

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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April 25, 2014

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653 lgoldzband@bcdc.ca.gov)
Sharon Louie, Director, Administrative & Technology Services (415/352-3638 slouie@bcdc.ca.gov)

SUBJECT: Draft Minutes of March 6, 2014 Commission Meeting

1. **Call to Order.** The meeting was called to order by Chair Wasserman at the Ferry Building, Port of San Francisco Board Room, Second Floor, San Francisco, California at 1:06 p.m.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted, Commissioners Addiego, Apodaca, Bates, Chiu, Cortese (represented by Alternate Scharff), Gibbs, Gorin, Hicks, McGrath, Randolph, Sartipi (represented by Alternate McElhinney), Sears, Techel, Vierra (represented by Alternate Doherty), Wagenknecht, and Zwissler.

Chair Wasserman announced that a quorum was present.

Not present were: Alameda County (Chan), Department of Finance (Finn), Contra Costa County (Gioia), Governors Appointee (Jordan Hallinan), State Lands Commission (Lucchesi), Senate Rules Committee (Nelson), San Mateo County (Pine), Solano County (Spering), and U.S. Environmental Protection Agency (Ziegler).

3. **Public Comment Period.** Chair Wasserman called for public comment on subjects that were not on the agenda. Comments would be restricted to three minutes per speaker.

Seeing no speakers, Chair Wasserman moved on to Item four, Approval of Minutes.

4. **Approval of Minutes of the February 20, 2014 Meeting.** Chair Wasserman entertained a motion and a second to adopt the minutes of February 20, 2014.

MOTION: Vice Chair Halsted moved, seconded by Commissioner Zwissler, to approve the February 20, 2014 Minutes. The motion carried by voice vote with Commissioners Apodaca and Techel abstaining.

5. **Report of the Chair.** Chair Wasserman reported on the following:

a. **New Business.** This is the time when we invite Commissioners who wish an item to be put on a future agenda for new business to raise it if you haven't raised it privately. Are there any? Commissioner McGrath spoke: A number of months ago David Lewis raised questions about the success or lack of success of Middle Harbor. I discovered that progress had been difficult. It is probably appropriate to put this on the agenda sometime before the end of summer and ask the



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Port of Oakland for a briefing on the current status. Chair Wasserman mentioned that he would direct staff to inquire on that and to put in on the agenda in a timely fashion. Chair Wasserman moved on to his next point.

b. **Next BCDC Meeting.** We will not need to hold our next regularly scheduled meeting on March 20th and we may not have business matters in April. A number of Commissioners have expressed a desire for a tour of Piers 30-32. Staff is working with the Port of San Francisco to arrange that with the Golden State Warriors. Hold the dates because it's likely to occur on the date of a meeting in April or May probably at the normal 1:00 p.m., meeting. I want to start letting Commissioners know about meetings that affect this agency's actions generally and rising sea level in particular just so you have some sense of what is going on and in case you or staff have an interest in attending. There are at least three meetings coming up that I will mention to you later.

c. **Ex-Parte Communications.** That completes my report. Are there any ex-parte communications that anybody would like to put on the record now in place of doing it by email or with the Executive Director? These are on permit matters not policy matters. Chair Wasserman received no comments and moved to the Executive Director's Report.

6. **Report of the Executive Director.** Executive Director Goldzband reported: Although I did not expect to be here, I certainly am pleased to attend our meeting today. The storm back east took nobody by surprise in DC, but it delayed my travel plans by about a month.

Steve Goldbeck and I shall be in Sacramento on Friday to meet with staff of the Senate Budget Committee to discuss BCDC's 2014 Shoreline Resilience Legislative Initiative and its budgetary ramifications. Meeting concurrently with the Committee staff will be representatives of the Coastal Commission, the Coastal Conservancy, the State Lands Commission and the Ocean Protection Council. This has been introduced by Senator Hancock.

We have had some staff additions of the intern and Fellow variety. Rosa Schneider has joined the staff as a Sea Grant Fellow. She is working with the sediment management staff. Rosa has a Master's degree in Ecology, Evolution and Conservation Biology from San Francisco State University and was a Graduate Research Fellow for the San Francisco Bay National Estuarine Research Reserve. She has done a lot of work on Suisun Marsh.

Brian Liang joined the enforcement staff on February 26th to assist with our new Permit Compliance Program which tracks all due dates associated with recently issued BCDC permits. Brian graduated cum laude from UC Irvine with two Bachelor of Arts degrees in Urban Studies and Psychology and Social Behavior (which might give him some insight into an enforcement program). He will be working halftime at BCDC and halftime with SF Made, a nonprofit helping develop the local manufacturing sector until he starts graduate school in the fall.

Meera Velu started her internship last month. She earned a B.A. in Political Economy from UC Berkeley and is finishing up her Master's degree in Urban and Environmental Policy and Planning at Tufts University – her thesis is on the ethnography of Frank Ogawa Plaza in Oakland. At BCDC, she is researching and collecting data on major projects approved by the Commission so that we can have more and better information at our disposal when we consider future projects.

LuoYan Yu has joined BCDC as a GIS intern working with Enforcement. He earned a BA in Geography from San Francisco State University and holds a GIS Certificate from the City College of San Francisco. Before starting at BCDC, LuoYan interned at the Trust for Public Land, the Bay Area Ridge Trail Council and San Francisco Supervisor David Chiu's office. He is expanding and maintaining BCDC's Bay Resources and Analysis Tool and helping to develop enforcement-based geospatial data.

And finally, Brunell Gugelmann earned his Masters in Natural Resource Management from North Carolina State University and has a GIS Certificate from there. Before interning at BCDC, Brunell worked for the US Forest Service and he is digitizing geospatial data with BCDC's Dredging and Sediment Management Program.

The Google Barge has moved and with that departure and all the remaining elements of the unauthorized construction facility at Treasure Island Development Authorities Pier 1 appears to have resolved the TIDA violations as described in our enforcement letter and no fines were assessed. TIDA is expected to submit an application tomorrow to continue to use Pier 1 in the manner proscribed by the lease agreement that now exists between TIDA and its lessee. We expect to be able to approve the application administratively when it's deemed complete. The entire process about learning about the barge and fixing the permit issue regarding its construction is due to the work of Adrienne Klein and Doug Armstrong in our Enforcement Unit, Erik Buehmann in our Permits Unit and John Bowers in our legal staff. They did a great job. Last week, Allison Brooks, the Director of the Joint Policy Committee, and the four Executive Directors of the JPC agencies met with staff of Senator Mark DeSaulnier to discuss the current provisions of SB 792, which describes how the JPC will approach the second Bay Area Sustainable Communities Strategies known as Plan Bay Area. You will remember that BCDC was written out of the Senator's proposal last year. Since then, the bill has become more prescriptive regarding how the 2017 Sustainable Communities Strategy outreach would be performed and how the three regional agencies, minus BCDC, would reduce duplication of efforts, etc. Both MTC and ABAG oppose its provisions, which would actually shorten the amount of time that the two agencies will have to prepare the next Plan Bay Area. Please note, however, that Jack Broadbent, Executive Officer of the Bay Area Air Quality Management District and I, told Senator DeSaulnier's staff that both BCDC and the Air Board will continue to collaborate and partner with MTC and ABAG in the development of the SCS so that it can more fully describe a Bay Area-wide sustainability strategy. In addition, the Senator's staff recognized that BCDC moving into the regional headquarters building, despite that section being excised from the bill due to the Appropriations Committee, would be a very good thing.

After that meeting, I joined Jaime Michaels of our regulatory staff in a meeting with the staff of the Little Hoover Commission. The roundtable discussion centered on how the State can, or should, best respond to the need for consistent vulnerability and risk assessments. I actually arrived at the meeting late due to our meeting with Senator DeSaulnier and I was informed in no uncertain terms by the Little Hoover Commissioner Loren Kaye that Jaime had represented BCDC in superb fashion. The meeting was quite productive, Little Hoover held its final formal hearing on the subject of climate change a day later, and we look forward to its report.

Senator Hancock has introduced SB 1184, legislation written mainly by BCDC staff that directs BCDC to prepare a regional strategy to promote shoreline resilience in response to rising sea level. The bill directs BCDC to do so collaboratively with local governments, regional, state and federal partners and prepare it so that it can be included as part of the updates of the SCS. You would recognize much of the language in the bill as it mirrors language in your Bay Plan policies in so many ways. Steve Goldbeck has been working with the Senator's staff on the bill. Our next task – after meeting with the Budget Committee staff – is to gather support for the legislative initiative.

And, just when you thought it was safe to go back into the water. This is the last meeting before your Form 700's are due. Two of you, and one alternate, have completed the form and provided it to BCDC. Only 51 remain.

That completes my report, Mr. Chairman and I am happy to answer any questions.

Chair Wasserman spoke: Clearly the majority of Commissioners have not submitted their forms. Let's get those in, please. There were no questions for the Executive Director so the Chair moved to Item 7.

7. **Consideration of Administrative Matters.** Chair Wasserman announced there were no listings on administrative matters. He moved on to Item 8.

8. **Public Hearing and Possible Vote on the East Bay Regional Park District's Application No. M2013.009.01 to Restore and Enhance Breuner Marsh, Create a Shoreline Park, and Complete a 1.25 mile Segment of the Bay Trail.** Chair Wasserman announced: Item #8 is a public hearing and possible vote on the East Bay Regional Park District's application to restore wetlands and provide public access South of Point Pinole Park in Richmond. Ellie Knecht will make the staff presentation.

Ms. Knecht presented the following: The project before you today is the East Bay Regional Park District's proposed Bruener Marsh Restoration and Public Access Project. It's located in the city of Richmond south of Point Pinole and at the north end of Goodrick Avenue.

The 150 acre project site includes 120 acres of the Bruener Marsh property and 30 acres of the adjacent Giant Marsh.

The project would create and enhance seasonal and tidal wetlands, establish marsh transition zones and provide public access.

Restoration work would involve excavating upland areas to establish 6.1 acres of new tidal wetlands and 4.2 acres of new seasonal wetlands as well as enhancing another 27 acres of tidal wetlands and 4.2 acres of seasonal wetlands by creating new sloughs, removing debris and excavating material to improve drainage and tidal flooding in the area.

Public access improvements would include a new one and a quarter-mile long Bay Trail segment, a quarter-mile long spur trail, a parking area, picnic area and a couple of overlooks.

The project has been designed in anticipation of sea level rise establishing broad transition zones and uplands where marsh may move inland with rising sea levels in the future.

In total, the project would result in approximately 59,115 square feet or 1.3 acres of Bay fill, all related to creating habitat and providing public access at the site.

The project would create far more tidal marsh than would be filled as a result of the project.

As we've outlined in the staff summary, the staff believes that the application raises six primary issues: whether the project is consistent with the priority use designation in the Bay Plan as a waterfront park, whether the project is consistent with the Commission's policies regarding fill, whether the project would provide the maximum feasible public access consistent with the project, whether it's consistent with the safety of fills and climate change policies, whether it minimizes impacts to natural resources and finally, whether it's consistent with the Commission's dredging policies.

I want to note one correction to the exhibits that were provided with the reports. Exhibit C, E and J in the staff summary have been updated to reflect the accurate extent of the sloughs. Exhibit A of the staff recommendation shows the accurate extend of the sloughs.

Brad Olson from the East Bay Regional Park District is here today to provide more information about the project.

Mr. Olson addressed the Commission: I have been managing the Breuner Marsh Project for the past four years. We are very close to wrapping up all of our final approvals and breaking ground on this project.

This project is the culmination of about a 40 year citizen-led effort to protect and restore Breuner Marsh.

We are very pleased to have acquired the property and developed the plans for its restoration. There have been no less than five development proposals on the property. Prior to our acquisition we had to go through an eminent domain process with the property owner all the way to State Supreme Court with multiple appeals to prevail in the eminent domain action.

The project is located in the city of Richmond in Contra Costa County. It is an area on the west side of the Union Pacific Railroad tracks. It's just south of the existing Point Pinole Regional Shoreline. It's north of a famous gun club that is out there.

The Giant Marsh at the north end refers to the Giant Powder Works which was on this property. If you go out to Point Pinole you will see the remnants of that old rail site using the eucalyptus trees as blast shields. This was the fourth location for Giant Powder Works having changed their name several times in previous locations where they had large explosions.

The project area abuts Rheem Creek on the southern end. Rheem Creek is a federal flood control project.

The project will provide a new parking area for public access at the end of Goodrick Avenue. That will be a 24-car parking lot that will include restrooms signage.

This project will close one of the key gaps in the San Francisco Bay Trail.

Our general goals for the project are two-fold. One goal is habitat restoration and the other is public access. They are co-equal goals for this project.

The other driving circumstance for this project is sea level rise. When we first started on this project this Commission was developing guidelines on the safety of fills and sea level rise policies which we paid very close attention to. We selected a 55 inch rise in sea level anticipated by the end of this century.

Our public access facilities have been designed with the idea that they will be sustainable through the end of the century or can be relocated if necessary.

This is the first project that we've had the opportunity to develop with this criteria in mind. This site is large enough and it has enough opportunities to do that. Most other shoreline areas have got Bay fill right up to the edge of the Bay.

The project is going to cost about eight million dollars. In the East Bay our projects tend to be expensive because there is a lot of fill that has to be removed. So unlike a project that breaches levees, our project requires excavation of up to 120,000 cubic yards of material and that is the major component of the cost for the project.

The project area is approximately 150 acres; about 98 of it will be tidal and seasonal wetland at the end of the project, about 52 acres of coastal prairie. By coastal prairie I mean coastal grasslands that have maritime influence so that they are sustained during dry periods of summer fog.

We mentioned the one and a quarter-mile Bay Trail plus there is another spur trail that runs out to a spit in the Bay which provides spectacular views of the Bay.

The parking lot will also have a restroom and there will be a picnic area and overlooks for the project where people can get good views of the Bay as well be close to the restored habitats but not disturb the habitats.

With the construction of the project the improvements will extend the Commission's jurisdiction quite a ways inland. There will be a new bridge over Rheem Creek.

The major components of the project are removing the Bay fill in certain areas and expanding salt marsh. One of the goals of the project was to provide new habitat and habitat for the migration of tidal habitats into areas that will be seasonal wetlands and eventually will become salt marsh.

Our two key species for this area are California Clapper Rail and the Salt Marsh Harvest Mouse. Our long-term goal is that the project will have habitats now and sustainable habitats for both species through the end of the century.

In addition to the tidal wetlands, there will be two large areas of seasonal wetlands. These areas will eventually become tidal. The Bay Trail will be placed on top of the fill that is removed from the areas that are going to become tidal and seasonal wetlands.

I describe these upland areas as backstops because they will backstop the Bay with the rising sea levels. They are also going to provide large transitional areas between the Bay so that we have high tide refuge for Harvest Mouse and Clapper Rail and other marsh species.

All of the public access facilities will be dry from the projected sea level rise and they can be relocated with the elevation change if necessary.

The project was acquired through eminent domain at a cost of 6.8 million dollars and because it was eminent domain the Park District had to use its own funds. There were no grant funds available for condemnation acquisitions.

We spent about one million five-hundred thousand dollars on feasibility studies, concept plans, project alternatives and design. We've used 10 consulting firms; over 40 Park District staff have been involved in this project. There have been 22 agencies and organizations involved either in a regulatory role and/or a funding role.

We have a total of 10 grants which is one of our largest number of grants. It will be quite a challenge to manage all of those grants and make sure that we've fully expended all of the funds. We have a total of eight permits. We have obtained our Section 7 consultations from the Fish and Wildlife Service and the National Marine Fisheries Service, the Department of Fish and Wildlife, the Regional Water Quality Control Board, the State Office of Historic Preservation and the city of Richmond.

Our remaining permits are the permit from this Commission and the Corps of Engineers is our final permit.

We hope to break ground on the project this summer. We are getting ready to send out our 100 percent design for bidding and hope to incorporate all of our permit conditions to implement this project.

One of the challenges with this project is the provisions for protecting endangered species, namely, California Clapper Rail require us to do pre-construction surveys to determine if Clapper Rail is nesting in the project area. And if they are, we have to wait for the nesting to conclude before we can start working within 700 feet of an active nest. This is virtually the entire project area.

We'll either be starting in July or September depending upon what the rails decide to do. We are building this for them.

The clearing and grubbing would take place this summer. This is when we would remove all of the imported debris such as concrete and metal, creosote timber and there is a small area of arsenic-contaminated soil where we're doing a voluntary cleanup to remove that and we would be doing the rough grading.

If we have a sufficient construction window this year we should finish all of that. And then next year we will have the final grading and we'll start constructing the public access improvements which include the staging areas, the picnic areas, the bridges and boardwalks and then finish up with planting and seeding.

The boardwalks will be particularly challenging because we have to drive 42 piles through the edge of an active salt marsh. This will be a very delicate operation and this is the most constrained part of the project.

In the long term, we will have a 10 year maintenance and monitoring process for this project, looking at establishment of the marsh and the seasonal wetlands, managing invasive species. We will also maintain the facilities.

Public education is going to be key to protecting the marsh as well as getting the public involved in our interpretive programs where we hope that they will continue to be advocates for the Marsh and protecting the Marsh.

With that, I conclude my comments. I want to thank everyone involved for their work and support through this process. We have Patrick and Jeff here to answer any questions as well. We'd be happy to answer any questions.

Chair Wasserman called for questions from the Commissioners. He commented as follows: This was a very good presentation and this is a very good project. It is very encouraging to see how protecting and adapting to rising sea level is being integrated into this project.

We have no public speakers on this item. I would entertain a motion to close the public hearing and a second.

MOTION: Commissioner Wagenknecht moved to close the public hearing, seconded by Commissioner Gibbs. The motion passed by a voice vote with no opposition.

Commissioner McGrath commented prior to the staff recommendation vote: I think we are fortunate to have an applicant here that has both public access and habitat restoration as a mission.

I have gone to Point Pinole on the existing Bay Trail. Tom Michelson who was one of the first board members of the Bay Trail described it as, a little intense. He was terrified. It's on Richmond Parkway and replacing that with a safer route is marvelous from a bicyclist's perspective.

I've also paddled a kayak across this Bay and one of the things that wasn't mentioned is this is the richest Eel Grass bed in San Francisco Bay. It's a spectacular area and shoreline.

Point Pinole is now a destination camping spot for those on kayaks. This fits well into those and would enhance what is already a lovely shore.

Chair Wasserman continued: Thank you. Any other questions or comments?

Commissioner Scharff had a question: When you showed the Bay Trail and the spur that goes all the way out to the Point, is that a gravel trail that goes to the end?

Mr. Olson replied: That is correct, yes.

Commissioner Scharff continued with his inquiry: And it says that there is another trail for public access that's an informal foot path that will last awhile until we have sea level rise. Where was that?

Mr. Olson answered: That is the same trail. This trail is built on fill that has been differentially settling and already the king tides are over-topping the trail. It is a trail that will eventually fail. It will be gated off and at some point it will become an island for birds.

Commissioner Scharff asked: So how long do you expect it to last?

Mr. Olson responded: That's an excellent question. I would say on the order of 20 years based upon my casual observations of the circumstances. I think it's those large storm events coupled with the king tides that are really going to be the ones we have to monitor. We will eventually have to close the trail when it becomes unsafe.

Commissioner Scharff continued: So, do we have a requirement that maintain and restore the maximum possibility feasible or until rising sea levels change that? Can they just let it wash away?

Ms. Ellie Knecht fielded the question: There is a requirement that the public access areas, including the access along that shoreline spit, be maintained as long as possible. We acknowledge the portion extending from the last overlook out to the end of the shoreline spit would be closed at which time the Park District determines that it's no longer safe for public access.

Commissioner Scharff continued: So, does BCDC have any role in making that determination once we sign off on this?

Ms. Knecht replied: At this time the condition does not specify whether they would come back and notify us but defers to the Park District to make that call for that portion of the Trail.

Commissioner Scharff share his concern: You worry about funding and you worry about that at some point it may seem easier to close it than to keep it open for that last five or six years. What do we normally do at BCDC? Do we normally have conditions where someone can't close the trail without coming to us?

Ms. Knecht added: I should also mention that in the public access conditions there is some language about reasonable restrictions. They would need to consult with the Commission when there are restrictions to the public access areas that are required as part of the permit.

Mr. Brad McCrea, Director of the Regulatory Program spoke: We are getting ahead of ourselves because the recommendation hasn't been made. In the staff recommendation are these conditions. We'd be happy to entertain revising the condition to address the concern that you have about a future presentation by the Park District about whether the time is right to close the Trail. The Park District is open to that idea. We could explore this although it would take some re-writing.

Commissioner Scharff replied: I would definitely like to do that but after you make the recommendation.

Chair Wasserman continued the meeting: If there are no other questions or comments you can now make the staff recommendation.

Ms. Knecht made the staff recommendation as follows: On February 28th you were mailed a copy of the staff recommendation which recommends the Commission approve the Bruener Marsh Restoration and Public Access Project. The recommendation includes a number of conditions to ensure that the project is consistent with the Commission's law and policies to provide the maximum feasible public access. The applicant would be required to maintain the public access improvements discussed today. The applicant would be required to monitor the success of the restoration program over a ten year period relative to target habitat goals and key success criteria such as sedimentation, percent plant cover, control of exotic vegetation and channel development. Specific work windows and construction best management practices have been included in the staff recommendation to minimize impacts to fish and wildlife in consultation with U.S. Fish and Wildlife Service, NOAA Fisheries and the California Department of Fish and Wildlife. To address

the Commission's policies on climate change and sea level rise, the applicant has designed the project to provide room for tidal marsh to move inland with rising sea levels and has moved the Trail away from the shoreline and raised it such that all areas except for that shoreline spit would not be flooded or not expected to be flooded before 2050. Adaptive measures have been incorporated to assure that the Trail persists beyond 2050.

The staff believes the project is consistent with the Commission's law and Bay Plan policies and recommends approval of the staff recommendation.

Commissioner McGrath had a question: As I understand the recommendation and the concern by Commissioner Scharff, currently the conditions require adaptive management and possible replacement of parts of the Trail except for the spit. The spur trail would remain open and would it be required to be elevated?

Ms. Knecht responded: The foot path shown on the screen would be flooded and there are no formal improvements happening there. They are just opening access to that spit.

Commissioner McGrath probed for more detail: Is there a marsh on either side of that spit? I would like to ask Brad a question. So, would placing fill on that fairly narrow trail involve some risk of displacing some of that fill out into the marsh?

Mr. Brad Olson replied: That is correct. We looked at improving the Trail to make it sustainable and it would have required a substantial amount of Bay fill to have it sufficient in width and meet other access standards. We decided that for that reason it was not a good improvement. The U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife were opposed to us improving that trail because of the risk to the Marsh.

Commissioner McGrath expounded further: And in the event of sea level rise of about 12 inches or so, the little mound there would actually be the edge of the Bay at high tide. Correct?

Mr. Olson agreed: That is correct and the mound will be considerably higher than even your 2100 elevation. It's being constructed as a point view of the Bay.

Commissioner McGrath pressed for more information: Would it be possible to continue to use the trail as an informal trail which exists in many of our systems after such time that it is no longer above the highest water all the time?

Mr. Olson responded: The trail is built with a gate which can be locked and unlocked as necessary. During king tides it could be closed and then during normal tidal cycles when it's not being over-topped the gate could be opened.

Commissioner McGrath commented: So in terms of public access that might be in the way of operation of that gate rather than improvements to the site.

Mr. Olson informed the Commission: We do operate several facilities like that along the Bay shoreline where during king tides we do have to close them to protect public safety.

Chair Wasserman interjected: I'm not sure what the intent is but I would like to suggest language that, prior to permanently closing access to that spit because of rising sea level the applicant notify staff and allow staff to decide whether it needs to come to the Commission or not, if that's acceptable. The applicant is indicating that that is acceptable.

Mr. McCrea responded: This is acceptable.

Chair Wasserman clarified a procedural matter: On that piece we would amend that subject to any other comments by Commissioners. I have a thumbs-up from Commissioner McGrath. I have a comment from Commissioner Bates.

Commissioner Bates commented: I've been aware of the struggle that the Park District has had in acquiring this property. Being a resident of the east Bay I am so appreciative of having this incredible park district working for us. It was founded during the Great Depression. They continue to do fabulous work and they're supported wonderfully by the public. They are making great investments in the future. I am delighted and when the time is right I would like to move this item.

Commissioner McElhinney had a two-part question: I really thought the presentation was very well done. From a transportation perspective it looks like access by kayak is very good, bike pedestrian access is very good. The parking lot for 24 spaces, how were the 24 spaces decided upon and what is the nearest transit access point?

Mr. Olson answered: The parking lot was based upon traffic demand models that we conducted. The approximate usage was about 47 vehicles per day and we felt this size parking lot was of sufficient capacity to accommodate this anticipated level of traffic. We also anticipate that because it's now going to be a through connection to points south that we hope that more people will get out of their cars and on their bikes and on foot so there won't be an increase in demand for parking. Transit is a challenge in this area. There is transit on the Richmond Parkway which is approximately one-quarter mile to the southeast where Goodrick Avenue intersects the Parkway. There is also transit on the north end at the existing Badger Bridge staging area. You will be able to take transit to the north end of the Trail. From the other end it's about a quarter-mile connection between the Parkway and that parking lot.

Chair Wasserman continued: Any other questions, comments? He received none. He continued: We have a motion to approve the staff recommendation as amended by Commissioner Bates and Commissioner Apodaca has seconded.

MOTION: Commissioner Bates moved approval of the staff recommendation, seconded by Commissioner Apodaca. A roll call vote was taken.

VOTE: The motion carried with a roll call vote of 17-0-0 with Commissioners Addiego, Apodaca, Bates, Chiu, Scharff, Gibbs, Gorin, McGrath, Randolph, McElhinney, Sears, Techel, Doherty, Wagenknecht, Zwissler, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

Chair Wasserman announced: We're going to change the order slightly and we're now going to take up Item 10 before Item 9. Item 10 is a briefing on the San Francisco Waterfront Working Group. Lindy Lowe will make the presentation.

10. Briefing on San Francisco Waterfront Working Group. Ms. Lowe presented the following: Item 10 is a briefing on the San Francisco Waterfront Working Planning Process. I have briefed the Commission several times before and we're wrapping up our preliminary recommendations. I will let you know where we're at currently, where we have been and where we are going.

The San Francisco Waterfront Special Area Plan is somewhat the focus of this working group work. But it's not the only focus. There are a lot of implementation measures that can be taken to improve the San Francisco Waterfront.

The SFWSAP is a very important implementation document and it's BCDC's. I will quickly remind you of what it does and what's in it. There was a significant amendment in 2000 to the Plan which set aside BCDC's water-oriented uses in upland alternatives analysis requirements in the area from China Basin to Pier 35, but are in the McAteer-Petris Act for all other areas of the Bay shoreline. It doesn't include Fisherman's Wharf and it doesn't include the southern waterfront.

The amendment removed the replacement fill policy from the area between China Basin to Pier 35 and it resulted in greater development opportunities in exchange for a package of public benefits. Some ways to consider this is the building we're in right now as well as the

Exploratorium, some of the offices and other uses that are along the waterfront would not have been easy to approve or approvable at all with the SAP regulations that were in place prior to 2000.

The package of public benefits included in the Plan are the removal of deteriorating piers, restoration of open water, a public access network, an implementation program, public plazas, enhancement of Bay views, the preservation and conserve resources and many uses to draw the public to the Bay.

The Port and BCDC convened a working group to address issues that arose in the Cruise ship terminal amendment approved by the Commission in 2012. Staff held open houses and convened the working group in January 2013. We've had monthly meetings from February to December of 2013. The way that we have been working with the group has included walking tours of certain areas and were made by BCDC, Port and working group members.

The working group, BCDC and Port staff all made presentations and provided information and contacts for the issues addressed in each meeting and at each walking tour.

The topics have included site-specific issues at Ferry Plaza, Fisherman's Wharf, Piers 23 to 33 and other issues including new plaza locations, open-water basins, wayfinding, public access and maritime historic resources and transportation and parking.

One of the outcomes of the process so far is one of the key things we wanted to achieve with this working group to increase the understanding of and participation in the San Francisco Waterfront planning.

We have really done that. We have re-engaged a lot of people and engaged a lot of new people in this working group process.

Another outcome was to identify the location of a public plaza and open-water basin in Fisherman's Wharf. We're at a preliminary stage in that process and we're going to have a subcommittee that will refine some of the ideas and that sub committee will happen in March and April.

An additional outcome was to identify the location of an open-water basin between Pier 35 and China Basin. The resolution of this public benefit has evolved into thinking more broadly about the types of public benefits the group would like to see along the waterfront.

We also are working on ideas for the design and program of the open space at the end of Piers 27/29. That has been an exciting and engaging thought exercise in trying to get people out to what is a spectacular site with amazing views that you don't get anywhere else.

Another outcome envisioned at the outset of the process was the broad outlines of a strategy for maintaining the integrity of the Embarcadero Historic District. This task is very challenging and it's only been partially completed by the working group. It's going to take a lot more effort from BCDC and Port staff and a lot more thinking.

I will present a quick overview of preliminary findings based on subject area and geographic area.

Wayfinding and amenities were a significant issue for everybody on the working group. Everybody agreed that better signage and interpretation was needed along the waterfront; a more coherent approach to signage and interpretation. There's a lot of things that happen as you're walking down the waterfront but nothing comprehensive that makes you feel like you have breadcrumbs that you can follow and know where you can go.

There are too many places that are under-utilized along the San Francisco Waterfront. Lots of folks don't know about the most fabulous open spaces and public access areas along the waterfront.

The working group said, be creative and use multi-media approaches and learn from others who have been successful and experiment where possible.

Some of the opportunities for experimentation are events like the America's Cup Events where you had lots of new people along the waterfront and it was important to give them information about where to go.

There are other areas that have done wayfinding very well. In Portland they have a map and they show you where you are on the map and then they show you, you can go here or you can go here and that would be really fabulous for some of the apron access that we have or the interior access to the pier sheds that we have along the waterfront.

And then there's a need for more amenities such as bicycle parking, water fountains and bathrooms.

The Embarcadero Promenade figured heavily in our discussions. People found that its popularity at times leads to overcrowding and that there are multiple uses and users and at times that can create conflicts. There are cyclists of varying skills and they likely need a different arrangement than currently exists along the Promenade.

Many intersections from the City are not well designed and at times are difficult to cross and can create barriers. Due to a lack of amenities and interest the City-side is currently under-utilized.

The group thought that the marginal wharfs presented a really wonderful opportunity for pop-up parks, for sites for amenities, for programming and interpretation, also for areas of rest as you're walking along the waterfront, that parking should be phased out or reduced, experimenting with uses and installations with pop-up parks during events like the America's Cup which the Port and BCDC staff did do to success.

It's particularly important during these big events that you give people space to move out of the flow and you do have areas for things like temporary bathrooms or temporary food carts when you have lots of folks along the waterfront.

Parking and transportation was a key issue that the working group struggled with because we don't have a lot of authority over this issue but we all have a lot of experience with it. Everybody felt that other modes should be encouraged and improved. Parking on piers and marginal wharves should be discouraged and alternatives found.

Parking has effects on the Promenade, on pedestrian and bicycle safety and views and public access. Parking areas should be re-purposed when under-utilized and then carefully managed when they are in demand.

Ferry Plaza was one of the geographic areas that we spent a lot time looking at. Everybody agreed that the weekend farmer's market is a great success and a regional asset. The Plaza is under-utilized at other times.

Around Ferry Plaza as well as some of the public access around the Ferry Building the public access is poorly designed and confusing spaces discourage use. There are times when you're walking and suddenly you see a, Do Not Enter sign. It's actually not about the space but it's for something else but it's poorly placed.

There is a need for deliveries at the Ferry Building and to happen all day long. There needs to be an area set aside in the Plaza to do that, in a manner that doesn't have an effect on the Plaza serving as a plaza.

There is a need for amenities, in particular, at the Ferry Building and at Ferry Plaza such as bicycle parking, water fountains and bathrooms.

Ferry Plaza has a lack of amenities and poor maintenance in some of the public access areas. The east end in particular, which has such amazing views, is not particularly safe or maintained. Public and truck/auto access along the south side with deliveries that need to occur need improvement so that the pedestrians and the cyclists are separated from the trucks.

Buildings behind the Ferry Building are non-historic and provide an opportunity to improve Bay views and Plaza use.

The area from Pier 23 to 31 provides an opportunity for an inter-connected network of public access particularly through some of the bulkhead buildings.

We discussed whether or not to remove Pier 31 to develop an open-water basin. The working group did not feel that Pier 31 should be removed at this time. They felt like if there was a chance to restore it and provide public access or at least retain it in some way and provide public access, that that would be preferable.

They also felt as though retaining all of Pier 23 made sense since the shed was in good condition. The recommendation was that a non-historic building should be removed instead.

The Special Area Plan has a requirement to remove the back half of Pier 23 to increase Bay views. The way we thought we might be able to meet that objective while retaining Pier 23 is to remove Pier 31 that had been red tagged at the time.

Now that Pier 31 can probably be retained we're trying to find something to remove that is not a historic resource, which is incredibly challenging along the San Francisco Waterfront.

An open-water basin might still be possible in the area around Pier 29, Pier 29½ and 31 if the public access improvements are a well designed and engaging. I think with the tip of 27/29 that's possible. However, the consensus was that the area was not suitable for water-oriented recreation because of the wave energy that happens in that location.

The Pier 27/29 tip has incredible and unique views of the Bay and the region. The end of Pier 29 creates a special opportunity but you need to be able to draw people out to it by developing active, engaging uses. Some of the ideas that came up include using the site to interpret regional areas of interest because you can see a lot of the Bay Shoreline from the tip. You could have arrows that direct you to different points of interest.

We discussed climbable art, pop-up installations and programmed uses. Wayfinding and amenities are particularly important at the Pier 27/29 location.

In the Fisherman's Wharf area it was very important and apparent that we needed to consider the distinct history of the area when we're looking at developing new public spaces and interpretation. It has a very interesting past and a very unique current role in San Francisco.

Some of the best places in Fisherman's Wharf are hard to access and under-utilized. They are tucked behind buildings but when you go back there you realize Fisherman's Wharf is about fishing.

In order to address this there is a need for better wayfinding, amenities, public uses and public access. The group felt that we could build upon the most recent improvements, which include the removal of Pier 43½, the new Promenade and the improved Pier 41 bulkhead.

The opportunities for public plazas and spaces and open-water basins exist at Fish Alley and the tip of the parking lot near Pier 41 and 43. However there is a need to balance parking and public access in public spaces. It is important to note that parking is a revenue generator for the

Port. It's important to the restaurants at this point in time. It would be nice to find other alternatives than the current parking lot site for that parking. These issues will be developed by the subcommittee.

We discussed maritime and public access. The group found that safety and security conflicts between maritime and public access require a new policy framework. This framework would include identifying priority berthing areas that would be identified in the Special Area Plan and the policy framework around those priority berthing areas would address public access requirements.

One of the ideas that is really exciting that came up in the working group is to identify a site or sites for the berthing of non-profit vessels to provide access onto the Bay for educational and recreation purposes and specifically identify this kind of use as a public benefit in the Special Area Plan.

Also discussed was water-oriented recreation. There is a need for launch and landing areas and pier-side amenities. Some folks felt that we needed landside amenities more than anything else at this time.

The tides and the currents along certain portions of the San Francisco Waterfront are pretty powerful and so siting these types of uses is pretty challenging. We're working very closely with the water trail staff at ABAG as well as the experts on the San Francisco waterfront on this issue.

We are considering areas along the waterfront where people can get closer to the water but finding places to do that is also a challenge.

The Historic District and fill removal is one of the stickiest challenges we have along the San Francisco Waterfront. The group really wanted to retain historic buildings wherever possible.

We also acknowledged that the Port lacks the resources to restore many of these facilities and that commercial interests are often hard to attract because the spaces are small and expensive to rehabilitate and maintain.

It was agreed that fill removal should continue to focus on non-historic buildings. One of the things that the Port helped us think about is that the area north of the Ferry Building to Pier 35 is the most intact portion of the Historic District. Those are the piers that we should focus most on for restoration and preservation.

Bringing the public into historic buildings whenever possible is a great idea. When we can restore these buildings and bring the public access inside it is a great public benefit.

The next steps for the process include: the subcommittees have been formed for Fisherman's Wharf, Ferry Plaza and wayfinding and Port-wide. We have three subcommittees that will focus on those three areas.

The Port Commission will be briefed on March 11th. The subcommittees will meet in March and April to refine design policy and implementation ideas for issues in geographic areas.

The public workshop will be held in May or June where we present the information that we have developed in the working group and in the subcommittees.

BCDC and Port staff will develop implementation approaches. One thing that we've heard very clearly from the working group is, "please don't have taken us through all of this and not have things implemented at the end of it." We're taking this very seriously.

That will include amending the Special Area Plan, the Waterfront Land Use Plan, possible grant funding opportunities, opportunities for implementation in relation to changes to lease holds, new leases etc. We're looking at all potential avenues.

We will update you again in September/fall outlining the approach to implementation and the findings.

Chair Wasserman announced: We have one speaker from the public, Janice Li.

Ms. Li addressed the Commission: I am a community organizer with the San Francisco Bicycle Coalition. I want to applaud the efforts between BCDC and the Port. It is exciting to be giving a voice to a lot of the folks that are vested in what happens on the waterfront.

The Embarcadero is getting more and more crowded. Our waterfront is absolutely amazing and people from all over the world want to come here and enjoy this beautiful location.

We support all efforts to make the public facilities on the Embarcadero and along the waterfront the best that they can be.

A lot of our concerns are with the increasing bike and pedestrian conflicts that are on the Promenade. A lot of the wayfinding could be improved so that we can get to the places that we want to get to.

This working group is one of many efforts for improving of what can be on the waterfront and we look forward to seeing these plans move forward.

Commissioner McGrath commented: I have a request and a suggestion. I had a little trouble following the geographic locations. I had a little wayfinding difficulty. When you take this to the public workshop to people who are not necessarily insiders and when you bring it back to the Commission, particularly on issues that may not be resolved, it would be very helpful to have a map with a location for each issue particularly the issues that remain unresolved.

Chair Wasserman suggested: You might think about having a hard copy map of the waterfront on this type of slide presentation.

Commissioner McGrath added: Something that people could walk up to and look at if they get lost.

Ms. Lowe responded: And we will definitely have that at the public workshop.

Vice Chair Halsted commented: I would like to compliment Lindy and Diane for the outstanding way in which they have been managing this process. You've brought together some people who are not always friendly to either organization and they have engaged constructively.

The one thing that I'm doing is I try to walk between here and Pier 35 and go around the edge of the piers as much as possible because the Embarcadero has gotten so crowded. I would like to encourage us to do more to get people to be able to go around those edges as much as they can.

Commissioner Zwissler commented: I saw transportation in one of the earlier slides. Can you say about whom other than the Bicycle Coalition you are working with? What are you looking at in terms of transit and transportation issues?

Ms. Lowe answered: We are mostly working with the Port, a bit with City staff and I might let Diane Oshima of the Port answer that question. Our link is through the Port and with the bicycle and pedestrian organizations.

There is a Waterfront Transportation Plan that is moving through the process that we're all keeping track of.

Ms. Diane Oshima addressed the Commission: I am with the Port Planning and Development Division. I want to thank BCDC for sparing up Lindy's and the staff's time because I think it's been educational for the staff to get fresh new perspectives from a lot of stakeholders who really weren't around the last time that we were doing the waterfront planning process. It's really given new insights that we would not have otherwise had.

There is a waterfront transportation assessment that the City is undergoing now that looks at the area from Marina Green all the way down to Hunter's Point with a particular focus in the Port's waterfront area because that and the neighborhoods upland are the areas that are projected to accept a lot of the projected growth between now and 2040.

It also is an area that has the most investment in terms of transportation systems. The question is, how is it that on the heels of the People Plan strategies that the City and County and the regional agencies put together to be able to service the America's Cup Events, how can we use that network of collaboration and the ideas that came from that transportation strategy to grow more permanent transportation improvements? That's really the focus of the transportation assessment study.

Within that, the over-subscription of bicycles and pedestrians on the Promenade really is a front-and-center issue for the Port and the City. In light of the waterfront transportation assessments there is an Embarcadero enhancement project that is going to be led by the San Francisco Municipal Transportation Agency to look at what are the options for being able to improve bike access and space to accommodate safe bike access along the Embarcadero and to relieve the Promenade from the mix of the wheels and the feet that are creating real public safety problems for us as well as impeding the quality of public access.

We're focusing on this planning study informing not just the objectives of the permit conditions that started this whole thing but it's happening at a time that it's informing many other related initiatives as well.

I wanted to thank you for your engagement and hopefully we can bring this to the finish line with some good solutions, which would also include short-term and long-term.

We looked at what are the relatively small moves that we can deliver immediate public access improvements.

Commissioner McElhinney had a question: This was a great presentation and I thank you. Pier 26 is under the west span of the Bay Bridge, just a portion of the building. Over the years questions have come to Caltrans as well as to the Port about ensuring security and fire safety and protection at that location. Was Pier 26 part of this study?

Ms. Lowe replied: We looked very briefly at the area south of the Ferry Building. We didn't do a lot of analysis South of the Ferry Building. We will at the end of the month, start focusing more on the area south of the Ferry Building and at Pier 26 and Pier 28.

Commissioner Chiu joined the conversation: I co-echo Commissioner Halsted's comments and thank BCDC staff for this. You have had to corral some very diverse stakeholders who are not always on the same page and we very much appreciate all the work you're doing and that you will be doing to get this over the finish line.

Chair Wasserman added: I want to echo those comments and all of the study areas clearly present both challenges and opportunities. I am going to be very interested to see what comes back on the Ferry Plaza because I think that's a huge opportunity for some very creative approaches.

I thank you for the presentation and there is no vote required on this matter.

We will now return to Item 9.

9. **Briefing on the San Francisco Bay Restoration Authority (SFBRA).** Chair Wasserman stated: This is a briefing on the San Francisco Bay Restoration Authority. We will hear from Sam Schuchat, Chair of the San Francisco Bay Restoration Authority as well as the Coastal Conservancy, on the Authority's activities and plans to promote the restoration of the Bay.

Mr. Schuchat presented the following: This is my third or fourth briefing on this topic. We have made a lot of progress since I talked to you last. You received a handout which I will be referring to. I'm going to give you a background on the Restoration Authority's mission and history.

We'll talk a little bit about our draft expenditure plan, the timeline that we are on heading for the ballot this fall.

The Authority was created in 2008 by AB 2954, a Sally Lieber bill. Sally was in the State Assembly at the time.

The mission of the Authority is to generate local revenue to restore wetlands around San Francisco Bay, to build the flood control facilities that are often necessary for those wetlands areas and to help create access to those areas that have been restored.

If the Authority were funded now no doubt we would have been the eleventh funder for the Breuner Marsh item, which you just approved. That is exactly the kind of thing that the Authority was created to be able to fund.

We have a governing board of largely elected officials around the Bay, two of whom are on this body, Supervisor John Gioia and David Pine.

Up until a few weeks ago I had been the Chair. My agency and ABAG are now negotiating an agreement to provide staff to the Authority because we can't both be staffed.

ABAG who appoints the Board will be appointing a new Chair forthwith and I will then need to change my power point presentation.

The Authority was the brainchild of Save the Bay. They have been working very hard to help generate support for us as we move forward.

What we are looking at based on a great deal of polling some of which has been done by Save the Bay, several polls that were done historically by the Authority, and in a moment I'll tell you about the latest poll; is a parcel tax in the nine county Bay Area.

We're looking at probably not more than 14 bucks per parcel and probably less than that. A nine dollar per parcel tax in the entire nine county Bay area would generate net, about 15 million dollars a year for the purposes of the Authority which may not sound like a lot of money but for those of us who go annually to Washington to scrape up money for the restoration of the Bay or go to Sacramento it's actually a pretty good chunk of change and the fact that it would be annual and we could count on it and that it would be there every year would make a huge difference for the work that the Coastal Conservancy and others are engaged in.

The Authority has a Draft Expenditure Plan for what we would do with this funding. Our website is a sub-section of ABAG's website. The Board has decided to take a programmatic approach to funding. We also have a list of potential projects in all nine counties.

The Draft Expenditure Plan and the project list, I expect, will be finalized at the March meeting of the Authority which is in a few weeks, March 19th.

One of the reasons that BCDC has been interested in this is that there are large areas of the Bay, particularly in the south and north Bay, where the restoration of wetlands and the provision of flood control constitutes a large portion of what can be done to prepare the Bay Area for sea level rise.

While this is not something that we would be talking to voters about because our polling and everybody else's polling has shown that flooding and sea level rise are not something that the general public in the Bay area is worried about and it is not a reason that they would pay a parcel

tax for. This would represent the first pot of money locally that could actually be used for sea level rise adaptation.

Most of the Bay shore south of the San Mateo Bridge actually is fronted with wetlands or areas that are restorable.

The Authority is planning to finalize the Expenditure Plan by the end of March. In April we will need to turn the Expenditure Plan into actual ballot language which means we will need to be making decisions about how much money per parcel and the length of time the parcel tax would be in effect as well as make a final decision about whether or not we want to do the whole Bay Area or cut some parts of it. My guess is that at the end of the day we will be looking at the whole Bay Area. This is a decision that needs to be made.

The Governing Board will need to vote to put this on the ballot at its May meeting because of the schedule of the various county boards of supervisors who must then act, most notably the Santa Clara County Board of Supervisors which will be the lead county and will do most of the work in turning our initiative into a part of the ballot pamphlet.

Recently, the Resources Legacy Fund and Save the Bay did an 1,800 person poll here in the Bay Area where they tested the ballot language that you see on page three of your handout. The reason the sample is so large is so that we could do things like, break the sample into four pieces and test different amounts and durations and also break the Bay area into regions and see how things fly in different parts of the Bay Area.

The language is based on the polling the Authority had previously done that suggested that these are the things that resonate the most with voters and are also consistent with what the Authority can actually fund.

You will see that the poll got a total, "Yes," "Definitely Yes" and "Probably Yes" of about 68 percent. The Authority had been thinking about doing this in 2012. Our polling at the time convinced us that would have been a bad idea. The economy in 2011 was in pretty bad shape. We were not able to get above the two-thirds threshold anywhere in the Bay area at that point with a similarly worded initiative. Even in Alameda County and San Francisco County we weren't really at two-thirds. Since then the economy has recovered. The question that pollsters like to ask at the beginning of a poll, do you think things are going in the right direction or are we on the wrong track? The right direction side of that has kicked up seven points just in the last year here in the Bay area. People are feeling better about life in general and thus it looks as if we could get a two-thirds vote which is what we would need.

And then, like any good pollster they essentially simulated a campaign by presenting people with some positive arguments as well as some negative arguments. The total No Vote doesn't change very much. That represents roughly 25 percent of the people in the Bay area who are against all taxes for any reason.

The total Yes Vote went up a little bit and we moved some people from the Probably Yes column, into the Definitely Yes column.

The Board of the Authority has a number of decisions to make between now and May. The Authority Board also has to raise over a million dollars to place this on the ballot.

Save the Bay has been drumming up support for this. They have a support letter you can sign onto as individuals not as BCDC. A number of you have already signed on and a number of counties and cities have taken votes in support of this measure. This is one of the most interesting and exciting things I have worked on in my 20-year conservation career here in California. This would be the first time any region of California had decided to tax itself for conservation purposes.

With that, I'm happy to take any questions.

Chair Wasserman recognized Commissioner Bates.

Commissioner Bates questioned Mr. Schuchat: The way it would work, each board of supervisors would have to place it on the ballot? Is that right?

Mr. Schuchat responded: No. Well, yes and no. It's not a discretionary action by the boards. The law that created the Authority said that the county boards, "shall," put on the ballot whatever the Authority comes up with.

Because nine-county measures are rare, we got some legislation through the system last year that said that there shall be a lead county. It's the county with the biggest population. That is Santa Clara County. They will draft the measure and do the impartial analysis and do all the translations that are necessary and give that to all of the other county registrars.

It also lowered the cost of ballot access for us. Counties charge you to be on their ballot. The cost for ballot access for the nine counties would be in the vicinity of eight million dollars.

Senator Hancock's bill directed the counties to charge us the marginal cost of ballot access. The Authority will take an action in May. Santa Clara County will turn that into ballot language and translate it into 60 languages or however many languages our ballots need to be translated into. That gets transmitted to each county.

Chair Wasserman asked for other questions or comments.

Commissioner Addiego had a question: Are there any significant physical differences between counties?

Mr. Schuchat answered: Oh yes. This poll and the polls that the Authority did divided the Bay area into four quadrants, the west Bay, south Bay, east Bay and north Bay. The big differences are between Napa and Solano County where it's unlikely that this measure could get a two-thirds vote versus the west Bay and the south Bay. And the south Bay is Santa Clara County and the west Bay is San Francisco and San Mateo.

One of the things that the folks who did this poll tested and the Authority tested is, does it matter how close to the Bay you live in terms of how you feel about this. And the answer is, not really, no. The Bay is seen as an important regional resource.

If you appeal to people on a regional basis they go for that. It makes sense because most people drive around the Bay in their day-to-day activities. This is typical of the Bay Area.

Commissioner Addiego had an additional question: If a county doesn't hit that two-thirds threshold, do they still participate in the parcel tax?

Mr. Schuchat answered: Yes. We have to get a two-thirds vote in aggregate, not every county has to be over the two-thirds threshold. This is a feature of the original law.

The money will get distributed ultimately by the Authority Board advised by our growing advisory council pursuant to the statute and the Expenditure Plan and the project list. There are projects in every county.

Chair Wasserman stated: Obviously, there are lots of hurdles. It is a very important effort. If we view it in the context of a five to ten year campaign to figure out what we're going to do to adapt to rising sea level this is a very important piece in what it might accomplish and even in the educational effort. We will keep you informed on this.

That brings us to Item 11.

11. Briefing on the Status of the Pond 9/10 Public Access Trail at the Napa Plant Site. Chair Wasserman continued the meeting: We will now take up Item 11, which is a briefing on the status of efforts to complete the public access trail at the Napa Pond site by the California Department of Fish and Wildlife. Adrienne Klein will introduce the topic.

Ms. Klein presented the following: Staff and the California Department of Fish and Wildlife last briefed you on this levee-top public access trail compliance matter on July 18, 2013.

First, I will review the permit history and then I will bring you up to date on what has transpired since July and how we will be moving forward from here.

Unfortunately, Scott Wilson from the Department is unable to attend today due to illness but we will proceed with the briefing.

The Napa/Sonoma Marshes Salt Pond Restoration Project is a 4,500 acre restoration project located on former Cargill-owned salt ponds on both sides of the Napa River north of Highway 37, in Napa County.

In 2005 you authorized the first phase of this large-scale restoration project. In 2008 you authorized the second phase encompassing 1,460 acres at the South, Central and Northern units of the former salt pond operation located east of the Napa River, near the city of American Canyon and the Napa County Airport.

This amendment required 6.2 miles of levee-top public access trails, a section of which is located along the south-eastern side of the northern unit, commonly referred to as, Ponds 9/10.

This section of public access has not been provided as required by the permit. It was originally due by December 31, 2012.

In February of last year, 2013, you authorized restoration phase 3 on the west side of the Napa River. At that public hearing you heard from a number of concerned parties that the Pond 9/10 public access was overdue.

You directed CDFW and your staff to work together to identify the steps and timing necessary to complete this section of trail, and to return to you in six months with a progress report.

Also in February of last year, staff authorized a one-year long time extension of the due date for this access through the end of 2013.

In response to your direction last February, the staff of the Department, BCDC, and other parties met and created a roadmap forward. The roadmap includes four major steps.

First, the preparation of a supplemental EIR;

Second, securing funding for planning and construction;

Third, securing permit amendments from the resource agencies; and

Fourth, securing approval for a public railroad crossing from SMART, the Sonoma Marin Area Rapid Transit, and the California Public Utilities Commission.

The roadmap essentially remains the same but the scope of the SEIR has expanded to contemplate a wider range of options for providing the public access.

In August last year, CDFW circulated a Notice of Preparation for this SEIR and conducted a site-specific assessment and surveys of the trail alignment, which revealed the presence of the Salt Marsh Harvest Mouse in the alignment that would cross the airport's runway safety area.

This prompted CDFW to schedule a multi-agency meeting in September to discuss next steps. CDFW worked to evaluate options for trail alignments that would avoid impacts to the mouse. This additional review and scoping period modified the issuance date of the Draft SEIR from late last year to this coming spring.

In January of this year a meeting between DCFW Director Chuck Bonham and Larry Goldzband and their executive staff was held, and two potential trail alignments that would meet BCDC permit requirements and avoid impacts to the Salt Marsh Harvest Mouse were identified.

These alignments are: Option A, the trail alignment along the existing levee as currently permitted; Option B, the trail alignment on a boardwalk to be constructed over water around the Napa Airport runway safety area.

In January of this year CDFW held an additional multi-agency scoping meeting to describe these two alignments and to receive agency input, out of which Option C was identified, which would be an earthen berm located either in the open water area outside of the runway safety area or an earthen berm within the runway safety area's outer boundary.

The regulatory agencies also provided input on potential impacts, mitigation and permitting.

Final trail alignment will be selected by CDFW based on the SEIR in consultation with BCDC and will fulfill BCDC permit requirements and avoid impacts to the Salt Marsh Harvest Mouse while also minimizing costs.

The final SEIR is expected in the spring or summer of 2014 if no substantial new issues are raised during the public review period.

CDFW will apply for any necessary permits or amendments in 2014. As stated, Option A is already permitted while any other trail alignment would likely need multiple-agency approvals and mitigation for impacts to wetlands, waters or listed species.

Following receipt of any necessary agency authorizations and upon securing additional funding that would be needed for alignments other than Option A, CDFW anticipates construction as early as this year with completion expected no later than the end of 2015.

CDFW will continue to work with BCDC management to ensure completion of the trail segment and make it available to the public.

CDFW has requested and staff intends to issue a second time extension to allow two more years, until the end of 2015, to provide the public access.

We will continue to keep you up to date on our progress.

Chair Wasserman acknowledged one public speaker on this item.

Maureen Gaffney addressed the Commission: I am with the San Francisco Bay Trail Project. Reversion of the Pond 9/10 site to wetlands and colonization of the site by mice is not surprising and is the outcome that we were hoping to avoid by implementing the trail as part of the original restoration project as required by the BCDC permit and committed to by the Department in 2007.

The options before us today are essentially the same as have been discussed for the past three to four years.

The Bay Trail Grant Fund and supplemental EIR are now on hold for evaluating each of the options referenced in the staff report.

The presence of mice is clearly a complicating factor. The Bay Trail's core mission states that the trail will be planned in such a way as to avoid adverse impacts on environmentally sensitive areas. We are committed to that mission.

We remain concerned regarding schedule. As noted on the staff report, mice were discovered six months ago. I hadn't heard that there was a commitment to moving forward on the supplemental until now.

We've been waiting to see this roadmap and schedule for several years. We keep hearing that there is going to be one. We are also waiting to receive confirmation that the Department has applied for a time extension from the Army Corps of Engineers.

We are in support of the Commission issuing this additional time extension. We are in support of the continued preparation of the SEIR and have provided an additional \$10,000 to the original \$71,000 Bay Trail Grant for this work. We are in support of continued collaboration and we are in support of the definitive roadmap and timeline for moving this project forward.

The Bay Trail is celebrating its 25th anniversary in 2014. We want to thank MTC, the Army Corps, the Bay Institute, the Coastal Conservancy and the Aquarium of the Bay.

Chair Wasserman recognized Commissioner McGrath.

Commissioner McGrath prefaced his commentary with full disclosure: I used to be a Bay Trail Board member for many years. I did resign from the Bay Trail because I thought it was incompatible to be an advocate for public access and someone who had to make tough judgments about when access was actually sufficient.

I'm going to support this, but I'm going to call the attention of the Commission to the language which doesn't need to be specific but is very, very clear and specific in the project we approve today.

It calls for conformity with final approved plans. It calls for any discrepancies between the approved plans and what is built to be the responsibility of the applicant and that is something that I've understood since I was in my 20s working on permits at the Coastal Commission.

So while I am accepting two more years, it is by no means any indication that because there are endangered species there, that that absolves the Department from the responsibility to meet the intent of the original condition.

Chair Wasserman recognized Commissioner Hicks.

Commissioner Hicks commented: I have a couple of clarifications on the Corps permit process. I was unable to find out if the Department had applied for a time extension to the permit but we have suggested that to them. I believe they will be doing that.

This is one of those unfortunate areas where the Commission's mandate and the Corps mandate differ and hopefully we will be working together to find resolution.

Since the trail is not a water-dependent activity our regulations require that the trail be located on a levee top or the boardwalk or another upland site.

At this point in time Option A or Option B would be something that the Corps could authorize if we needed to modify the permit.

Chair Wasserman recognized Commissioner Scharff.

Commissioner Scharff asked for clarification: I was a little unclear on something. What do we need to do in the two years to make that happen? You said you started the SEIR again. How long do you expect to take to get the SEIR completed?

Ms. Klein replied: The Department has indicated that it will be ready this year.

Commissioner Scharff inquired: So then why does it take two years?

Ms. Klein answered: This is when it would be very useful to have Scott Wilson available. There is a web of things for the Department to do. We are focusing on their obligations under your BCDC permit to provide a public access requirement. There are several layers of issues.

There is an existing Corps permit which needs to be extended. There is a new biological opinion that will need to be attained. The SEIR is not the only step in the process.

Depending on the alignment, the BCDC permit will need to be amended and it is possible that that would be a material permit amendment.

Commissioner Scharff added: I'm just wondering if we're giving too much time.

Chief Deputy Director Goldbeck stated: If they do an alternative alignment that involves a boardwalk that might take some time to work out and they have to get funding. If they do what's in your permit right now, that should be straight forward. But if they have to do one of these other alternatives it could take some time to construct and get done.

Commissioner Scharff delved deeper: So if they have trouble getting funding for a boardwalk option, what does that mean for us? Do we have the right to fine them? How does that go?

Chief Deputy Director Goldbeck replied: You have the right to enforce your permit but at this point we have been working with our sister state agency and they have been showing good faith efforts at this point.

Commissioner Scharff asked: If it takes more than two years to get it done, it might not be a good faith effort to get it done.

Chief Deputy Director Goldbeck answered: Well, we'll have to see what comes up. This project has had many obstacles which are not simple. The staff believes that we can get this done within two years.

Commissioner Hicks clarified: I know it's frustrating how long these things take especially when you think you have a project and then something changes. We may need a new biological opinion. If the project is different from the one that the Corps consulted on with the Fish and Wildlife Service for the effects of the project on listed species, we're going to have to re-consult and that's just another step we have to go through and there's more time there.

The SEIR is a state process under CEQA and the Corps isn't bound by CEQA. We're bound by NEPA. We can work those in parallel.

Commissioner Scharff commented: This goes to the heart of my concern. I want staff to reassure me that we are holding their feet to the fire and that we are making everyone do things in parallel as opposed to sequentially so this happens quicker.

Chief Deputy Director Goldbeck assured Commissioner Scharff: The staff is working closely with the Department and there was a meeting with the head of the Department and your Executive Director to try to get a path forward and to let the Department know the strong feelings of the Commission on this project.

Executive Director Goldzband stated: Chuck came with his chief deputy and we had Steve there with a couple of our folks and we came to a meeting of the minds that we need to just get this done. It's not all in parallel. It's in parallel and sequential.

Commissioner Scharff continued the conversation: Commissioner McGrath said, it's their responsibility to solve this. And when you say we might have to do something else I want to be sure that is not to let them off the hook.

Executive Director Goldzband replied: Nobody is letting anybody off the hook.

Commissioner Wagenknecht commented: I agree with Commissioner McGrath's comment entirely.

Commissioner Techel stated: We have really been feeling the love and getting the support from the Commission staff. Locals came to us and said, can you get this thing moving? And we brought it to you and you jumped in and have been working for us ever since.

Chair Wasserman commented: There is no action required on this.

Next Wednesday, March 12th the JPC and the Governor's Office of Planning and Research are holding a meeting at the MetroCenter in Oakland for input on the Governor's Environmental Goals and Policy Report. This will be from 9:00 to 11:30 a.m.

This report will consider climate change in a very significant way and integrate the theme of adaptation throughout.

On the following week, March 17th and 18th the Rockefeller Foundation of One-hundred Resilient Cities Initiative will kick off with the four Bay Area cities that have received grants from the foundation, San Francisco, Oakland, Alameda and Berkeley. They will meet to discuss how to advance the initiative. The Rockefeller Foundation is funding an executive level position in each of those cities to expedite resilient efforts in the region. We look for the report from that.

August 19th and 20th there will be a California Adaptation Forum on a statewide presentation following a national model that occurred last year in Colorado.

Proposals to be considered are now being accepted by the office.

With that I would entertain a motion for adjournment.

12. **Adjournment.** Upon motion by Commissioner Scharff, seconded by Commissioner Gibbs, the meeting was adjourned at 3:10 p.m.

Respectfully submitted,

LAWRENCE J. GOLDZBAND
Executive Director

Approved, with no corrections, at the
San Francisco Bay Conservation and
Development Commission Meeting
of May 1, 2014.

R. ZACHARY WASSERMAN, Chair