

San Francisco Bay Conservation and Development Commission

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MINUTES

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415-352-3653; larry.goldzband@bcdc.ca.gov)
Sierra Peterson, Executive & Commissioner Liaison (415-352-3608; sierra.peterson@bcdc.ca.gov)

SUBJECT: Draft Minutes of January 15, 2026 Hybrid Commission Meeting

1. Call to Order. The hybrid meeting was called to order by Chair Wasserman at 1:04 p.m. The meeting was held with a principal physical location of 375 Beale Street, San Francisco, California, and online via Zoom and teleconference.

Chair Wasserman stated: Good afternoon, everyone, and Happy New Year. Welcome to our first BCDC meeting of 2026. My name is Zack Wasserman, and I am the Chair of the Commission. I want to thank the Commissioners who are here at Metro Center as well as those participating virtually.

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

2. Roll Call. Present were Chair Wasserman, Vice Chair Eisen, Commissioners Ahn, Addiego, Dorsey, Eklund, Gauthier, Tam (represented by Alternate Gilmore), Gioia, Gonzalez, Gunther, Hasz, Hermosillo, Eckerle (represented by Alternate Kimball), Lee (represented by Alternate Kishimoto), VACANT (represented by Alternate Nelson), Dumlao (represented by Alternate Pemberton), Ramos, Showalter and Taylor. Catherine Stefani, appointee of the Speaker of the Assembly (represented by Alternate Falzon) was also present.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: USACE (Beach), Department of Finance (Benson), US Environmental Protection Agency (Blake), Governor (Randolph), Business, Transportation & Housing (VACANT), Solano County (Mashburn), Marin County (Moulton-Peters)

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

Dan Clark commented: Commissioners, Executive Director, my name is Dan Clark. Sometime, about a year from now, the Commission will hold a public hearing and then vote on an amendment to an existing permit. This permit has been in existence for some time and has been amended several times in the past. It seems like a routine matter, but I am here to address you today to just tell you that it is far from routine; it is a project that has a lot of controversy. I and a number of people in the community who are not screaming NIMBYs have reservations about the project.

So, the project happens to be the, it is named the Marina Improvement and Remediation Project and it is in Gashouse Cove on the north shore of San Francisco and its sponsors are San Francisco Recreation and Parks Department and PG&E. The project involves three main things.

The noncontroversial part of it is that the small craft harbor that exists there and the surrounding grounds, the uplands area, are going to be updated and refurbished. But the harbor part is only half the harbor. The controversial part is the other half of the boat harbor that exists there is having a change of use, and that is in question.

And the third part, of course, has to do with the toxic chemicals that are there from a long time ago that PG&E is responsible for and that will necessarily be stored there and approved by this permit and by every agency that touches it. That will involve isolation and protective measures for the chemicals to protect them and protect the beneficial uses that are also going to be going on simultaneously in a vertically divided space. While that is very desirable and not controversial that we wanted to do the protection, the devil is in the details.

I know this is not the place to bring up these issues. I am here to tell you that we plan to talk to staff, and we are talking to staff about them, and we want to address these issues offline. So, my time is about up here. I really just want to alert all the Commissioners that there is more to this project than meets the eye and request that staff do allocate sufficient time for that offline discussion. Thank you for your time.

Allison Madden spoke: Good afternoon. Thank you for your service, as always. I have spoken here a lot in support of liveaboards. I am here to talk about conditions in the Oakland area under the Port of Oakland, but I believe the jurisdiction is overlapping and concurrent.

I had the green light to go into Quinn's Lighthouse, and somebody pulled a gun on my tow guy. I am going to describe my craft. She is called Bohemia. She was built in Sausalito in the '70s. It is a Higgins LCVP historic World War II D-Day landing craft and it has been framed in fiberglass. And it was a Cal Berkeley grad student in architecture that got a fleet of these, maybe eight of them in the '70s, made them into a fleet of sister vessels. They are a vessel form factor. They can easily move with an outboard.

It was over at Stone Boat Yard. And when the Kaisei sank over there, which I believe is still submerged, the power was cut off and so I had to move it. My outboard was stolen over there. There is not really good security. Again, because there is no liveaboards. Liveaboards provide security and that boat probably would not have sank and my outboard would not have been stolen if there were liveaboards.

But what happened is, we were going over to Quinn's. I got, you know, once the gun was pulled on my guy they said we could not go in there, and I had to dock it in an emergency situation at the Jack London Marina. It is under the jurisdiction of the Port. I checked in with security, used the QR code, filled out the information, gave them all my information, left a laminate with all my information on it. They had a red-letter agenda item in late December. I was given no notice, and they are alleging that they are going to take it and tow it.

This craft has been evaluated. If it is in a liveboard slip, it is worth half a million dollars. And I am going to have to stand on all my rights and I need the BCDC.

By the way, this is a little divergence. I want to make sure that you all know that as for the Commissioners, we feel very respectfully heard, yes, every time we come and we speak. And the last time we all spoke, the staff member, I believe it was Erik, got up here and said, well, it does not matter what everyone thinks. And he was talking about the public and the Commissioners because it is 66 percent, it is two-thirds supermajority to change the Bay Plan. And I want to advocate that you change that.

Number one, the Federal Senate has this filibuster, which I think is unconstitutional and very anti-democratic. And I think a two-thirds majority to change the Bay Plan is anti-democratic as well.

And I know I am running out of time. I will be speaking at the next Port meeting involving every overlapping jurisdiction, because if my boat gets towed and injured, I will be seeking redress from everybody. Quinn's Lighthouse has been allowed to go to pot. I do not know if you are overseeing it. It is a waste of a public trust resource, and you should be enforcing that those people with the permit are stewards of the public trust. Thank you.

Chair Wasserman chimed in: Thank you very much. That concludes our general comment period. We will, of course, have comment on the specific items as we get to them.

Chair Wasserman continued to the Report of the Chair.

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

There was since our last meeting, or there has been since our last meeting, a fair amount of bad news and a little bit of good news. The bad news, as many of you read about and some of you probably experienced, we had at the beginning of January the highest King Tides, the highest sea level we have had since 1998 in the Bay Area.

I thought one of the most interesting images was seeing kayakers on bike paths. It did receive media attention. It did not receive enough media attention. Rylan has had a staff addition. We are going to work on more outreach to try to ensure that these kinds of events get more publicity because, unfortunately, they are one of the best educational tools that we have.

The second is that the Thwaites Glacier, often called the Doomsday Glacier, has been getting a lot more attention. Partly because, if you are followers of the *New York Times*, there are some *New York Times* reporter and photographer embedded on an exploratory vessel that is studying Thwaites that is really quite fascinating.

But the bad news is that there was a study in the US geothermal research publication showing that the cracks in the Thwaites ice shelf are increasing, demonstrating more instability and demonstrating the threat that Thwaites poses to the world. But that includes the Bay Area. If Thwaites Glacier falls, that is obviously not imminent, but it seems that it is getting closer. It is predicted that alone will increase sea level rise by two feet.

And I would note that the King Tides here were two feet higher than they had ever been. You add another two feet to that, and we have got some real damage. It simply makes our task in figuring out how we are going to adapt to rising sea level that much more important and that much more imminent.

On the good news side, speaking of cracks. There appear to be some cracks in Republican support for some of the very destructive policies being carried out by our current presidential administration. One of those cracks is that the House, and it appears the Senate, will restore funding to NOAA almost in full for its research activities.

Oh, by the way, it is still not enough money, but at least it is not the almost total cut that the administration had proposed.

NOAA, as you know, provides absolutely critical scientific information for our figuring out how we are going to adapt to rising sea level as well as other climate change issues. And it is a small ray of hope that some Republicans have rediscovered their spines and are remembering their obligation to our Constitution. We need to take hope wherever we can.

A. Commission Meeting Schedule: On a more local and mundane matter, here are a few things to look forward to for our 2026 BCDC Calendar. You have received a calendar of BCDC meetings. Please do note that at least provisionally we have scheduled two all-day meetings, one on May 7 and one on October 1. We are not certain that we are going to use those, but I am going to tell you I think it is very likely that we will. We have got some very serious policy issues in front of us, and I think that we need the time to take that. I know that is a hard thing after your busy schedules, but please do look forward and reserve that time.

Second, 2026 is starting off with a bang as we have a major consistency determination today with the Army Corps of Engineers, and three or four major permits to be reviewed by the Commission before spring, in addition to the various discussions that we will have and working group and Enforcement Committee meetings.

We do not expect to meet in three weeks, but we will meet on February 19.

B. Future Meeting Agenda Items: In terms of expected future items, I want to let you know that we will soon have a briefing on Sacramento and Washington legislative issues that affect BCDC.

In March we expect to hold a public hearing and vote on Caltrans' plans to revitalize Highway 37 in the North Bay. And on that March, I would allow, please, for the meeting to run late. Highway 37 is likely to be controversial and is certainly a very important issue that we will be considering.

We also expect to have two more major permit discussions in April.

We have also provisionally scheduled a further discussion on the Richmond-San Rafael Bridge Environmental Justice Outreach Program soon, specific date not yet chosen. And we expect to have a discussion this spring on the proposed transportation metrics to be used to determine the efficacy of a future HOV lane on the Bridge.

We also expect to tackle the issue of sand mining in late spring or early summer.

New Commissioner: I am pleased to let you know that the State Lands Commission has selected a new Executive Officer, Matthew Dumlao. Dr. Dumlao comes to the Commission from the Office of the Lieutenant Governor, and I know that he and our Executive Director have started collaborating. While Dr. Dumlao will be listed as the Commissioner representing State Lands Commission, we will continue to have Sheri Pemberton as our State Lands Commission Alternate.

D. Next Meeting: At our next meeting on February 19, we expect to consider three separate issues:

A public hearing on draft new Bay Plan maps, formerly known as the Bay Plan Map Cartographic Updates.

Introduction to the Commission of a new topic, the process through which staff will choose a vendor to create and help design BCDC's first all-inclusive regulatory and planning database, and its implications for internal processes and improvements. This is in one sense a mundane issue, but modernizing and making coherent our database is, in fact, a critical part of our being able to continue to serve our mission.

We also expect a briefing on the State of our Estuary, a new website, tracking tool developed by the San Francisco Estuary Partnership that provides the most comprehensive, up-to-date set of indicators for tracking physical, ecological and human dimensions of the Estuary's health.

E. Ex Parte Disclosures: That brings us to the always exciting ex parte disclosure. If anybody has had discussions outside of Commission meetings on adjudicatory matters, this is the time to disclose them. You do need to disclose them in writing through our portal under any circumstances. Are there any Commissioners who wish to make a brief ex parte communication report? I see no hands here or on the screen.

That brings us to the Report of the Executive Director. Take it away, Larry.

5. Report of the Executive Director. Executive Director Goldzband reported: Thank you, Chair Wasserman. First, I wish you all a very Happy New Year, and I hope that your holidays were happy and fulfilling.

I spent part of my vacation watching Ken Burns' new documentary on the American Revolution, which is truly fantastic. So, I was intrigued to learn that today is the 130th anniversary of the death of Matthew Brady, the great 19th century photographer whose photographs Burns used so frequently in his earlier documentary on the Civil War.

Coincidentally, the great historian Daniel Walker Howe passed away a couple weeks ago. It is an interesting coincidence because Howe won the Pulitzer Prize in 2008 for his masterpiece on how emerging technologies drove American economic, social, and political history during the period from 1815-1848.

His book is titled *What Hath God Wrought*, which is the body of the first telegraph message sent by Samuel B. Morse from Washington, D.C. to Baltimore in 1844. Many historians believe that the rate of change during that 35-year period in the early 19th century – the last few years before photography became almost commonplace – is being mirrored now as we grapple with the rise of incredibly rapid and broad scale communications causing, and within, changing economic, social, and political contexts.

Now to more mundane subjects.

While I do not have any new staff members to announce today, most of BCDC's staff were in the office a week ago and we lined up in order of seniority. Brenda Goeden, from whom you will hear today, is our senior member with about 25 years of seniority. Of the 60 or so BCDC staff, however, more than one-fifth have been with us fewer than six months and almost two-thirds have been at BCDC for fewer than five years. While we are thrilled to have what I believe is the most successful, proficient, and eager staff in BCDC's history, our work is cut out for us because we need to train and mentor these less-senior staff while they learn on the job. We are working now to more formalize our training program and create a mentorship program, and I will report on those successes in the near future.

I am also happy to report that Governor Newsom's budget proposal includes the final five staff positions that BCDC requested as part of our SB 272 Implementation Plan. We are not counting our chickens before they hatch, however. There is a long way to go economically and politically between now and July 1, the beginning of the next fiscal year. Later this month we will review budget progress during the first half of the fiscal year and I will update you on that as well.

With regard to policy, I have an update on our proposed package of changes to BCDC's permitting regulations, which you last discussed in November when the Commission held a public hearing to receive comments. Since the comment period closed, the staff has been reviewing the numerous public suggestions and many of them were very helpful. Indeed, they have prompted the staff to make several minor revisions to the proposed amendments.

So, California state law requires that our revised text be re-noticed for an additional, shorter 15-day public review period prior to Commission consideration. Therefore, next Tuesday we shall circulate the revisions to the proposed amendments to the regulations and start that additional review period. That will keep us on track of our goal to return to the Commission with the full regulatory package for your consideration early this year, most likely in March. If the Commission adopts the amendments, we will then submit the entire rulemaking package to the Office of Administrative Law for its review, and we hope that everything will go into effect in the fall.

We received word a couple of days ago that the Committee to Complete the Refuge and San Francisco Baykeeper have filed a CEQA lawsuit to stop the Mowry Village Development in Newark. You may remember that the developer, Integral Communities, moved the development just outside of BCDC's jurisdiction a couple years ago. On December 11, the Newark City Council voted 3-1-1 to certify the Final Environmental Impact Report. We certainly will watch the lawsuit's progress with interest.

I was very happy to kick off the first meeting of our Contra Costa County Shoreline Leadership Academy this past Saturday in Martinez. I would like Phoenix Armenta, our Manager of Climate Equity and Community Engagement, to let you know of this success.

Manager of Climate Equity and Community Engagement Armenta addressed attendees: Thank you, Larry, and Commissioners. So, as Larry said, the Contra Costa County Shoreline Leadership Academy launched this Saturday, January 10, with 19 participants meeting in the Contra Costa County hearing room in Martinez. The day started with our illustrious Executive Director Larry Goldzband welcoming the participants and giving them the history of BCDC and our sea level rise planning journey.

After an orientation and some community building the participants got a rundown of the County by Contra Costa County's Ryan Hernandez.

In the afternoon the Watershed Project led a question-and-answer session on sea level rise and demonstrated some sea level rise exhibits.

Then BCDC's own Juliette Chauson gave them an RSAP 101 training.

The entire day the participants were warm and inquisitive, and it seemed like we have a great group of people that we are working with.

The next session is January 24. We will be meeting with Contra Costa County Supervisor Diane Burgis who will be talking about the importance of the Delta; and then we will get a tour of the levees on Bethel Island.

It is shaping up to be an exciting six months, and we will be posting about it on Instagram, so if you are not already following BCDC, now is a great time to start. Thank you.

Executive Director Goldzband acknowledged and continued: Thanks, Phoenix. It is a great group, and it was an awful lot of fun, even in a frigid Saturday morning, to talk with them and answer their questions.

Finally, while Chair Wasserman has given you a bit of a preview of our 2026 challenges, I want to spend just a couple of minutes reviewing last year.

If 2024 was the year of the Planning Division's great success, having had about 14 months to create our Regional Shoreline Adaptation Plan from scratch with a tremendous outreach program, perhaps last year was the year of the permitting teams. I say this not to imply that in either year the other team was not working hard. But it seemed in 2025 that we could not turn around inside BCDC's regulatory world without slamming directly into another major permit application and/or issue. The work they did was tremendous and spanned the waterfront and into the Bay with issues surrounding Treasure Island's redeveloped and expanded marina, the Richmond-San Rafael Bridge, and Cargill Salt Ponds, among many. One reminder. Commissioners generally see only the major permits, and the permitting teams handled over 170 total permit actions overall.

I also want to remind you that we replaced our Director of Administration, now Director of Operations and Technology, and our Human Resources Liaison and barely skipped a beat, thanks in part to our great retired annuitants Peggy Atwell and Johanna Collins who are great trainers.

We also added two Commissioners to the Enforcement Committee, Commissioner Hasz and Alternate Zepeda, and we look forward to the Enforcement and Compliance Team coming forth with their new implementation strategy in a couple of months.

And you will be able to read about much of this in our Annual Report, which is slated for publication in April, knock on wood, due to the hard work of many of our staff, headed by our still-somewhat-new Director of Legislative and External Affairs, Rylan Gervase.

With that, Chair Wasserman, I am happy to answer any questions.

Chair Wasserman asked: Does anyone have a question for the Executive Director?

Commissioner Gonzalez was recognized: Just one quick question, Chair. And it is blurring the two presentations. It was a discussion about the regulatory database or the permitting database. Are you in connection/contact with the Air District as they have gone through a similar kind of database revision process?

Executive Director Goldzband replied: My bet is that we have, but I will make sure of that.

Commissioner Gonzalez acknowledged: Thank you.

Executive Director Goldzband added: In addition, just to give you a little bit of a heads up, we are pretty small, especially compared to the Air District, so we probably, and I am guessing at this, went through a fundamentally different process because as a state agency with certain aspects we are different, but we will let you know.

Chair Wasserman noted: And just to clarify, the database is going to include regulatory permits and planning issues as well, which is particularly important as we start to get our RSAP specific and subregional plans.

6. Consent Calendar

- a) **Approval of Minutes for November 20, 2025 Meeting**
- b) **Recommended Enforcement Decision and Proposed Stipulated Cease and Desist Order
CCD2025.006.00, SPF China Basin Holdings, LLC**
- c) **Recommended Enforcement Decision and Proposed Stipulated Cease and Desist Order
CCD2025.005.00, 46 Sandy Beach Rd, Vallejo, Solano County**

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

(No members of the public addressed the Commission.)

Chair Wasserman asked: Are there any Commissioners who would like to comment on this?

Commissioner Dorsey commented: I might as well say, on Item b, this is a matter that is involving China Basin Holdings, which is not only in the district I represent on the Board of Supervisors, it is actually a place where I worked 27 years ago, I think. I actually worked at 185 Berry. So, I just wanted to express my appreciation for everyone's work on this. It seems to allow us to move the project forward while securing public space, which I used to avail myself of when I was a younger man. I am happy to see BCDC staff, and the Respondent come to a workable solution on this.

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

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

VOTE: The motion carried with a vote of 20-0-0 with Commissioners Ahn, Addiego, Dorsey, Eklund, Gauthier, Gilmore, Gioia, Gonzalez, Gunther, Hasz, Hermosillo, Kimball, Kishimoto, Nelson, Pemberton, Ramos, Showalter, Taylor, Vice Chair Eisen and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

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

(No members of the public addressed the Commission.)

Commissioner Kishimoto stated: So, I did submit a question. I had a chance to talk to Harriet before, and I think I got most of my questions answered. This request is just to extend the installation period and not extend the period for the lights itself. But I just wanted to put a flag pin on this and maybe ask one more question.

Chair Wasserman asked for clarification: Which item is this on?

Commissioner Kishimoto answered: I am sorry, this is the Bay lights. There is only one item on there. I just raise it just because. I know we have permitted it already, but we are at a point where a lot of the cities are being educated and adopting dark skies ordinances. It is 48,000 LEDs. There was an environmental report that was commissioned by Caltrans that did show some impact. But the impact can be mitigated by the number of hours, whether it turns off at midnight or goes all night, that kind of thing. So, I know it is permitted already, I will support it today, but it is just something to pay attention to when this comes up again.

I just wanted to ask just from the public's point of view, and I guess even from my point of view. It is confusing to the public who has the authority on the basis of something like this. I guess it seems like we do not, because we do not regulate impact on birds or light pollution; but which among the many agencies would have that authority?

Regulatory Director Ross chimed in: Okay, yes. I just wanted to clarify that typically light pollution, dark skies ordinances, those are usually addressed at the local level, so the cities themselves, Oakland, San Francisco.

From our research there does not appear to be any dark skies ordinance by either of these cities.

And then regarding bird safety, migratory bird safety. We did consult with both CDFW and US Fish and Wildlife Service and neither of them are requiring any permits for this action, nor did they have any concerns with LED lights. We did work with I believe it was Fish and Wildlife Service on a special condition related to nesting birds themselves but not migratory birds, they were not concerned.

So just want to let you know. Indeed, the permit has already been issued, and we issued a time extension for the installation period, not for the operation of the lights. It is a 10-year project until 2033.

Chair Wasserman continued: Thank you. I do not see any other Commissioner hands.

8. Public Hearing and Possible Vote on the US Army Corps of Engineers, San Francisco District's Operations and Maintenance Dredging Program for 2026 through 2029 Consistency Determination Request.

Chair Wasserman announced: That brings us to Item 8, which is a public hearing and possible vote on the US Army Corps of Engineers' request for a consistency determination to implement a four-year operations and maintenance dredging plan for San Francisco Bay.

This will include seven federal deep-water channels, the Oakland Entrance, Inner and Outer Harbor in Oakland, the Richmond Inner Harbor, the Richmond Outer Harbor, Pinole Shoal, Suisun Bay and the New York Slough, Redwood City Harbor, San Bruno Shoal; and four shallow draft channels, the Petaluma River Channel, the Petaluma Across the Flats, Napa Upper and Lower River Channel, and San Rafael Creek.

The Corps will dispose of the sediment at authorized in-Bay disposal sites, beneficial reuse wetland restoration sites, and in the deep ocean approximately 55 miles off the coast.

Executive Director Goldzband will begin the agenda item, to be followed by BCDC's Regional Sediment Manager Brenda Goeden, as well as the Army Corps. We are very happy you are here today.

Lieutenant Colonel Brickner acknowledged: Thank you, sir.

Executive Director Goldzband added: We are really happy you are here today because we were concerned you could not be. I have this very lengthy preamble because we did not know you were going to be here, so I have shortened it, but I want to give the Commission a little bit of an overview about what is going on.

Because the dredging program that you are about to discuss is complex, to be sure. And this consistency determination is more complex than previous agreements.

After BCDC lost its litigation against the Corps almost a decade ago that was designed to increase the Corps' beneficial reuse of dredged sediment at habitat restoration sites, it became clear to me that, number one, the long-term management strategy that all dredging participants created almost 25 years ago is in need of a serious refresh.

Two, there is a continuing and expanding need for dredged sediment to find its way to habitat restoration projects.

And three, BCDC needs to update its own Bay Plan policies to encourage both of those things to happen.

The Commission's Coastal Zone Management Program as approved by NOAA seeks to minimize in-Bay disposal and maximize beneficial reuse. It also seeks to reduce impacts to Bay resources, particularly native and special status species of fish and wildlife and their habitats.

Concurrently, as I am sure you will hear from the Colonel, the Corps is under direction from its headquarters to increase the beneficial reuse of sediment, but it continues to operate under a very tight budget. Direct placement of sediment is expensive for several reasons. Combine that conundrum with the Corps' federal standard, which requires the Corps to select the least-cost environmentally acceptable option to dispose of dredged sediment, and candidly, it is much less expensive to dump sediment 55 miles off the coast or deposit it

somewhere in the Bay.

Thankfully, last year the Corps completed its 20-year planning process and included beneficial reuse in its long term plan for the first time in this region. To align beneficial reuse or increase beneficial reuse with compliance with the federal standard, the Corps needs to reduce the cost of dredging and disposal.

As you will see, the Corps intends to reduce ocean disposal and increase in-Bay disposal and use the federal hydraulic hopper dredge to do so in part. In essence, the Corps believes that it can increase the amount of beneficially reused sediment if it can also increase the use of in-Bay disposal sites. This will enable the Corps to build beneficial reuse into its federal standard process, which means the federal government agrees to both practice beneficial reuse and pay for it under the federal standard.

Our staff have agreed with the Corps on a program that should provide the Corps with the flexibility to run this experimental process. It is experimental because it has not been done this way before, in a way that balances the increased cost of beneficial reuse by increasing in-Bay disposal, which is cheaper.

Our Staff Recommendation, as you will hear, allows for significantly more in-Bay disposal than the Corps has done in years past, as well as significantly more hydraulic dredging over the next four years. But it also honors BCDC's commitment to protect Bay resources and work with our partner resource agencies, continue requirements for working within environmental work windows when various species are in the Bay, and limit hydraulic dredging in spawning areas when fish are at vulnerable life stages or are most likely to be entrained.

In addition, the Corps will have some \$16 million in state and federal funds during the next few months, if things go as planned, to support the additional costs of beneficial reuse, which will further support the Corps' efforts to maximize beneficial reuse.

So, while the Staff Recommendation before you today supports this program, this experimental program, it also requires the Corps to come before us annually, you annually, and report on the program's results. This experiment will also provide information for the Commission to consider as the Commission moves forward with the Sediment for Wetlands Action Plan and future updates to the LTMS Program.

In sum, this is an experiment and we believe it is a worthwhile one.

I usually do not go on like this before a permit or a consistency determination, but when it comes to things like dredging, which are really difficult unless you do it full time, thankfully I do not and thankfully Brenda Goeden does, it is really necessary to set the context, so I tried to do that. Brenda will further develop this and please make sure to write down your questions for Brenda. The Corps is here today represented by the Colonel, thankfully, and four or five staff members.

Lt. Col. Brickner stated: I am rolling six deep, sir.

Executive Director Goldzband acknowledged: There you go. And so, we will be able to answer the questions. We just want to make sure that you recognize that we are doing this a little different, well, maybe a lot differently this year, and we are using that as a way to learn and to influence the way BCDC's Sediment for Wetlands adaptation work moves forward in the next year or two, and you will end up seeing a Bay Plan Amendment as a result of that. So, with that, Brenda, I leave it to you.

Regional Sediment Manager Goeden spoke: Thank you, Larry. Good afternoon, Chair Wasserman and Commissioners. As Larry just mentioned, we are presenting to you today the US Army Corps of Engineers Operations and Maintenance Dredging Program for calendar years 2026 through 2029.

Presenting today for the Army Corps' Dredging Program is Lieutenant Colonel Virginia Brickner from the San Francisco District, she is the Commander there and supported by her staff.

As I get started with our presentation today, I want to note that the volumes of the proposed dredging disposal and beneficial reuse that were in the Staff Summary have been updated and are corrected in the Staff Recommendation. We had further discussion with the Army Corps to clarify some things. Those numbers are clearly laid out in Exhibits B and C of the Staff Recommendation as well as in the Authorization sections and in the Findings.

I also want to note for the Commission briefly, the differences between the state permits and the Commission's federal authority and process for federal projects.

First, the Commission is acting under the Federal Coastal Zone Management Act of 1972, as amended, rather than specifically the McAteer-Petris Act.

As part of its federal responsibility the Commission developed and NOAA approved its San Francisco Bay Coastal Zone Management Program, which is posted on our website under Resources, for your reference.

The Management Program includes the Commission's laws, policies and regulations. So, when we review the Federal Consistency Determination Concurrence Request, we use all of the applicable and enforceable laws and policies to evaluate it.

However, rather than submit an application we often receive a project description and analysis of how the project affects the coastal zone and specifically whether the project is consistent with the Commission's Management Program and its laws and policies.

Jurisdiction is also considered differently, as projects outside of the McAteer-Petris Act jurisdiction should be reviewed if there is potential to affect the coastal zone. So, if there is potential to affect the San Francisco Bay, that is your coastal zone. You could think about this as being for projects that are geographically adjacent with resource effects such as water quality, sediment transport, wildlife use, among other ways to determine whether there is an effect to the coastal zone, and then we would review it.

Two other major differences between federal consistency determinations and McAteer-Petris permits is that the federal government can be consistent to the maximum extent practicable if there is a federal law preventing its full consistency. It is important to note that the funding limitations are not considered a reason not to be fully consistent under the Coastal Zone Management Act.

Lastly, there are some policies that are not applicable to the federal government, specifically requiring them to get permits from other agencies. And also, the application review time is shorter than in the permitting program.

I will provide a quick overview of the project, and Lieutenant Colonel Brickner will provide a more detailed presentation.

As described in the Staff Summary and Recommendation, the project includes maintenance dredging of 13 federal navigation channels with disposal of the sediment at four in-Bay and two ocean disposal sites, and beneficial reuse of sediment at a wetland restoration site. The figure shows the federal navigation channels in red that are included in this Consistency Determination. Disposal sites, which are dots in the middle, I will show you a slide that is a little bit closer of that in a second, and the two beneficial reuse sites. Currently, the only two beneficial reuse sites that are available are Montezuma Wetlands restoration site in Suisun and Cullinan Ranch, which is adjacent to Mare Island.

A quick orientation to the aquatic disposal sites that are referenced in this presentation.

On the left side of the screen, you will see the San Francisco deep ocean disposal site approximately 50 miles out to sea. It is that green dot out there beyond the Farallones.

And on the right side of the screen, you see the four in-Bay disposal sites noted by the red dots inside the Bay, Suisun, Carquinez, San Pablo and the Alcatraz disposal site. And then one coastal near-coast aquatic disposal site, the San Francisco Bar just outside the Golden Gate, which is used primarily for the main ship channel.

The in-Bay disposal sites are designed to be dispersive, which means that once the sediment is placed there it moves into the deep-water channels adjacent to it. And they were designed this way to prevent mounding of these sites from the repeated use and potential to cause navigation hazards.

As proposed, the Army Corps would use both clamshell dredges, which are basically a large bucket dropped into the water to grab sediment and load it into a scow, and hydraulic dredges, which uses pumps to suck up the sediment through a drag head or pipeline, much like a vacuum cleaner. The clamshell is on the left, the hydraulic dredge, the Essayons is on the right.

The Army Corps proposed a range of volumes to be dredged over four years to provide the greatest flexibility in their program, with the goal of maximizing beneficial reuse and reducing in-Bay disposal. As a result, the Staff Summary and Recommendation analyzes the impact of the maximum program each year with both increased in-Bay disposal volumes and increases in hydraulic dredging. The Army Corps has noted and will explain further that they do not anticipate dredging the maximum volume nor the maximum amount of hydraulic dredge based on funding and equipment availability, but we did need to analyze the full program because it is proposed.

In addition, it is important to note that there is significant funding working its way to the Army Corps to cover the additional cost of beneficial reuse, as Larry mentioned. This is via a US EPA grant to the Coastal Conservancy with the expressed purpose of providing funding for the additional cost of beneficial reuse that is not accounted for here as the funding has not yet been fully approved and transferred to the Corps.

We are hopeful that the amount of beneficiary use will increase and in-Bay disposal volumes will decrease.

So, just to briefly discuss the changes to the Program from the last time you saw this Program 2019.

So, we have here a reduction in ocean disposal and an increase in in-Bay disposal in the first phase of the Program. This is a regional program, so they are phasing it in over four years. The first phase will help increase beneficial reuse by saving funding from ocean disposal.

The second phase is increasing hydraulic dredging, which also increases in-Bay disposal because the hydraulic dredges that are proposed is the Essayons which does not have pump off capability and so it would need to dispose in-Bay, and another dredging project within their program would cover the beneficial reuse in that exchange.

And this is the first time that the Army Corps, as they will describe in greater detail, has been able to include beneficial reuse in its federal standard at full federal cost.

For the Commission in accord with its Coastal Zone Management Program a few issues are raised.

The increase in in-Bay disposal may have additional impacts on water quality and wildlife uses of the Bay. It also creates challenges with the long established, long term management strategy for the placement of dredge material in the Bay region, known as the LTMS, and whether under this program the other dredgers in the region, and there is about 100 dredgers between the marinas, the refineries and the ports, will have enough volume available to them at the in-Bay disposal sites within the LTMS Program, or risk allocations. That is a discussion that the Commission may have to have in the future.

The increase in hydraulic dredging would increase entrainment of native and listed species, especially if the Army Corps uses it outside the environmental work windows created by the resource agencies to protect listed fish, among other species. While the Army Corps commits to working with the environmental work

windows, they are also hoping to use the federally owned hydraulic dredge more frequently and during the restricted period because that is when it would be available. Both hydraulic dredging and in-Bay disposals would affect listed and sensitive species during key life-stages, as described in the Staff Recommendation Natural Resources section.

For the Commission reference, the laws and policies we are considering today include policies that seek to reduce Bay fill. Dredge sediment when disposed of in the Bay is considered fill under our current rubric. Directs the Commission to protect native and special status species and their habitat for the current and future generations. And to evaluate dredging and filling projects in subtidal habitats thoroughly, minimize harmful effects, and only authorized projects that provide public benefits and when there is no alternative that is feasible.

The Commission's policies also require it to protect water quality, minimize dredging and in-Bay disposal and maximize beneficial reuse. In addition, the Commission should ensure that sediment is appropriate for aquatic disposal or reuse through testing and implement the recommendations of the resource agencies, expressly the environmental work windows.

When the impacts to natural resources of the Bay cannot be avoided, the Commission should require mitigation.

Lastly, the Commission should authorize removal of navigation hazards, reduce potential for oil spills and provide for the public trust needs of the region.

That concludes this part of my presentation. I will turn this over and welcome Lieutenant Colonel Brickner to do the Army Corps presentation. Thank you.

Lt. Col. Brickner addressed the Commission: Brenda, thank you. That was outstanding. I really hope that you all see how much we have worked together because I think our presentation nests very well with that overview that Brenda just gave.

Good afternoon, Chair and Commissioners. My name is Lieutenant Colonel Virginia Brickner. I have the honor of serving as the Commander of the San Francisco District of the US Army Corps of Engineers. It is truly a pleasure to be able to introduce myself to you all today in person and to bring my team along to talk through this RDMMP.

So, I do want to introduce my team that I have up here at the tables before I get started. From left to right there are Julie Beagle, Arye Janoff and Beth Campbell. We also have Rose Wang here. They will be prepared to answer a lot of those technical questions that I know you guys are looking at me in this uniform, like, yeah, she does not know. They do. They do. They have been working with your team and your staff, and they are just the best technical experts we have.

I am here to present our Regional Dredged Material Management Plan and the associated Consistency Determination for our Federal Navigation Program.

The Plan, Larry, as you mentioned, marks a significant step forward in our shared mission of stewarding San Francisco Bay, and it is a fundamental shift in how the Army Corps approaches dredging. We are treating sediment not as a waste product but as a valuable resource for us to build a more resilient Bay. I am very proud to represent this new paradigm, and I look forward to discussing how we can partner to achieve these critical goals.

This was already up in Brenda's presentation, but we wanted to really talk to you a little bit about it from the federal perspective and the Corps perspective as we approach managing this dredge material. Larry, you actually hit on this and so did Brenda. Cost is important to us because by law we have to accomplish our dredging program in the least cost manner, with consideration for technical and environmental factors.

For an overview of our Federal Navigation Program in San Francisco Bay, on this map our USACE channels are shown in red in the figure on the right. Some of these channels are dredged annually and others on a semi-annual basis.

Overall, this equates to about 2 percent of the Bay's surface area, and we dredge on average 1.6 million cubic yards in the Bay. You will see up there, there is a historical range. In low years we have gone as low as .5 million cubic yards, but we have also gone as high as 2.6. So that 1.6 number is kind of the average of what we see.

On this map also our placement sites are shown in purple and brown on the figure. So, I had to ask Arye, hey, some are purple, some are brown. I feel like that is a question I would ask. The purple are our active sites and the brown are planned. Some sites are aquatic, meaning that they are in the Bay, which we refer to as transitional, and you will see that as the third bullet under placement sites, transitional placement. Others are beneficial use, such as wetland restoration, beach nourishment or near-shore nourishment. We also utilize the deep-ocean disposal site approximately 55 miles offshore. The arrow points out there, it is SF-DODS, and Brenda had a better graphic of that in her presentation.

Now really diving into the meat of this Plan.

The *Regional Dredged Material Management Plan* is a comprehensive 20-year plan to manage the dredging and placement of sediment from the USACE navigation channels in San Francisco Bay. It is our long-term vision for maintaining these vital waterways.

As part of the process, we have identified the most economically efficient plan that adheres to requisite environmental regulations and engineering best practices.

A primary goal is to significantly increase the beneficial use, so on our slides we will refer to that as BU going forward, of this sediment. It means we will be using it for projects like wetland restoration, while actively avoiding disposal in the ocean.

To that end we have set a specific, measurable target. Our command philosophy for 2023 which was given to us by the Chief of Engineers establishes a clear goal, and that is to achieve 70 percent beneficial use of all dredged material by the year 2030. So, this effort aligns directly with our established national policy which mandates the maximization of beneficial use in all dredged material management plans.

Throughout this entire process we have been committed to broad and continuous engagement with our stakeholders. Collaboration with our community partners, environmental groups and government agencies, has been critical to the success of our Navigation Program, both in the past and moving forward.

So, we have heard the Bay Plan mentioned a few times here, so we really wanted to identify how this aligns with the existing San Francisco Bay Plan.

Our RDMMP is the engine that puts the Bay Plan's vision into action, and here is how they align on four key points.

Number one, maximizes beneficial use. This is our core alignment. We are shifting from treating sediment as a waste product to using it as a resource. Sediment is the raw material to help construct habitat and levees, and to protect our shoreline resources.

Secondly, it enhances natural resources. This is our primary tool for fighting sea level rise. Our wetlands need sediment to survive, and the RDMMP is going to provide that steady supply.

Number three, we support public access and recreation. These restoration projects double as community assets. The sediment we use may also build public trails, parks and viewing platforms.

And finally, number four, it provides a predictable framework. This moves us from a reactive project-by-project approach to a proactive regional plan. It creates consistency for our regulators, and most importantly, transparency for the public.

To give you a graphic representation of some of what we were talking about when we have been able to historically maximize beneficial use. You can see from the spikes in this chart that historically beneficial use of dredge material is something that has not been included for the status quo of our operations and maintenance dredging. It has only been accomplished in these spiked periods at times when we had to dredge outside of environmental work window, when there were external funds available so that big spike there with 1122 funding, or when a harbor has been deepened. You see that in multiple spikes but specifically there with the Oakland Harbor deepening and placement in Hamilton.

This slide shows the amount of beneficial use accomplished over the last 25 years. The main point is it has not been planned for year by year. It is something that kind of happened as opposed to something that we planned for, and we proactively tried to do. And it has all been paid for by separate processes. There will be some of that continuing moving forward, but we are going to talk about how the funding changes for this as well.

The RDMMP, by contrast, makes beneficial use part of our year over year status quo. It is what we are calling the Base Plan. It is clear that there has been a trend in recent years where we have been able to accomplish a significant amount of beneficial use volume due to multi-agency partnership and funding. The RDMMP builds off that success and helps the region achieve its restoration goals moving forward.

This graph just combines the one we saw before with how we see beneficial use increasing with the RDMMP implementation.

The first-time beneficial use would be part of our status quo navigation program, which means we would not need to rely solely on channel deepening or widening projects, out-of-work-window dredging payback, or external funding. Instead, this would mean that we raise the floor or the minimum beneficial use we can accomplish each year, and that we would be much closer to the region's restoration goals. This also means less money that non-federal partners would need to provide to accomplish maximal beneficial use of USACE's Navigation Program.

The red line that you see on the bottom on the right-hand side of the graph there indicates where our current program is in terms of beneficial use. It is only above zero because we do near-shore placement off Ocean Beach, but that is outside of BCDC's jurisdiction.

So, where we want to get to in Phase 1 is the yellow line above that. It would be the first phase of the RDMMP, which we could start this year.

Next would be that green line. So that would be a future phase, or Phase 2, which would accomplish significantly more beneficial use, over double of Phase 1.

And then you have the black line, which indicates the amount of beneficial use we could accomplish with additional funding on top of either phase, so that is really our ceiling.

We are working on several additional beneficial use funding opportunities, and Brenda mentioned this already, but one such agreement in the works right now is with the Coastal Conservancy and EPA among others. So, what this really does is sets a higher floor each year so that we are just getting a little bit closer to that ceiling and every year we are planning more beneficial use. There is less of a delta between what we plan for and where we think we can get to. We are just constantly getting closer and increasing that use.

This one has dollar signs on it, which is what everyone cares about. In the end money is a driver. How are we going to get there?

We are going to take a programmatic approach, and we are going to do that by lowering the cost of dredging in certain parts of the Navigation Program, such as by increasing hopper dredging, which is more efficient than clamshell dredging.

We will also increase the amount of in-Bay placement, which is the cheapest option. If you saw the continuation chart on the first slide I had up there, in-Bay placement, ocean disposal and then beneficial use, where the continuum of cost along that line. It is the cheapest option and results in more sediment staying within the Bay and the coastal system, but we also continue to avoid deep-ocean disposal.

Both actions mean more money in the program is available to cover the higher cost of beneficial use from select channels and would result in over a half-million cubic yards of sediment going to tidal wetland restoration each year. This is a substantial increase and the first time USACE would be able to beneficially use dredged material at 100% federal cost inside the work windows. Meaning we would not need any additional funds from state or other nonfederal agencies to achieve this. I do not want to say that we never want that, always a plug. We can always use more funds to achieve more. But with the RDMMP, again, we would not need additional funds from the state or other agencies to achieve that beneficial use that we are aiming for.

This dives just a little bit deeper into those changes as we talk about the floor, and I think identifies one of the concerns that Brenda had in her slide deck. As you dive deeper into these changes, here is what more in-Bay placement looks like.

We have the LTMS trigger line there, the Long-Term Management System trigger line, so everything feeds off that. We never want to hit, we do not want to hit that trigger line.

First in Phase 1, which is the yellow line, which we would like to start this upcoming dredging season, our in-Bay placement numbers would increase just slightly.

We can accomplish even more in Phase 2, which is the green line, and you see the in-Bay placement goes up higher. But the thing to take away from this slide is that it always stays below the 1.5 million cubic yard limit that we adhere to through the biological opinion with NMFS and the US Fish and Wildlife Service.

So, what that does, and why that really matters, is that it makes sure that there is still enough space for small and medium dredgers in Phase 2 while we are still placing more in-Bay. It leaves enough site and Bay-wide capacity for them as well. We want to make sure that there is that cushion there for other dredges. As Brenda said, there are hundreds of other projects in the Bay, and we are very cognizant of that.

Here is another way. Multiple graphs, right? Different ways to look at this. Everyone digests information differently. This is another way to look at the phased implementation and what it gets the region in terms of more beneficial use for wetlands and less material loss to the ocean. Again, the beneficial use presented here is paid for fully 100 percent by the federal program. Phase 2 gets us to approximately 12 million cubic yards to wetland restoration sites and would help us avoid approximately 21 million cubic yards being lost to the deep ocean over this 20-year period.

So how do we actually accomplish that? What does it look like? What does it look like in the communities and the places that we dredge? We are going to get a little bit more into the details on this slide. First, I am just going to talk about Phase 1. Phase 1 is that pale yellow/tan on the slide here.

First, that has no changes to equipment. We talked about wanting to increase use of hopper dredge right now in Phase 1. That is not where you are going to see the change. Where you are going to see the change is at Inner Richmond Harbor and where we take that sediment. So, what we would like to do is move from ocean disposal to beneficial use and in-Bay placement. That is indicated by the yellow blocks.

We have talked about increased hopper dredging, which is a part of this equation as well, but that will not occur in Phase 1, it is what would occur in Phase 2.

So, before Phase 2 we are going to come back and talk to you all again. They mentioned that part of this plan is that we have annual assessments of how we are doing. This would be something that would be discussed later as well.

But in the blue boxes you will notice that hopper dredging in Richmond and a portion of Oakland would mean a significant amount of beneficial use from Oakland and Suisun Bay would be able to be used in-Bay and for beneficial use. So those are the main changes coming from Phase 1 and then Phase 2.

Just another way to look at the same number but with a specific site. So, if we are talking about Richmond Inner Harbor, we can start Phase 1 next year pending your approval. We would be able to send approximately 50 percent of the material from Richmond Inner Harbor to beneficial use; the other half would be placed in-Bay. This would be instead of sending it to the ocean, which is what we currently do. Right now, currently, 100 percent Richmond Inner Harbor goes to SF-DODS. In Phase 1 this is where you are going to see that shift.

And then breaking down Oakland, which is where we mentioned no change in Phase 1 for Oakland, but you see that change in Phase 2. In Phase 2 we can send as much as 70 percent of the material dredged in Oakland harbor to beneficial use instead of sending it to the ocean. As stated previously, this amount of beneficial use represents the floor.

We talked about that about three graphs ago, that floor, or the minimum amount that would be funded by the federal government. We are also working with our non-federal partners on additional beneficial use projects, which would raise the volume going to beneficial use sites and require additional federal and non-federal funding.

I really think we owe a huge debt to all of our teams, both here at BCDC, at our federal partners at the Corps, is how everyone has collaborated and worked together to push this effort forward. That is laid out on this chart. It goes back to 2019. These are not even probably an 80th of the engagements that these teams have had together, but these are the really significant ones that have helped us shape this plan and move it forward.

It has been a multi-year transparent process that began with public scoping back in 2019, then a series of technical charrettes with an interagency working group which included BCDC staff. It helped define our gaps at USACE and our knowledge. These were subsequently scoped and studied these gaps in knowledge, with some being completed and others are still ongoing.

Throughout the plan formulation process we held public charrettes and presented to various working groups such as the LTMS to analyze alternatives and shape the plan's direction.

We held public meetings and released the draft EA for a 30-day formal public review period in the fall of 2024.

The RDMMP and EA package were approved by USACE in August of this year, and we currently have all other permits in place.

The feedback that we have received from our agency partners, stakeholders and the public was instrumental in getting us to this point. It has been incorporated into the final RDMMP and EA Environmental Assessment leading directly to our request for your concurrence with our Consistency Determination today.

This is just another slide showing where we are at. As you can see, we have completed and/or complied with all other environmental permits and regulations, and the Coastal Zone Management Act is the only outstanding item.

We want to send a thank you to the Water Board for being our CEQA lead agency and project partner.

We completed NEPA and CEQA this past summer in 2025 as well as all other applicable laws.

We are going to continue to coordinate with all applicable agencies as we progress through the upcoming Navigation Program phase.

To address a few of the things that Brenda had in her presentation, some of those outstanding concerns, some of those worries in terms of doing avoidance and minimization measures. We also have best management practices for our dredging program. We are going to implement the following: I am going to start with Work Windows, go down to Proactive Beneficial Use.

In Work Windows, we adhere to NMFS and the US Fish and Wildlife Service Biological Opinions. This is crucial for protecting key species and their habitats like salmon, delta smelt, longfin smelt, during their migration and sensitive life stages.

Habitat Protection. We are going to conduct pre-dredge surveys to document eelgrass or other anomalies within the channels or landside adjacent to dredging or placement areas. This allows us to maintain buffers or to avoid sensitive areas with sensitive species present such as eelgrass or herring. We coordinate with the California Department of Fish and Wildlife, BCDC, NMFS and the US Fish and Wildlife Service and other resource agencies.

Species Protection. To reduce fish entrainment, we encourage our dredge operators to abide by a best practice when activating equipment underwater. For example, maintaining contact with the sea floor while dredging and powering down suction pumps while in the water column. We are also actively researching data and science for potential innovations and dredging practices to reduce entrainment.

Water Quality. To protect water quality, we minimize turbidity by carefully controlling overflow from the hopper dredge. This prevents excess suspended sediment in the water column, which is a key requirement for our 401 Water Quality Certification.

Strategic Beneficial Use. Finally, our core mitigation strategy is beneficial use. This reframes the entire process, turning dredged sediment from a waste product into a valuable resource for large-scale wetland restoration, directly building the Bay's resilience to sea level rise. Together these measures form a comprehensive system, ensuring our operations are not only compliant, but that they contribute to the long-term health of the Bay.

We really just want to say thank you to the Commission, the public, the Tribes and all of our partner agencies. We feel this is a huge step forward for our dredging program and for our collective interest in stewarding the San Francisco Bay and ensuring the long-term viability of our critical wetland habitats against the changes that we all face. This is a landmark change for the approach for the Army Corps of Engineers, and we are proud to represent this paradigm shift toward treating sediment as a resource, while accomplishing our mission of keeping navigation a priority in this region. I want to say thank you for your time, and our team is ready to take any questions.

Chair Wasserman acknowledged: Thank you very much for that presentation and for the work behind it.

I will now open the public hearing. Do Commissioners have any clarifying questions? I emphasize clarifying. We will then go to public comments and then to comments and other questions from Commissioners.

Commissioner Nelson commented: Just a question, both for the Colonel and for Brenda. And that is, the tradeoff here is in-Bay disposal and hopper dredging in order to get more beneficial reuse. We have spent a lot of time talking about disposal sites. Can you talk for a moment about the water quality and environmental impact differences, the difference between the impacts from clamshell and hopper dredging.

Ms. Goeden asked: Would you like me to start? I can start.

Commissioner Nelson replied: Sure, please.

Ms. Goeden explained: So, there's two phases, right. There's the dredging phase and the disposal phase, so I will start with the dredging phase. With clamshell dredging it is a slower process, so it tends to go longer than a hopper dredge. But what happens is, as I mentioned, the dredge head, which is sort of like the shape of a cockle shell, gets dropped through the water column. As it drops through the water column the mouth opens and it hits the bottom and scoops up the dredge material. One of the interesting things about a clamshell dredge dropping through the water column is it creates a pressure wave that pushes things away from it as it drops, and so the thought is that you see less entrainment in that actual clamshell dredge. The animals that are on the bottom, the worms, the clams, crabs, probably are getting caught up if they cannot get away from that clamshell dredge quick enough, but they are dropping the clamshell 35 feet through the water in many cases so there is a little bit of time.

The hydraulic dredge, as we mentioned, is a suction. It has what I call the sphere of influence, but it has an area around the head of the dredge that is literally sucking water and sediment into that head. Now the head is on the bottom, but there is water and sediment being pulled in from around. And the other thing is there is a water intake pipe. So, if you think about sand mining, we have a fish screen on the water intake pipes. On the Corps' dredge we have not been able to institute that minimization measure because of technical feasibility, from my understanding, so there is entrainment through the water intake pipe.

And so, what we see because we are sucking things in rather than pushing them away is more entrainment into the hydraulic dredge. It is also pulling in a lot more water as it pulls sediment in because you have to pump water and loosen up that sediment and use it to create that suction. So, you are getting more water at a time and that also creates more of an entrainment issue.

So, I think that would be the basic way of describing the two differences from the dredge side. In both cases you are removing sediment from the bottom where animals are living. The animals that cannot get away go up in either direction with the clamshell or the hydraulic dredge.

So, on the in-Bay disposal side, I think they are fairly similar. Because what you will have with the clamshell dredge is loading the sediment into a scow. Approximately 6,000 cubic yards of sediment at a time gets transported to an in-Bay disposal site or an ocean disposal site. The bottom of the scow opens and the dredge material falls down into the water column. Some sediment is stripped off as it goes into the water and some just lands in a big heap on the bottom. You have some increased turbidity from the disposal of the sediment as it falls through the water column. Turbidity is cloudiness or sediment in the water column, which can reduce respiration, cause coughing, cause animals to leave.

And when it hits the bottom, it buries what is there. So, whatever is living in the disposal site is buried by the sediment that is likely placed on top of it rather rapidly. There is some thought that some animals can withstand that and dig their way out, but I think given the volume of material that is getting dropped on them it is likely there is a lot of burial with some crushing.

On the hydraulic dredge, the Corps' Essayons or their Yaquina, the same thing happens. The whole plant, the whole dredge plant moves together to the aquatic disposal site. It is in-Bay rather than ocean because it is inefficient to take it out to the ocean. I think Colonel Brickner or her staff could tell you more accurately the volume of material that is in that hull that gets dropped down, but I think it is three or four times larger because it has a bigger space. So, it can take more sediment to the in-Bay disposal sites, drop it through the water column, same basic effect.

Also, with both you would see some immediate drop in dissolved oxygen because of the sediment. Well, actually that may not be true for the hopper dredge because it is aerating the sediment as it is taking in. But with the clamshell you may see some drop in dissolved oxygen which may cause some additional respiratory challenges. Or just flat out the animals leaving the can, getting out of the way and leaving that area to come back later, potentially, or just stay away.

That is my basic, easy way of describing it. I welcome the Colonel and her team to add their thoughts.

Lt. Col. Brickner asked: Julie, did you have something?

Ms. Beagle replied: Yes. Thanks, Brenda, that was really helpful. This is Julie Beagle with the Corps. A couple things I just wanted to add in addition to Brenda's comments.

One, I think we have said this, but the hopper dredge is much quicker than the clamshell, so in terms of time of impact, it is just something that we have considered. It can be better for communities, both wildlife and people, if the dredging is happening in a shorter time period.

Another thing to consider is where we are on the placement side. Taking material into the Bay or to wetlands can be a quicker trip. Taking material all the way out to the ocean in terms of greenhouse gasses is also a huge thing. I know that is outside the purview of BCDC, but it is important, I think, to all of us in terms of emissions, so we are happy about that as well.

In terms of in-Bay placement, both near-shore placement and at the in-Bay sites that have already been established, Brenda is right that there is an immediate impact to the benthic species on the Bay floor. However, studies have been shown that there is a fairly quick recovery of the benthic community. And in terms of the benthic community being a proxy for fish food, we have found that species are able to find food in other places and the areas are small enough.

We had a really nice study coming out of the USGS that showed recovery at some of these dredge sites of the benthic communities in two years to three years. And at our near-shore placement site that we piloted in 2023 off of Eden Landing the USGS has shown that the benthic species can recover up to functional community levels, not species by species, but to a functional level within six months. So not to minimize it, just wanted to make sure we have kind of all of the considerations. So, I just wanted to add that.

Does anyone else? Beth, do you want to add anything?

Ms. Goeden chimed in: And if I could just clarify, because Julie raised some great points, but the strategic placement site was a one-time placement and the study took place after the placement. The in-Bay disposal sites are used by the Army Corps of Engineers and all of the other dredgers in the community, and so we are not anticipating that they have months or years really to recover over the timeframe that you would at the strategic placement site where there was a one-time placement.

Ms. Beagle agreed: Yes, that is a great point, Brenda.

One other thing to add is that we have been monitoring entrainment using multiple methods. There are some consistent methods and then there are some experimental methods that we have been working on with the USGS, UC Davis and ERDC, which is the research arm of the Corps. And we are in the process for this new RDMMP re-evaluating how we are monitoring entrainment so that we can get to best practices. Really making sure fish can get out of the way. Making sure, and this was mentioned by the Colonel, that the drag head gets into the mud before it starts sucking. Some best practices that have been going on and we are trying to really maximize that.

Commissioner Nelson acknowledged: That is helpful, thank you.

Ms. Campbell commented: I am Beth Campbell. I am the Regional Fishery Biologist for the San Francisco District, so I am definitely interested in fish. To me this program does represent some significant changes. We will be hopper dredging possibly in Oakland or Richmond harbors in the winter and that is different. So, we have gotten together. Also the agencies, including Brenda, have voiced some concerns. So, we are approaching it from two different points of view. I am more of a fisheries manager anymore, I am not a research biologist anymore, and so I am taking some of Brenda's concerns.

We do not have much data on the fisheries inside those harbors; we have always assumed that fish do not really go in there. I assume we do not have data because they are different difficult to sample trawling with a net because of all the boat traffic, so we just assume, though, that fish are not really going to want to go in there. We are planning on monitoring those. I am approaching it looking at we want to make sure that we are addressing the agency issues such as, are we capturing certain species or sizes of listed fish.

Whereas we have also been talking to our research scientists. They are the ones that Julie mentioned, where we are looking back. We have done a lot of monitoring already. But again, it is not in these new places or times. But we are trying to figure out what we know now, which methods work best, and then what we still do not know. And so rather than solving management issues they are interested in reexamining the scientific questions that we have asked in the past and then formulating new scientific questions for the new dredging. And so, we are approaching it from both a management perspective and a scientific perspective to do new monitoring and to use the monitoring to develop new, for example, avoidance and minimization measures.

For example, in Oakland and Richmond we already do eelgrass monitoring. And herring spawn over eelgrass and we are trying to think if we can incorporate that monitoring to try to reduce impacts on the herring over.

Mr. Janoff asked: Is there time for me to jump in and say one more thing?

Chair Wasserman replied: Sure.

Mr. Janoff commented: Thank you. Arye Janoff, I am a Planner with the Corps; I was a planner on the RDMMP. I just wanted to raise in the discussion of impacts to your point earlier about there being not only existing sea level rise but anticipated future sea level rise, we have to think about opportunity costs.

The impact of sending sediment to the deep ocean and losing that sediment forever, at least on human time scales. Because it is 2 miles deep, 55 miles offshore. In keeping sediment our primary goal would be sending it to beneficial use and focusing on wetlands restoration, but to take a systems level approach is very important. It is the subtidal, the shallow areas, the intertidal, and also supratidal or the upland areas. The whole system needs to be able to adapt and increase elevation as sea level rises, so keeping sediment in all parts of the Bay is important as well. Thank you.

Commissioner Eklund was recognized: First of all, thank you very much for a great presentation, Colonel.

Lt. Col. Brickner acknowledged: Thank you, ma'am.

Commissioner Eklund continued: And for full disclosure, I did work for the Army Corps of Engineers from 1969 to 1977 and then went to EPA for 35 years, so great federal service.

Lt. Col. Brickner asked: I was going to ask if you wanted to come back?

Commissioner Eklund replied: I would love to. And it is great to see a woman in the position of District Engineer. We always had the male, but it is nice to see a woman, so it is wonderful. You mentioned Hamilton in your presentation. I am from Novato. Are you going to be using that as a site as well?

Lt. Col. Brickner called on staff: I am going to let Julie take that. Hamilton is in the monitoring stage. We did the restoration and it is in monitoring. Bel Marin Keys is up there. But Julie has the tighter details on that.

Ms. Beagle explained: We were using Hamilton as an example of how we had accomplished beneficial use in the past.

Commissioner Eklund continued: It is wonderful. But doesn't it sink over time?

Ms. Beagle answered: There is monitoring going on. We are approaching the tenth year of monitoring, and so that does lead to some adaptive management needs. I think one thing to point out that was on Brenda's slide and the Colonel's slide is Bel Marin Keys is another site that is just next door that is in the planning phases and hopefully will become one of the sites that we can take material to through this plan and also through partnerships with the other agencies.

Commissioner Eklund continued: So, then Hamilton, has it been dropping, subsiding some?

Ms. Beagle explained: In certain parts there has been some subsidence that we are learning from, so it has been an amazing test case for us to see. When you do fill up a polder or a deep-dive Bayland. How much sediment do you actually need? How much settling is there? That varies. That has varied on where the placement is and what the habitat type, seasonal wetlands, have varied from the tidal marshes. So, all those lessons learned; that is continuing to be understood. And then I think from there we see, okay, do we need to do some more near-shore placement to get material to it naturally? You do not want to affect the vegetation that has grown already and so it is under consideration.

There is a TAC that meets every year. There is a huge amount of science that has been produced from that to understand both how to manage Hamilton in terms of its subsidence or success. We have actually had Ridgway's rails spotted there in the last year. There have been a couple sightings over the years, but it is increasing, which has been a huge success for the region, I think. And learning lessons learned from Hamilton, Sears Point, Cullinan, each time we get better as a region.

Commissioner Eklund offered suggestions: Right. I would really encourage people, if you happen to be in North Bay, stop off and take a look at it, because there is actually a runway underneath the wetland. But it is huge, like 400 acres or something like that, so it is absolutely huge. So, thank you very much for all of your hard work; and again, congratulations, Colonel.

Lt. Col. Brickner acknowledged: Thank you.

Commissioner Gunther chimed in: I will have more to say later about this extraordinary achievement, but in terms of the clarifying questions, two things I wanted to clarify.

Number one, we are beginning to look in the broader scale at in-Bay disposal as a way to store sediment for future use, which is a huge shift in our thinking.

And then I also wanted to understand, the amount of beneficial reuse we are likely to do is a function of how much money we have. So, if we find some pot of gold somewhere in the next --

Lt. Col. Brickner interjected some levity: Let me know where it is at.

Commissioner Gunther replied: You will be my first call. Does the RDMMP allow? I mean, we know exactly, if we get some more money, we know exactly what we are going to do because we are planning ahead. Do I have that right?

Lt. Col. Brickner agreed: You do, sir. Arye, I know you have been focused on that really heavily. Do you want to?

Mr. Janoff stated: Yes, I think this goes to the slide where you were talking about the floor and the ceiling. The ceiling changes any given year based on how much rain there is, and then for how much sediment we dredge. But yes, the RDMMP is a 20-year look ahead. But it could also be further than that and it really sets the standard of how much we are paying for 100 percent federal; and then we know above that, what is that delta.

Actually, one of the alternatives in the RDMMP was, how much would it cost and how much sediment could we send to beneficial use if we sent as much as possible. So, we have that laid out there. These are cost estimates on volume estimates. It is obviously variable year over year. Dredging is a precise business, but I think in terms of figuring out the volumes in the future, it is not super precise. But I would say that we know how much money, rough order of magnitude, we would require to get more beneficial use and how much we can get by volume.

Commissioner Gunther continued: Right. But you are also ready. You are like standing ready in case.

Lt. Col. Brickner chimed in: If the EPA or the Coastal Conservancy got more money, like the 1122 that we got, we would be able to identify additional beneficial use opportunities and jump on them.

Mr. Janoff agreed: That is exactly correct.

Ms. Beagle added: So just a very specific example from about two hours ago, we were on a call with the Coastal Conservancy and EPA. EPA has money. They are passing it to the Coastal Conservancy, who work on an MOA with us, to get us money. If you noticed in the Colonel's slides, the one she showed about Oakland, right now Oakland goes to SF-DODS. In Phase 1 Oakland will go to SF-DODS. In Phase 2 if we can increase hopper dredging it will go to beneficial use. We feel like it would be really great if we could get Oakland to go to beneficial use next year while we are in Phase 1.

The RDMMP does not pay for that. We have had a series of working meetings with other agencies. The EPA is sending this money so that we can use it, through this MOA agreement, to take Oakland to beneficial use next year. In Phase 2 then we will not need that because it will be going with the RDMMP. So, it is a real puzzle of mixing and matching. But yes, we have a number of these agreements in the works, both with the EPA, with the Coastal Conservancy, but also with other groups.

Arye runs our Beneficial Use Program. We just started it in the last few years as we have gotten this up and running. There is another program through, it is so many acronyms I will not tell you, but it allows us to cost share the incremental cost of beneficial use. And so, we have a number of groups, both on the outer coast because we work up and down the coast of California and within the Bay who are saying, we want your material, how can you get us material.

For example, DWR has a project just on the edge of the Delta, and we are working with them on an MOA to cost share the incremental cost of beneficial use. So, to your point, we have a number of these extra things in the works and that is all on top of the floor of what the RDMMP is accomplishing.

Commissioner Gunther continued: But the interest both ways for these extra things is also, as I see it, and tell me if I am right, a function of having the RDMMP in place in this way so that that your agency is now looking for partners. And partners, potential partners see you in a different way than they used to see you. I think that is an extraordinary development.

Ms. Beagle stated: Thanks. We hope so.

Lt. Col. Brickner added: We really hope that other agencies and other people see it that way, sir, because that is exactly what we are going for. Thank you for identifying it that way.

Ms. Goeden chimed in: If I could just also address Commissioner Gunther's first statement. The in-Bay disposal sites are not storage sites for future use. They are dispersive disposal sites that sediment moves into the deep-water channels and keeps traveling on its way, potentially to the ocean, particularly for Alcatraz. So, while the Corps has called them transition sites, we do not have any scientific information at hand now that says that those are storage sites for future use.

Commissioner Gunther explained: Brenda, I did not say the sites are storage sites, I said the Estuary. In-Bay Disposal in the Estuary is in essence a way of storing sediment instead of taking it to SF-DODS.

Ms. Goeden replied: I must have misheard you.

Commissioner Gunther stated: That is something that I am very, very enthusiastic about.

Ms. Goeden acknowledged: Great. Thank you for the clarification.

Commissioner Gilmore commented: Thank you very much, Chair Wasserman; and thank you to both the staff and Corps. This has been an amazing presentation and there has been a lot of information presented here today so forgive me if I have missed this, but I have a question about work windows.

Basically, my understanding is a work window is the period of time in which work in the Bay can be done with the least amount of harm to sensitive species. I thought I heard something that said that the use of the hopper was going to be done outside of the work windows because that was when the equipment was available. If that is correct my question is, when you look at the dredging program, what percentage of time will the work be done outside of the work windows?

Lt. Col. Brickner clarified: No, ma'am, I think that is a very fair question. To start off before I hand it off to our technical team, the goal is always to accomplish our dredge mission within the work window, that is always the goal. Unfortunately, between equipment failures and sometimes availability of equipment, we work with NMFS and with Fish and Wildlife to be able to dredge outside those windows. But I am going to hand it off to Arye and Julie because I think they have the more technical answer that you are looking for, Ma'am.

Ms. Beagle stated: Yes, it is a great question and really worth clarifying. I just want to say something that I do not think has come up yet in either presentation is that both in our CEQA/NEPA document with the Water Board and in our NMFS Bi-Op we have ways to mitigate when we work outside the window.

We have a new calculation that builds from a CDFW proposal, and the Water Board has worked with us with all the agencies to offset the extra hopper dredging that we are doing. We have this calculation that then calculates how much beneficial use we owe or pay back to the system and so it increases the amount of beneficial use that we accomplish. And this is this concept that there is a short-term impact to species from hopper dredging and we are looking at a long-term benefit of really restoring wetlands over the long-term that those same species use for their life cycle. So that is both for the extra hopper dredging.

And then for dredging outside the work window, because as the Colonel said, sometimes we try to dredge in the work window. I have learned that the dredging industry is very complicated and sometimes things are outside our control and they go outside the work window. We also pay back that amount of sediment to beneficial use. So, there is kind of two times, two ways of mitigating, both for that extra hopper dredging and for dredging outside the work window. I hope that made sense.

Commissioner Gilmore continued: Thank you. It did, but I am not sure that it really answered my question. My question goes more to the percentage. I guess maybe the percentage of time that you anticipate hopper dredging outside of the work window, if you can put a number on that? And if you cannot do it because we are looking so far out, could you give me an example just from Phase 1, potentially?

Ms. Beagle replied: I do not think I can say a percentage of time. There is no change of equipment in Phase 1, and that is at least covering 2026 dredging. And so, we have continued to have work to do with our agency partners to basically account for that change in Phase 2, which we think will occur within a few years. So that is working with NMFS on that Bi-Op, working with US Fish and Wildlife Service. I wish I had a number to give you, that would be great, and it is a really nice metric for us to think about. I do not think we know often. Hopper dredging is much quicker, which is one of the benefits of it. Do you have anything to add to that?

Mr. Janoff added: Well, I can jump in. I am not quite sure a percentage of time. I guess you are asking in with respect to the rest of the dredging program. But we can talk about volumes, we can talk about which channels. As Julie mentioned, there would be no additional hopper dredging in Phase 1. In Phase 2 the cost savings achieved by the hopper are in Richmond Inner Harbor, which I think, off the top my head, is about 300,000 cubic yards on average; and a portion of Oakland, and that is only on the order of 200-225,000 cubic yards. Relative to the volume across the whole dredging program, on average, as the Colonel mentioned, was 1.6 million per year. So those are all average numbers. I do not know off the top of my head what that proportion is by volume.

But to Julie's point about time, the hopper dredge is more efficient and we have to compete for that resource with other districts in the Corps and also other private dredgers. Depending if it is a contract hopper dredge or a federal hopper dredge we share that resource with the Alaska District, LA District, Portland, Seattle, and the Honolulu District.

We do not know necessarily the percentage of time, but I think I gave you an order of magnitude of what the hopper dredge volume is relative to the rest of the dredging program in Phase 2. But I would note that the beneficial use volume is higher than any volume that we would be hopper dredging. So, it is not only self-mitigating, it actually goes beyond that, it is proactive beneficial use as well.

Lt. Col. Brickner noted: And ma'am, Julie mentioned it is a good metric. It is something for us to take away from this meeting. It is something for us to develop as we move forward and we come back and we report to BCDC where we are sitting and how it has gone in Phase 1 to try to develop those metrics for the Chair and for the Commissioners so that you have that as a way to evaluate how well we are doing and what we are doing. But I do not think we are going to be able to fully answer the question to your satisfaction right now.

Commissioner Gilmore acknowledged: Thank you. You have given me at least a baseline and I appreciate the effort. Thank you very much.

Executive Director Goldzband chimed in: Brenda and all, I am going to hopper in here. And Brenda knows as well as I that I certainly could get this wrong. But we at BCDC staff are rather used to the Corps and others coming to us after the work window, because Brenda and her team know pretty much what is going on during the work windows, and hearing well, we could not finish and so we have X amount left. So, we are pretty much used to that, and we know it goes to beneficial reuse and the whole payback system.

But, Brenda, what I would like to just encourage you to do, and the Colonel stole my thunder this time, is to make sure that as we have the Corps come back to us, we have both historical data with regard to what has happened outside the work window under the existing system, as well as current data as we move forward, if that would be okay with you.

Ms. Goeden acknowledged: Yes, that is absolutely fine. And I would just say to Commissioner Gilmore's question, currently the hopper dredge, for the last six years or so, has only been used in the work window at Richmond Outer Harbor or Pinole Shoal.

The difference with Phase 2 is as the Corps currently proposed they would potentially use, when available, a hopper dredge for a portion of Oakland or a portion of Richmond outside of the work window, where they would still do hydraulic dredging in other areas within the work window. And so, it is those two channels that currently appear to be the area that gets the best cost savings.

But they have been noted by the resource agencies as important spawning grounds for not only herring but also lifecycle issues or smaller fish and potential entrainment for longfin smelt. But that is into the recommendation so we can talk more about that.

But we have definitely been discussing each and all of this with the resource agencies. And I think part of the Corps commitment is to go back and reconsult with them on some of the changes to the program as currently designed.

Commissioner Showalter was recognized: It just brought to mind the question of, what does another dredge setup cost? What does a hopper dredge cost?

Lt. Col. Brickner replied: That is a fun question going around the enterprise right now. The Corps of Engineers is actually looking at replacing the Essayons, it is near the end of its boat lifecycle. I have heard \$28 million, I have also heard \$2 billion. You get those wild swings in military procurement. But I would say, Arye, I think you are going to have a better answer than me. A dredge is extremely expensive ship building. It is a very specialized ship building format. And the majority of them are actually more on the East Coast.

I know that I do not want to speak for other people, but as we move into this RDMMP can we entice the possibility of some of those East Coast dredgers wanting to relocate a hopper dredge out here to the West Coast if there is more hopper dredge opportunities in these work windows.

Right now there is only one hopper dredge episode in the Bay per year so they are not going to put one out here, so that is why we use the Essayons and the Yaquina and bring them down. But if there are more opportunities to work in the Bay, could we convince a larger company or the Corps of Engineers, if they increase their fleet, to station a hopper dredge close to our area. LA is here, there are other ports available, so I think that is part of it as well. But the cost. I have heard the cost very widely. I would get on my Google right now and be like.

Commissioner Showalter noted: So lots.

Lt. Col. Brickner continued: Probably close to \$28 million I think. But, Arye, do you have any better numbers than that?

Mr. Janoff stated: Well, ma'am, I think you gave a very good answer and very specific. I would not have known the range of building a new hopper dredge.

Lt. Col. Brickner added: I was on the Essayons and they mentioned it, so I Googled it.

Mr. Janoff continued: Perfect. And I know that the discussion of like the recapitalization effort of the Essayons, they are discussing having pump-off capability. Which means that the federal hopper could also accomplish beneficial use potentially or near-shore placement. I know it is outside the jurisdiction of BCDC, but when we did the pump ashore at Ocean Beach we used a contract hopper in order to do the pump-off because the federal hopper cannot do that currently. But if we are able to do that with the federal hopper in the future that would be great.

Another thing I would note, because the Colonel was mentioning trying to attract dredgers to home port their equipment out here. There are currently no contract hopper dredges that live on the West Coast. Any time we have a contract that is shared with all the different districts they have to mobilize the hopper from the Gulf Coast or the East Coast. And I believe they go through the Panama Canal. The order of magnitude of that mobilization is \$8 million, probably going up, especially in the future.

And if we are able to show that there is increased demand for hopper dredges, especially if they have pump-off capability, those contract hoppers do and can do beneficial use, then that would mean that they might homeport a dredge on the West Coast and then would lower the cost for the whole region and potentially maybe even lower the cost of beneficial use.

Ms. Campbell chimed in: I would like to add something, and it is just regarding the new Essayons. We are also, in addition to pump-off capabilities we are suggesting screening the water intakes and those sorts of things to reduce fish entrainment as well.

Commissioner Gauthier commented: Thank you for the presentation. This is really enlightening, listening to everything that is happening. For the beneficial use of the sediment. Which phase are we looking at that potentially happening? And if that is going to be the case, how are we going to work with the communities that could benefit from the use of the sediment to shore up their area? What is the plan?

Mr. Janoff fielded the question: Thank you for that question. Both Phase 1 and Phase 2 have beneficial use included, although at different levels. Phase 1 is on the order of 150,000 or so cubic yards per year, whereas Phase 2 is closer to 600,000 cubic yards per year. Those are currently focused on wetland restoration.

In those cases, if we are sending it to an existing wetland restoration project, it would be coordinating with the site in terms of ensuring building into the plans public access. Those are not our sites, so we do not have planning capacity in that case.

Although to Julie's point, we have our Beneficial Use Program where we are actively and have, as part of the RDMMP and now transitioned into the Beneficial Use Program, actively trying to engage community-based organizations. We actually used BCDC's CBO tool as part of the RDMMP to reach out to communities and try to ask, who needs beneficial use projects.

There is, I think, ancestral remains at Big Break that we have talked about using beneficial use for that for a cultural resources purpose. We have talked with East Bay Parks. Trying to look at all different ways that we can do beneficial use in different communities. Especially some communities like in Central Bay that do not historically see all that much beneficial use because usually it is wetland restoration. So also looking at maybe beach building in Central Bay for using coarse enough sediment from certain channels.

So, we are really trying to look at this in a whole new way. We are trying to engage communities throughout every step of the process. We also have another avenue through which we can engage where we would have yearly meetings where folks can come and say, are there any new beneficial use sites that maybe the Corps is not aware of. And we can then hopefully bake that in into the federal standard or the site that is least cost potentially. Or if not then do the cost share opportunity that Julie mentioned as well.

Chair Wasserman noted: I do not see any other hands for clarifying questions.

Do we have any public speakers?

Laura Tam gave public comment: Thanks so much. Hi, everyone. Laura Tam with Bay Planning Coalition. We participated in the development of this plan beginning in 2019 and offered comments to the Water Board and USACE at the end of 2024.

I want to say that as has been said, this plan is really historic because it optimizes beneficial reuse of sediment, enabling the federal government to pay for it well over and above previous dredging programs.

You all know already that reuse is critical to sustaining our region's marshes, beaches, habitat connectivity and flood protection, especially in the face of rising sea levels. Under this preferred alternative we are going to get much more of this now. Not just allowed but paid for through increasing in-Bay disposal and leveraging hopper dredging.

It is a real win for all of us here that the federal government has adopted a 70 percent beneficial reuse goal by 2030. Super timely for the alternatives evaluated in this process. It is going to be on all of us to help find a steady stream of funding to implement it, but this management plan is a huge shot in the arm.

I have four quick points to make, mostly in support of implementation.

First, we recommend that BCDC and other agencies evaluate the benefits of heavy regulation of dredging technologies on our ability to do more beneficial reuse. You all may or may not know that San Francisco Bay has the most expensive dredging costs in the nation.

BPC members of our coalition, particularly small and medium-sized dredgers, see the value of both reevaluating work windows and the permissibility of hydraulic dredging that could reduce operational costs and constraints and make sediment reuse and delivery more viable. We have made this comment previously to BCDC as it finalized the SWAP last year. It sounds like there is a lot of ongoing study by USGS and others to identify and limit negative impacts, that is great. And we do have local dredgers who would probably seize the opportunity to acquire and to do more hopper dredging, so I am not sure we need East Coast companies to come out. That is an opportunity to continue exploring.

Second, we are interested in BCDC and partners re-examining the disposal limits set in the LTMS over 25 years ago, and amending the Bay Plan to adjust them. We look forward to being involved in that.

Third, with more sediment becoming available we encourage USACE, BCDC and partners to fund studies to determine the capacity of in-Bay disposal sites to handle additional sediment, as well as evaluating new placement sites. There are placement sites that have been studied but not prepared for taking sediment that should be evaluated for feasibility and considered in the future.

And finally, we encourage all agencies, BCDC, USACE and the Water Board, to continue meaningful collaboration with the private sector and with other agencies to implement this plan, including adopting it over time as funding partnerships, placement opportunities and sea levels evolve. Thanks.

Chair Wasserman asked: Any other questions or comments from Commissioners?

Commissioner Showalter stated: I am so excited that this is before us. Working on the South Bay Salt Pond Project in the teens, it became abundantly clear to me, and I was not alone, that the amount of sediment we had for restoration was exceedingly deficient, and our ability to get it where it needed to be was not an easy task either.

In 2021, an SFEI report called *Sediment for Survival* quantified what that deficit was. It is a whopping 450 million cubic yards of sediment that are estimated to be needed for wetland restoration and associated activities before 2100. That is a lot of dirt. So having this change is just amazing.

I know that there has been advocacy on many parts. I have taken part in advocating through the National League of Cities to have this WRDA bill changed and I know I was not alone either, there were many, many people stepping up to say we need to change this.

Essentially, the federal standard or the cost benefit analysis has functioned as a brick wall to stop beneficial use. And so what we are seeing here is a kind of a moving, a crumbling, a deciding that we do not need this brick wall anymore, that we can do it a different way, that we can change the language that was around in the '70s when I was in graduate school, when we call things dredge spoils. It is just music to my ear to hear you say that now the concept is to change dredge material to a construction material from a waste product. It has been what 30, 40, years in the coming? It is just wonderful to see this happening. It is so important.

I just really want to share that these changes matter. Of course, analyzing proper work windows, how we reduce the impact to species, making sure that local communities are involved. All of these things are germane to the issue. But I just want to say that I enthusiastically endorse this.

And the other thing I want to say is it is really good that you are going to be coming back annually and talking to us about this. We all know that what gets monitored and reported on gets done and evaluated and it makes progress. We all work with deadlines, and these are very, very significant deadlines, So I am pleased to see that that is included.

I think that this is a very sound program and that makes sense given all of the people I know who have been working on it for all these years. I wholeheartedly endorse it. But I wanted to make those comments about how this has been a long time coming and how the advocacy is important.

I brought up the question of, how much money does it cost because you cannot advocate to Congress, but we can. As we listen as Commissioners to this sort of thing it gives us knowledge about what should we be asking our legislators to do. That is important, it is an important part of our job. So, I just wanted to say those words and I will be interested to see what my colleagues have to say.

Commissioner Gunther commented: Like Commissioner Showalter, I have been at this for a long time, and as a consequence I share the perspective of how extraordinary this achievement is. Of all the interesting slides you put up, Colonel, the one that showed the discussion starting in 2019, and is a tremendous amount of perseverance and I know of creative thinking on the behalf of your staff, on behalf of the Water Board staff and BCDC staff, to think about how we can make this happen.

I was astonished that when the NEPA/CEQA document came before the Water Board it was on our Consent Calendar, which shows you how much work has been done ahead of time with stakeholders in the region. Certainly, as a Board Member I was deeply appreciative of that fact as well as of the excellence of the work done.

I hope that as we go forward - I think you brought up Mr. Chairman, the Thwaites Glacier, and just the concept. I think that there are many other ways that sea level might go up faster than people think. We are going to be, in my opinion, in a situation where we are going to have to make sure that we see the whole forest and do not get lost in the trees. This effort, which I hope the work of our Sediment and Beneficial Reuse Working Group will contribute to, has the chance 30 years from now to be looked at as incredibly visionary, because we began this process.

I would expect that the next time the Corps is here with us we will find out that there are more partners, more projects, more ways that we are reusing sediment because the RDMMP was created and this allowed all of you to really steer the ship in this new direction.

Particularly when we understand how much less sediment is coming into the Estuary than it used to be, it makes the sediment even more valuable for us. I for one am thinking about, Colonel, recording you on my phone saying the sediment is a resource, and using that as a little alarm or something because it is so wonderful to hear. I want to congratulate Brenda and the Water Board staff and your team as well because I think this is something that will be paying dividends for decades and decades.

Chair Wasserman announced: I would ask for a motion to close the public hearing.

MOTION: Commissioner Showalter moved to close the public hearing, seconded by Commissioner Dorsey. The motion carried by affirmation.

Chair Wasserman continued: Brenda, will you make the Staff Recommendation.

Ms. Goeden read the following into the record: The staff recommends that the Commission conditionally concur with the US Army Corps of Engineers that the proposed 2026-2029 Dredging Program is consistent to the maximum extent practicable with the federally certified San Francisco Bay Coastal Zone Management Program.

Over four years it:

- Authorizes between 7.5 and 17.65 million cubic yards dredged from 7 deep-water draft and 4 shallow draft channels
- Disposal of between 4.35 and 7.98 million cubic yards of sediment at in-Bay disposal sites
- Beneficially reuse between 440,000 cubic yards and 3.9 million cubic yards sediment at wetland restoration sites

- Increase the use of hydraulic dredging in up to 7 channels

The Staff Recommendation includes conditions to the Letter of Agreement, among others, to:

- Provide an integrated alternative disposal site analysis each year to determine the feasibility of increasing beneficial reuse and reducing in-Bay disposal due to funding and equipment availability
- Report progress of balancing increased in-Bay disposal and increased beneficial reuse, entrainment, and mitigation successes to the Commission
- Dredge within the environmental work windows, but if infeasible, beneficially reuse sediment as mitigation
- Restrict hydraulic dredging at Oakland and Richmond Harbors during herring spawning season, and at Suisun Channel during the Delta smelt spawning season
- Test the sediment to ensure appropriate quality of sediment for beneficial reuse or aquatic disposal

That is the end of my recommendation.

Chair Wasserman asked: Does the applicant accept the recommendation?

Lt. Col. Brickner replied: We accept the recommendation, sir.

Chair Wasserman continued: Thank you. I want to make a couple of comments. I am not sure this is so much a historic moment as a milestone on a really historic changing moment in tide. Brenda's presentation and the Colonel's presentation have talked about it, but this is truly a sea change in the approach of the Army Corps and all of us to the use of sediment. Commissioner Gunther certainly talked a great deal and appropriately about how important it is, and Pat Showalter put a number to it. This is a real sign of progress, and we ought to celebrate it.

At the same time, and I was reminded of this because of the discussion of Hamilton, we lost last year a giant in this movement in Jim Levine. He was an amazing representative of how business can contribute to the public good; and I am going to ask when we adjourn this meeting that we adjourn in memory of Jim Levine.

Pat, would you like to make a motion?

Commissioner Eklund replied: Yes, I would like to move the Staff Recommendation. And one last comment, I have been on a hopper dredge and so I really am glad that you are increasing the use of that hopper dredge because it is so much more impressive than a clamshell. It is admirable. I had no idea it was going to cost millions or even a billion dollars to have a new one. But that good old hopper dredge is a good one and I hope it lasts a little bit longer. Thank you.

Commissioner Gunther chimed in: I second the motion.

Commissioner Nelson added: Two quick thoughts.

First, I just want to reinforce the Chair's comment about the sea change with regard to how the Corps thinks about dredging. I think we have got two big changes. I am one of the veterans of the LTMS process 20 years ago and I think we have got two big changes. One is the Corps is now enthusiastic support for reuse. That is wonderful. And the second is, a much increased sense of urgency about the need for reuse given sea level rise and climate change. So, I just wanted to reinforce that.

I do have one question for staff and that is about work windows. I just want to make sure, Brenda, that when we get regular reports about how this program is being implemented that we get numbers about how those work windows are working and how much work is being done outside of the work windows. I understand that the mitigation is designed to mitigate for that, but those work windows are there for a reason to avoid impacts to listed species, sensitive species. I just want to make sure that our regular reports are going to include reports on how much work the Corps is doing outside of those windows.

Ms. Goeden replied: Absolutely. We track that regularly so we can provide those numbers.

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

VOTE: The motion carried with a vote of 18-0-0 with Commissioners Ahn, Addiego, Dorsey, Eklund, Gilmore, Gioia, Gonzalez, Gunther, Hasz, Hermosillo, Kimball, Kishimoto, Nelson, Pemberton, Showalter, Taylor, Vice Chair Eisen and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

Chair Wasserman acknowledged: Thank you very, very much.

9. Public Hearing and Vote on Recommended Enforcement Decision to Resolve Enforcement Cases

ER2019.038.00, ER2025.001.00, ER2025.002.00, ER2025.003.00, and ER2025.004.00. Chair Wasserman stated: The Commission will hold a public hearing and possibly vote on whether to adopt the Enforcement Committee's Recommended Enforcement Decision regarding unauthorized fill and development on Van Sickle Island in Solano County. This addresses property that is adjacent to Montezuma Slough on the Island.

The Enforcement Committee adopted the revised Executive Director's Recommended Enforcement Decision during its December 10, 2025, meeting, which amended the Executive Director's Recommended Enforcement Decision presented to the Enforcement Committee on October 22, 2025.

First, I would like to ask the Respondents if they are present in person or on Zoom to come forward and identify themselves.

(No Respondents identified themselves.)

Chair Wasserman continued: All right, we are going to proceed.

BCDC staff will first present the cases, the proposed Cease and Desist Order, the Civil Penalty Order and the proposed Stipulated Civil Penalty Orders for our consideration, after which time each respondent will be given an opportunity to comment if they are here and wish to do so.

After all the presentations have been given, we will have a public comment period, and then we will have Commissioners allowed to ask follow-up questions.

All speakers must limit their presentations and comments to the evidence already made part of the record which has been published online with this meeting's agenda, and/or the policy implications of the evidence. The introduction of new evidence is prohibited.

Before Ms. Boyd gives her presentation, I want to do two things. First, I open the public hearing on this matter. Second, I invite Commissioner Gilmore, the Chair of the Enforcement Committee, to give a brief summary of the two public hearings which the committee held on these cases in October and December. Chair Gilmore.

Enforcement Committee Chair Gilmore addressed the Commission: Thank you, Chair Wasserman. The Enforcement Committee held two public hearings to address the unauthorized fill and development occurring in the Montezuma Slough and adjacent properties on Van Sickle Island, Solano County. At its October 22 hearing the Enforcement Committee reviewed the evidence pertinent to these cases, which included presentations and comments by staff as well as those respondents who attended, specifically Allen Kanady and the Kittrell Estate and its representatives. The Enforcement Committee voted to continue the hearing until December 10 to allow time for staff and respondents to engage in settlement negotiations.

On December 10, the Enforcement Committee held its second public hearing on this matter and voted to adopt, without changes, the Executive Director's revised Recommended Enforcement Decision against Respondents Thad Woodin, Bill Woodin, Steve and Lesley Belcher, Allen Kanady, and the Kittrell Estate, as the Enforcement Committee's recommendation to the full Commission.

As a reminder to my fellow Commissioners, I am going to summarize the actions that we are allowed to take today pursuant to BCDC regulations.

We may:

One, adopt the recommended Enforcement Decision without any change in the proposed Cease and Desist and Civil Penalty Order and proposed Stipulated Civil Penalty Orders;

Two, we may dismiss the entire matter by voting not to issue any proposed orders or adopt the recommended Enforcement Decision, including one or more proposed Orders while dismissing the other proposed Orders;

Three, remand the matter back to the Enforcement Committee or the staff for further action as the Commission directs; or,

Four, reject the recommended Enforcement Decision and decide to consider the entire matter de novo. In this event, the Commission shall continue the public hearing to the next available Commission meeting when it shall proceed in accordance with the same procedural requirements as the Commission must follow under BCDC regulations.

At this time, I am going to invite Ms. Amanda Boyd to make the staff presentation.

Staff Attorney Boyd presented the following: Thank you, Commissioner Gilmore.

Good afternoon, Chair Wasserman and Commissioners. My name is Amanda Boyd. I am a BCDC staff attorney.

Today's presentation is on five separate but related enforcement cases. Involved in these five cases are six different respondents. You can see their names on the screen here. They are Thad Woodin, Steve and Leslie Belcher, Allen Kanady, Bill Woodin, and the Kittrell Estate. These cases involve the placement of unauthorized fill and unauthorized development in the Commission's jurisdiction occurring at various properties adjacent to the Montezuma Slough on Van Sickle Island in Solano County.

But the story behind today's cases is pretty simple. At the center of these cases is one individual, Thad Woodin. He is a property owner on Van Sickle Island. And you are going to learn today about how Thad Woodin was the one who placed the fill at issue. As for the other respondents, they are the other property owners in this area whose properties contain the fill which Thad Woodin placed.

As Commissioner Gilmore mentioned, before we dive into the substance of these cases I just want to remind, again, the Commission of the available options that it has with respect to the Recommended Enforcement Decision. As she mentioned, the Commission could:

Adopt the Decision without any changes.

It could adopt the Decision but not issue one or more of the proposed orders.

It could dismiss this matter entirely.

It could remand back to staff or the Enforcement Committee.

Or finally, it could reject the Decision and simply decide this matter for itself at the next Commission meeting.

Here is our roadmap for today. I am going to begin by covering the law which defines what a violation is. I will cover the locations of the violations, a quick overview of the timeline of the investigation. I will cover some of the defenses from certain respondents. And finally, we will get into the specifics of the Recommended Enforcement Decision.

Okay, let me begin by covering quickly the law at issue today. The McAteer-Petris Act requires that anyone who wants to place fill in the Commission's jurisdiction needs to get a permit to do so.

Fill is defined broadly and includes any substance or material in the Commission's jurisdiction.

Furthermore, the Suisun Marsh Preservation Act requires that anyone who wants to undertake development in the primary management area where these items are located also needs to get a permit from the Commission.

Development is similarly defined broadly. It includes the placement of any solid material and includes the disposal of any solid waste.

As you will learn today, despite these requirements, none of the respondents have received a permit to place the items and debris that you are going to hear about, so we are just setting the table for why the items you will hear about today are violations at all. Now let's get into it.

Turning to the area where the violations are happening. The violations are located in the Suisun Marsh, in the primary management area within the Commission's jurisdiction. These items are also in the Commission's Bay and 100-foot shoreline band jurisdictions.

One of the violations is in the Montezuma Slough, and the other five violations are across five privately-owned properties adjacent to the Montezuma Slough.

I just want to orient in everyone's minds where these properties are in relation to one another. Here is a parcel map sourced from the Solano County Parcel Viewer. From left to right you will see the Belchers' property, Thad Woodin's, Allen Kanady's, Bill Woodin's, and finally on the far right you will see the Kittrell Estate's property.

Now the specifics of Violation One. Violation One consists of two different types of structures or vessels. The first is a 68x33 foot barge, which is right now completely submerged in the Montezuma Slough. Also included in Violation One is a 20x25 foot recreational vessel, which is right now mostly submerged in the Montezuma Slough.

On the left here is a picture of the barge, that white structure, before it sank. On the right you will see it as it was sinking.

Here are underwater photos taken by the Solano County Sheriff's Office, which depict the sunken barge encircled in black there.

And as mentioned, Violation One includes a smaller vessel which is mostly submerged and is depicted here in the green space encircled in white.

Moving on to Violation Two. There's a couple of different types of items included in this violation. This includes a derelict car and a derelict silver trailer on Thad Woodin's property.

Also included is a derelict boat, which is partially on Thad Woodin's property.

And finally, there is all sorts of debris, trash, plastic containers, derelict machines, strewn all over Thad Woodin's property next to the Slough.

Turning to Violation Three. This consists of two derelict boats which are partially on the Belchers' property or fully on the Belchers' property. On the lefthand side is the derelict vessel partially on their property, and on the righthand side is the boat fully on their property.

Turning to Violation Four. This consists of three types of items on Allen Kanady's property. Depicted here is a derelict Argo, which I learned was an amphibious craft.

Depicted here are two derelict boats also included in Violation Four. There is also a derelict lawn mower included but unfortunately it was completely obscured by plants, you will not be able to see it in these photos.

Turning to Violation Five, which consists of four types of objects on Bill Woodin's property. Here are photos of a derelict truck, car, derelict ATV and four different derelict boats on Bill Woodin's property.

And finally, we have our final violation, Violation Six, which consists of a derelict silver truck on the Kittrell Estate's property.

At the top of the presentation, I did mention that we learned during our investigation that Thad Woodin was responsible for the placement of the fill.

Now, on April 11 of 2025 BCDC staff walked the levee road and conducted a site visit with Thad Woodin and captured in several videos, which are all included in the Violation Report, his statements of ownership and direct responsibility for the placement of this fill.

Here is a table summarizing our discussion so far. I have separated this into violation, applicable respondent, with just a brief description of the items which constitute the violations. No respondent has received a permit to place these derelict vessels, this trash, this debris, and so these items do constitute violations of both the McAteer-Petris Act and the Suisun Marsh Preservation Act.

Let me take a few moments just to walk you through quickly the timeline of events here, of investigation and the enforcement process.

Let's go back to 2017. Solano County Sheriff's Office responds on August 26 of 2017 to a call that Thad Woodin's barge was sinking in the Slough. They generated a report which found that he was responsible for the sinking of this barge.

BCDC staff do conduct several site visits of the area. These three site visits, November 23 of 2022, and September 24 of 2024, and December 11 of 2024, those generated the photographs that you just saw.

On November 15 of 2024, BCDC staff makes contact with Thad Woodin wherein he admitted the ownership of the various fill and responsibility for placing it and he did promise to remove the fill.

However, by February of 2025 the fill remained.

BCDC staff reached out to the other property owners via Initial Contact Letters in February of 2025. The letter did state that they must remove the fill from their property.

In April of 2025 Solano County let us know that it had applied for a NOAA grant actually to remove the sunken barge from the Slough.

And of course, in April 11 of 2025 BCDC staff conduct a site visit with Thad Woodin which produced those statements of ownership and direct responsibility. He said he would remove most of the fill except for the barge.

However, by July 8 of 2025 the violations persisted. BCDC staff sent the Violation Report to all respondents.

From July 14 to August 12 of 2025 we did receive Statements of Defense from nearly everyone except for Thad Woodin.

A few days after the deadline, on August 15, Thad Woodin did submit his Statement of Defense, which was not timely filed.

We did learn happily, however, from July 9 to August 29 of 2025 that four respondents had removed the fill from their properties. Those respondents were Steve and Leslie Belcher, the Kittrell Estate, and Allen Kanady.

I would like to move on now to the history of the Enforcement Committee hearings on these cases. There were two public hearings on these matters and there is a good reason for that.

The first took place on October 22 of 2025. I presented on those cases. Several of the respondents who attended gave their comments to the Committee. At that time the Enforcement Committee felt it was significant that we had one individual, Thad Woodin, who was the one placing the fill on everyone else's items. And so, the Committee voted at that time to continue the case to December so that we could have time to negotiate settlements with those respondents that had not directly placed the fill and had removed the fill from their properties.

And we were able to do so. In October of 2025 we entered into proposed settlements with those four respondents who had removed the fill from their property.

And then we went back before the Enforcement Committee on December 10 of 2025, and at that time the Committee did vote to adopt the Executive Director's Recommended Enforcement Decision without any changes. And of course, that Decision included the terms of those settlements.

So, to be absolutely clear with everyone, as of today the violations do persist against Thad and Bill Woodin. The settlements do resolve the violations against everyone else.

Let's turn now to the admissions and defenses submitted by Thad and Bill Woodin. I am only going to address their admissions and defenses just because we have already reached settlement with the other respondents and there are no issues of controversy with them.

In his Statement of Defense, Bill Woodin did admit that the fill identified in Violation Five was on his property.

Now, we will discuss a little bit more about Thad Woodin's Statement of Defense in a little bit, but I will point out that if the Commission does want to consider his arguments, he did admit that all of the items on neighboring parcels were his.

Let's turn to the sole defense raised by Bill Woodin. Bill Woodin argues that he did not personally place the fill himself. He argues that he did not know the fill was there and so he should not face responsibility for it.

In reply, we point out that BCDC may hold a landowner responsible for unauthorized fill placed on their property by someone else, even if they did not know about the fill.

And this is based on *Leslie Salt vs. BCDC*. This is a case from 1984. Specifically, this case imposes strict liability on landowners for violations of the McAteer-Petris Act, even if that fill is placed by someone else.

The final Statement of Defense to address today is Thad Woodin's.

We sent the Violation Report to him on July 8 of 2025, which means that he needed to send his Statement of Defense back to us by August 12. He did not do so. He submitted his statement of defense on August 15, which is after the deadline.

But if the Commission would like to consider his arguments, I can quickly summarize them. He first argues his items are not fill at all, but of course the McAteer-Petris Act defines fill very broadly. It includes any substance or material in the Commission's jurisdiction.

He next argues that certain things on his property are "grandfathered" in, quote/unquote. But the structures he cites in his Statement of Defense are not at issue today.

He next argues that a penalty would create an adverse condition in his life. But he did not provide any supporting documentation to back that up. We are not able to assess that claim.

Next, he claims that we gave him all summer to clean up his property due to certain safety issues, environmental issues associated with removing the fill during the wet season. We do agree that there were safety issues, environmental issues that come with trying to remove the fill during the wet season. We actually decreased the penalties he is facing on that basis. But of course, he cannot escape compliance with the law on that basis, nor does it provide a basis for reducing the penalties altogether.

He next requested confirmation. He points out that this matter has not been brought before a judge. But of course, that is not relevant to the legitimacy of today's administrative hearing.

In his Statement of Defense, the final point about this one, Thad Woodin requested to cross-examine Anne Usher, who is sitting next to me. Ms. Usher is the Enforcement Analyst who investigated these cases.

I will just point out, as an initial matter, cross-exam is not available at a Commission hearing.

At the same time, cross-examination is sometimes available at the Enforcement Committee hearing level. But Thad Woodin failed to attend either of the Enforcement Committee hearings on these cases, which means that to the extent there was any process available to him at that time, that is now waived.

Let's turn to how BCDC staff calculated these penalties that these respondents are facing. Our regulations are very clear about the process of calculating the penalties. We were careful to closely observe the regulations on calculating the penalties.

First up, Appendix J of our regulations requires that each violation be classified as minor, moderate or major in two respects, in gravity of harm and in extent of deviation from the requirement to get a permit to place your fill. So, from that classification a daily penalty amount is assigned for each day that the violation exists.

So, let's take, for example, Violation One. Violation One we classified as major in both gravity of harm and extent of deviation, and the daily penalty amount assigned to that violation was \$1,900 per day that the violation existed.

We did that same analysis. Similar classifications were assigned to the other violations and daily penalty amounts were also assigned to each violation.

The next step is calculating how long these violations have existed, which is then multiplied against that daily penalty amount.

Violation One started a long time ago. It started August 26 of 2017, which means that violation existed for over 3,000 days. All of the other violations persisted for at least 1,000 days. Due to length of time that has passed, we are now at the statutory maximum for each violation of \$30,000.

Our regulations also allow us to decrease the penalties by a certain percentage based on various factors. Those factors include things like the cooperation of respondents or their degree of culpability, whether the violation was an accident. We determined, based on the specific circumstances of each violation and respondent, that there were appropriate deductions in order. The adjustments ranged from 5 percent all the way up to 40 percent for some violations.

There are a lot of numbers on this slide. I am just showing you these numbers of what the penalties would have been before we entered into proposed settlements. The penalties range from \$18,000 to \$28,500 per violation. But of course, we were able to enter into settlements with four of the respondents.

We entered into settlements with Steve and Leslie Belcher, who removed the fill from their property on July 9 of 2025. The settlement proposed is \$3,500.

Next, we were able to enter into a settlement with the Kittrell Estate, who removed the fill from their property July 26 of 2025, and the proposed settlement for that Respondent is \$500.

And finally, for Allen Kanady, he removed the fill from his property August 29 of 2025, and the settlement for him is \$8,000.

With respect to Thad and Bill Woodin, we are not able to present a settlement to you today with these respondents. They have willfully delayed the resolution of the violations against them. We sent the Violation Report nearly five months ago. Wet season is upon us. There are now increased difficulties with removing the fill, which they were aware of, and still they have not removed the fill from their properties.

Here are the final penalty amounts proposed against everyone.

Thad Woodin does face a penalty for every violation. He is solely responsible for Violations One and Two.

In Violation Three under the terms of the settlement the Belchers pay \$3,500, leaving Thad Woodin with \$14,500.

Violation Four, Allen Kanady would pay \$8,000 under the settlement, Thad Woodin is responsible for the remaining \$17,500.

Violation Five, Bill and Thad Woodin share responsibility for the \$18,000 penalty.

And Violation Six, under the terms of the settlement, The Kittrell Estate pays \$500, leaving Thad Woodin with \$17,500 in penalties for that violation.

The total penalties for all of the violations you have heard about today, \$135,000. The total amount facing Thad and Bill Woodin, \$123,000; though of course Bill is only responsible for those penalties for Violation Five.

Let's get into the Recommendation, the specifics here.

The Enforcement Committee recommends that the Commission approve the Recommended Enforcement Decision, which includes a proposed Cease and Desist and Civil Penalty Order against Thad and Bill Woodin requiring them to stop violating the McAteer-Petris Act and Suisun Marsh Preservation Act.

Thad Woodin specifically needs to do a few things. By May 15 of this year, 2026, he needs to resolve Violations Two, Three, Four and Six, and remove the smaller boat from Violation One.

He needs to let us know right away when Solano County learns of the results of their funding application.

And depending on the results of that funding application, he needs to do one thing or the other. If the funding is granted, he needs to work with Solano County to remove the sunken barge. If it is not granted, he needs to identify another source of funding, if appropriate, and apply for it.

No matter what happens with the funding, by September 30 of 2026, Thad Woodin needs to remove the sunken barge.

Both Thad and Bill Woodin would be responsible for resolving Violation Five by May 15 of 2026.

And they have the \$123,000 in penalties due 30 days from Order issuance as apportioned as we just discussed.

The Decision also includes the separate Stipulated Civil Penalty Orders which incorporate the terms of the settlements with those four respondents we talked about.

Of course, the Staff Recommendation. We concur with the Enforcement Committee on the Recommended Enforcement Decision and recommend that the Commission adopt this Decision, including the proposed Orders before you.

Let me finish today. I very much appreciate your attention through this presentation, and I just want to end the presentation by going through the options again available to you. Adopting without any changes, adopting the Decision without any changes; adopting the Decision but not issuing one or more of the proposed Orders; dismissing the matter; remanding the matter; or rejecting the Decision in favor of reviewing this matter yourselves at the next Commission meeting.

I am going to exit out. Thank you so much, Chair Wasserman. I can take clarifying questions.

Chair Wasserman asked: Thank you. Are any of the Respondents present?

(No Respondents addressed the Commission.)

Chair Wasserman continued: Do we have any public comments?

(No members of the public addressed the Commission.)

Chair Wasserman asked: Do Commissioners have any questions?

Commissioner Hermosillo spoke: Is there a way that we can incentivize the fines to be paid if there is direction from the Commissioners to move forward with penalties? To reduce the cost by like 3 percent, 5 percent, and tie it to time to help incentivize paying the penalties.

Ms. Boyd responded: If I am understanding the question correctly, at this time that is not included in the terms of payment. The 30 days deadline in which to pay the penalties is right now set in statute after order issuance, so that is not contemplated in the Order before you today.

Commissioner Nelson asked about deductions: Thank you for a very thorough presentation, I really appreciate it, and thank all of the hard work by both staff and the Committee. I do have one question. Could you walk us through again the rationale for the deductions that you present on that one slide. I did not, frankly, follow the thinking there.

Ms. Boyd explained: Of course. The deductions ranged and were different depending on the violation. Violations One and Two, Thad Woodin is solely responsible for those violations, and so the deductions were not as high as you will see for the other violations where other respondents had cooperated more closely with staff, where they had not directly placed the fill themselves. That was significant to staff and is available as a reason to reduce the penalty in our regulations. There were a number of factors in that respect.

Probably one of the most significant factors as well was that at times it is out of control for all respondents, the times of the year that they could remove the fill safely. So, we wanted to ensure that that was captured fairly and the penalties levied against Thad and Bill Woodin. And so, you will see that a number of factors, including the ones that I have mentioned, went into why there is a lower penalty than the statutory maximum per violation. Please let me know if there is anything more specific you would like to discuss.

Commissioner Nelson acknowledged: No, that is helpful, I appreciate it.

Commissioner Eklund was recognized: I am kind of curious, did you also look at ability to pay?

Ms. Boyd replied: Ability to pay is available as something to consider under our regulations. Unfortunately, we are not able to assess ability to pay until a respondent, and this is in our regulations, a respondent needs to provide supporting documentation and raise that claim themselves in their Statements of Defense. No respondent did that, so we are not able to assess that claim really at all meaningfully.

Commissioner Eklund asked about a hypothetical: Based on past performance, what if he does not pay? What are the steps that you guys would take?

Ms. Boyd explained: If a respondent does not pay within the deadline set by statute and in the Order then we are able to refer that to the Attorney General's Office for initiating an action to collect that payment.

Commissioner Eklund continued her inquiry: Okay. And then what if he continues not to remove the stuff that is there?

Ms. Boyd replied: Again, if a respondent fails to follow the deadlines to remove the fill as set in the Cease and Desist portions of the Order, similarly, we can refer to the Attorney General's Office for initiating an action to get injunctive relief to be able to remove the fill.

Commissioner Eklund asked: Has BCDC ever had to remove stuff themselves? Because if he just does not do it, eventually.

Chair Wasserman interjected: We do not have the ability to remove, ourselves. We refer it to the Attorney General's office to seek judicial enforcement against the violator.

General Counsel Scharff added: They get a court order, an injunction that orders him to do it. If you violate those orders, there's further penalties that occur. Eventually people do it because it gets worse and worse.

Senior Enforcement Analyst Usher chimed in: And I just want to add on this point because it is relevant that Thad has removed some items, they are completely off Van Sickle Island. It is just that unfortunately for each of the remaining violations on each parcel he did not fully remove everything. But at least through this process he has continued, including very recently, he and his father, who is Bill, have continued to reiterate to me their full intent. I will also be remaining in touch with them.

Vice Chair Eisen commented: I just wanted to comment. I have been on the Enforcement Committee for a while now. This is definitely one of the more complicated matters that we have ever had to consider. Both because factually it was very difficult to keep straight what had happened, where and who was responsible for it, but also because the equities were very different depending on which incident we were talking about.

I just wanted to, A, thank Commissioner Hasz and Commissioner Zepeda who were brand new to the Committee, for all of the work they did trying to sort all of that out with us; but also to thank the staff who just did an extraordinary job trying to manage what was an incredibly complicated situation. And of course, as she always does, Chair Gilmore handled it beautifully. I wanted to thank all the people who contributed to what we were able to accomplish in terms of settlements, et cetera.

Commissioner Gioia spoke: I just want to thank the Enforcement Committee for all its work on this and coming up with what I think is a fair outcome and Recommendation. There has been a lot of harm here and it is unfortunate that it looks like the violator really did not engage in this process in a meaningful way. It seems that we have really no alternative but to move forward with this and I will be supporting it.

Chair Wasserman continued: I see no other hands raised I would entertain a motion to close the public hearing.

MOTION: Commissioner Eklund moved to close the public hearing, seconded by Commissioner Gonzalez.

Chair Wasserman recognized Commissioner Gilmore: If there are no other comments, Commissioner Gilmore, do you want to make the presentation of the recommendation.

Enforcement Committee Chair Gilmore stated: Thank you, Chair Wasserman. I would like to move that the Commission accept the Enforcement Committee's Recommendation on, and I do not have it in front of me, the Civil Penalty Orders and the Cease and Desist Orders. And if I am missing something, staff, could you please help me out.

Ms. Boyd chimed in: The Recommended Enforcement Decision includes the Cease and Desist and Civil Penalty Order as well as the three separate Stipulated Civil Penalty Orders.

MOTION: Commissioner Gilmore moved that the Commission accept the Recommended Enforcement Decision to Resolve Enforcement Cases ER2019.038.00, ER2025.001.00, ER2025.002.00, ER2025.003.00, and ER2025.004.00, seconded by Commissioner Eklund.

VOTE: The motion carried with a vote of 19-0-0 with Commissioners Ahn, Addiego, Dorsey, Eklund, Gauthier, Gilmore, Gioia, Gonzalez, Gunther, Hasz, Hermosillo, Kimball, Kishimoto, Nelson, Pemberton, Showalter, Taylor, Vice Chair Eisen and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

Chair Wasserman continued: Thank you all. And I join in thanking the Enforcement Committee for their efforts on this as well as staff. Thank you.

10. Briefing on the Regional Shoreline Adaptation Plan Progress. Executive Director Goldzband announced: Our last agenda item today was spurred by, I will argue, the Commissioner to my left, to some extent, Commissioner Eklund, who wanted to make sure that the Commission understood where exactly we are with regard to regional shoreline local plans coming before the Commission and how that is working. I really encourage all of these local officials whom we see, city council members and county supervisors, to tune in to Dana's presentation.

Chair Wasserman announced: We are now at item 10. We are going to receive a briefing from staff on the progress to implement the Regional Shoreline Adaptation Plan, the RSAP. As of the end of the year, BCDC had accepted and posted notices of initiation for single and multi-jurisdictional subregional adaptation plans covering areas within five counties and eight cities. Staff will provide details on the status of individual plan developments in the region and on staff's efforts to support the successful development of those plans.

Dana Brechwald, our Assistant Director of Planning for Climate Adaptation, will provide the briefing.

Assistant director of Planning for Climate Adaptation Brechwald addressed the Commission: Good afternoon, Commissioners I am just getting my tech to work. I will try to make this snappy since we have just had two very meaty agenda items.

While our Adaptation Planning Manager Jackie Perrin-Martinez is out on maternity leave I have been taking over leading BCDC's program on implementing the Regional Shoreline Adaptation Plan. What this means is over the past year we have been working with cities and counties to get them started on their subregional shoreline adaptation plans.

I am really pleased to say that in the little over a year since you all adopted the Regional Shoreline Adaptation Plan in December 2024, we have had a lot more interest and initiation of plans than I think we expected. We are very pleased that we have many early adopters coming on the scene.

First, I want to remind you, as Chair Wasserman eloquently said earlier in the meeting as well, that sea level rise is not exclusively a future problem. We are dealing with water today, albeit periodically and not permanently.

Our King Tides in late 2025 and earlier this month seriously impacted homes, our ability to get around on regional transportation infrastructure. I was personally impacted by the closure of southbound 101 in Marin because it is the primary north-south connector in that county. Our access to the shoreline and many shoreline businesses.

I share these images, which I am sure you have seen a lot of already, to remind us of the urgency of identifying and implementing shoreline flooding solutions starting now to avoid impacts like these or worse in future years. So, I selected a range of photos from across the Bay Area to also remind you that flooding does not pay attention to jurisdictional boundaries. It is a shared problem for every community that touches the Bay, or even the communities that rely on shoreline infrastructure and do not touch the Bay, which surprised everyone. These photos show Marin in December and January.

The next slide shows the San Francisco, Embarcadero in early January.

And then the last slide that I have here shows Redwood City and Oakland in the early January King Tides.

Many of you can probably recite this slide back to me by now because you have heard it so many times, but I want to remind us of the journey that brought us here today.

Our Regional Shoreline Adaptation Plan and the creation of subregional plans by shoreline cities and counties is mandated by SB 272 enacted in 2023 and specifically names BCDC as the agency responsible for developing guidelines and reviewing and approving plans along the Bay shoreline.

It gives cities and counties within BCDC's jurisdiction until 2034 to complete local adaptation plans and links plans to funding, which I will talk about more in a future slide.

As I mentioned, you adopted the RSAP, which contains both regional vision and priorities for adaptation as well as guidelines for local plans in December 2024. The past year has really been focused on developing tools to help cities get plans done and working with our early adopters to officially kick off their plans.

To start the planning process with BCDC, the first official requirement is that cities submit a notice of intent to initiate to staff. This triggers an initial consultation with the jurisdiction and then a public noticing process, both on BCDC's website and on the local government's website. To date we have publicly noticed, meaning officially kicked off the planning process, for 5 plans covering 9 jurisdictions out of the 51 required to develop a plan. Personally, I think this is pretty amazing. We are so excited by these early movers and impressed at how much early momentum there already is in the region.

Congratulations to these 9 jurisdictions, City of Alameda, City of San Mateo, Solano County including Benicia, Fairfield, Suisun City and Vallejo, City and County of San Francisco, and the City of Richmond. This screenshot, which I acknowledge is very blurry, shows our online Plan Status Tracking Dashboard on Bay Adapt Currents, which is our online metrics tracking dashboard where you can visually see the status of all jurisdictions required to create a plan in one snapshot.

So aside from the jurisdictions that have formally initiated plans, we are already seeing lots of other progress in the region. BCDC staff has been working closely with the Ocean Protection Council on their SB 1 Grant Program to encourage jurisdictions to apply for funding and ensure that approved work plans lead directly to RSAP-compliant plans.

To date the Bay Area has been awarded over \$20 million in SB 1 grants covering 38 or nearly 70 percent of jurisdictions required to develop plans, with an average award of over \$500,000 per jurisdiction. And this includes awards that include a passthrough to other coordinating jurisdiction. Not all of this money has flowed into the region yet, but it is on its way.

And notably, nearly half of SB 1 grants do include multiple jurisdictions, which is certainly in the collaborative spirit we have been encouraging.

We expect these cities to begin their formal initiation process soon, so 2026 is likely to be a very busy year for our staff.

We are also aware of other jurisdictions who have demonstrated some other form of progress towards developing a plan. This could be receiving money. We have had a direct conversation with them where they have discussed their intent with us, or we are aware of previous adaptation work that is likely to form the building blocks of a future plan.

Between those cities who have formally initiated, those who have received funding or have some other indication of readiness, an amazing 86 percent of jurisdictions required to develop plans have made some degree of progress towards this goal. This is incredible and indicates just how ready the Bay Area is to plan for a resilient future.

And I will also add here that it is too early to say if we have any laggards. The seven jurisdictions that we are not counting yet may very well be working towards a plan, we just have not made direct contact with them yet. We will continue to do direct outreach to these jurisdictions to get to know them and identify where they are in their planning process and help them move forward.

Last year we also launched an outreach effort we called the Summer Tour, though it went into the winter. This was our first big push to ensure that local elected officials and staff are aware of the requirements and know how to use the support tools we provide and how to initiate a plan. This push was largely successful, as you can see from the outcomes.

Last year we met with elected officials from 29 jurisdictions, but that number is actually higher as of last night. I just attended the Alameda County Mayors Conference where I had the pleasure of sitting next to Commissioner Gonzalez, who left.

We have also connected with staff from 37 jurisdictions through webinars, one-on-one presentations and meetings. And for those we have not connected with yet, we are sending targeted emails to establish communication and assess where people are in their process.

We also had 4 webinars last year, which are recorded and posted to our website, which reached 340 total attendees across the series.

We have also added 9 new resources to our website that assist jurisdictions with their planning processes. These are things like templates, how-to guides and data sources.

We have also been busy in other venues. Over the past year we have presented on the RSAP at the State of the Estuary, SF Climate Week, Urban Land Institute's fall meeting, American Planning Association California Chapter Conference, Cal Cities and the Bay Planning Coalition, just to name a few.

I just want to highlight a few of these tools as they serve as amazing resources that we hope everyone takes advantage of.

One of our biggest tools is the RSAP Atlas, which was launched last August. It is an online mapping platform that is designed to directly support local governments in creating plans by providing around 65 percent of the data that they will need to create these plans. It allows governments to map sea level rise impacts, generate materials for plan submittals, and download GIS data for local use and refinement. We have also created things like a companion guide for the Atlas and how it relates to the RSAP and a funding cost estimate for creating a subregional plan.

We have launched two progress trackers to transparently track how plans are coming along, including the map version on Bay Adapt Currents that I shared a few slides back, and a summary table on our Local Plans web page on the BCDC website.

Most recently, we are developing a set of templates for our alternative data verification process where users can fill out a form to easily request the use of alternative data in their plans. This template is being tested by the city of Richmond right now and hopefully we will release it widely soon.

While we have been busy in 2025, 2026 is gearing up to be even more eventful. We are always happy to give a presentation or meet with staff or electeds, so just ask. Many of you have been instrumental in getting us on agendas and we are really appreciative of your local efforts.

Stay tuned for the announcement of our next webinar series launching next month. This will include a deep dive into each of the required plan elements.

Alongside the webinar series we are also working on more tools and resources for our website.

Planning the launch of a peer learning community so jurisdictions working on plans can learn from another, and much more.

We also already have additional consultations scheduled and anticipate many more official initiations this year.

Lastly, we are continuing to provide ongoing communication about the RSAP and our local plans via newsletters, social media posts, blog posts and emails to keep everyone up to date on progress.

And then my last slide just features the RSAP team, many of which are here in the room, the only people left in the room outside of all of you. Please feel free to reach out to anyone on this team to talk about your local plan. Ushering these plans along is also a really collaborative effort between BCDC staff, including many staff from other divisions not pictured on this slide, and local elected staff and community members. So, a big thank you to everyone who has helped us get where we are so far and we look forward to much more progress in the future. Thank you.

Chair Wasserman acknowledged: Thank you Do we have any comments from the public?

(No members of the public addressed the Commission.)

Chair Wasserman asked: Questions from Commissioners?

Commissioner Gunther chimed in: Yes. I noticed that there were some multi-jurisdictional plans. I remain convinced that these plans will be most effective in the future if the entities doing the planning consider the OLU in which they reside and try and work collaboratively with the other entities in that OLU, and then hopefully collaborate with other OLUs who have similar characteristics. So are the multi-jurisdictional plans, is that OLU-based or is that just two communities that like each other working together?

Ms. Brechwald replied: It varies. The one multi-jurisdictional plan that has been officially initiated is a county plan, but we are aware of SB 1 grants that have been awarded to multiple jurisdictions that share an OLU. So, it really varies depending on location.

Commissioner Gunther asked: Are we encouraging people to think in terms of the OLU they reside in?

Ms. Brechwald answered: We are encouraging people to think multi-jurisdictionally and offering the OLU as one geography that makes a lot of sense for coordination.

Commissioner Gunther continued: But in the end it is their decision.

Ms. Brechwald stated: Yes, that is correct.

Commissioner Eklund asked: In Solano County are the County and Benicia, Fairfield, Suisun City and Vallejo all working together?

Ms. Brechwald replied: Yes, they are doing a multijurisdictional plan.

Commissioner Eklund acknowledged: Okay, that's good. Can multiple jurisdictions apply to the Ocean Protection Council for grant funding?

Ms. Brechwald answered: Yes. In fact, 44 percent of the grants that have been awarded in the Bay Area do include multiple jurisdictions.

Commissioner Eklund acknowledged: They do. Okay, great. Thank you. And thank you very much for the presentation. I am glad to see so many people moving on this. I would be curious if you can offline just let me know who in Marin so that I can have conversations with those individuals as well to help with the coordination amongst the different cities.

Ms. Brechwald stated: Yes. And I will say we did connect with the city of Novato last week.

Commissioner Eklund replied: Excellent. I have been pushing it.

Ms. Brechwald noted: It is working, thank you.

Commissioner Eklund stated: I was not getting much response from the city manager, so I am glad the staff did. Thank you.

Chair Wasserman asked: Any other Commissioner questions?

No. Our Executive Director has a comment.

Executive Director Goldzband commented: I know I am the last thing standing between us and adjournment. A friend of mine with whom I spoke today said something very wise. You only do flood work after a flood. So, I really encourage local government officials listening in that now is the time for you to act. Now is the time for you to talk to your city manager, talk to your county executive and say, we have to apply for an OPC grant if you have not already. You have to go out there and start working it because now is your moment of opportunity.

We made sure that we showed you just a few slides of what went on. Many of you, just like I experienced looking at CHP folks who were risking their lives on the Bay Bridge making sure that cars and people were safe, and other public works officials doing the same thing. Now is the time for you to act. Because as my father was very want to say to this son of his, the road to hell is paved with good intentions. And we need more than intentions. Dana has been an easy grader today in terms of when it comes to the way I think of things. The midterms are coming by December 31 of this year and we all better be prepared. Thanks.

Commissioner Gunther added: I would just want to note that I was expecting family to come from Santa Barbara and the airport was closed. I just assumed there was some kind of thunderstorm cells, but the Santa Barbara airport was closed because it flooded.

11. Adjournment. Chair Wasserman stated: As I noted, we are going to adjourn in memory of Jim Levine, who was a giant amongst the environmental community, a true public citizen, and a great example and leader in the kind of efforts that we are engaged in. He will be remembered.

There being no further business the Commission meeting was adjourned at 4:17 p.m.