

SPRING/SUMMER 2026
RE-EVALUATION OF STAFF JURISDICTIONAL DETERMINATIONS

New Tools, Alignment with Regional Shoreline Adaptation Plan, and Communication Process

Commission Briefing - October 1, 2026

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Photo credit: Nicole Shkurovich, Marin County

BRIEFING PURPOSE

- BCDC is undertaking a process to re-evaluate past Staff Jurisdictional Determinations along some streams
  - Past Staff JDs are incorrect or conditions changed
  - New data and maps released
  - RSAP Subregional Plan Implementation
  - State and local government alignment
- Still determining on how to move forward...
- We are not changing our jurisdiction
- We are not changing where Subregional Plans need to be prepared

AGENDA

- The challenge of identifying BCDC's jurisdiction
- Why now is the time to re-evaluate our jurisdiction
- The opportunity to create an initial list of streams to be re-evaluated
- Communicating the changes
- Community Benefits
- Moving forward



Coyote Point, San Mateo. Photo credit: Viktoria Kuehn

THE CHALLENGE

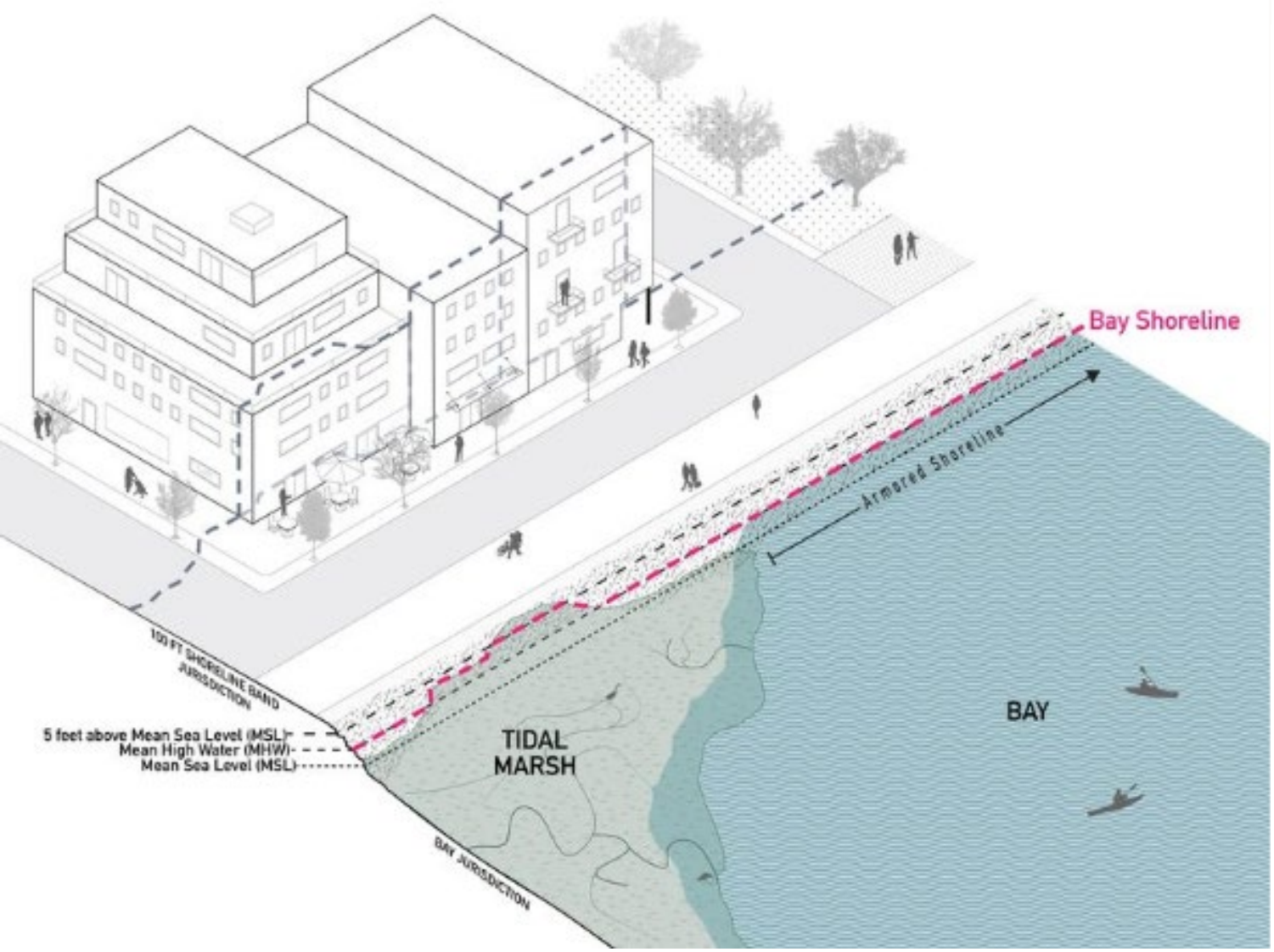
BCDC's jurisdiction was established beginning in 1965 and is defined using historic land use, current land cover, tides, shoreline ecology, and legal/regulatory descriptions.

In other words – it's complicated!



Photo credit: Nicole Shkurovich, Marin County

OVERVIEW OF SOME JURISDICTION BASICS



- The law defines what BCDC jurisdiction is, it is not discretionary
- Bay jurisdiction is the main jurisdiction type
  - Based on tide and land cover
    - Bay jurisdiction = "All areas subject to tidal action.." using Mean High Water (GC 66610(a))

      AND
    - Marshlands up to 5 feet above Mean Sea Level (14 CCR 10121)
- Shoreline Band jurisdiction goes 100 feet landward of Bay
- We are not changing our jurisdiction

WHAT IS A STAFF JURISDICTIONAL DETERMINATION

- **Commission staff are required to describe BCDC jurisdiction** in written words or on a map
  - called Staff Jurisdictional Determinations
  - Per Regulation Sections 10133 Determination of Shoreline and Map Boundaries (a-c)
- **Head of tide** (HoT) = farthest point upstream/onshore where water level is affected by tides
- Difficult to figure out where **head of tide** is because it's a zone

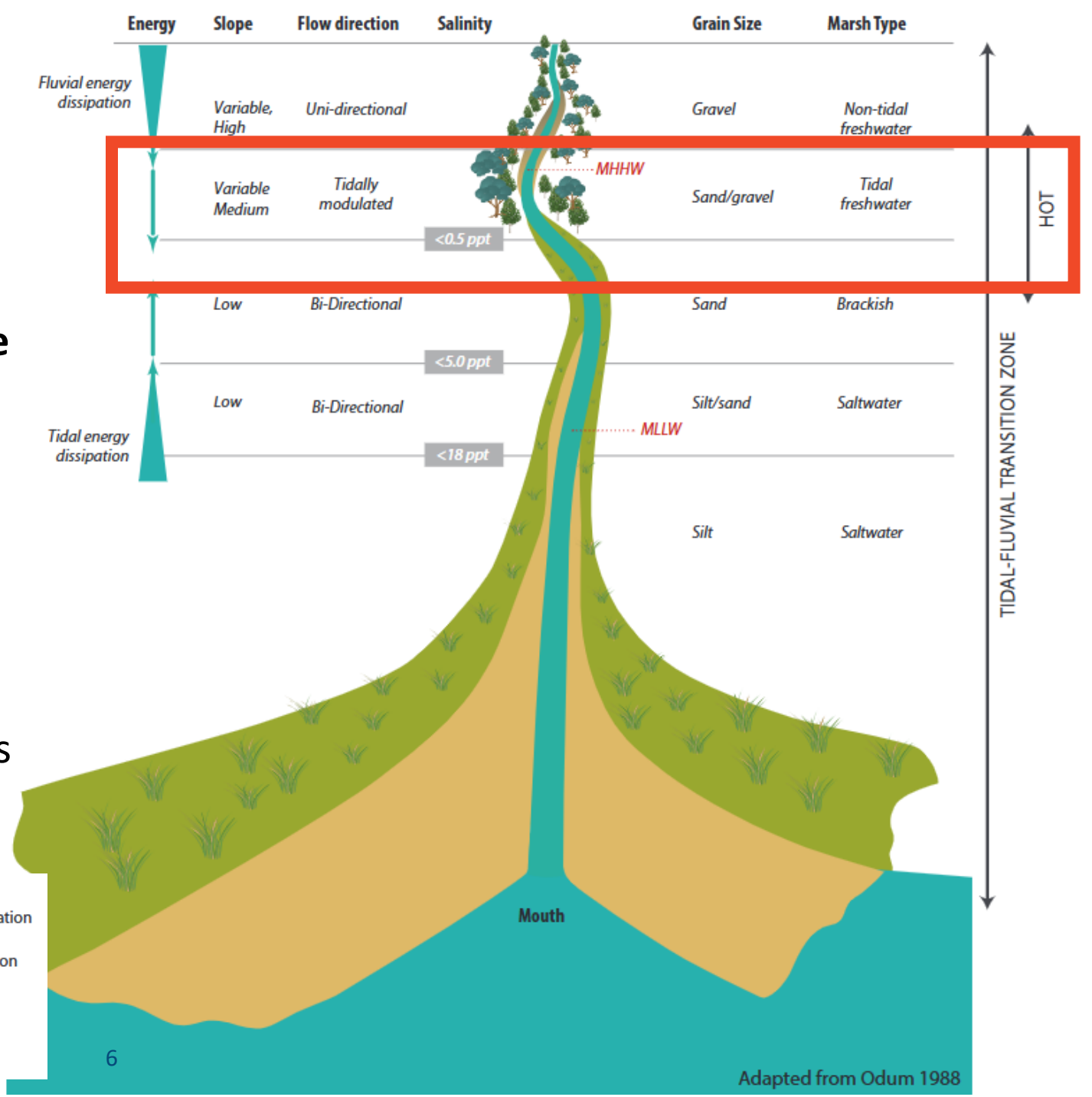


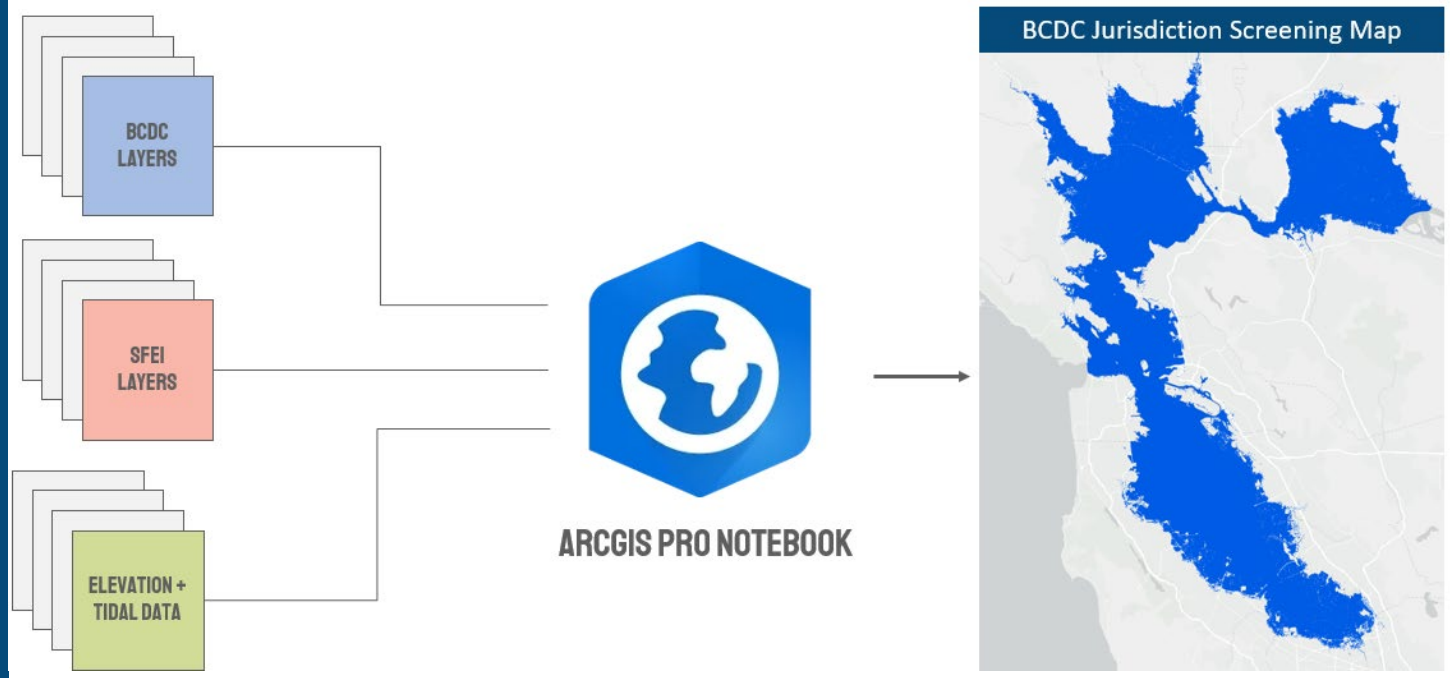
Figure 2.1. Conceptual model of the fluvial-tidal transition. This conceptual model identifies some of the physical and biological changes across the fluvial-tidal interface. Change in slope drives fluvial energy loss which impacts change in grainsize. Flow direction and tidal energy expenditure drives salinity and thus marsh type.

From the Identifying Head of Tide Zone Report (SFEI 2014)

WHY NOW

New regional data from SFEI released in 2025

BCDC partnered with SFEI to model the agency's full jurisdiction for the first time as a geospatial dataset



OVERVIEW OF MAPPING JURISDICTION TYPES

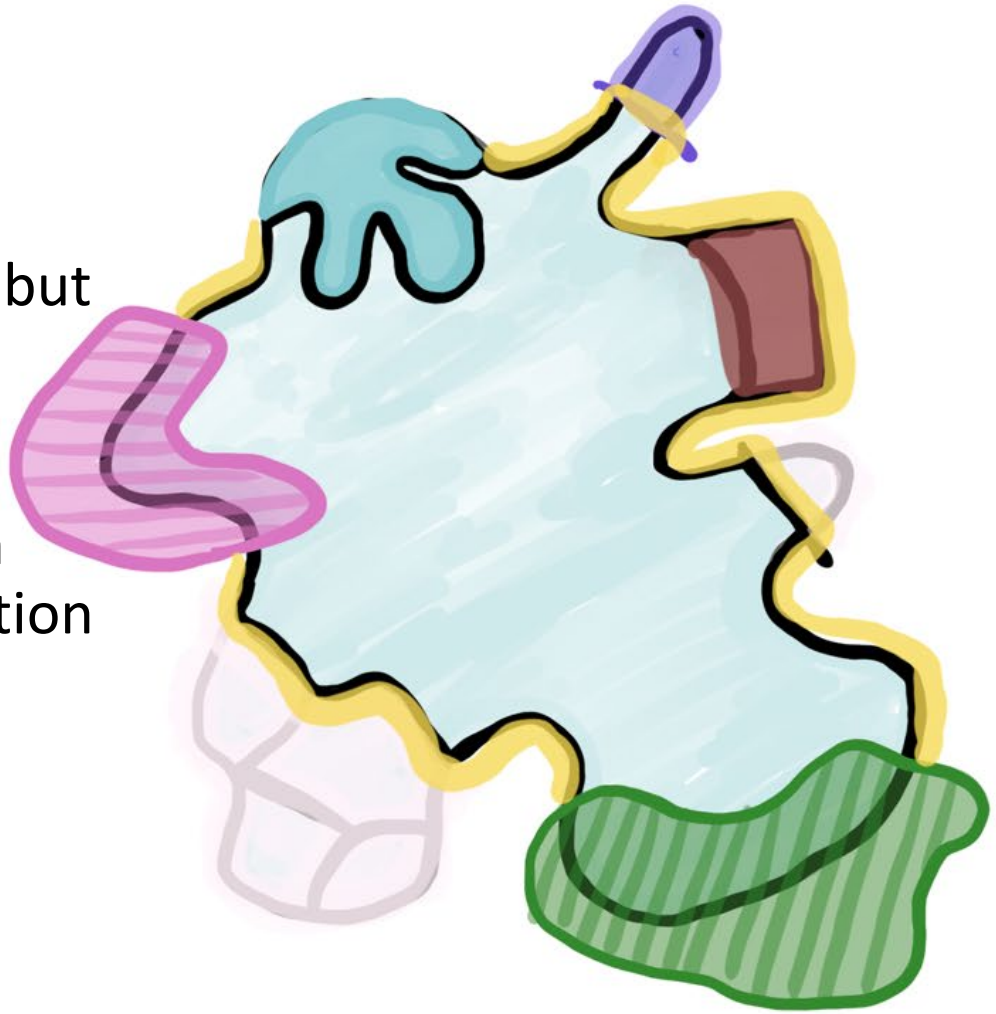
Map: **Bay**, where water level/habitat meets BCDC definitions

Add: **"Jurisdictional" Bay**, where Bay existed but was filled

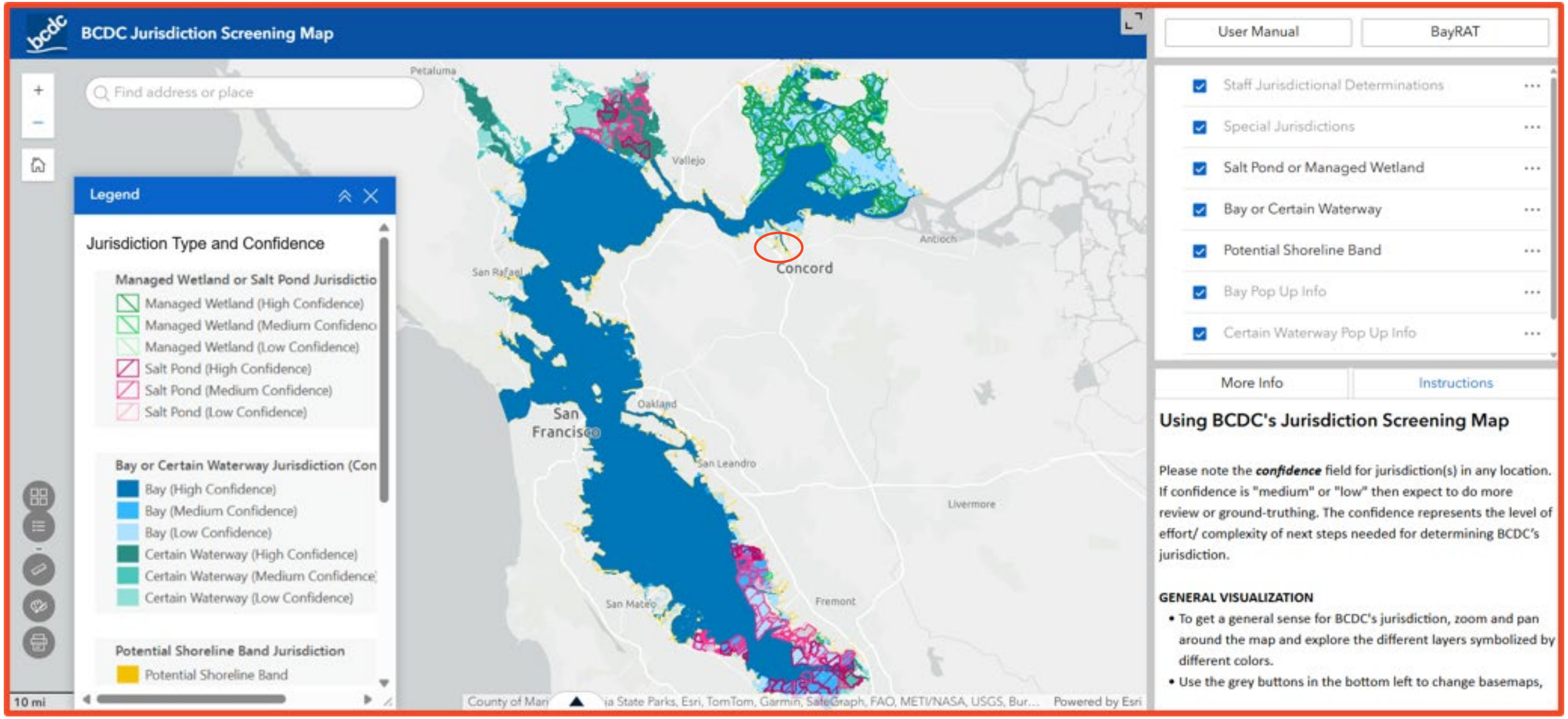
Remove: parts of **Bay** that aren't in our jurisdiction:
- that were historically diked with no tidal connection
- with exclusions and limitations as defined by regulation

Mark: areas of:
- **Certain Waterways**
- **Salt Pond** and **Managed Wetlands**
- **Staff Jurisdictional Determinations**

Add: **Shoreline Band** on remaining Bay shoreline



GROUND-TRUTHING THE JURISDICTION SCREENING MAP



GROUND-TRUTHING THE MAP

- Walnut and Grayson Creeks
- Identified the head of tide zone via Jurisdiction Screening Map
- Identified BCDC jurisdiction limit via site visit







THE OPPORTUNITY

Generated an initial draft list of streams to be re-evaluated



Strip Marsh East, Solano County. Photo Credit: Nicole Shkurovich





From the Identifying Head of Tide Zone Report (SFEI 2014)

- **100s** of tidal streams flow into the Bay
- **80+** in need of BCDC jurisdiction re-evaluation

CRITERIA LIST

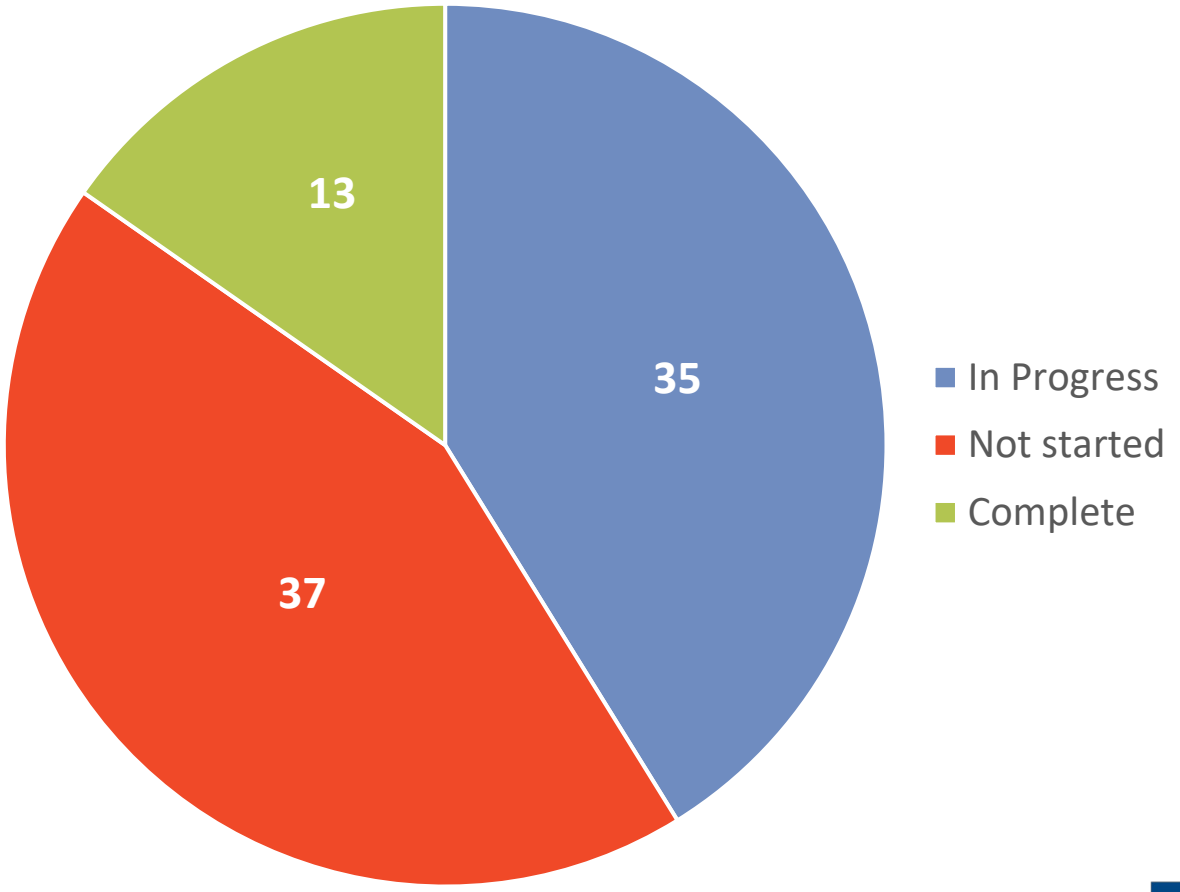
Streams where:

1. an active permit process is underway
2. there is a material difference in area between existing Staff JD records and what current staff know about existing site conditions
3. Known/recurring issues that affect the Bay and its resources negatively
4. known or potential significant development pressures exist
5. initiated RSAP Subregional Plans underway
6. within a socially disadvantaged community

- **25** sites identified for initial review, need to work with local governments
- Don't yet include the diked Baylands and wetlands that may also need this review
- Reminder… it's just a snapshot in time…

PROGRESS ON REVIEWING THE LIST

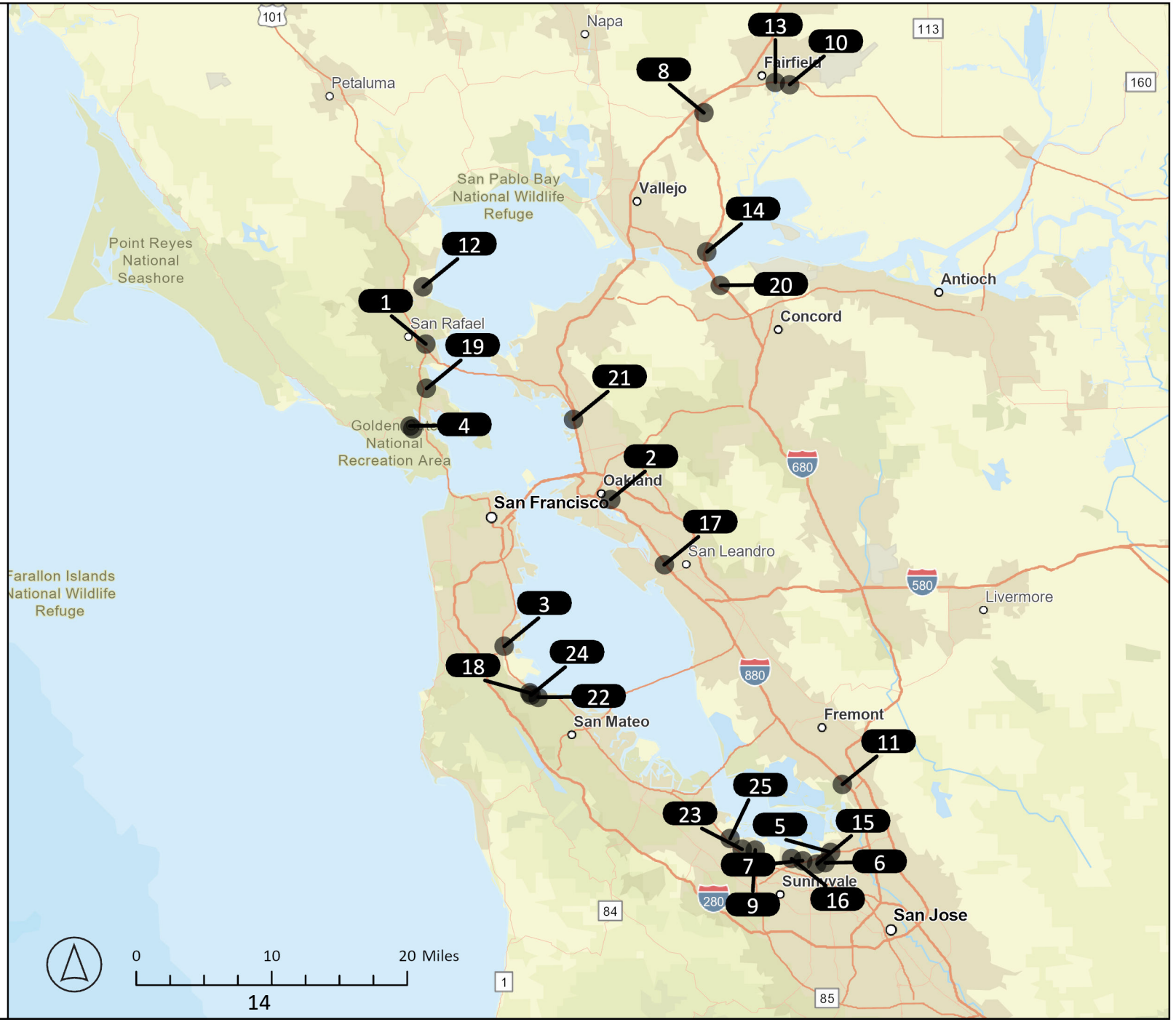
- Of the 80+ sites in need of review, 56% have been started or completed
- Different sites need different level of effort to review, might result in no change
- The 25 sites on our initial list to review require a more involved staff analysis and a site visit
- Will work through the review in coordination with and help from the local governments



Initial List of Streams for BCDC Jurisdiction Review

September 2026

	Location	City	County
1	San Rafael Creek	San Rafael	Marin
2	Lake Merritt Channel	Oakland	Alameda
3	Colma Creek	South San Francisco	San Mateo
4	Coyote Creek South	Mill Valley	Marin
4	Coyote Creek North	Mill Valley	Marin
5	Guadalupe River, Alviso Slough	Alviso	Santa Clara
6	San Tomas Aquino Creek	Santa Clara	Santa Clara
7	Calabazas Retention Basin	Sunnyvale	Santa Clara
8	Green Valley Creek, Dan Wilson Creek, Cordelia Slough Branch	Fairfield	Solano
9	Stevens Creek	Mountain View	Santa Clara
10	McCoy Creek	Suisun City	Solano
11	Alameda Flood Control District, Channel E	Hayward	Alameda
12	Miller Creek	San Rafael	Marin
13	Suisun Slough	Suisun City	Solano
14	Sulphur Springs Creek	Benicia	Solano
15	Calabazas Creek	Sunnyvale	Santa Clara
16	Sunnyvale West Channel	Sunnyvale	Santa Clara
17	San Leandro Creek	San Leandro	Alameda
18	Mills Creek	Burlingame	San Mateo
19	San Clemente Creek	Corte Madera	Marin
20	Peyton Slough	Martinez	Contra Costa
21	Codornices Creek	Albany	Alameda
22	Sanchez Creek	Burlingame	San Mateo
23	Permanente Creek	Mountain View	Santa Clara
24	Easton Creek	Burlingame	San Mateo
25	Charleston Slough	Mountain View	Santa Clara



San Francisco Bay Conservation and Development Commission

COMMUNICATING THE CHANGES

Collaboratively asserting re-evaluated BCDC jurisdiction through a location where the prior Staff JD is very different



San Rafael Creek, Marin. Photo credit: Viktoria Kuehn

WHAT DOES THIS MEAN?

- Local jurisdictions will continue to review and approve any proposed new developments or substantial changes in use as it does today
- BCDC is not expanding its authority or jurisdiction – we are recognizing our existing authority and jurisdiction
- Properties located within our re-evaluated jurisdiction have been and remain in our jurisdiction
- As BCDC re-evaluates our jurisdiction, we will collaborate with local governments and communities on implementation



Photo credit: Nicole Shkurovich, Alameda County

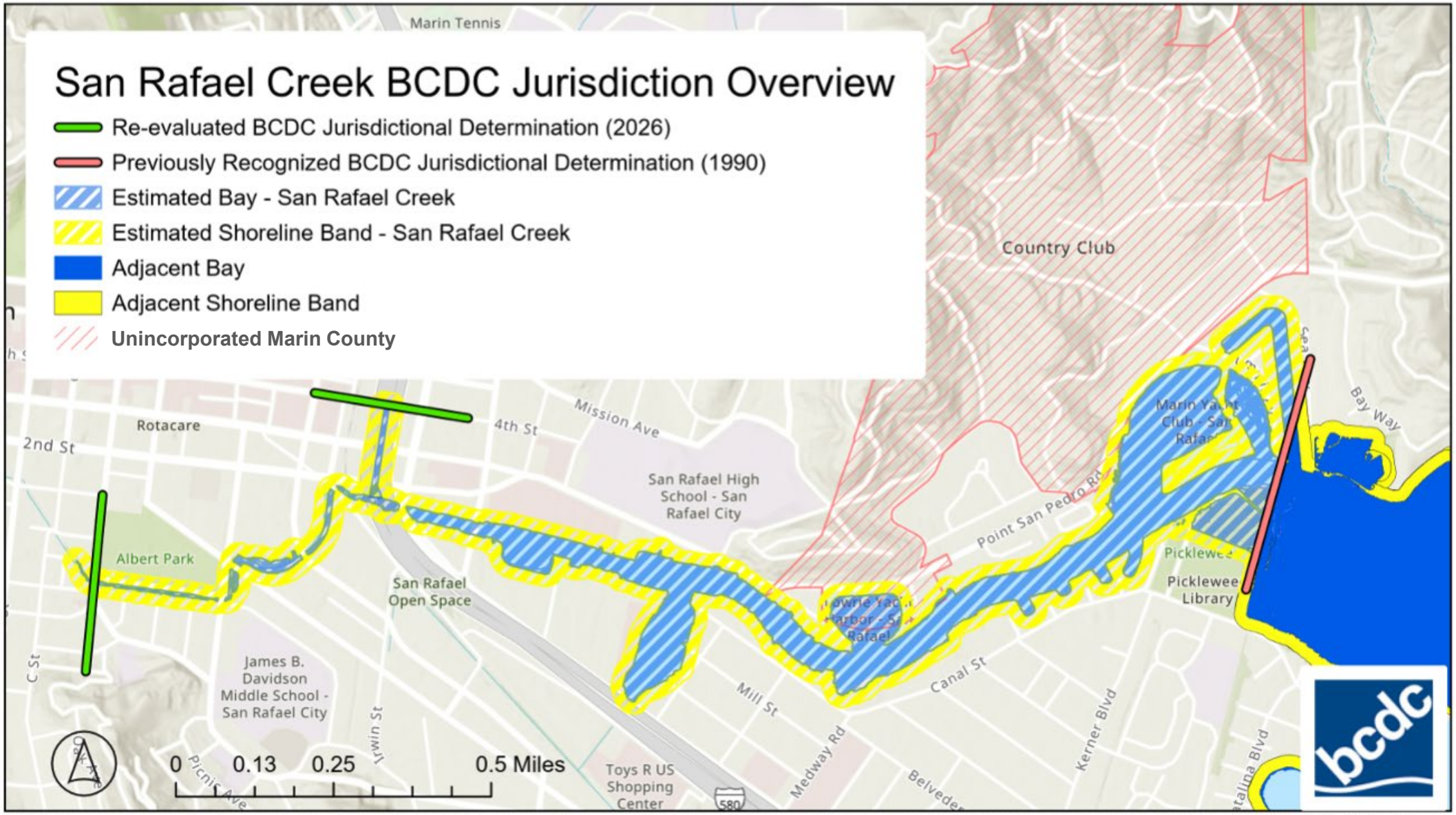
HOW WILL THIS AFFECT PROPERTY OWNERS AND PROJECT PROPONENTS?

- Local governments will continue to review development proposals in re-evaluated areas first
- Existing development not proposing changes will not require a BCDC permit
- New proposed changes for structures built before 1965 – contact BCDC for staff to evaluate appropriate permit process
- New proposed changes for structures built in 1965 or after – contact BCDC for staff to evaluate what options may exist for legitimizing the work



San Leandro Creek, Alameda. Photo credit: Viktorija Kuehn

EXAMPLE: SAN RAFAEL CREEK MAP FINDINGS



BCDC does not guarantee the accuracy of the information for any particular application and the information presented is not intended to be determinative of BCDC's jurisdiction for any given location. Jurisdictional determinations are based on on-the-ground conditions. The Commission's staff should be consulted to determine the actual extent of BCDC's jurisdiction for any particular location. For questions contact GIS@bcdc.ca.gov

COMMUNICATING WITH CITY OF SAN RAFAEL



- Staff finished the re-evaluated Staff Jurisdictional Determination earlier this year
- Staff met with the City of San Rafael to communicate these updates in July
- BCDC and City Staff have had preliminary conversations about outreach

WHY ARE WE RE-EVALUATING OUR JURISDICTION?

BCDC has a responsibility to assert our authority in its codified jurisdiction to provide transparent and consistent rules around the Bay

Communities in our jurisdiction will have…

- **Protection of bay resources**: BCDC will continue to protect the Bay and conserve and develop its resources
- **A coordinated response to sea level rise that provides certainty**: Applying the same rules around the Bay gives communities predictability when preparing Shoreline Adaptation Plans; we will work with local agencies and residents to understand their concerns and share information openly along the way
- **Expanded public access**: BCDC will continue to increase access to and along the shoreline so that the public can enjoy the Bay by requiring maximum feasible public access, consistent with any future project
- **A greater voice in projects**: BCDC will continue to empower underserved communities by making sure their voices are heard
- **Cleaner and healthier waterways**: In unregulated areas of the Bay, illegal dumping, unpermitted fill, and abandoned vessels can harm wildlife, habitat, and public health, and BCDC is the regional agency with the authority and enforcement tools to address them

MOVING FORWARD

- Create outreach materials and website landing page for information
- Will work through the review of initial sites in coordination with and help from the local governments
- Work with local governments on permit and outreach approach
- Provide updates to Commission on how process is going
- Complete public facing Jurisdiction Screening Map in 2027