

San Francisco Bay Conservation and Development Commission

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May 1, 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;
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SUBJECT: April 20, 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 11:03 a.m. Working Group members in attendance included Chair Barry Nelson and Commissioners Katerina Galacatos, Sean Randolph, and Jim McGrath. Staff in attendance included Alex Braud, Brenda Goeden, Steve Goldbeck, Brad McCrea, Lindy Lowe, Anniken Lydon, Miriam Torres, and Cherise Johnson. Also in attendance was Commissioner Anne Halsted.

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

3. Commission Workshop Preparation. Brenda Goeden, BCDC Sediment Program Manager, stated this second workshop is the seventh in a series of workshops that is an outcome of the Working Group and the Policies for a Rising Bay Project (PRBP). It will focus on bay fill, the findings of the PRBP, and related exercises.

Ms. Goeden directed the Working Group's attention to small representations of the eight posters to be displayed at the workshop, which were included in the meeting packet. Each poster contained information on a topic for tabletop discussions. For this discussion, a staff person will give a three-minute summary of the issue highlighted in their poster at each table. Workshop participants will discuss the information and questions included on the posters and will have enough time to visit three tables. There will be a report-out on the tabletop activity where participants will have the opportunity to share concerns or something that they learned during the exercise.

Ms. Goeden stated the Future Bay Word Map exercise has been updated to include the suggestions offered in the last Working Group meeting. Participants will be asked to write descriptions on large pieces of paper of their vision of the future Bay. Then each table will be asked to collectively write a paragraph about the future Bay based on their participants' words.

Ms. Goeden suggested that the next Working Group meeting not be held on the day of the workshop, but rather have an interim meeting so that information gathered from the workshop can be summarized and presented to the Working Group prior to the next workshop. She suggested meeting on May 3rd or May 11th, depending on availability, prior to the May 18th

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workshop, to give staff the opportunity to develop the outputs from the first workshop. Ms. Goeden stated the second workshop will begin with the Future Bay Word Map created in the first workshop. The workshop goal will be to discuss short-, medium-, and long-term priorities.

She asked if a summary of the Bay Plan amendment process would be helpful for workshop participants to understand so they can propose the direction for the Commission to take. Commissioner Jim McGrath suggested discussing individual Bay Plan amendments rather than grouping amendments. Chair Nelson stated successive votes of successive amendments over a series of meetings are cumbersome. Lindy Lowe, the BCDC Senior Planner, agreed with focused amendments to avoid confusion and to give time to verify that it does not conflict with other policies. Anne Halsted, Commission Vice Chair, asked about the timeframe. Ms. Goeden stated the Working Group focuses on what can be done with the Bay Plan amendments in the next three to five years that will have implications for an “adaptation horizon” of 25 years.

Commissioner Halsted asked if any of the amendment work would be coordinated with Plan Bay Area. Ms. Lowe stated the resilient section of Plan Bay Area 2040 identifies sections that the Commission staff helped draft, such as the Regional Adaptation Mitigation Plan (RAMP), establishing a regional working group, and climate technical assistance. Commissioner Halsted stated the concern about public confusion over the multiple regional planning outreach efforts. Ms. Lowe stated the non-regulatory side of the BCDC fits nicely into Plan Bay Area. The only thing that might have implications with the regulatory program is the RAMP.

Commissioner McGrath stated there are modest problems with sea level rising storms on Highways 37 and 101. He emphasized the “and” in the BCDC name and the need to implement bold plans in terms of the endpoint of habitat. He stated the need for good projects that benefit habitat on a landscape scale. Commissioner Halsted agreed and stated the importance of educating stakeholders and the public on that intention. Commissioner McGrath stated having a political organization to ensure that the individuals with the larger vision of habitat resilience weigh in is a good idea. Ms. Goeden asked about concerns raised by Arthur Feinstein of the Sierra Club, referenced by Commissioner McGrath. Commissioner McGrath stated the standard objection of the Audubon Society is that having a mitigation program becomes a license to look less at resources. Chair Nelson agreed that there is a countervailing risk that, as the pressure to adapt grows, if advanced planning was not done, projects will not be adequately mitigated. Commissioner Katerina Galacatos stated it may be perceived that people will be doing less to avoid and minimize impacts. On the other hand, having seen several areas with mitigation banks, much of the mitigation cost is driven by supply and demand.

Ms. Goeden reminded the group that other tools are available to change how business is done: legislation, Bay Plan amendments, regulations, and guidance documents. She stated the need to consider which tool is more effective for different types of actions. Commissioner McGrath stated one biological priority mentioned by stakeholders is the need to sustain new restoration projects with enough topographic elevation to be self-sustaining for a period of time. There is no dissent on this high-priority item. Chair Nelson stated it is related to the idea of dealing with dredged material policies and doing more creative demonstration projects. Commissioner McGrath stated it is an even broader soft approach in terms of a policy framework.

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Ms. Goeden summarized that new restoration projects need elevation. A soft approach is putting sediment in the water along the shoreline to allow it to move on or doing flooding with sediment versus opening the site and letting it accrete naturally. She stated the method used on most recent new restoration projects is to pump sediment into the site before they breach, which is expensive. Commissioner Galacatos stated that pilot projects would need to be developed generally enough to allow for site-specific evaluation and not dictate the method to use. It is better to state the goals of the project and keep the methods to reach the goals flexible. Ms. Goeden raised the issue that restoration projects currently are not required to bring subsided sites up to near marsh plain elevation, which means that some, deeply subsided sites may never achieve marsh development under most sea level rise scenarios. Chair Nelson stated there currently is no requirement to bring restoration projects up to elevation. With a sediment-constrained system this may be an issue. The question may be whether the predicted change in precipitation patterns would bring additional sediment into the system.

Ms. Goeden stated the second workshop will begin with a review of the Future Bay Word Map created in the second workshop to see if participants agree with the word map priorities and the priorities of the Working Group. Ms. Goeden asked about discussing the range of Bay Plan amendment processes. Chair Nelson stated the importance of getting input on how extensive the public vetting process should be. Commissioner Galacatos suggested making a flow chart of where they would be in the process. Ms. Lowe stated the need to learn if there is a way to fast-track and include flexibility to fix some of the things that need fixing while engaging in a larger public process for a more extensive approach. That is where the timeline fits in.

Ms. Lowe stated it may be better to include guidance as separate documents that sits with the Bay Plan that are also adopted by the Commission. Chair Nelson stated there is guidance for permit applicants and guidance for regional planning efforts. Commissioner McGrath stated the advantage to doing guidance over regulation is guidance is a less rigorous process but it has to really be guidance. Ms. Lowe agreed and stated the challenge of bringing it back before the Commission if it required adapting. Brad McCrea, the BCDC Regulatory Director, stated public access design guidance is not that different. They are called out as guidance in the Bay Plan in public access policies and are treated as nonbinding. It is helpful to hand applicants guidance on what is required and important to keep the guidance general and open-ended in order to apply to the wide variety of applicant proposals. Commissioner Galacatos stated guidance for fill would outline the direction they should go and what should be avoided.

Ms. Lowe stated staff will summarize what came out of this meeting, send it to the Working Group, and schedule the next meeting. Chair Nelson suggested that the next meeting be scheduled for three hours. Ms. Goeden asked the Working Group to consider suggesting which of the four tools, legislation, policy, regulations and guidance, would best be to applied to different outputs of the first workshop.

4. Adjournment. There being no further business, Chair Nelson adjourned the meeting at 12:03 p.m.