

San Francisco Bay Conservation and Development Commission

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September 3, 2015

The Honorable Edmund G. Brown Jr., Governor
Honorable Members of the California Legislature:

SUBJECT: 2014 Annual Report

I am pleased to provide you with the 2014 annual report of the San Francisco Bay Conservation and Development Commission (BCDC), which summarizes the activities BCDC carried out during the year to implement the McAteer-Petris Act, the Suisun Marsh Preservation Act, the federal Coastal Zone Management Act, and the California Oil Spill Prevention and Response Act. During 2014, BCDC continued to aggressively address the impacts of climate change to fulfill our dual obligations to make San Francisco Bay a more productive estuarine ecosystem and to advance the economic vitality of the region that surrounds the Bay.

BCDC was established in 1965 as the nation's first state coastal management agency. Under the Commission's stewardship, the century-long diking, draining and filling that had reduced the Bay's size by one-third has ended. Over the past 49 years, nearly 29 square miles of Bay habitat have been restored, public trails and parks have opened along 139.2 miles of the Bay shoreline, and over \$20.2 billion in productive waterfront development has been built. Last year alone the Commission approved \$935 million in new development, which will make four and a half more miles of the Bay's waterfront available for public use and enjoyment. The wetland projects approved in 2013 will enlarge the Bay by 13.8 acres.

BCDC was created to prevent the Bay from shrinking due to local policies that encouraged unneeded landfill projects. Now, global warming is presenting a new challenge for the Commission. Accelerated sea level rise that will make the Bay larger threatens waterfront communities, infrastructure, businesses, and natural resources. Several years ago, to help the public understand this problem, BCDC produced maps showing the low-lying areas around the Bay that are vulnerable to flooding from sea level rise over the next century. Over 280 square miles of low-lying land are in danger of being flooded from sea level rise by mid-century and over 330 square miles will be vulnerable by 2100. The homes of over a quarter million residents, major highways, rail lines, airports and businesses worth over \$60 billion are located in these low-lying areas. Since producing the maps we have been working with local, regional, state and federal partners to lead a regional response to rising sea level.

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Attached to this report is a statistical summary of BCDC's 2014 work. During 2014, the Commission processed 189 regulatory applications (40 more than the previous year).

In addition to the attached statistical summary of our work in 2014, the following are some of our most important accomplishments last year.

- Strategic Plan: Staff worked to implement a far-reaching Strategic Plan including goals and objectives that was adopted by the Commission in 2013. With Executive Director and Senior Staff oversight, staff worked towards both broad and specific action plans to realize the Goals and Objectives. These will be tied to division and individual work plans so that progress toward realizing the Goals and Objectives can be measured and reported to the Commission. While all the Strategic Plan Goals and Objectives are important, BCDC must balance new initiatives with existing activities (both elective and required). Actions on which BCDC will initially focus are:
 - Data-Driven Enforcement (Goal 1, Objective 1): Develop and/or revise a systematic and data-driven enforcement strategy and policy to set enforcement priorities, improve compliance, improve regulatory and legal effectiveness, and use resources more efficiently.
 - Evaluation of Public Access (Goal 1, Objective 2): Inventory and evaluate the types and uses of BCDC-required public access that currently exists in light of current BCDC laws and policies.
 - Adaptation (Goal 1, Objective 3): Partner with a variety of stakeholders to develop a Bay-wide understanding of nature-based (ecosystem) adaptation solutions, including how to best use fill to reduce the impacts of rising sea level on natural and built resources.
 - Public Education (Goal 2, Objective 3): Develop a public information program in collaboration with public, private and non-profit organizations.
 - Use Better Technology (Goal 3, Objective 1): Develop an information technology improvement plan to enable staff to work more efficiently and enable the public to access appropriate information.
- Just as BCDC provides strong planning, regulatory, and enforcement leadership in the Bay Area, pursuant to AB 2094 (2008) the Commission continues to serve as the Bay Area's leader (and a leader internationally) in the development of a regional climate resilience and adaptation strategy with particular emphasis on addressing rising sea level.

As part of this rising sea level initiative in 2014 BCDC accomplished the following:

- Partnered with the National Oceanic and Atmospheric Administration (NOAA), the Metropolitan Transportation Commission BART, and the California Department of Transportation (Caltrans), on the Adapting to Rising Tides (ART) Program to provide local governments with assistance in planning for rising sea level. The team completed the *Climate Change and Extreme Weather Adaptation Options for Transportation Assets in the Bay Area* pilot project, which identified innovative adaptation strategies for transportation assets within the ART pilot project area of Alameda County. The strategies address vulnerabilities identified in the first phase of the project for three Alameda County focus areas, including the Bay Bridge peninsula, the Oakland Coliseum area and the Highway 92 corridor in Hayward.
- BCDC continues to participate in important partnerships that leverage regional capacity to address climate change: (1) as a member of the State Coastal Leadership Group, led by the California Natural Resources Agency, to coordinate coastal agency activities, including implementation of the ocean and coastal resources component of the California Climate Adaptation Strategy *Safeguarding California*; (2) continued its active partnership with the U.S. Geological Survey, which uses funding provided by the U.S. Army Corps of Engineers to study sediment transport in the Bay, which is a key process affecting how wetlands adapt to a rising Bay; (3) continued its work with the San Francisco Estuary Institute to study the projected migration of head of tide on tributaries to San Francisco Bay as sea level rises, to develop protocols for identifying the head of tide zone and methods for assessing impacts of its migration; (4) continued its work with the State Coastal Conservancy and several other agencies and organizations to complete a technical update of the Baylands Habitat Goals to address climate change; (5) convened the Contra Costa County Adapting to Rising Tides project in west and central Contra Costa County, from Richmond to Bay Point, where staff and stakeholders will work together to understand the effects of current and future coastal and riverine flooding, and consequences on shoreline communities and infrastructure—including transportation and utility networks, industrial facilities and employment sites, residential neighborhoods and community facilities, and shoreline park and recreation facilities—both within and beyond the project area, with a focus on the potential for disproportionate impacts on certain community members; and (6) partnered with the U.S. Environmental Protection Agency and the Association of Bay Area Governments on the Housing and Community Risk project to help the region meet smart growth, resilience, sustainability, prosperity, and equity goals by developing strategies to strengthen existing housing and communities and plan smartly for future housing.

- As part of its regional sediment management efforts, BCDC identified and investigated conditions of Bay beaches, and hired an economist to analyze the value of these beaches. In addition, staff met with local government representatives to identify known areas of shoreline erosion or accretion. This information will inform the development of the regional sediment management strategy.

PLANNING

- BCDC addressed the following significant planning issues last year:
 - Provided the Commission with a briefing regarding the findings, recommendations and next steps of the San Francisco Waterfront working group's planning process, conducted in partnership with the Port of San Francisco. The working group informed the work of BCDC staff to identify alternative public benefits to those currently required in the San Francisco Waterfront Special Area Plan at Piers 23 and 27.
 - Initiated the Policies for a Rising Bay Project, a comprehensive assessment of the Commission's Bay fill policies to determine: (1) how they affect shoreline adaptation proposals; and (2) how they achieve the Commission's Bay protection objectives; and (3) whether changes to the policies may be needed. A stakeholder group representing interests from business, equity and environmental organizations are supporting and guiding staff work on the project, which is closely integrated with the Commission's Bay Fill Policies working group.
 - Supported the work of the Commission's Rising Sea Level and Bay Fill Policies working groups to fully explore these issues, to better understand adaptation options and potential policy changes needed to pursue them.
 - Facilitated preparation of Commission comments on the Bay Delta Conservation Plan (BCDP) by convening a series of panels that discussed how the BDCP may affect the Bay.
 - The Adapting to Rising Tides (ART) Program. During 2014, the ART Program achieved the following milestones:
 - Contracted with the Local Government Commission (LGC), a nonprofit corporation, to provide funding to the LGC to hire two Climate Corps Fellows, employed by the LGC to work with BCDC and the Bay Area Regional Collaborative (BARC) to advance the ART Program and BARC's regional resilience efforts.

- Briefed the Commission on the results of the Hayward Resilience Study. BCDC Staff, with the cooperation and input from a working group made up of local agency staff: (1) conducted vulnerability and risk assessments for 20 assets along the Hayward shoreline, including the Bay Trail, marshes and managed ponds, the SR-92 approach and wastewater utilities; and (2) considered possible adaptation responses for the Hayward shoreline area.
- Provided technical assistance to: (1) the Southern Marin Vulnerability Assessment study being led by Marin County Supervisor and BCDC Commissioner Kate Sears; and (2) the City of Benicia's City of Benicia Climate Change Vulnerability Assessment and Adaptation Plan.

LEGISLATION

- The Commission voted to support and sponsor S.B. 1184 (Hancock) to provide for BCDC to prepare a regional strategy to address rising sea level in the Bay—working collaboratively with local governments, regional agencies and other interested parties. However, the bill was subsequently held in the Senate Appropriations committee.
- BCDC worked with partners to develop amendments to S.B. 792 (DeSaulnier) regarding the involvement of BCDC and the Bay Area Air Quality Management District in preparation of future versions of *Plan Bay Area*, the Sustainable Communities Strategy for the Bay Area, which is prepared by the Metropolitan Transportation Commission and the Association of Bay Area Governments. However, the bill was subsequently amended to address a topic unrelated to BCDC or *Plan Bay Area*.
- The Commission voted to support A.B. 2516 (Gordon) that provides for preparation by the Natural Resources Agency of an online database listing planning projects and activities throughout the state to adapt to rising sea level. The bill passed the legislature and was signed by the Governor.

REGULATORY

- The Commission issued the following significant regulatory permits, permit amendments, and federal consistency determinations in 2014:
 - To PG&E to install a new 230 Volt transmission line via hydroplow within the SF Bay to connect to a new Potrero switchyard on Illinois Street between 22nd and 23rd Streets in the City and County of San Francisco (BCDC Permit No. 2014.003.00).

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- To RWC Harbor Communities, LLC Pete's Harbor, to construct 402 residential units, neighborhood parks, and parking on an approximately 13.81 acre site in the city of Redwood City in San Mateo County. As part of the development, the project will construct various Bay trail, park and landscaping improvements within a 110,939-square-foot public access area. (BCDC Permit No. 2014.004.00).
- To the City of Burlingame and 350 Beach Road, LLC to develop an office campus with four office buildings, one amenities center, one multi-level parking garage, and public improvements including 1,600 feet of trail along the shoreline at 300 Airport Boulevard in the City of Burlingame in San Mateo County (BCDC Permit No. 2013.001.00).
- To the Water Emergency Transportation Authority to construct a ferry maintenance facility consisting of vessel and berthing docks and on-land support structures and, in coordination with a permit amendment to the City of Vallejo and Lennar (BCDC Permit No. M2006.022.04), to develop various public access improvements and install various naval artifacts for interpretive purposes (BCDC Permit No. 2011.002.00).
- To OMP/I&G Creekside Investors LLC to construct an approximately 5,000 square-foot vehicle bridge with two bike lanes and two sidewalks providing public access at the southern terminus of Fremont Boulevard, in the City of Fremont, Alameda County (BCDC Permit No. 2013.008.00).
- To the East Bay Regional Park District to restore marsh and transitional habitat on a 150-acre parcel and construct a 1.25-mile-long segment of the San Francisco Bay Trail, a .25-mile-long spur trail, and install other public amenities (Permit No. M2013.009.01).
- In preparation for consideration of new sand mining permits in Central and Suisun Bay, the BCDC Sediment Management Team hosted an interdisciplinary science panel to assist in understanding the available research on sand resources, transport and biological issues in areas where mining occurs. This panel discussion was attended by over 75 interested agency staff and members of the public.
- Other notable projects included an amendment to a permit to extend the use of the S.F. Bay Bridge for the Bay Lights project (an art project), an administrative permit to the Sonoma Marin Area Rail Transit to restore 12.6 acres of tidal marsh as mitigation for project impacts outside the Commission's jurisdiction (M2014.013), to the California State Coastal Conservancy to create high tide refuge islands for the California Ridgeway Rail, an endangered species (M2014.025), to Oakmont Senior Living to construct a residential facility for senior citizens (M2013.006), and to the Ora Loma Sanitary District to construct a wet weather equalization facility, treatment wetlands, and ecotone demonstration project (M2013.019).

- The Commission resolved the following significant Permit Enforcement matters in 2014:
 - Staff has fully resolved a Port of Oakland dredging violation of BCDC permit No. M1992.041. This violation accrued a \$30,000 standardized fine. The Port of Oakland appealed the fine, while also implementing new protocols in an attempt to prevent future dredging violations. The appeal process resulted in the Port of Oakland paying \$20,000 in standardized fines.
 - The City and County of San Francisco, the Port of San Francisco, and the America's Cup Event Authority fully resolved the public access violations of BCDC Permit No. 2012.001.13 by paying a \$9,000 fine on February 11, 2014.
 - On June 27, 2014, the Executive Director issued after-the-fact BCDC Permit No. M2010.026.001 to the Alameda County Public Works Agency (ACPWA) to authorize the removal of vegetation and earth from one of its flood control channels and the placement of rock riprap, all of which occurred in habitat possibly suitable for endangered species over three years ago.
 - On July 7, 2014, Ferry Plaza Limited Partnership completed a resurfacing and maintenance project adjacent to the Ferry Building, San Francisco, to bring the required public access into compliance with BCDC Permit No. M1973.010. They paid a \$1,500 standardized fine.
 - In November of 2013, enforcement staff commenced an enforcement investigation into a violation involving conducting work in the Bay and shoreline band without a BCDC permit at Pier 1, Treasure Island, San Francisco. Staff subsequently initiated the standardized fines process due to the failure of the Treasure Island Development Authority (TIDA) and their tenants to secure a proper BCDC permit for the work and use occurring at Pier 1, Treasure Island. TIDA resolved this violation in March, 2014 without incurring any penalties by removing the unauthorized floating-barge structure from the site and also completing a BCDC permit application for the uses at Pier 1.

COORDINATION, COLLABORATION, AND PARTNERSHIPS

- BCDC continued and expanded its various relationships with other organizations to leverage its capabilities and integrate its programs with complementary efforts. Among the most important of these efforts were the following:
 - BCDC serves as a voting member of the regional Bay Area Regional Collaborative (formerly known as the Joint Policy Committee), which coordinates efforts of the four Bay Area regional agencies with responsibility for air quality, transportation and land use planning and Bay management, and is focusing on adaptation to climate change. BCDC is working voluntarily with the other agencies to update the region's

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first Sustainable Communities Strategy (SCS), *Plan Bay Area* pursuant to S.B. 375, by preparing more detailed information on the Bay Area's vulnerability to rising sea level for inclusion into the second SCS.

- Recognizing that San Francisco Bay and the Sacramento-San Joaquin Delta form a single estuarine system that requires an integrated management approach, BCDC continued to coordinate planning for the Bay and the Delta by serving on the Delta Conservancy Board.
- BCDC coordinated with the Water Emergency Transit Authority to plan for numerous ferry facilities throughout the Bay Area.
- BCDC participated in quarterly "Abandoned Vessels" meetings hosted by the U.S. Coast Guard and also attended by the U.S. Army Corps of Engineers, State Lands Commission, Regional Water Quality Control Board, County Sheriff departments, local police departments, marine salvors and non-governmental organizations, such as the San Francisco Baykeeper.
- BCDC continued its partnership with the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, the San Francisco Regional Water Quality Control Board and stakeholders, on the Long Term Management Strategy for Placement of Dredged Material in the Bay Region (LTMS) and the Dredged Material Management Office (DMMO).
- BCDC partnered with the San Francisco Estuary Partnership, the San Francisco Estuary Institute, the San Francisco Bay Joint Venture and the Bay Area Flood Protection Agencies Association to examine ways to improve or realign flood protection channels to efficiently transport sediment into wetlands and to the Bay shoreline in concert with regulatory guidelines.

BCDC welcomes the challenges and opportunities ahead, and BCDC's Commissioners and staff are proud to fulfill BCDC's mission statement, embedded in its Strategic Plan, that reflects its two primary responsibilities: to protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations.

Sincerely,

R. ZACHARY WASSERMAN
Chair

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

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SUMMARY OF PERMITS, FILL AND MITIGATION ¹									
Year	Major Permits ¹		Minor Permits ²		Permit amend-ments	Net change in Bay surface ³ (acres)	Total Project cost ⁴ (\$000,000)	Public access (acres)	Public access (miles)
	granted	denied	granted	denied					
1970	12	1	66	0		- 72.0			
1971	26	4	61	0		- 25.1			
1972	12	3	80	0		- 7.0			
1973	17	1	71	0		- 4.4			
1974	20	0	107	1		+ 274.0			
1975	10	0	87	0		+ 5.0	100		
1976	14	0	110	0		- 2.2	43		
1977	20	0	116	0	104	+ 16.8	100	21.4	
1978	23	1	104	4	90	- 1.9	152	46.1	9.6
1979	34	0	120	2	103	+ 3.4	93	25.1	
1980	19	1	105	1	101	+ 30.0	470	134.0	
1981	23	0	134	0	125	+ 44.5	130	42.2	
1982	26	0	104	0	115	+ 262.0	379	27.0	5.0
1983	23	0	105	0	131	+ 5.0	395	26.0	6.0
1984	15	3	135	0	130	+ 12.0	97	12.0	7.0
1985	15	1	98	0	104	+ 60.0	200	35.0	6.3
1986	20	0	108	0	112	+ 11.0	639	35.0	5.1
1987	16	2	108	0	104	- 2.0	68	6.0	1.1
1988	17	1	119	2	137	+ 152.2	125	3.3	0.9
1989	17	0	114	1	144	+ 1.7	107	12.7	1.5
1990	17	1	112	0	151	- 1.5	127	12.7	2.0
1991	8	1	61	0	163	- 0.7	400	4.0	5.6
1992	10	1	84	0	140	- 1.6	97	10.4	1.9
1993	8	1	89	0	122	+ 50.1	26	0.2	0.3
1994	11	1	114	0	96	+ 1.6	383	264.0	6.9
1995	15	0	72	0	107	+ 549.6	136	2.8	0.9
1996	7	0	93	0	97	- 1.0	60	3.1	2.2
1997	14	2	109	0	94	+ 75.0	733	14.1	2.9
1998	15	1	109	0	130	+ 38.5	518	16.4	3.3
1999	10	0	103	0	124	+ 258.0	828	67.2	8.4
2000	21	0	85	0	141	+ 112.4	4,640	40.0	1.9
2001	14	0	67	0	67	+ 5,649.3	2,770	34.8	11.1
2002	6	0	75	0	103	+ 1.1	118	2.5	0.5
2003	11	0	59	0	79	+ 118.7	471	28.8	3.8
2004	7	0	74	0	95	+ 493.0	408	11.2	1.5
2005	8	0	57	0	93	+ 3,807.0	382	3.4	4.5
2006	1	0	35	0	114	+ 70.0	169	0.7	0.4
2007	8	0	52	0	71	+ 2,560.0	459	3.5	9.7
2008	5	0	39	0	73	+961.0	552	12.7	6.5
2009	4	0	40	0	74	+174.0	500	1.5	0.2
2010	8	0	65	0	95	+1,562.0	251	11.5	4.8
2011	3	0	20	0	121	+74	1,700	77.8	3.9
2012	5	0	38	0	74	+201	362	6.7	3.0
2013	6	0	38	0	105	+968	112	0.3	6.0
2014	6	0	48	0	135	+13.8	935	11	4.5
TOTAL	607	26	3790	11	4,164	18,496.3	\$20,235	1,067.1	139.2

¹Projects authorized by major permits and major federal consistency concurrences. Some authorized projects have not been built, and some projects may have been changed pursuant to subsequent permit amendments.

²Smaller projects including consistency concurrences approved administratively or under regionwide permits.

³The area of the Bay created or restored, including salt ponds converted to tidal action, less the area of the Bay authorized to be filled pursuant to major permits and major consistency determinations through 1987. Thereafter, significant administrative permits and amendments are included in the data.

⁴Major and minor permits only.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
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SUMMARY OF ENFORCEMENT ACTIVITIES	
Caseload at the beginning of 2014:	173
New cases opened in 2014:	51
Cases closed in 2014:	70
Caseload at the end of 2014:	154
Cease and Desist Orders issued:	0
Enforcement related permits or amendments issued:	6
Civil penalties received:	\$58,928

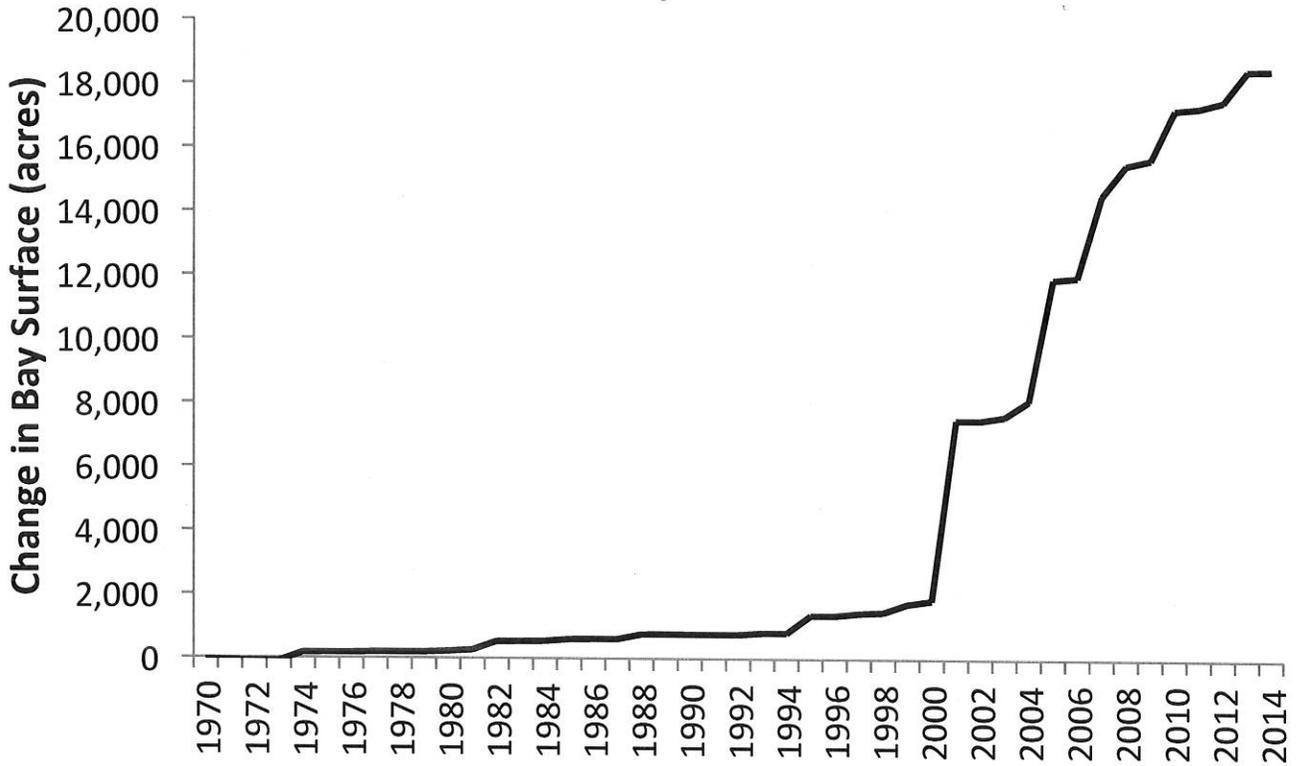
WORK PROGRAM AND BUDGET				
WORK PROGRAM	FY 13-14		FY 14-15*	
	<i>PY</i>	<i>\$000</i>	<i>PY</i>	<i>\$000</i>
Core Program				
Permits/Consistency Determinations	11.2	1,250	9.0	1,520
Enforcement	1.9	244	1.3	228
General Planning	5.9	672	4.2	549
Executive, Legal and Legislative Support	5.0	704	3.0	689
Administration, Commission and Clerical Support	10.0	1,212	11.0	1,322
Total, Core Program	34.0	\$4,082	28.5	\$4,308
Special Fund Projects				
Enforcement (Bay Fill Clean-up Fund)	0.8	200	1.2	156
Permits (Federal Coastal Act Grant)	0.9	141	1.5	149
Enforcement (Federal Coastal Act Grant)	0.3	50	0.5	50
Planning – 309 PSM Climate Policy (Federal Trust Fund)			0.7	82
California Climate Resilience Account			2.9	480
NOAA Local Protection Program Ph. I (Federal Grant)	0.4	47	0.4	36
NOAA Local Protection Program Ph. II (Federal Grant)	0.2	16	0.6	72
NOAA Assessment & Strategy (Federal Grant)			0.3	25
Federal Coastal Impact Assistance Program	0.7	232	0.6	77
Regional Collaboration (Metropolitan Transportation Commission)	1.0	330	2.1	314
Oil Spill Prevention and Response Planning (Department of Fish and Wildlife)	0.7	160	0.7	159
Transportation Project Review (Caltrans)	1.5	169	1.5	149
Association of Bay Area Governments (ABAG)	0.0	17	0.2	45
Bay Plan Amendments	0.2	136	0.2	36
Total, Special Fund Projects	6.7	1,498	13.4	1,830
TOTAL PROGRAM	40.7	\$5,580	41.9	\$6,138

* Due to FISCal system transition, budget data for FY 2014-15 is estimated and has not been finalized.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
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WORK PROGRAM AND BUDGET		
BUDGET		
Expenditures		
Personal Services	4,010	4,416
Operating Expenses and Equipment	1,570	1,722
Total Expenditures	\$5,580	\$6,138
Revenue		
General Fund	4,082	4,308
Bay Fill Clean-up and Abatement Fund	200	156
Federal Trust Fund		82
California Climate Resilience Account		480
Reimbursements from Federal Grants	486	409
Reimbursements from Other Sources	812	703
Total Revenues	\$5,580	\$6,138

Net Increase in Bay Surface Since 1970



Net Increase in Public Access Since 1970

