

San Francisco Bay Conservation and Development Commission

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March 11, 2016

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)

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SUBJECT: Draft Minutes of March 3, 2016 Commission Meeting

1. **Call to Order.** The meeting was called to order by Chair Wasserman, at the MetroCenter Auditorium, 101 Eighth Street, Oakland, California at 1:08 p.m.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted (represented by Alternate Chappell) and Commissioners Addiego, Bates, Chan (represented by Alternate Gilmore), Cortese (represented by Alternate Scharff), DeLaRosa, Gibbs (arrived at 1:10 p.m.), Gioia, Gorin, Kim (represented by Alternate Peskin), Lucchesi (represented by Alternate Pemberton), McGrath, Nelson, Randolph(arrived at 1:16), Sartipi, Sears, Spering (represented by Alternate Vasquez), Techel(arrived at 1:15 p.m.), Wagenknecht (arrived at 1:15 p.m.), Ziegler and Zwissler.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Department of Finance (Finn), U.S. Army Corps of Engineers (Hicks), San Mateo County (Pine).

3. **Public Comment Period.** Chair Wasserman called for public comment on subjects that were not on the agenda.

Hunter Cutting of Save Clipper Cove addressed the Commission: I work on sea level rise in my day job so this is fantastic that you are doing this workshop today. I want to talk to you today about a proposal by private developers to close off most of Clipper cove at Treasure Island and convert it into a private marina. The last time I was here I described a little bit about the really bad process that the Treasure Island Development Authority has used that has allowed that situation to develop.

I hope that this proposal does not come to you in this form but there is a chance that it might and so I wanted to update you on where we are with the proposal.

The developers have not come to you and filed an application for a permit. I think they have realized that there is a lot of public opposition to this and they need to deal with it.

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BCDC MINUTES
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The second part of the update is that they have not dealt with it. In conversations with the stakeholders at the Cove the developers have refused to budge; essentially all the proposals are the same, to close off most of the Cove and convert it into a marina.

We have looked at the architectural drawings they have submitted. Unfortunately, this will be a mega-marina designed for mega-yachts. The average slip side is 54 feet and runs up to 175 feet and there are 372 of these boats.

These boats generally start at a half a million dollars and run up into several million dollars.

We have now hit the thousand-signature mark on our petition asking folks to stop the marina and do an up-to-date public use assessment of the Cove. The last time public input was solicited for this proposal was 2003. This EIS is stale and subject to legal challenge and it is a bad idea.

The Sierra Club has come out and looked at the proposal and they have adopted a formal resolution that his marina is a really bad idea and it should not go forward. They do not oppose an expansion of the marina at Treasure Island they are just saying; this mega-marina is not the best use of the Cove.

This is one of the best places on the Bay for kids and disabled sailors to get out on the Bay. It is one our most important open-water resources and we cannot lose it.

Chair Wasserman moved to Approval of the Minutes.

4. **Approval of Minutes of the February 18, 2016 Meeting.** Chair Wasserman asked for a motion and a second to adopt the minutes of February 18, 2016.

MOTION: Commissioner Zwissler moved approval of the Minutes, seconded by Commissioner Scharff.

VOTE: The motion carried with a vote of 18-0-1 with Commissioners Addiego, Bates, Gilmore, Scharff, DeLaRosa, Gibbs, Gioia, Gorin, Peskin, Pemberton, McGrath, Nelson, Sears, Vasquez, Ziegler and Zwissler, Acting Vice Chair Chappell and Chair Wasserman voting, "YES", no "NO", votes and Commissioner Sartipi abstaining.

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

a. **New Business.** Does anyone have any new business they would like to get on a future agenda? (No comments were received)

b. **Next BCDC Meeting.** Our next meeting will be March 17th at the Ferry Building. We expect to take up the following matters:

(1) We will have a closed session on the United States Army Corps of Engineers' refusal to accept conditions of their Consistency Determination for their dredging program.

(2) We will have a staff briefing on the Regional Habitat Goals update and the LTMS Sediment Program.

(3) We expect to have a briefing on State Highway 37 and the challenges it and its residents around it face in the face of rising sea level.

(4) We will have a briefing by the US EPA on the SF Bay Water Quality Improvement Fund.

(5) We will have a staff briefing on the status of permit requirements we included in our approvals for sand mining.

c. **Ex-Parte Communications.** Does anybody have any ex-parte communications they wish to put on the record? You can and should always do that electronically or in writing as well as any verbal ones here. (No comments were voiced)

6. **Report of the Executive Director.** Executive Director Goldzband reported: I shall be brief. Yesterday was the Giants' first spring training game. Life is better now.

By our next meeting I should be able to report to you on the progress of hiring both a supplemental accountant and a chief budget officer.

Steve Goldbeck and I spent last week in Washington, D.C., your nation's capital, working and learning with our peers from the Nation's 31 other coastal states, NOAA staff, and Hill staff. During our visits on the Hill to Bay Area representatives and staff we were greeted very warmly. While Steve worked with NOAA on Thursday and Friday leading a national panel on sediment, John Coleman of the Bay Planning Coalition and I walked the halls of Congress again, this time in support of legislative language that we, the Bay Planning Coalition, the Coastal Conservancy, Save the Bay and the Bay Institute had agreed upon in principle that would amend the US Army Corps of Engineers' authorizing legislation to force the Corps to pay for the beneficial reuse of dredged sediment. We were met with an overwhelmingly positive response from Bay Area offices, the two Senate offices and committee staff. There will be more news on our progress in a couple of weeks.

Unfortunately, the San Francisco division of the Army Corps has decided not to comply with four conditions of the consistency determination that you approved and they fully supported last year. This very abrupt and unfounded about-face is the subject of our closed session at our next meeting.

Finally, just as you expected Leo DiCaprio to win the Academy Award on Sunday, you are probably expecting me to ask you, once again, to submit your FPPC Form 700s on time – on April 1. Please do so.

That completes my report, Chair Wasserman, and I am happy to answer any questions you all may have.

Chair Wasserman asked: Do any of the Commissioners have questions for Larry?

7. **Consideration of Administrative Matters.** Chair Wasserman announced: We received a listing of Administrative Matters and Brad McCrae is here to answer any questions any of us may have. Are there any questions on Administrative Matters? (No questions were received)

8. **Adjournment.** Chair Wasserman announced: That brings us to adjournment. Upon motion by Commissioner Nelson, seconded by Commissioner McGrath, the Commission meeting was adjourned at 1:19 p.m.