

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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TO: Commissioners and Alternates

FROM: Will Travis, Executive Director (415/352-3653 travis@bcdc.ca.gov)
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SUBJECT: Second Public Hearing on the Draft Staff Report and Preliminary Recommendation for Proposed Bay Plan Amendment 1-08 Concerning Climate Change
(For Commission Consideration on June 4, 2009)

Summary of First Public Hearing

On April 7, 2009, the staff published: (1) a draft staff report, *Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on the Shoreline*, which describes the impacts of climate change in San Francisco Bay and on the shoreline; and (2) a preliminary staff recommendation to amend the *San Francisco Bay Plan* by adding a new policy section on climate change and updating the policy sections on Protection of the Shoreline, Safety of Fills, Tidal Marshes and Tidal Flats, and Public Access.

On May 7, 2009, the Commission held a public hearing to allow the public to comment on the preliminary staff recommendation. The Commission received comment letters prior to the public hearing and considered testimony that ranged from technical comments on the background report and suggested changes to proposed language in the findings and policies to recommendations on the larger issue of how the Commission should manage development around the Bay until a regional strategy to address sea level rise can be developed.

Through its discourse, the Commission suggested that, prior to considering any specific policy changes to the Bay Plan, which are short-term in nature, it might be wise to first address the long-term objective of how a regional strategy to address sea level rise can best be developed. The Commission also decided to keep the public hearing open until its June 4, 2009 meeting.

Policy Options

In addition to receiving additional public comments on June 4, 2009, the staff recommends that at that meeting, the Commission discuss and provide guidance the staff can use in developing its final recommendation to amend the Bay Plan. To assist the Commission in its deliberations, the staff has identified three possible policy options, each of which assumes that the Commission will adopt some version of revised Bay Plan findings and policies that address climate change to guide regulatory decisions under BCDC's current authority.



Making San Francisco Bay Better

1. Adopt staff's recommendation, which describes a planning framework for the development of a regional sea level rise adaptation strategy, which could take the form of a new type of Bay Plan. This option is consistent with the objectives in the Commission's current strategic plan—to first update the current Bay Plan findings and policies so that the Commission can address climate change under the limits of its current authority, and then to develop proposed legislation that would address the Bay-related impacts of sea level rise more comprehensively and provide funding and a legislative mandate for this work.
2. Develop proposed legislation now along with the proposed Bay Plan amendments, which would result in mandated direction to the Commission to prepare a regional sea level rise adaptation strategy or new Bay Plan that addresses the Bay-related impacts of climate change more comprehensively.
3. Seek legislation now that calls for this new regional sea level rise adaptation strategy and provides the Commission with interim authority over certain vulnerable shoreline areas.

Summary of May 15, 2009 Joint Policy Committee Discussion

On May 15, 2009, the staff presented to the Joint Policy Committee (JPC) its recommended updates to the Bay Plan findings and policies and recommended that the JPC support the proposed Bay Plan updates and agree to play a key role in developing a regional strategy to the address the Bay-related impacts of climate change. The JPC unanimously agreed it should play a key role in developing a regional strategy. However, the JPC decided it needed more time to review the proposed Bay Plan updates before it could endorse the entire recommendation. The JPC also wanted to provide the public and the Commission another opportunity to consider and comment on the policies before the JPC acted on the staff's recommendation. BCDC's staff agreed it would not present its final recommendations on Bay Plan amendments to BCDC for a vote until the JPC has an opportunity to review the preliminary recommendation again at the JPC meeting on July 17, 2009. In light of this commitment and the time it will take to respond to public comments, the first meeting at which the Commission would be able vote on the staff's final recommendation would be on September 3, 2009. Therefore, the Commission could keep the public hearing open until its July 16, 2009 meeting.