Yuri brought up was the public access GIS update. We have a staff member working for the next two years, opening each and every file, looking at the exhibits and the construction documents that have the public access areas, and mapping it in GIS so that it can be a public-facing tool.

Commissioner Gioia acknowledged: Great. Yes. So, I think that is possible. We can start with the Bay Trail, which is already out there and defined, and both the spine and spur Bay Trails.

Acting Chair Eisen noted: I am always surprised at how many good ideas the Commission has that the staff is already working on. It is pretty fantastic, actually.

9. Briefing on Legislative Matters. Acting Chair Eisen announced: Let's move to Item 9. Rylan Gervase is going to give us a presentation about state and federal legislative issues of interest to us.

Mr. Gervase presented the following: Thank you, Chair. Good afternoon, Commissioners. Today I am walking you through four bills that capture the tug of war in Sacramento between development and conservation.

But first, a quick check-in on where things stand.

The session wrapped up Monday, and the Legislature sent almost 1,000 bills to Governor Newsom's desk. He has three choices: sign, veto, or just let it sit. If he does nothing, the bill does become law after a certain time.

Meanwhile, state agencies are already deep into next year's budget planning. Any signed bill with a fiscal impact gets folded into that process. And come January we will have a new administration and a new legislature deciding what gets funded.

So, let's start with the story. At the end of last year, a letter started making the rounds in Sacramento's smoky back rooms. It argued that the Bay Area's chronic housing and transportation shortage, and we all know that we are one of the least affordable regions in the country, it argued that this was partly BCDC's fault. The claim was that BCDC overreaches, regulating things like shadows from development and de minimis fill beyond what the law actually allows.

And that letter did not just make that claim in the abstract; it came loaded with examples.

For instance, the Golden Gate Bridge's suicide barrier cast shadows, the authors said, that never should have needed mitigation.

The project to anchor the Trans Bay Cable was actually de minimis fill that never should have needed mitigation either.

And BCDC denied a permit in Sunnyvale for stream bank erosion control because it created fill. And on and on.

That letter, even though it got many facts wrong and its narrative was not accurate, is what led to this bill, AB 2051.

AB 2051 convenes about a dozen federal, state, and local agencies to study permitting reform. The first draft was particularly aggressive. There were limits on how thorough reviews could be, pre-approving permits before applications were even complete, and it would have contemplated allowing de minimis fill of the Bay with no mitigation required.

This past spring, BCDC staff worked hard on a response that pushed back on the December letter, explaining the actual facts and the context behind our permitting decisions to both the bill sponsors and to legislators, and it largely paid off. By summer, the language in the bill had been amended to give implementing agencies much more flexibility in how the study gets done.

Do I think this bill will be signed? Probably. The Governor and Secretary Crowfoot have made cutting green tape a consistent theme of this administration.

Implementation, though, is going to be a real lift. We are talking about coordinating over a dozen agencies, untangling everyone's overlapping permitting rules across multiple public workshops, and doing all of this by summer of 2028.

Every agency is already drafting budget proposals for additional staff to do the study. The legislative estimate, in fact, puts the statewide cost at over $10 million per year. Ultimately it will fall to the new administration to work out the details.

Our next bill, AB 2218, is sponsored by two tribes with historic ties to the Klamath and Sacramento rivers. For generations, they and other tribes were shut out of California's water rights systems entirely. A system built on the principle, first in time, first in right principle, which never accounted for the original people of California.

AB 2218 tries to correct that.

It would require state agencies to provide financial assistance, protect tribal water uses, consult with tribes on water projects, plans, and policies, and incorporate indigenous knowledge into ecosystem restoration.

So, here is the problem for BCDC. The bill is vague about what actually counts as a water project. Read narrowly, that could mean just things like dams. Read broadly, it could be almost any project that touches a body of water, which is most what we permit here.

BCDC issues close to 200 permits a year. And tribal consultation, which is something we already do for Bay Plan updates, can mean mailing up to 100 different tribal contacts. So, you can do the math on what a broad reading would do to our staff time.

Instead of nailing down clear definitions, AB 2218 leans on mediation to handle the inevitable risk of litigation. If there is a dispute, the tribe and the agency would sit down with the Governor's Tribal Affairs Team and try to reach a resolution within 180 days. And any permitting decision would be on hold until that is done.

And those are just the impacts for just one state agency. This bill applies statewide, potentially to hundreds of projects, including the Governor's own water priorities like the Delta Conveyance Project and the Sites Reservoir.

So given that, my guess is that we are looking at a potential veto of this legislation.

If it does get signed, BCDC staff are preparing a budget request for more permitting staff and a full-time tribal liaison. We would also need to revisit our tribal consultation policy for permitting. Right now, we just check whether an applicant has consulted with tribes, we do not do our own outreach.

Our next bill, AB 40. Back in June, the Department of Energy announced funding for coal projects nationwide in support of the President's push for beautiful, clean coal. One of them was the West Gateway Terminal Project, a bulk export terminal proposed at the Port of Oakland, which received a grant of $75 million. This project is probably familiar to a lot of you because it has been controversial for over a decade, mostly because coal produced in Utah and bound for Asia would be among the exports moving through the terminal.

Local groups have been fighting over the health and environment impacts versus the potential for job creation. As a matter of fact, a legal battle over the project wrapped up in 2023, clearing the way for it to move forward. It is now in the permitting process and BCDC expects to review it sometime in the next year.

AB 40 was introduced this summer by Assembly Member Mia Bonta, shortly after the DOE award was announced.

The bill requires a new CEQA Environmental Impact Report for any bulk coal export facility. And it defines that narrowly enough that practically speaking that can only mean the West Gateway Project. The existing EIR for the project does not mention coal exports; and under the bill a lead agency or air district would have to prepare a new EIR before the project could get its permit.

Since several other agencies still need to weigh in before us, it probably will not end up being BCDC's job to do that. So, the bottom line for us is that this could delay the project for up to two years while CEQA runs its course, and it might mean new mitigations being required for the developer.

My personal read is that the Governor signs this one. He has not passed up many chances to poke the Trump administration in the eye over the last couple of years.

And our final bill, the Solano Maritime & Manufacturing Act. For the second year running, we saw a behind-the-scenes scramble in Sacramento to get regulatory relief for the California Forever Project.

This summer, there was a lot of talk about a budget trailer bill that would bring a new shipyard to Southern Solano County near Collinsville. Trailer bills are attractive for this kind of thing. There is less public input, fewer deadlines, and they are ideal for last-minute dealmaking.

Last year's push was about the Upland Housing Development. That one never even got introduced.

This year the focus shifted to shipyard exemptions, but two things knocked it off course.

In July, the defense company Saronic decided to build a shipyard in Texas instead of Collinsville.

Then, just two days before session ended, the Solano County Board of Supervisors voted to punt any legislation to next year.

So as a result of this, no bill ever ended up being introduced, but we did get an advance copy of what it would have done. The bill would have let a shipyard project rely on a 2008 EIR instead of starting a new CEQA process, and would have allowed the project boundaries to shift as long as the total acreage remained the same.

That area near Collinsville is zoned for water industrial use. It is the largest such zone on the West Coast, and the bill would have permitted several additional uses on top of that. It also would have required agencies to approve permits for the project within 180 days.

So, what do these four bills tell us?

Well, I like to picture a pendulum. Swinging to one side we have development, getting things built. AB 2051's study nudges us in that direction.

Swinging to the other side is conservation, protecting the environment. That's the Oakland Terminal bill demanding more review, the California Forever shipyard effort stalling out, and AB 2218 pushing for tribal voices in water decisions.

So, which way is the pendulum swinging right now? In my opinion, it is swinging more towards development, and affordability is the biggest reason why. This year has been a year of rising housing costs, rising grocery bills, and rising energy bills, as well as inflation putting real pressure on the Legislature to make economic development easier. Personally, I do not see that pressure letting up anytime soon.

That being said, there are a few signs that the pendulum could swing back towards conservation, even just a little. The Trump administration's investigation into California's Coastal Management Program drew a lot of attention. Over 20,000 people filed comments with NOAA; and the same administration's deregulation proposal to sell off public forest land throughout the U.S. is generating its own new wave of controversy and public engagement.

So, what is the bottom line for BCDC? What strikes me across all four bills is that the Legislature is increasingly legislating around agency processes rather than trusting them. Convening new study groups, mandating new EIRs, and using trailer bills to bypass CEQA. That is definitely a trend worth watching and I do not expect it to go away anytime soon.

So, thank you for listening, and I am happy to answer any questions.

Acting Chair Eisen acknowledged: Thank you very much.

Do we have any public comment now, Sierra?

(No members of the public addressed the Commission.)

Acting Chair Eisen asked: Any questions or comments from Commissioners regarding the presentation?

Commissioner Showalter chimed in: Thank you so much for the presentation, that is very interesting. I am sure we are all getting these presentations from various agencies that we work with, and every agency has, of course, a different mission and a slightly different perspective so it is really interesting to hear yours.

But I wanted to ask you about the other attachments that you included in our packet and how you have descriptions of bills and where they are going or not, and that is great. I wondered generally, what is your criteria about including those?

Mr. Gervase replied: Thank you, Commissioner. For clarification, those are the bills that we are tracking both in the California Legislature and in the federal Congress. There's probably around 100 bills or so.

The criteria is basically overall what impacts could they have on BCDC's operations or policies or laws that could affect projects that we may, in fact, be asked to review? I take a broad brush to things, looking at things as far as CEQA exemptions all the way to individual project regulatory relief for the California Forever bill, for instance. I try to get a pretty broad look at what is going on the legislature, focused mostly on potential impacts to the agency as well as changes in Natural Resources policy.

Commissioner Showalter acknowledged: Thank you. So, this is the matrix of what you are following. That's good to know. Appreciate it.

Commissioner Nelson commented: A couple of thoughts about the Solano Shipyard Project. First, I had a conversation with Larry and Rylan, and I just wanted to ask if there is an update. Based on our conversation earlier, it was not entirely clear if this Shipyard would be in our jurisdiction or not. Is that still true, or do you have any new information about that?

Mr. Gervase answered: So, we cannot say for certain, but we did look at some of the maps. We have looked, as a matter of fact, at the parcels that we know that the developers owned at least as of 2023. There is not a whole lot of overlap between most of BCDC's different jurisdictions and the parcels that the developers actually own. But that being said, we do not know that much about what a future hypothetical project could look like, but at least at this time, it seems like there will be minimal overlap.

Commissioner Nelson continued: A comment and a suggestion for staff. A comment is Rylan is absolutely right. The Legislature has been very focused on CEQA waivers for the last couple of years. We have talked about this once or twice before.

At some point, I am not saying this is the moment, it might make sense for the Commission to talk with other agencies about what the world looks like under CEQA waivers. If CEQA is waived for a project that is in our jurisdiction, that does not change the yardstick we apply to those projects, the questions we have, or the information the applicant would have to provide.

We all in our professional lives have grown up in a world where CEQA basically provides that information. If CEQA does not provide that information, then that means the local government, the Regional Water Board, BCDC, all in turn are going to look at those developers and say, you have to do this analysis for us because there is no overarching CEQA document. I could easily see that being expensive and resulting in long time delays for the applicants.

We do not quite face that world. We have not seen big CEQA waivers for big projects in our jurisdiction. But at some point we may and I think it is important for the Commission when the time is right to find ways to start talking with other agencies about what the permit process looks like that does not have CEQA to rely on. So that's one suggestion for staff to think about.

I have another one and that is a question I have long had. Collinsville is one of the more obscure and isolated parts of the Bay Area. It is still shown on our maps as a Maritime Priority Use Area. I have always wondered why that was. If you were to look in the Bay Area for a place that would be hard to get infrastructure to, hard to get access to, Collinsville would be pretty high on that list. I have always wondered for decades why Collinsville is on our books as a Maritime Priority Use Area, and this Shipyard proposal sort of brings that to the fore.

So, as we think about work plans for the coming year, just wanted to make sure staff is thinking about updating Maritime Priority Use Areas. With this one in particular in question, the newspaper reports that I have seen suggest that the only shipyard operator under consideration for this shipyard has withdrawn and decided to move to another site, so it is not entirely clear to me if this is a real proposal or if there is something else happening here. But it is curious to me that our Maritime Priority Use designation still includes the Collinsville cut, and just wanted to suggest for staff that that might be something for us to look at in the future. Thanks.

Mr. Gervase responded: Thank you, Commissioner. We will definitely be keeping tabs on those items.

As far as the CEQA waivers go, definitely agree with you. My understanding is, although CEQA might be waived we still have a duty to collect a lot of the information that goes into CEQA reports. So potentially as we discussed last year with the bill that created a waiver for ferry terminals around the Bay, we are still going to be gathering that information. That is going to lead to a much more difficult and perhaps time-consuming process for staff.

We will certainly keep an eye on the Maritime Priority Use issues question. I personally do not know what the history of that particular area is or why it was designated as such, but perhaps we can do some digging on that. Thank you.

Commissioner Randolph was recognized: On Collinsville, my understanding, and I do not have a complete one, is that that part of the Sacramento River has historically had maritime activity, from Mare Island going up some distance, and that that particular parcel actually has deep-water access. So, if you are going to build ships you want to have deep-water access, which is available at that particular spot.

It is also worth noting, I think the project sponsors are trying to get a federal designation for what is effectively a maritime opportunity zone that would encompass that but would spread further up the Delta and would enable that and related projects that are maritime in nature to qualify for certain subsidies or exemptions, various things that would go with opportunity zones. But this would be under a current or a new federal policy that opens the door for maritime opportunity zones. It has a different title, but that's effectively what it is about.

Commissioner Nguyen stated: The Shipyard is a priority for the Governor's Office, so we have had a lot of meetings with the property owner as well as the developer. And yes, they have decided to go to Texas. But my understanding is there is still a great potential because the site potentially could be the largest one, not only in the U.S. but in the world, as far as the developable area.

And the other benefit of the site is it is on the West Coast connecting to the Pacific, supporting the Navy as well as private shipbuilding. It has access to a deep channel; and because it is deep in the Bay, it is secured. So logistically there's a lot of benefits.

And certainly, the shipyard would provide for tens of thousands of jobs for Solano County or for California.

There is still a lot of interest in that site. Obviously, it also has many challenges as well. And you are right. Notwithstanding the CEQA, there is still permitting requirements both from state and federal that the project would have to go through, as well as inclusion in the region's transportation plan as well, and that would involve MTC.

Commissioner Gunther chimed in: Rylan, regarding the Bonta bill. I have been on the Commission for five years. I do not think we have ever considered that parcel here. Is that because it is not got to this stage yet?

Mr. Gervase replied: That is correct; it has not gotten before us yet.

Commissioner Gunther asked: Okay. And what kind of time frame would we have? Like when it could happen. Because the export coal market to Asia is undergoing something of a transformation at the moment so I am just wondering about the expected time frame.

Mr. Gervase answered: My understanding is we could potentially see it next year, but that's absent the bill. If the bill does get signed then CEQA takes 18 months to two years, so we would probably see it much farther past that.

Commissioner Gioia interjected: Can I add something being an Air District Member?

Acting Chair Eisen replied: Very quickly.

Commissioner Gioia continued: Yes. The Air District is monitoring this as well and there's a lot of issues about mitigation and all of that. But our understanding is that any proposal is going to take a while. It depends on how courts are going to interpret what is required. But yes, I think others are watching it. There's others here on the Air District Board as well. And so, I assume BCDC's role would be with regard to our authority within our shoreline band or wherever our authority is, the air other agencies like the Air District would be looking at air quality issues.

Acting Chair Eisen agreed: Sounds right.

Mr. Scharff also agreed: That's correct.

Acting Chair Eisen continued: Okay, good. Thank you, Rylan, for that presentation. And thank you, Commissioner Nelson, for the work you are doing to help us increase our visibility in Sacramento and our understanding of Sacramento.

10. Briefing on Regulatory Improvements. Acting Chair Eisen stated: We are going to move to the next item, which is related, a briefing on our regulatory improvements, and we are going to hear from Ethan Lavine.

Assistant Regulatory Director for Climate Adaptation Lavine addressed the Commission: Thank you, Chair Eisen, and good afternoon, Commissioners. It is great to be here today to give you another brief update on our regulatory improvements work. If you have been on the Commission for a while you have heard about this work fairly consistently over the last couple of years through occasional updates like this one, and we brought specific projects and contracts related to these efforts. Today I am just going to give another update. Keep you informed about the work we are doing and how we are moving forward.

I generally start off presentations about our regulatory improvement work by reminding that it actually came out of the Bay Adapt Joint Platform.

Whenever our staff was working on the Joint Platform, some of the feedback we got identified that getting adaptation projects built and constructed can be challenging and named permitting itself as one of the challenges that the region needs to confront.

While this critique was not limited to BCDC, it applies to all the agencies that have a part in permitting adaptation projects. This regulatory improvements work is our attempt to help address the issue in advance of the significant and transformative projects that are going to have to take place across the region to eventually be prepared to adapt to rising sea levels.

We are a small team that includes me, Jess Finkel who is here, and we actually have a new team member Tessa Filipczyk who is not here today.

Our overarching goals are shown on the screen. The first is to make our Permitting Program more effective, efficient, and transparent. Making everything work better than it already does through projects that make rules easier to understand. Doing what we can to shorten project timelines and produce better outcomes.

And then over time building on the success of the first goal, to increasingly be shifting our staff's attention towards building capacity to implement the region's resilience vision and provide better support for the region as communities work to take on increasingly complex adaptation efforts.

We are supporting the work of a relatively small Regulatory Division in comparison to the length of the shoreline that we are responsible for and the amount of activity that is happening along that shoreline.

We have 11 permit analysts who, along with the support from their managers and a handful of technical experts, have been responsible for issuing 484 permits and about 100 dredging episode approvals over the last three years. Those projects range from the very small to the very large. In total, they added up to about $3 billion in the total project cost.

The rest of the presentation is going to be forward-looking and focus on our current priorities, but I do want to start by reminding you of a few of the major accomplishments of this effort to date.

After spending the first year or so of the program focused largely on analyzing the major opportunities for improvement, we have gone on to implement a number of projects - among these are the relaunching of our website with clearer, plain language explanations and extensive new resources on permitting that help the public better understand our work and our mission as an agency.

Pretty much completely rethinking and redesigning our pre-application process to provide consistent early engagement with project proponents, helping them solve problems before they submit applications and to navigate our process alongside other agency approvals they are seeking.

Our Permit teams were trained and given tools to help them learn from the techniques of Agile Project Management and help incorporate those projects into their daily work to early identify roadblocks that might come up in projects and confront as a team how to solve those, increase collaboration, and speed up decision-making internally.

We have also been investing a lot in staff capacity building with a focus on building up staff knowledge, in particular around permitting and implementing nature-based solutions. In a training series that we kicked off last year we have been we have been getting some additional help and training from the San Francisco Estuary Institute and beginning a new series of trainings on that in the coming months. And also, just on functional skills like writing in plain language and running better public meetings.

We have we have also been implementing protocols that look back and learn from projects after they have been wrapped up to identify both what went well and what could go better; and implementing protocol to share that information as a form of continual learning and improvement.

And then, most recently, and probably most fresh in Commissioners' minds, we implemented regulation updates that included some common-sense improvements to the rules that guide BCDC's Permitting Program.

This is familiar for folks who were around earlier this summer. These regulations just went into effect on July 1, two months ago.

The highlights were that first we have streamlined and improved the Regionwide Permit Program. This is the Commission's most efficient permitting path. It is the kind of permit we can issue within 10 days once we have a complete application. It has new plain language instructions that are easier for applicants to follow, and a simplified application form.

Second, we have reduced permitting burdens for straightforward and routine activities by defining about 20 de minimis activities that have no or very minimal impacts and no longer require a permit from us at all. So those activities are limited to projects in the shoreline band, and they tend to be pretty minor things like minor repairs to a house.

And third, we made targeted updates to clarify and improve the permitting rules themselves. We added language to help people understand the different permit types and figure out which one applies to their project, explained how our deadlines are calculated better, clarified a number of terms and concepts about the scope of the Commission's jurisdiction, and other things to just make a difference in terms of helping people navigate our program.

So, with that I am going to turn to what we are working on now and give you the highlights.

The first effort I will highlight actually does build off the clearer, stronger rules that went into effect in July for the Regionwide Permit Program. So now that we have these improved Regionwide Permit Program rules in place, we are looking next to expand the number of projects that qualify for coverage for the regionwide permit, which as I mentioned is the Commission's most streamlined type of permit.

This summer the Commission approved us to move forward and enter into a contract with Environmental Science Associates, or ESA, to help us with this work. And as this work is going to get off the ground over the course of the fall, the main focus is going to be adding new regionwide permits to the program so that more project types can use this path. We are especially interested in covering green infrastructure and nature-based improvements. Things like small-scale habitat restoration enhancement projects, living shoreline elements, the placement of scientific instrumentation in the Bay, and other similar efforts that will help to green the portfolio of the Regionwide Permit Program.

We will also be going back through the permits that we have already adopted as a Commission to update their conditions to reflect current best construction techniques and management approaches to really do a good job of balancing that need to expedite projects while ensuring that adequate measures are in place to protect the Bay. Or overall, we are just going to make them easier to implement and enforce by rewriting their terms and conditions in plain enforceable language.

I also want to mention that as part of this project we are also going to have ESA look into how we might provide programmatic coverage for projects that do not fit within the boundaries of a regionwide permit.

Some restoration projects and multi-benefit projects, which are of high priority for the region to be advancing, are too large or complex for a pre-approved permit like the regionwide permit to cover. So, we want to understand what options are available to us to move those efforts through more efficiently as well in a way that aligns with the cutting green tape efforts that our partner agencies at the state are also undertaking.

The next project is one that we have discussed with you before. When we were first exploring the scope of the regulation package that I mentioned earlier, back in 2025, one concept we brought forward to the Commission for discussion was an idea to expand our Administrative Permit Program so that it could cover more restoration projects.

More specifically, as some Commissioners may remember, the concept we brought you then was to allow habitat restoration, enhancement, and establishment projects up to 1,000 acres in total area to be approved administratively, as long as the project results in a net increase in habitat resources or functions. When we last discussed the concept it generated a good deal of discussion, so we have been continuing to do outreach and seek input.

We are still focused on coming forward with a proposal that works towards the goal of helping more habitat projects qualify for coverage as administrative permits, and the objectives that we outlined are up on the screen.

We are trying to accelerate implementation of projects designed to achieve regional habitat goals and support successful adaptation of Bay habitats.

To expedite permitting through a clearer, more predictable, and less burdensome process.

And to align our Permitting Program with the other regulatory agencies that have already taken steps to streamline permitting for habitat projects.

Since we last spoke with the Commission, the staff, particularly the staff on the Bay Resources Permitting Team led by Julie Garren, has led various outreach meetings with restoration practitioners to get additional feedback. This has been really helpful in clarifying how the new rules would stand to benefit good restoration projects. It has been great to have this outreach led by Julie's Bay Resources Team. That is the group that is going to be most commonly working on these types of projects. So, with that input and some additional staff thinking, we are formulating ideas for a proposal that we can bring back to you that work towards these goals, in early 2027.

The next project is the new Salesforce Platform we are implementing across the agency.

Commissioners will remember that we got your approval to enter into a contract with an implementer back in April to start work on this year-long effort. It is a very complicated effort to get off the ground, and we are deep in the weeds of implementing right now. Once we have the system up and running it will serve as an integrated case management system that will support all of our work across Permitting, but also connect that work to Planning, Compliance and Enforcement as well.

This should be a fairly transformative tool for our Regulatory Program. These are tools that will allow our staff to be much more efficient. It will also give a lot more transparency to the public and applicants about what is happening with the work that we are looking into.

And then closely related and really a project that we are able to move forward on the basis of this technology is a project that Jess is working on and that's updating our permit applications. I mentioned we have a new permit application already for the regionwide permits, but it is time for BCDC to look more closely at our major and administrative permits applications.

It is a longstanding issue we have had that we get too many applications that come in incomplete as applicants struggle to fill out and provide the information that we need to successfully analyze the project. We are working to help ensure that form is better designed to capture that information up front, make it easier for folks to fill out, and make it possible for us to get the comprehensive information we need to bring to you these projects and make good decisions.

I will wrap it up with that, and I am happy to answer any questions.

Acting Chair Eisen asked: Do we have any public comment regarding this item?

(No members of the public addressed the Commission.)

Acting Chair Eisen continued: Commissioners, questions?

Commissioner Eklund chimed in: First of all, I wanted to really compliment you on your presentation, but also the work that you guys are doing to streamline it.

And I could not help but remember when I was in charge of the NPDS Permitting Program for the EPA we did a streamlining program. We did a general permit for all stormwater permits. We worked with the Regional Boards, obviously, in California and in other states as well, where stormwater was a general permit.

So just really want to compliment you on thinking outside the box and really streamlining your Permitting Program, it is fantastic. My congratulations to you and your team.

Mr. Lavine acknowledged: Thank you so much. It will be exciting as we bring forward to you the Regionwide Permit Program we are working on, because I think that will really feel familiar to that work that we are doing.

Commissioner Eklund stated: It is a lot of fun to be able to see that so really just want to thank you very much.

Commissioner Nelson commented: Really important work and thank you for that work and the report. Do you have a sense of how long it is going to take for us to get feedback and evaluate how we are doing and how these improvements are functioning out there in the world?

Mr. Lavine answered: Yes. In some of the efforts that I showed you before we already are. Actually, one of the principles that we learned, when we started this program we did an evaluation, it was actually led by the Department of Finance. They came in, they have a special unit, and they were nice enough to come in and help conduct this overview. We got a lot of feedback at that time, so we were learning how we were doing.

I mentioned Agile Project Management concepts. The Department of Finance encouraged us to try and think how can you bring that into a permitting context. One of the ideas that is really strong there is continual improvement. Just taking a pause as you are working through, getting feedback.

You are never really done with a project, right? As we have finished projects as a team, we do not really say they are finished; we put them into a different column on our sheet. We try and use our staff meetings to debrief, learn what is going well. And at least have a part of our time, 10 to 15 percent of our time for each staff person designed to go back and iterate. So, that is part of it.

We get feedback in all kinds of diverse ways too, it kind of depends on the project, but we think that that's pretty critical.

I think that one of the things we are learning as an agency to take this effort up in a big way is that a lot of the reasons we need to do it is because an improvement was made, it worked, and it worked, and it worked, and it has been maybe 10, 15, 20, 30 years since it has been revisited the last time. So, we are trying to get out of that mindset and into this mindset that we need to continually be improving these efforts. They are never really done.

Acting Chair Eisen acknowledged: Thank you. Thank you, Ethan. This is groundbreaking work that your team is doing, so we very much appreciate it. Helps BCDC improve our work process immensely.

11. Briefing on NOAA 312.

Item 11 was postponed to the September 17, 2026 meeting.

12. Closed Session Conference with Legal Counsel — (Anticipated Legislation). Acting Chair Eisen stated: We are going to move to our closed session. As you all remember, this is a little dance that has to be done very carefully.

Do we have any public comment, Sierra?

(No members of the public addressed the Commission.)

Acting Chair Eisen continued: Those of us who are in the room are going to move to the Claremont Room, and that is all really we need to do.

Those of you who are participating remotely have to do two things.

First, you have to be sure at your room is secure for this closed session. You have to be sure there is no other person in the room who is not a Commissioner or an Alternate. Have the door closed if possible, put a sign outside that says "Do Not Disturb."

Then you will have to leave this meeting, this Zoom meeting, by clicking on the Leave Meeting button.

Then you have to find the email that Sierra sent both yesterday and early this afternoon. There are instructions in that email how to join the closed session remotely. You will join the Zoom program. You will not automatically be let into the room. Sierra is going to admit you, so be patient and wait for that admission.

If you have any issues, send an email to Sierra and she will help you out.

Thank you very much. See you all in the next room.

(The Commission was in closed session from 3:18 p.m. to 4:01 p.m.)

After reconvening the meeting Acting Chair Eisen announced: Thank you for your patience, everyone. We have returned from the closed session and there is no reportable action from the closed session.

13. Adjournment. There being no further business, the Commission meeting was adjourned at 4:01 p.m.