

San Francisco Bay Conservation and Development Commission

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TO: Bay Fill Policies Working Group Members

FROM: Steve Goldbeck, Deputy Director (415/352-3611; steve.goldbeck@bcdc.ca.gov)

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SUBJECT: September 15, 2016 Commission Bay Fill Policies Working Group Meeting Summary

1. **Roll Call, Introductions and Approval of Agenda.** Bay Fill Policies Working Group (BFPWG or Working Group) Chair Barry Nelson called the meeting to order at the Port of San Francisco Board Room, Second Floor, Ferry Building, San Francisco, California, and welcomed everyone.

Working Group members in attendance included Chair Barry Nelson and Commissioners Katerina Galacatos, Jim McGrath, and Sean Randolph. Staff in attendance were Alex Braud, Brenda Goeden, Steve Goldbeck, Lindy Lowe, Anniken Lydon, Isaac Pearlman, and Miriam Torres. Also in attendance were John Coleman (Bay Planning Coalition), and Ellen Johnck (Environmental Consultant). Brenda Goeden, the BCDC Sediment Program Manager, reviewed the agenda.

2. **Approval of Working Group Summary from the August 18, 2016 meeting.** Chair Nelson tabled this agenda item to the next Working Group meeting.

3. **Briefing on the Caltrans Grant – Regional Resilience Project.** Lindy Lowe, the BCDC Senior Planner, Supervisor, stated the BCDC submitted a proposal to the California Department of Transportation (Caltrans) and was awarded a three-year, \$1.2 million grant beginning in the fall of 2016 to conduct a vulnerability assessment and develop adaptation strategies for transportation assets from the Bay Bridge to the Bay Trail, priority development areas and priority conversation areas as defined in Plan Bay Area, and communities with characteristics that make them more vulnerable to flooding.

The project will be required to use CalEnviro Screen, which is specific to vulnerabilities to toxics and air quality impacts. CalEnviro Screen will be used because it is a requirement of the grant but does not include data used for the assessing vulnerability of communities to flooding. CalEnviro Screen data will be compared to the indicators developed from Stronger Housing, Safer Communities, the Metropolitan Transportation Commission's (MTC) Communities of Concern, and the Air Resources Board's (ARB) Care Communities to help bring understanding of

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the multiple risks that communities are subject to and how they overlap. All four screening tools will be used to determine the differences between communities and reveal information gaps.

Ms. Lowe stated the assessment will be conducted using the BCDC's Adapting to Rising Tides Project (ART) approach with a regional working group, consisting of representatives from the Bay Area's nine counties, and holding public engagement meetings. The outcomes will be used in the Bay Area's next sustainable community strategy.

Commissioner Jim McGrath asked to hear more about CalEnviro Screen. Ms. Lowe stated it was developed by the Department of Toxic Substances Control and is intended to be a tool to identify communities that have characteristics that might make them more vulnerable to exposure issues. Commissioner McGrath asked if the project is focused on Caltrans facilities only. Ms. Lowe stated it is focused on all the region's transportation facilities along with some county and city streets. Commissioner McGrath asked if the project will look at priorities. Ms. Lowe stated the project will help Caltrans develop a process to prioritize actions.

Chair Nelson stated the need to also address risks to non-transportation assets. Ms. Lowe stated this is an issue around the region. Part of the problem will be aligning the timing priorities of Caltrans with communities. She stated the hope that this project will identify opportunities where there is potential for multiple benefits from addressing flooding issues on transportation infrastructure, communities, and the Baylands ecosystem. These multiple benefit projects may provide solutions that work together as opposed to trying to solve problems of individual assets.

Commissioner McGrath suggested that the project highlight the difficult problems and regional solutions to manage controversy for optimal value. Ms. Lowe agreed that that is a priority but suggested also including in the Sustainable Communities Strategy (SCS) the easier problems that can be addressed immediately.

Chair Nelson agreed with the multiple benefit outcome focus and stated the need to consider the issues that Caltrans has not yet addressed, the places where timelines and priorities may not align to help make those connections, and the intersections between this project and the way things have been done to date. Ms. Lowe stated ways to reduce the conflicts between protecting infrastructure, communities, and the Baylands ecosystem and ways to increase the opportunities to benefit all must be found. She stated the concern that the easiest solutions may create impacts to the natural area assets. The goal in this work is to find those multiple benefits.

Commissioner McGrath asked how the project will affect ongoing BCDC projects. Ms. Lowe stated the hope that, by partnering with Caltrans, the Metropolitan Transportation Commission (MTC), and congestion management agencies, this grant project will be included in the ongoing decision-making process.

Commissioner McGrath stated it seems clear from the guidance of the Measure AA grants that this project will not be of use to projects still in the conceptual stage. It is also clear that another iteration of Measure AA will pass in future years. He stated a critical element would be to ensure that the conceptual basis for these projects has the ability to become a more beneficial project once funded. Steve Goldbeck, the Chief Deputy Director, stated one of the strengths of the ART program is bringing stakeholders together and the collaborative efforts that come as a result.

Chair Nelson stated the ART program focus is broad while this grant project is narrowed to transportation issues. Ms. Lowe stated priority development and priority conservation areas have also been included in this grant project. Transportation and the conservation areas fit together. Caltrans has been an ART program partner from the beginning and understands the interconnection. Stormwater, wastewater, energy, and pipelines will not be part of this grant project.

Chair Nelson asked about the timeline for the next six months. Ms. Lowe stated the regional working group and public engagement plan will be developed, assessments of the priority development and priority conservation areas will be identified and developed, and the mapping for the nine Bay Area counties will be completed to better understand areas that are at risk. Chair Nelson asked if the mapping will be on transportation issues only or broader. Ms. Lowe stated the mapping will include all assets included in the grant project – the transportation assets, the priority conservation areas, the priority development areas, and the communities – using four screening tools. Ms. Goeden stated refineries and some ports have not been included as part of the key transportation areas. She asked if the wharfs that bring in crude and take out gasoline will be assessed. Ms. Lowe stated that is not in this plan.

John Coleman, the CEO at the Bay Planning Coalition, asked if non-governmental organization (NGO) interest groups, such as business-oriented groups, will be part of this process. Ms. Lowe stated a scan has begun for community groups that can represent different interests – environment, economy, and equity. They will be critical to the public engagement meetings and will be asked to participate in the regional working groups. The challenge is that NGOs often require funding to participate on an ongoing basis. She asked for suggestions for overcoming that issue. Chair Nelson asked if there is a potential to do a re-granting program through the San Francisco Foundation or others. Ms. Lowe stated staff is looking into this. Mr. Coleman suggested that the Bay Planning Coalition and the Bay Area Council be included. Commissioner McGrath stated the other side is that many NGOs do not have the bandwidth to follow these processes. He stated he has seen a significant falloff in these situations. Ms. Lowe stated the ART program has not had falloff but in fact has seen the reverse – more individuals are at the table in the end than in the beginning.

4. **Briefing on Policies for a Rising Bay Project.** Isaac Pearlman, a BCDC Planner, updated the Working Group on the Policies for a Rising Bay Project activities since the May briefing, as provided in the executive summary included in the meeting packet. The steering committee grouped the feedback received from stakeholders into four policy areas:

- Fill for sea level rise habitat restoration and protection
- Fill for innovative and green shoreline protection
- Environmental justice and social equity policies as they relate to sea level rise
- Adaptive management

Mr. Pearlman stated one of stakeholders' misconceptions when this project began was that the BCDC would not allow any fill. One of the questions that stemmed from this was how to balance fill placement with mitigation and public access requirements. That remains an ongoing conversation. Other issues raised were how policies appear to be limited in terms of adjacent shoreline protection and sea level rise and the issue of environmental justice. Identifying those potential limitations was the first step of the project. Stakeholders provided input on how to overcome those limitations.

Miriam Torres, a BCDC Planner, invited the Working Group members to read the steering committee observations about how restoration and adaptation will be difficult over the long run and how the issues can be addressed gleaned from interviews, meetings, and workshops provided in the meeting packet. Some of these issues can be addressed through the permit process or improvements interactions with applicants.

Ms. Torres stated the suggested short-term options are to organize technical experts to develop guidance, to support the coastal conservancy creating green infrastructure help desk, to develop a multiagency permit application process specific to placing fill in the Bay, to encourage participation of disadvantaged communities in adaptation discussions, and to coordinate and collaborate with the Regional Water Quality Control Board.

Ms. Torres stated the suggested mid to long-term options include to investigate an amendment to the McAteer-Petris Act (Act), to bring together subject matter experts to provide guidance, to amend the Bay Plan to address the "minor amount of fill" language, to designate resilience and adaptation priority use areas, to require applicants to consider innovative green shoreline solutions, to explore the creation of a region-wide permit for habitat and restoration projects, to include findings and policies on social equity and environmental justice, to consider establishing mitigation credit or other incentives for projects that create transition zone areas, and to create a regional resilience and adaptation plan.

Commissioner McGrath stated there are two problems, (1) is that local governments or private parties can do things outside the BCDC's shoreline band that would impact and exacerbate flooding with review, and the other is that the BCDC does not have the authority to deny such projects within its shoreline band jurisdiction except for impacts on public access.

Chair Nelson asked if the policy option to include findings on social equity and environmental justice would be in the Bay Plan or in legislation. Ms. Torres stated stakeholders did not specify.

Mr. Coleman asked if economic impacts of dealing with sea level rise and shoreline resiliency give a variance on doing fill where appropriate, if economic impacts of not doing it are part of the equation, and, if not, if there should be an amendment to the Act or the Bay Plan. He suggested putting the parameters in place now so it is not written off later because it is not in the guidelines. Mr. Goldbeck stated it depends on the project. There is no broad finding in that regard. Ms. Lowe stated that is something that should be added into the consideration. The project will look at where individuals live and regional assets. Economic impact is a way to identify a regional asset. Ms. Torres stated the law does allow for public benefits versus public detriment for the Bay Area. Mr. Goldbeck stated the need to look at the broader public benefits and detriments of projects in this analysis.

5. Working Group Work Plan. Ms. Goeden referred to the Draft Work Plan included in the meeting packet. She stated the first page provides an overview of the background of the process to date. The charts on pages 2 and 3 contain bulleted next steps through June of 2017. She summarized the contents of the charts and asked Working Group members for their input so she can begin lining up speakers for future meetings. Commissioner McGrath stated he is comfortable with the Work Plan through January of 2017. He stated it may be helpful to revisit in future months early in the year. Chair Nelson asked if the Working Group needs to begin planning the workshops earlier than January because of two challenges – identifying issues and recommendations and thinking about what a workshop will look like. It may require more than one meeting to consider the issues to bring to the Commission and how staff will turn that into a workshop. Ms. Goeden agreed and stated that will occur.

Chair Nelson asked about knowledge gaps, shortcomings, and policies between April and May. He questioned if the May meeting may be too full for both development and habitat issues in one meeting. He stated those issues may require more than one workshop.

Ellen Johnck, RPA, Environmental Consultant, encouraged Working Group members and staff to review the Draft Environmental Impact Report (EIR) at Eden Landing, which should be available by the end of this year, and the Vulnerability Study just completed for San Francisco's Great, which identifies green and gray solutions for the sea wall.

6. Adjournment. There being no further business, Chair Nelson adjourned the meeting at 12:29 p.m.