

# San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

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**TO:** Bay Fill Policies Working Group Members

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

Brenda Goeden, Sediment Program Manager (415/352-3623; [brenda.goeden@bcdc.ca.gov](mailto:brenda.goeden@bcdc.ca.gov))

**SUBJECT: January 19, 2017 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 375 Beale Offices, at approximately 10:32 a.m. and asked everyone to introduce themselves.

Working Group members in attendance included Chair Barry Nelson and Commissioners Jason Brush, Katerina Galacatos, Jim McGrath, and Sean Randolph. The presenter was Dan McElhinney (California Department of Transportation) and also in attendance was Dick Fehey (CalTrans). Staff in attendance were Brenda Goeden, Steve Goldbeck, Anniken Lydon, Alex Braud, and Cherise Johnson.

**2. Approval of December 15, 2016 Meeting Summary.** The Working Group members approved the meeting, summary for December 15, 2016, as presented.

**3. Green to Gray Infrastructure Follow-Up Policy.** Discussion Chair Nelson referred to the Gray to Green Infrastructure Policy Background memo to begin the discussion that was not concluded at the last meeting. Brenda Goeden, BCDC Sediment Program Manager, stated that Commission Jim McGrath had requested the inclusion of a discussion on cumulative effects of large projects on the shoreline. Ms. Goeden summarized the background and challenges of the SAFER Bay concept and Gray to Green Infrastructure that were discussed in the December meeting, and noted that San Francisco Bay Plan Policy excerpts were included in the meeting packet that apply to assist in the continuation of the discussion.

## **Questions and Discussion:**

Chair Nelson stated there are things that the Working Group has been discussing, but that are not included in the Bay Plan.

- There is a preference for regional planning projects, but there are no policies that say that cities and counties cannot bring standalone projects to the Commission. This lack of policy may encourage project by project adaptation to rising sea levels, which may have unfortunate consequences. Chair Nelson discussed the following options:

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[info@bcdc.ca.gov](mailto:info@bcdc.ca.gov) | [www.bcdc.ca.gov](http://www.bcdc.ca.gov)  
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- Send direction, via guidance, to shoreline landowners and cities encouraging them to engage in the regional planning effort to address issues and expedite the permitting process.
- Consider connections to neighboring properties before bringing standalone projects before the Working Group.
- There is a preference for gray-to-green projects. The best way to think that through is in a regional context rather than bringing isolated, standalone projects before the Working Group.
- There is a preference for self-mitigation. The regional plans should not only look at gray-to-green projects but should think about options to self-mitigate where possible.
- There is a need to discuss how mitigation banks and cumulative impacts fit in the Bay Plan with regard to adaptation projects.
  - One option is to design mitigation banking policies where it is easier to access mitigation bank credits after completing an Adapting to Rising Tides (ART)-style process.

In response to these comments, Commissioner McGrath expressed concern about some of the presentations because they may pre-application discussions, particularly the SAFER Bay project, and it raises the issue of ex parte communications. Beyond his concern, Commission McGrath added, speaking from the Water Board perspective, mitigation requirements need to be tied ecological function that the stream must have in the long-term. The dilemmas that can only be addressed by regional planning are those where the functions of the stream go beyond direct mitigation. The Regional Board does not have the resources to work on projects until an application is filed, yet advanced planning is necessary to help keep projects conflict-free. Ms. Galacatos agreed and stated that is why she suggested an interagency pre-application meeting was important for that project.

Chair Nelson stated the first questions are how to make the pre-application coordination process work and how to use that process to encourage regional planning. Commissioner McGrath stated the question for mitigation is the ability to be resilient and fit into a regional system. Commissioner Jason Brush stated it is important to keep mitigation and regional planning simple and try to align as much as possible with existing policies.

Chair Nelson stated the answer to staff's question about public access is the same - the Working Group would more likely accept a project's public access impact and approve replacement access if the project is part of a regional plan rather than a standalone plan. Ms. Goeden stated staff has struggled with the trade-off between wildlife impacts and public access. Chair Nelson stated the need to encourage regional adaptation planning efforts for public access as discussed in the resource mitigation. The Bay Plan already includes public access resilience requirements.

Commissioner McGrath stated the answer to staff's question about limiting the marshes is, if the marshes are already compromised in their ability to transition, he would not add that as a mitigation burden for new projects. If a marsh is doomed on the long-term, it may affect the thinking on mitigation. Chair Nelson agreed and stated it affects it in the other way, as well. If a marsh has the ability to sustain itself over the long-term, the Working Group will not let a project mitigate it with something that will vanish in ten years.

**4. Regional Transportation.** Commissioner Dan McElhinney, P.E., the Chief Deputy District Director at the California Department of Transportation (Caltrans), introduced his colleague, Dick Fahey, a member of the Caltrans Sea Level Rise Adaptation Task Force. Mr. McElhinney provided an overview, accompanied by a slide presentation, of the background, legislative history, vulnerable highways and facilities at risk, current challenges, project development and climate change, adaptive management and sample projects incorporating sea level rise, and Caltrans policies on sea level rise to identify need, determine feasibility, and conduct ongoing studies of state highways and rising sea level to address climate change and the effects of rising sea levels on the region's transportation system. He also reviewed the Areas at Risk of Inundation Map prepared by the Caltrans Sea Level Rise Task Force, which was included in the meeting packet. Mr. McElhinney stated Caltrans has educated employees to ensure projects look ahead to the impacts of sea level rise.

#### **Questions and Discussion:**

Chair Nelson asked how the current incidental flood benefit factors into long-term planning for servicing levees along highways. Mr. McElhinney stated there is no action plan that addresses the shortfalls of levees at this time. Levees are considered project-by-project. Commissioner McGrath stated it is not only the presence of the highway as de facto levee, but often includes the drainage facilities where there may not be a direct impact but the hydraulic impacts eventually need to be evaluated. Mr. McElhinney stated Caltrans strives to maintain current drainage. Caltrans would work with local agencies and do a hydraulic study for the whole basin as needed.

Commissioner Brush suggested that Caltrans make a similar map to the Areas at Risk of Inundation map that depicts the level of service cross-walked against threat at sea level rise.

Chair Nelson asked if Caltrans would consider addressing sea level rise at a significantly larger cost while retrofitting the roadway to deal with congestion issues, as opposed to just expanding the roadway at a modest cost but not addressing sea level rise. Mr. McElhinney stated there is no other option - sea level rise must be addressed. Chair Nelson asked if Caltrans is thinking about larger regional efforts that might provide co-benefits that go beyond protecting Caltrans facilities. Mr. McElhinney stated Caltrans advocates for that but does not yet have projects initiated on that scale. Chair Nelson asked if the ART effort has been working for Caltrans and how it can be improved. Mr. McElhinney stated the leadership at BCDC on ART has helped bring credibility and strength to the statewide effort. He stated the need for the rest of the vulnerability assessment to be completed to learn what needs to be done on each project-level issue, and for working with cities and counties on what needs to be done adjacent to Caltrans facilities to be ready for the future.

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Steve Goldbeck, the Chief Deputy Director, asked where BCDC transportation policies can be improved and the ART program can be strengthened to help Caltrans. Mr. McElhinney stated he will give these questions to the Caltrans working group for their comments.

**5. Full Commission Workshop Development Discussion.** The Working Group then turned to the upcoming Commission Workshops and completing the Working Group efforts. Ms. Goeden reminded the members of the habitat-based policy summary report and findings and asked whether a similar report was desired for the built environment discussions. Chair Nelson asked Ms. Goeden to put together a similar report for discussion by the next Working Group meeting.

Ms. Goeden reviewed the future meeting schedule documents and workshop goals included in the meeting packet. Commission staff plan to meet next week to discuss format options for the upcoming workshops and Ms. Goeden will report back on that conversation.

Referring to the draft workshop goals, Mr. McGrath suggested replacing the language in Goal 4 to “Identify issues that then may generate a Bay Plan amendment.” Chair Nelson suggested adding “and directions” after “identify issues” in Commissioner McGrath’s amended Goal 4.

In identifying issues, another filter to push those issues through is what issues are not only legally or technically important but also politically sensitive. Chair Nelson suggested presenting a list of issues to the Commission with recommendations about the issues that should be prioritized. Commissioner McGrath agreed because presenting the entire list engages and empowers stakeholders and lowers their resistance level.

Ms. Goeden asked if Working Group members would like to give the presentation to the Commission or have the staff present. Chair Nelson stated the composition of the Working Group was strategic. He asked staff to take advantage of the Working Group members as needed, but that staff should do the presentations. He stated he will speak with the Commission Chair about whether he would like recommendations from the Working Group and whether there is a role Working Group members can play in helping lay the groundwork and bring stakeholders along.

**6. Adjournment.** Chair Nelson stated the next Working Group meeting is on February 16th. There being no further business, Chair Nelson adjourned the meeting at 12:33 p.m.