

San Francisco Bay Conservation and Development Commission

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April 13, 2018

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)
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SUBJECT: March 15, 2018 Commission Bay Fill Policies Working Group Meeting Summary

1. Roll Call, Introductions, and Approval of Agenda. Steve Goldbeck, BCDC Chief Deputy Director, called the meeting to order at the Bay Area Metro Center, 375 Beale Street, Ohlone Room, First Floor, San Francisco, California, at 11:10 a.m., and asked everyone to introduce themselves.

Bay Fill Policies Working Group (Working Group) members in attendance included Commissioners Katerina Galacatos, Jim McGrath, Sean Randolph, and Sam Ziegler. BCDC staff in attendance included Alex Braud, Erik Buehmann, Shannon Fiala, Brenda Goeden, Steve Goldbeck, Anniken Lydon, Jacklyn Mandoske, and Isaac Pearlman.

2. Summary of Work Group Efforts. Brenda Goeden, Sediment Program Manager, provided an overview, with a slide presentation, of the background and purpose of the Working Group, laws and policies considered to date, other rising seas activities under way by BCDC planning group, and the recommendations that the Working Group provided to the Commission in 2017. She noted that the working group did not consider the Suisun Marsh laws and policies during previous discussions and suggested that the Working Group consider this area more explicitly in future Working Group activities.

3. Review Bay Plan Amendment Work Plan for Fill for Habitat. Isaac Pearlman, Environmental Scientist in the Planning Division, introduced the Bay Plan Amendment project team. He presented an overview of the Bay Plan Amendment history and process. The amendment process includes a background report based on the available science, stakeholder engagement, proposed policy change language, a Commission hearing and vote. He also presented the project goal for the Fill for Habitat Bay Plan Amendment. Mr. Pearlman reviewed the staff questions for the Working Group listed at the end of the slide presentation for discussion. Mr. Pearlman asked Working Group members to review the stakeholder list from a recent workshop, which was included in the meeting packet, and to contact staff with names and organizations that should be included on the list.

Chief Deputy Director Goldbeck stated staff turnover has slowed this Bay Plan Amendment process. He introduced the new members of the Planning team and stated the interview process has begun for a new Planning Director.

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Commissioner Ziegler asked about the pressure points and key things learned during the stakeholder involvement to date. He asked if it is useful to note where the concerns are. Ms. Goeden stated the Working Group will potentially change the fill policies for habitat. There may be tension between the advocacy, restoration, and development communities on how the BCDC should move forward with that issue.

- Advocacy community. One of the concerns has primarily come from the Sierra Club and Audubon Society. Save the Bay has not been heard from directly, but BCDC has been asked to be careful about creating a set of policies that open up the Bay to fill for development.
- Restoration community. Many stakeholders who participated are practitioners of restoration projects. They are the permittees; they know how to do it and where the rough points are, but they will push the BCDC to be as liberal as possible to ease permitting of these types of projects.
- Development community. The development community has not participated in the stakeholder engagement process on this issue to date. So staff is unclear what position this group may take.

Regarding additions to the stakeholder groups, Commissioner McGrath suggested including Baykeeper, Friends of Five Creeks, the Audubon Society, and the Sierra Club on the stakeholder list.

Bay Plan Amendment Fill for Habitat Work Plan

Ms. Goeden asked the Working Group members if there were any questions on the Draft Work Plan included in the meeting packet, technical resources that should be included in the Work Plan, and additional names or organizations that should be added to the stakeholder list. Commissioner McGrath stated it is important to recognize ancillary benefits and to develop a communication strategy about it. Multipurpose projects are higher priority than single-purpose projects and are the way to get things funded. He stated the proposed amendment supports resiliency projects and is not targeted for projects that primary purpose is development, and it needs to be forthright about that. The communication strategy should promote the higher purpose.

Deputy Director Goldbeck stated the need to think in terms of the policies, as well, including how to address projects that provide multiple benefits and how to encourage them. Commissioner McGrath stated thinking through the eventual implementation of a project is important. Erik Buehmann, Chief of Federal Consistency and Permits, suggested considering the scope of each project, especially multipurpose projects. Commissioner McGrath suggested doing that with positive examples such as the Ora Loma project. He suggested encouraging and recognizing ancillary benefits.

Commissioner Ziegler referred to Task 4, Notice and Hold Public Hearing, under Work Plan Item 5, Revised Policy Changes, Commission Hearings, and Staff Recommendation, and suggested preparing for media coverage and messaging. Deputy Director Goldbeck stated staff has been discussing the need for better outreach and a public information officer for many years but has no funding to support this work. The BCDC currently has no social media but it is important to think about.

Commissioner Ziegler asked about the purpose of the Work Plan. Deputy Director Goldbeck stated it will guide staff and inform Commissioners and interested parties on the work being done. Commissioner Ziegler asked about outside assistance. Deputy Director Goldbeck stated that is something that needs to be considered. The BCDC does not have the funds to hire contractors but there is a need for the best available science input. Commissioner McGrath suggested including more shoreline morphology experts on the stakeholder list. Deputy Director Goldbeck stated another potential issue is that the restoration community believes public access requirements delays projects.

Commissioner Galacatos referred to a phrase in the Project Goal that states “habitat restoration and other nature-based soft shoreline projects.” She stated “other nature-based soft shoreline projects” is ambiguous. Many projects could be crafted to apply to that phrase. She suggested clarifying the definition. Commissioner McGrath agreed. He suggested creating enough room for something that makes morphological sense and will contain benefits as the sea level rises. Commissioner Randolph suggested “habitat restoration including through other nature-based soft shoreline projects.” Commissioner Galacatos suggested removing “and other nature-based soft shoreline projects.”

Deputy Director Goldbeck suggested including other Bay Plan policies than the ones laid out in the Bay Plan Amendment that might be appropriate.

Ms. Goeden stated that “other nature-based soft shoreline projects” phrase was included because current BCDC policies favor riprap and sea walls as opposed to living shoreline approaches. She stated staff struggles with permitting living shorelines. Commissioner McGrath agreed with removing “and other nature-based soft shoreline projects” in the project goal. Soft shoreline projects are a subset that may or may not be appropriate as part of a restoration project. Calling them out as a separate category elevates them.

Commissioner Ziegler asked if it would lose the resilience to rising seas and if it is fill for both habitat restoration and resilience. He also asked if fill for habitat is only in play for restoration or if it is also in play for existing habitat. Deputy Director Goldbeck stated it is both. Commissioner Galacatos suggested replacing “habitat restoration and other nature-based soft shoreline projects” with “habitat restoration and enhancement.”

Commissioner Randolph asked about the Working Group in the longer term. Ms. Goeden stated that topic will be discussed in Agenda Item 4. She stated Larry Goldzband, Executive Director, has indicated that he would like to see the Working Group continue but has not defined what that means. During the Bay Plan Amendment process, the Working Group may meet quarterly or may meet monthly to discuss other issues.

4. Future Working Group Activities. Deputy District Goldbeck tabled this agenda item to the next meeting.

5. Adjournment. There being no further business, Deputy Director Goldbeck adjourned the meeting at 12:328 p.m.