

San Francisco Bay Conservation and Development Commission

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March 9, 2017

TO: Bay Fill Policies Working Group Members

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

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

SUBJECT: February 16, 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 Bay Area Metro Center, and asked everyone to introduce themselves.

Working Group members in attendance included Chair Barry Nelson and Commissioners Katerina Galacatos, Jim McGrath, and Sean Randolph. Staff in attendance were Brenda Goeden, Steve Goldbeck, Lindy Lowe, Anniken Lydon, Alex Braud, Isaac Pearlman and Cherise Johnson. Also in attendance was Commissioner Patricia Showalter, and Matt Brennan, PhD (Environmental Science Associates).

2. Approval of January 19, 2017 Meeting Summary. The Working Group members approved the meeting, summary for January 19, 2017, as presented.

3. Continued Policy Discussion Regarding the Built Environment. Brenda Goeden, BCDC Sediment Program Manager, discussed the Summary of Bay Fill Working Group Activities and Considerations on Bay Fill Policies and the Built Environment staff report included in the meeting packet. She stated there was overlap between the habitat and the built environment projects.

Chair Nelson Stated the nice thing about these reports is that they highlight issues that often surface, such as the focus on regional response. He suggested reporting the results in broader, overarching conclusions for the Commission, rather than issue-by-issue details, such as the need to be more involved up front in planning efforts to meet the adaptation challenge. Emerging threads also need to be pulled out as the Working Group prepares for workshops.

Commissioner Jim McGrath stated one emerging thread for the built environment is the funding of infrastructure. Chair Nelson agreed and stated there are other vulnerabilities in the system beyond being flooded by saltwater. The Central Valley Flood Plan that was just released concluded that peak flood events on the San Joaquin River are expected to double as a result of climate change under the current infrastructure.

Chair Nelson asked how to best frame the big-picture challenge and urgency.

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Commissioner Sean Randolph stated this is a timely discussion. The *Surviving the Storm* study on storm events was through the lens of economic impacts to engage the business community and others around the economic consequences. There are numbers that are foreseeable and that message is hitting home. The Working Group might want to consider how to take advantage of funding opportunities that will be coming in from different sources in this regard. Keeping an eye on the economic argument about the implications of the current infrastructure is important. Chair Nelson stated there is a national focus not only on infrastructure, but also on retrofitting and maintenance, which fits the challenge around the Bay Area nicely. Commissioner McGrath stated the issues boil down to who pays and who benefits and how projects are put together economically. Commissioner Randolph stated the increasing importance of working with the development community to include planning for storm/sea level rise/climate change as a framework for future public/private partnership agreements.

Ms. Goeden redirected the conversation to the workshop topics and the Working Group charge. The development of the workshop agenda is focused on short-term solutions rather than and longer-term solutions. The workshop series will likely be followed by a Bay Plan Amendment process lead by staff. The current thinking is the amendments may be phased over five to ten years and additional changes are anticipated. The phasing is needed due to Commission and staff capacity and knowledge limits of what can be done.

4. Commissioner Workshop Preparation. Ms. Goeden discussed the list of topics the Bay Fill Working Group covered and the Commission Workshop Series document, which were included in the meeting packet. She asked the Working Group to pull out overarching themes within that list to inform workshop participants about Working Group projects and activities, to help them understand how Commission projects and activities fit together, and to better prioritize potential Bay Plan amendments by the end of the three workshops.

Chair Nelson stated the goal to combine the suggested topics into larger categories, specifically aiming for six large categories that will become future workshop topics. He stated there were assumptions made in 1965, when the Commission was created, that are not true today but are worth thinking about:

- The challenge of keeping the Bay from getting smaller.
- The Bay environment is static.

Ms. Lowe stated the first one is still true today, but with the added challenge of managing it for sea level rise. Commissioner McGrath agreed and stated the legislatively established metrics of volume and surface area of the Bay are not the most appropriate for maximizing public access, habitat and protection.

He agreed with the workshop engagement exercise of envisioning what the future Bay should be. Commissioner McGrath disagreed with beginning the workshop with a description of fill, but instead suggested beginning it by stating what is threatened - buildings, public access, habitat, and increased flooding outside of BCDC jurisdiction; what the underlying root causes are - sea level rise, more erratic climate with more intense storms, loss of sediment from watershed

modifications; and what approaches there are to finding solutions - looking at the world of approaches and applying them geographically and economically. Commissioner Randolph questioned the need for the engagement exercise about what the future Bay should be as that has been done in prior workshops. He agreed with Mr. McGrath's suggestion of listing threats and multiple solutions. Chair Nelson questioned whether both suggested engagement exercises were necessary and asked how to frame the question on what the future of the Bay should look like.

Ms. Goeden asked Working Group members to review the 32-topic list and consider what is short-term versus longer-term. Longer-term topics should not be addressed in these workshops because the charge is to focus on the short-term issues. Chair Nelson stated the overarching conclusion that not all the questions will be answered all at once. Planning and phasing are also overarching conclusions.

Commissioner McGrath suggested tying the big and small pictures together with geography and mapping. Commissioner Randolph suggested looking at it as a series of hypothetical options to choose geographies around the Bay where different solutions may be applied and letting Commissioners weight in and focus on those. Steve Goldbeck, the Chief Deputy Director, suggested thinking of geography on a large scale in terms of desirable Bay shoreline and landscapes as opposed to getting stuck on pilot project examples that may cause participants to lose focus.

Ms. Goeden stated the goal of the Working Group and these workshops is to identify policies in the Bay Plan that need to change to allow for adaptation to sea level rise where appropriate. The listed topics could be tied back to policies so that, by the end of the workshops, the participants will better understand the topics that need to be further analyzed in traditional staff analysis for Bay Plan language amendment for the short-term.

Chair Nelson stated the key outcome is not the product of what the future of the Bay should look like, but is the discussion and agreement around what has been learned and identified. That is the key piece to carry forward to subsequent workshops and what is changed in the Bay Plan. He made suggestions on the topics list, as follows:

- 24 is the lead overarching issue
- 29 can fit into 24
- 1, 17, and 18 are an obvious issue to tackle
- 7, 10, 11, and 27 are another big-picture topic

Ms. Goeden stated 10 may not be helpful in this workshop because of the policy, bureaucratic, administrative, and interagency issues involved with mitigation banking. Commissioner McGrath agreed. He suggested presenting the threat, a list of options - some gray, some green - and the dilemma that started all of this, and motivating it by mitigation possibilities. Ms. Goeden stated the need to separate out what the mitigation is for because sometimes required mitigation for public access impacts to habitat. Policy should provide guidance on which one overrides the other.

Commissioner Showalter suggested that the viewpoint of restoration should be changed - it should not just be about mitigation. In order to adapt to sea level rise, the shoreline and marshes need to be restored. Restoration for protection should be more prominent and is not at odds with the regional planning overarching conclusion. Chair Nelson stated the need to begin by being more aggressive on permitting and encouraging demonstration projects in the short-term. Commissioner McGrath stated the question is how to maintain and restore a habitat system that is resilient and will help adapt to sea level rise. The issue is creating a system that will be resilient over time and have habitat over time. Chair Nelson stated that is an outcome to what the future of the Bay should be. The next step would be to have staff drill down and discuss how the Bay Plan should be amended in order to get to that outcome.

Commissioner Randolph asked about the sequence of the workshops. Ms. Lowe stated the second workshop is about digging in and tackling issues to give participants an opportunity to begin thinking about the kinds of things necessary to change the policies. The third workshop is about proposed changes to the Bay Plan. Commissioner Randolph stated how each workshop segment is packaged is important to show participants the pathway to keep them from jumping quickly to the bottom line. Mr. Goldbeck stated the importance of presenting the flow of the workshops and the process. Chair Nelson suggested one of the main issues is habitat restoration and Bay fill policies related to habitat restoration for protection purposes to provide resilience for the Bay.

Commissioner Showalter suggested 2, 18, 24, and 25. Chair Nelson agreed and stated regional planning touches on restoration, resilience, and public access. Commissioner McGrath suggested including motivation as to why those things are important and why workshop participants should care. Ms. Lowe stated the focus of the second workshop is why should people care about this.

Ms. Goeden stated the Commission Chair requested that 17, 18, and 19 be one of the workshop topics. Chair Nelson suggested including that under restoration. Ms. Goeden agreed but cautioned against lumping too many topics into one. There are different conversations about the beneficial use of dredged sediment versus restoration as protection, which is more about transition zones and upland connection. Ms. Lowe stated the Policies for a Rising Bay project separated things done to allow existing habitat to persist in the face of sea level rise from restoration and protection. She cautioned against losing the value of natural areas by only discussing them as flood protection.

Chair Nelson stated it is essential to ask where changes need to be made - either because there is a barrier to a solution in the Bay Plan or the Adapting to Rising Tides (ART) is not encouraging that. One barrier to habitat is with regard to the use of fill and protecting existing resources. Ms. Goeden stated fill tends to be the actor that causes the impact. Chair Nelson stated the need to ensure that habitat issues are framed in a way to get to where the Bay Plan needs to be amended. There are three places there: habitat, mitigation, and regional planning for restoration purposes. Commissioner McGrath cautioned against over-promising the results of a dredge policy change.

Ms. Lowe stated the second workshop would discuss that it is not just the policies but, in some cases, it is reality. Commissioner Randolph asked which of the 32 topics apply to gray infrastructure. Ms. Goeden stated 3, 7, 16, 21, 22, 23, 24, and 25 and the remaining items the list.

Chair Nelson asked if separate policies about tide gates should be required other than providing direction to do adaptation planning at the regional and sub-regional levels. Mr. Goldbeck stated the need to consider 21 and 22 over the next few years, because someone may go through an ART project and decide to do a new tide gate to cut off large areas of presently tidal waters but there may be other issues with it other than the fact that they did not go through a regional planning process. Commissioner McGrath added that it might also take some thinking about how to modify an existing tide gate.

Chair Nelson stated 29 touches on the built and natural environments. Ms. Lowe stated staff is concerned that current policies allow rip rap, which will be used all around the shoreline because it is the easiest thing to approve and engineer and is least expensive, but many individuals are against the use of rip rap. Ms. Goeden stated the East Coast is moving towards removing riprap shorelines and doing more living shorelines. Chair Nelson stated, if the regional section of the Bay Plan is amended, it should include guidance about floodgates and green to gray embedded within that framework. He asked if green to gray should be addressed as a separate workshop topic. Ms. Goeden stated that is another phase. First, everyone must agree on the direction to go. Ms. Lowe stated some are topics that will be put into the Bay Plan in the nearer term rather than waiting until there is a more comprehensive approach. Chair Nelson encouraged staff to draw from past projects and workshops to frame the upcoming workshops.

Ms. Goeden summarized the feedback received today:

- There are variations of what the topics mean
- Restoration is adaptation protection
- Sub-regional planning
- Natural areas to persist
- Beneficial use of sediment
- Build to protect areas
- Tide gates
- Habitat, mitigation, and regional planning

Chair Nelson asked when the new sea level rise numbers would come out. Mr. Goldbeck stated he anticipates they will come out in April.

Ms. Goeden stated concern was expressed during the last meeting over inviting appropriate individuals and organizations to be part of the workshops. She asked Working Group members to review and email staff with names that are missing on the stakeholder list from the Commissioner workshops handout.

6. Adjournment. There being no further business, Chair Nelson adjourned the meeting at 12:32 p.m.