

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)

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

SUBJECT: March 16, 2017 Commission Bay Fill Policies Working Group Meeting Summary

1. Roll Call, Introductions, and Approval of Agenda. Bay Fill Policies Working Group (Working Group) Chair Barry Nelson called the meeting to order at 11:00 a.m. Working Group members in attendance included Chair Barry Nelson and Commissioners Jason Brush, Katerina Galacatos, and Jim McGrath. Staff in attendance were Alex Braud, Brenda Goeden, Steve Goldbeck, Cherise Johnson, and Anniken Lydon. Also in attendance were Commissioner Patricia Showalter (City of Mountain View) and Doug Wallace (East Bay Municipal Utilities District (EBMUD)).

2. Approval of February 16, 2017 Meeting Summary. The Working Group members approved the meeting, summary for February 16, 2017, as presented.

3. Commission Workshop Preparation. Brenda Goeden, BCDC Sediment Program Manager, reviewed the Draft Process Agenda, an accompanying description of the activities mentioned in the Draft Process Agenda, and Topics for Table Top Discussion for Sea Level Rise Workshop #7, which were included in the meeting packet. Ms. Goeden explained the eight Working Group and Policies for a Rising Bay project topic recommendations to put forward to the Commission (Table Top Discussion Description) and gave the option of limiting the topics to six. She further described the workshop activity, noting that time has been allotted for each workshop attendee to participate in two to three topic tables. She stated that the workshop will address the October of 2016 Commission Workshop Recommendation Five, "*Potential Changes to Law and Policy to Reflect Improvements to Adapt to Climate Change*". She cautioned that today is the last day to make changes to the proposed workshop agenda or activities since staff will begin working on the content for workshop following this meeting.

Ms. Goeden summarized the second activity - the "word cloud activity" - where workshop participants can cast their votes on values and desired qualities of the future Bay. Commissioner Patricia Showalter suggested showing the word cloud in the shape of the Bay. Commissioner Jason Brush asked what staff hoped to get out of the word cloud activity. Ms. Goeden stated it would help participants to develop their group's vision of the desired future Bay and end of the meeting with a positive visioning activity. The word cloud would be used by staff to develop next steps and as a touchstone to begin the next workshop. Using the qualities stakeholders' desire for the future Bay the participants at the next workshop would help chart the path forward.

BAY FILL POLICIES WORKING GROUP SUMMARY

March 16, 2017

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State of California | Edmund G. Brown, Jr. — Governor



Steve Goldbeck, the Chief Deputy Director, stated the Working Group suggested at the last meeting amending the Bay Plan by focusing on the Bay as a whole and what it should be like as opposed to looking at individual projects.

Commissioner Brush stated he did word cloud exercise with his team to assist in developing their mission statement. The word cloud showed the convergences in individuals' views of what is important. The exercise was used as a consensus-building tool around positive themes. Commissioner Jim McGrath agreed with working toward common themes but cautioned that this is not a chosen focus group that is statistically representative. The value is it is the first step in political organization. Ms. Goeden stated staff will work to adapt it to focus on a positive starting statement. Commissioner Brush agreed and stated his point was also about where the idea will come from - if the organizers will provide the content of the cloud and the group will sift it down, or if the organizers will provide what the future Bay should be and the group will work from the bottom up. Mr. Goldbeck stated it will be the latter.

Commissioner McGrath suggested that the word cloud exercise begin with framing questions as long as it is understood that responses are not restricted by those questions. Ms. Goeden agreed that that was the plan.

Chair Nelson stated he liked Commissioner Brush's comment about doing a word cloud on the mission statement. He suggested thinking of this exercise as a regional adaptation goal that could be a product that would come out of the word cloud. This may not feed directly into the Bay Plan and regulatory requirements but might be a good document to draw on as a vision statement for a regional adaptation plan. Commissioner McGrath cautioned that those without smart phones will be unable to participate. Mr. Goldbeck suggested that staff with smart phones enter votes from participants who do not have smart phones. Commissioner Brush stated there may be a web version of the word cloud tool. Ms. Goeden stated staff will look into it.

The Eight Recommended Topics

Ms. Goeden reviewed the eight Working Group and Policies for a Rising Bay project topic recommendations to put forward to the Commission that are listed in the Table Top Discussion document. Chair Nelson asked how the topics will be explained to participants. Ms. Goeden referred to the Topics for Table Top Discussion document, which includes a section on the large posters explaining each topic that will be displayed at the workshop. She stated staff stationed at each table would provide a brief summary of the poster content, and handouts on each topic will be provided to workshop. She showed sample poster to the Working Group to assist in understanding the format.

Commissioner McGrath stated the poster idea is good but he stated the term "green infrastructure" has too broad a meaning. He suggested using a more precise term. Chair Nelson asked what questions participants will be asked to address for each of the topics. Ms. Goeden stated the questions have not yet been developed. Staff will meet next week to put together a list of questions. Mr. Goldbeck stated the point of the workshop is to educate participants, so the questions will be geared toward increasing understanding over the process of the discussion.

Commissioner McGrath stated the BCDC has broad authority to deny projects that would put fill in the Bay, including things that might have to do with its long-term utility for adapting to rising sea level. He asked if that should be acknowledged to workshop participants. Mr. Goldbeck stated that is a long-term discussion topic. Chair Nelson stated what to ask for is unknown and does not solve the problem. When individuals hear the term “authority,” they think regulatory authority, which may be an incorrect assumption. Commissioner McGrath suggested, if that is the general viewpoint, making it clear during the framing presentation that the workshop is not addressing fundamental changes in authority. He also suggested noting that background material is available on the website.

Chair Nelson asked staff to send a list of the briefings going into the workshop to Working Group members. One presentation that does not neatly fit is Commissioner McElhinney’s presentation on transportation at the January meeting. Ms. Goeden stated the Working Group determined that policies generally addressed regional transportation and therefore did not necessarily need specific improvements at that time. Commissioner McGrath stated it does not dovetail with the Bay fill question. It is important to encourage Caltrans to work on issues but it does not have policy implications for Bay fill except at toll plazas.

Chair Nelson asked Doug Wallace, of EBMUD, whether the issues he wrestles with are adequately captured here with regard to Bay fill and the Commission’s jurisdiction. Mr. Wallace stated they are adequately captured for the moment. He stated EBMUD wants to be a partner in solving problems.

Commissioner Brush asked, for Topic #6 - mitigation at a regional scale, if the term “mitigation” is used in the compensatory sense for adverse impacts that are permanent or in the broader sense of mitigating impacts of sea level rise. Mr. Goldbeck stated it is both. Commissioner Brush asked how to avoid the banking construct during the table top discussion. Ms. Goeden stated staff is not trying to avoid discussion on the banking construct, but the tabletop discussion will be focused on moving from the current process of on-site, in-lieu, then banking mitigation. The conversation for the BCDC is whether the process should be flipped to first deal with the larger concept. She suggested including a box on the poster about mitigation banking. Commissioner McGrath suggested framing it in a positive sense by using terms such as “envisioning resilient habitat systems.” Commissioner Brush suggested phrasing the question as, “What is the goal of the BCDC’s compensatory mitigation policy?”

Chair Nelson stated that raises a couple of questions: how to design a resilient system and what in-lieu compensation means in that context. Regional mitigation does not necessarily mean banking. Commissioner Brush agreed that that level of conversation is premature for this workshop. Commissioner Showalter also agreed. She stated the Habitat Conservation Plan construct is solid and rigorous program from a scientific point of view, but is also a lot of work. Another thing that may be a possibility is how violation fine money is used. Regulators tend to steer individuals to use that money in ways they think is valuable. She suggested using directed fines as an interim construct between a bank and a habitat conservation plan. There are a number of ways to administer it. Commissioner Brush stated it is useful to frame this in terms of

ideal policy, systems, and mitigation service. Commissioner McGrath stated Commissioner Showalter's comment is important because, as Ms. Goeden mentioned, the BCDC does not want to avoid the question of whether it makes better sense on-site or off-site. Chair Nelson stated another way to think about it is from a habitat side that informs thinking about mitigation - anchor habitats that create the systems.

Ms. Goeden asked if there were any topics Commissioners would like to change. Chair Nelson stated it is important to remember that each topic will be a tabletop exercise so overlap is okay. He stated Topics #2 and #3, although they have substantial overlap, should not be collapsed. Commissioner McGrath stated the purpose of a workshop is education and gathering ideas. The topics provide the right amount of structure.

4. Adjournment. There being no further business, Chair Nelson adjourned the meeting at 12:01 p.m.