

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

October 14, 2010

TO: All Commissioners and Alternates

FROM: Will Travis, Executive Director (415/352-3653 travis@bcdc.ca.gov)
Mamie Lai, Assistant Executive Director (415/352-3639 mlai@bcdc.ca.gov)

SUBJECT: Approved Minutes of October 7, 2010 Commission Meeting

1. **Call to Order.** The meeting was called to order by Chair Randolph at the Port of San Francisco Board Room, Second Floor, Ferry Building, San Francisco, California at 1:09 p.m.

2. **Roll Call.** Present were Chair Randolph, Vice Chair Halsted Commissioners, Baird, Bates (represented by Alternate Balico), Chiu, Gioia, Goldzband, Gordon, Lai-Bitker, Lundstrom, Maxwell, McGlashan, McGrath, Moy, Nelson, Reagan, Sartipi (represented by Alternate Richards), Shirakawa, Thayer (represented by Alternate Kato), Wagenknecht (represented by Alternate Caldwell), Wieckowski, and Ziegler (represented by Alternate Brush). Legislative representative Charles Taylor was also present.

Not Present were: Sonoma County (Brown), Department of Finance (Finn), Speaker of the Assembly (Gibbs), Governor's Appointee (Jordan Hallinan), and U.S. Army Corps of Engineers (Hicks).

3. **Public Comment Period.** Chair Randolph asked for public comment.

Mr. David Lewis, Executive Director of Save the Bay commented that thousands of volunteers had removed hundreds of tons of trash from the Bay during the annual Coastal Clean Up Day.

Save the Bay is working to prevent pollution of the Bay.

BCDC should be working to prevent pollution of the Bay through its permitting jurisdiction on the shoreline.

Many trash bins along the Bay Trail and in parks within BCDC's jurisdiction are currently ineffective.

There are three ways that BCDC can help Save the Bay reinforce efforts to prevent trash getting into the Bay.

(1) Notifying existing permittees that they must maintain and service these shoreline trash bins.

(2) BCDC should encourage the public to report these violators both to their local city and to BCDC.

(3) BCDC should ensure that new permits clearly spell out this trash prevention requirement.



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4. **Approval of Minutes of September 2, 2010 Meeting.** Chair Randolph entertained a motion and a second to adopt the Minutes of September 2, 2010.

MOTION: Commissioner Lundstrom moved, seconded by Vice Chair Halsted to approve the September 2, 2010 Minutes. The motion carried by voice vote with Commissioners Kato and Baird abstaining.

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

a. **MTC Appointment.** As you know, our Vice Chair, Anne Halsted, ably serves as BCDC's representative on the Metropolitan Transportation Commission. Under our enabling legislation, all MTC members are appointed for four-year terms which end on February 9, 2011. So Anne has been an extremely effective representative for BCDC and BCDC has asked that we reappoint her to a second four year term. Anne has agreed to play that role continuing as our representative recognizing that as a Governor's appointment it's entirely possible whoever is elected Governor could enter an appointment to BCDC. She has agreed, also, to relinquish her appointment on MTC if that should be the case. We've been extremely confident in Anne's representation and I would appreciate a motion and a second to indicate that you concur with Anne's reappointment to represent us on MTC.

MOTION: Commissioner Lai-Bitker moved, seconded by Commissioner Moy to approve reappointment of Commissioner Halstead to represent BCDC on MTC. The motion carried by a unanimous voice vote with no abstentions.

b. **Next BCDC Meeting.** Our next meeting will be on October 21st. That meeting will be held at the MetroCenter in Oakland, we will take up the following matters:

We will vote on an application to expand the Potrero Hills Landfill in Solano County. We held a public hearing on this application in June. We had planned to vote on this application today but that has been deferred until our next meeting.

We will also hold a public hearing on a permit application for renovations at the San Francisco Marina.

We will receive two briefings, the first on the Subtidal Goals Project, and the second on Eelgrass habitat restoration and possibly a third on the bid by San Francisco to host the America's Cup.

c. **Ex-Parte Communications.** That completes my report. In case you have inadvertently forgotten to provide our staff with a report on any written or oral ex-parte communications, I invite Commissioners who have engaged in any such communications to report on them at this point. No ex-parte communications were reported.

Commissioner Lundstrom stated that Travis suggested that she state to the Commission that I'm BCDC's representative on the Harbor Safety Committee of the San Francisco Bay Region which I chair as an appointment from the Office of Spill Prevention Response.

At our next meeting of the Harbor Safety Committee the Assistant Administrator to NOAA is going to give us a briefing on NOAA's role in the Gulf oil spill.

And then in the following meeting we'll have a briefing from the Mayor's office on America's Cup Sail Race because we've been asked by the Coast Guard that the Committee serve as a sounding board for all the navigation interests in the Bay.

6. **Report of the Executive Director.** Executive Director Travis provided his report, as follows:

a. **Budget.** Along with a lot of other Californians, we're still awaiting final approval of a budget for the state fiscal year that began on July 1st. We are waiting particularly anxiously because we can't pay our bills and as a result Time Warner shut off our Internet service this morning.

So those of you that sent us letters and comments on the Bay Plan Amendment today by email, we did not get them. We're trying to rectify this probably with my credit card.

We hope that approval will come soon, but even when it does, we may not know the exact details of our budget because there will probably be unallocated cuts in the budget and it takes some time to work those out.

There is one bit of concrete information we do know. The California Supreme Court has determined that the unpaid furlough program that the Governor put in place with the concurrence of the Legislature is legal.

As always, we'll keep you apprised of any significant news on budgetary issues as we learn of them.

b. **Personnel.** At our last meeting I informed you that Governor Schwarzenegger had issued an executive order prohibiting state agencies from filling vacant staff positions. We requested an exemption from this hiring freeze so we could hire a deputy director to replace Steve Goldbeck who had been promoted to chief deputy director. At this time, the Governor's staff is allowing only vacancies that are essential to providing immediate life safety services to be filled. Therefore, we won't be able to fill our vacancy until the freeze is lifted.

On a brighter note, Sarah Davidson has joined our staff as a legal intern during her fall semester at UC Hastings. Sarah graduated from NYU, worked as a paralegal for law firms in San Diego and New York and clerked with the Sonoma County Counsel's office this past summer.

c. **Presidential Reception.** A few weeks ago, we had the honor of having an international agreement negotiated in our office and a reception for the president of a foreign nation held in our Bay View conference room. The agreement, which deals with marine protected areas, was negotiated by Under Secretary of Commerce Dr. Jane Lubchenco and President Anote Tong of the nation of Kiribati. Kiribati has 98,000 inhabitants who live on 32 atolls and one coral island in the South Pacific. It is likely to be one of the first nations that vanish from the face of the Earth as a result of sea level rise.

d. **ART Project.** As you know we've received support from NOAA to advance our continuing work with local governments to assist them in climate change planning. A few weeks ago we learned we will be getting a \$300,000 grant from the Federal Highway Administration to support our work with MTC and Caltrans on this venture, which we call Adapting to Rising Tides or the ART Project. The first step in the ART Project is to identify a specific part of the shoreline where we can work with local partners on a pilot project to identify sea level rise risks and explore strategies that can be used for managing these risks. We're holding a kick-off event for the ART project on the afternoon of Friday, October 22nd at the MetroCenter in Oakland to inform local decision-makers about the project and gauge their interest in becoming partners in the pilot project. If you're interested in attending the meeting or want more information, please contact Lindy Lowe of our staff.

e. **MOU with Brazil.** I would like to call to your attention to a report that we sent to you concerning a memorandum of understanding with the State of Bahia, Brazil. As the report explains, unless you have objections, I am prepared to sign the memorandum of understanding because it is focused on sharing experiences and perspectives, not on policy development and does not create any legally binding obligations or commitment of financial resources by the Commission or the State of California.

f. **Report.** I would like to call to your attention our annual Maritime Cargo Monitoring Report, which we sent you on October 1st. This report is rich in details but the bottom line is that the global recession is continuing to impact Bay Area ports. Overall, the amount of cargo moving through the region's ports declined ten percent last year from the 2009 levels, which were eight percent lower than the 2008 levels. This decline, along with other factors, means that there will be sufficient port capacity to meet the region's needs at least through 2030. If you have any questions about the report, please direct them to Linda Scourtis of our staff.

g. **Acting Executive Director.** I will be making a short trip to Washington, D.C. from October 20th to the 23rd to fulfill my obligations as a member of the National Research Council Roundtable on Climate Change Education. Unfortunately, this trip will prevent me from attending our next Commission meeting on October 21st. Steve Goldbeck will be serving as acting executive director at that meeting and while I am away. That completes my report so we can move on to Item #7 consideration of administrative matters.

7. **Commissioner Consideration of Administrative Matters.** We sent you two listings one on September 23rd and a supplemental listing on October 1st. Bob Batha is available to respond to any questions you may have about the matters on the listings. There were no questions.

8. **Vote on Appeal No. 1-05; Potrero Hills Landfill, Inc., Modifications to Marsh Development Permit No. MD-88-09 for Phase II Expansion Project.** This item was postponed.

9. **Closed Session to Discuss Possible Litigation.** This item was postponed.

10. **Public Hearing on Bay Plan Amendment No. 1-08 Which Would Revise Various Sections of the San Francisco Bay Plan to Address Climate Change and Add a New Climate Change Section to the Plan.** Executive Director Travis reported: I'd like to put today's deliberations into a larger context. The process of amending your Bay Plan to address climate change was launched in April 2009 when our staff released a report describing the latest scientific research on the likely impacts global warming will have on the Bay Area.

The report contained maps depicting the low-lying areas around the Bay that are susceptible to flooding from sea level rise over the next century. These maps brought the abstract issue of climate change into graphic reality and have given BCDC somewhat of a rock star status in climate planning circles.

Why is this? Simply because instead of doing what we're supposed to do we're doing something that needs to be done.

BCDC was created because landfill operations had reduced the size of the Bay by a third between 1850 and 1960 and 60 percent of the remaining Bay was shallow enough to fill.

BCDC was given the responsibility for preventing this unwanted future from coming about and the regulatory authority to achieve this objective.

But sea level rise will make the Bay considerably larger; a problem BCDC had no responsibility to address and no regulatory authority to do anything about.

Some skeptics seemed to believe that BCDC jumped on the idea of climate change as a way to increase the geographic expanse of our regulatory authority. While the silly notion that bureaucrats have that much power seems to have faded, we still hear critics contending that simply describing the problems that climate change will bring to us is the first step in a grand BCDC conspiracy to usurp the authority of local governments and become some sort of a super-powerful regional agency.

Over the past year and a half, we've held a number of public hearings on the proposed Bay Plan amendments, held workshops to better acquaint the public with the issue, got feedback from stakeholders and advanced our partnerships with other federal, state, regional agencies, and most importantly, with local governments.

At the request of the regulated community we held additional hearings and extended the public comment period several months so they could formulate their own proposed language for the Bay Plan.

Throughout this long process, we've continuously revised and refined our staff recommendation to respond to the many excellent ideas advanced by the building industry, the environmental community, local governments, the general public and, most importantly, the direction the Commission has provided to our staff.

We're now at a point where our staff thought we would be honing in on language that you, the Commission, could mold into precise findings and policies that you can support. However, instead of continuing to move forward with the process we thought all stakeholders embraced, last week the Bay Planning Coalition has taken a radical change of direction and now recommends that you abandon the process of amending the Bay Plan and instead move directly to the more ambitious challenge of developing a regional sea level rise adaptation strategy.

Yesterday, the Coalition reversed course again and joined with the Bay Area Council and the Building Industry Association in supporting continued work on amending the Bay Plan to address climate change.

While this most recent change of heart is welcomed, we believe it is important to directly confront the Bay Planning Commission's rationale for objecting to the Bay Plan amendments proposed by our staff because many of the letters you have received echo the Coalition's concerns.

Frankly, if adopting the staff recommendations would result in the dire consequences that the Bay Planning Coalition has described I would oppose them too.

They say the amendments will vastly increase the Commission's regulatory authority. This is simply untrue. Only the Legislature can do that and the Commission has not asked that its authority be expanded nor has our staff proposed this.

They claim that if adopted, the policies would result in a moratorium on development in low-lying areas. Again, this is simply not correct.

Putting aside for a moment the fact that the Commission doesn't have the authority to impose a moratorium even if you wanted to, the proposed policies support continued in-fill development, redevelopment of closed military bases, remediation of contaminated sites and adaptive reuse of low-lying areas if they're planned in a manner that addresses the dangers of accelerated sea level rise.

The Bay Planning Coalition claims that adopting the staff recommendation will usurp local autonomy and cause vast confusion by introducing undefined terms that would be interpreted by unknown powers. Again, this claim flies in the face of reality.

The policies would be applied by the Commission within your jurisdiction using your existing regulatory authority, which is of course, quite limited.

In other areas, the policies would be advisory. They could be used by local governments and others. Or not. It's up to them. But judging by the interest in our local pilot program it seems that many local governments are anxious to receive technical and policy advice for dealing with sea level rise.

What should we do about this disagreement?

First, our staff has prepared a brief document which corrects the misstatements made by the Bay Planning Coalition. We hope that this information will be helpful to you today.

Secondly, we're providing this information to the Bay Planning Coalition with the hope -- actually with the expectation -- that the information will be sent to the Coalition's membership and everyone else the organization contacted about today's hearing. We believe it's essential that all parties have access to accurate information, especially if these parties want to make constructive suggestions for refining the language before you today.

Third, as requested, we're more than willing to have additional meetings with representatives of the development community, our regional partner agencies, local governments and anybody else who else has an interest in the Bay Plan Amendments.

Finally, as for your deliberations today, we urge you to remember that we have come a long way on this journey. The recommended Bay Plan revisions our staff is presenting to you today reflect considerable public input and have many refinements to the language we presented to you a year and a half ago. Most importantly, the language reflects the important policy direction you gave to our staff.

Our advice to you, the Commission, and our plea to the public in testifying at today's public hearing is this: recognize that words are important. Focus on the precise language of the proposed findings and policies.

Determine whether each finding is an accurate statement of fact. That's what a finding is. It describes something. It doesn't prescribe what to do about that something, which is the role of the policies.

Decide whether each recommended policy is a sound way to deal with the facts described in the findings. Then decide whether all the proposed findings and policies together with the other provisions of the Bay Plan represent a cogent, consistent and reasonable approach for dealing with the impacts that climate change will bring to our region.

If you find shortcomings in any of the recommended findings and policies, as you've done before, tell us what those shortcomings are and how you believe the language should be revised.

As you know, I was in Rotterdam last week where I was a delegate to the International Delta Alliance for Climate Change Adaptation. I met with representatives from Bangladesh, China, Egypt, Indonesia, New Orleans, Vietnam, and, of course, the Netherlands.

All of us will have to deal with similar climate change impacts, but those impacts will manifest themselves in different ways in different parts of the world.

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Despite these differences, we found we can learn much from each other and we all heard one common refrain: Act Now.

The scientific debate over how fast the seas will rise in the future will never be fully resolved so making the best decisions we can based on imperfect information is not only reasonable, it is imperative.

We also learned that investors and insurers are watching what we are doing. International capital will flow to those places that have recognized the reality of climate change and are taking concrete steps to adapt to climate change impacts.

On the other hand, insurers will likely abandon places where risks remain too high.

Our region is in a competition with others around the world to attract investment. Rotterdam, already the largest port in Europe, dreams of becoming Europe's Silicon Valley by "climate proofing" the city within ten years.

We already have the world's Silicon Valley in our region. We can't afford to lose it either to Europe or to sea level rise.

To win this battle, we can't ignore the threats posed by climate change and sea level rise simply because it's too difficult or economic times are hard. Nor should BCDC ignore its responsibilities or abandon our role as an international leader in climate adaptation planning.

Our region is famous for building coalitions between diverse interests, embracing innovation and looking at challenges as opportunities. That's the approach we have embraced in developing the recommendation before you today. We believe there is no reason to change course now.

With that as a way of introducing this issue, Joe will present our staff recommendation.

Joe LaClair presented the staff's preliminary recommendation on Bay Plan Amendment 1-08 concerning climate change.

He mentioned the documents that were transmitted to the Commission that were being used to consider this amendment.

Staff's preliminary recommendation, letters that were received from the public and public interest groups that we received outside of the public hearing process since your last meeting on this topic in December of 2009 have been sent to you.

We also sent a public notice that is a requirement of OCRM.

Some comment letters were received too late to provide the Commission with them for today's meeting, including some Internet correspondence.

The following slides were presented:

This slide shows the steps in the process that you have followed to date to get to this point in considering this Bay Plan Amendment.

At your last meeting you directed staff to refine the policy language to be more consistent with state's adaptation strategy and that the policy should be revised to discourage development in low-lying areas, to encourage restoration there and to make sure that provision was made for protecting existing development.

You directed us to continue to work with the Bay Planning Coalition, the Bay Area Council and others so that the language reflects, as much as we can, a broad consensus of the Bay area.

The staff indicated at that time that it would be February or March before we could return with revised language and it's taken us a little bit longer.

I wanted to cover your jurisdiction first to clarify how these policies will apply and also for members of the public as an introduction to the recommendation.

The Commission has five types of jurisdiction: Bay, certain waterways, shoreline band, managed wetlands and salt pond.

In the Bay and certain waterways the Commission has jurisdiction over land uses and public access.

It has authority over how much fill can be placed and in what configuration.

It has policy authority to conserve fish, wildlife, other aquatic organisms and their habitats.

And it has authority over dredging and dredged material placement.

And the Commission can require mitigation for impacts of projects in the Bay.

In the shoreline band the Commission can only require that projects provide maximum, feasible public access consistent with the project and within priority use areas that land uses must be consistent with Bay Plan land use designations.

Within salt ponds or managed wetlands, for development projects in those jurisdictions, the Commission can require that maximum public access consistent with the project is provided, (It's a different standard.) that an appropriate guarantee of some of the preserved open surface water area is provided, and that a comprehensive planning process that addresses certain proscribed subjects guides the formulation of any projects.

The next slide shows the types of issues the Commission is likely to address with permit conditions based on the proposed climate findings and policies in the Amendment in its various jurisdictions.

Most future development will likely be concentrated in the shoreline band where the Commission currently has authority over public access and priority use consistency.

Within the Bay and salt ponds and managed wetlands the Commission has greater authority to impose conditions, however, it is unlikely that much development will be proposed in these areas except in limited areas such as in Redwood City or Newark or for Bay fill for shoreline protection, public access or to support a development of priority uses.

The Bay Plan has two primary policy sections.

The first being the Bay as a resource. In this section, staff recommends that the Commission amend the tidal marshes and tidal flats policies to acknowledge that the 1999 Baylands goals are still a good guide for habitat acreages needed for supporting Bay species but recommend that they be updated to address sea level rise and recast as targets to provide some flexibility in achieving them.

The changes also recognize the importance of sediment in sustaining Bay tidal habitats especially in light of sea level rise and recommends pursuing regional sediment research and management programs and strategies.

The proposed changes to this section recommend that the Commission encourage the region to make provision for the migration of wetlands into upland areas so that rising seas do not significantly reduce marsh acreage placing greater pressure on endangered species, fish and other aquatic organisms.

The policies clarify how sea level rise should be factored into the design, monitoring and management of wetland restoration including creating buffers to allow wetlands to migrate.

In the second Bay Plan Policy Section, Developing the Bay and its Shoreline, the staff recommends that the Commission add a new climate change section and update the safety of fills, shoreline protection and public access policy sections.

The proposed climate change findings acknowledge that California scientists looked at three scenarios for the amounts of emissions that we pump into the atmosphere.

And their 2009 report projects that by the end of the century average temperatures in California will rise between three and ten and a half degrees Fahrenheit.

These surface temperature increases are projected to increase sea level rise by 11 to 18 inches by mid century and 23 to 55 inches by the end of the century.

The proposed findings point out that climate change and rising seas will exacerbate the conditions that give rise to shoreline flooding by increasing wave heights, causing more frequent and more intense storms and increasing winter storm run off by reducing the amount of water that is stored in the Sierra as snow.

Sea level rise will cause us problems sooner than we think. This slide shows the 100 year floodplain around the Bay and the area that may be subject to flooding from sea level rise by mid century.

Thus in an area where there is now a one percent likelihood of flooding in any one year by 2050 this area could represent our one year storm with an average chance of flooding in any year.

Simply stated, today's extreme flood event is about the same as the mid century high tide.

The climate change literature has spawned a new lexicon of terms. To clarify the use of some of these terms in the Bay Plan the findings define a number of them.

Risk is defined as the magnitude of the potential climate impacts and the likelihood that they will occur.

Innovative adaptation strategies include financing mechanisms, design concepts and land management practices that meet these criteria.

Infill development would be an area surrounded by existing development where supporting infrastructure is in place, the site is, or will be served by transit, and can provide for dense housing and employment.

The findings acknowledge the conclusions from our regional vulnerability assessment, Living with a Rising Bay.

Large commercial and industrial areas are vulnerable to flooding, especially San Francisco, Silicon Valley, Oakland, including our airports, ports, Bay side freeways, important for goods movement corridors and commuting.

Similarly the assessment identified significant vulnerabilities for Bay habitats, particularly tidal wetlands and mudflats.

In addition to threats that sea level rise poses to our wetlands, the findings also acknowledge our waterfront parks and regional trails that BCDC require public access throughout the region are at risk from projected sea level rise.

The proposed amendment suggests that equity consideration should guide choices about where to protect development while promoting overall sustainability of the Bay and our shoreline communities.

The findings acknowledge and policies do not require that projects involving repair and maintenance of existing structures or small projects that do not increase public safety risks that these projects will not be required to assess risks or design to address sea level rise.

This recognizes the need to maintain facilities and allow projects with relatively short amortization periods, such as park improvements, to proceed under existing evaluation procedures.

The proposed amendment states that existing government authorities and jurisdictions are incongruent with the regional scale and nature of the climate change and sea level rise challenges that we face.

The Hayward Area Shoreline Planning Authority, a multi-jurisdictional collaborative has undertaken a preliminary vulnerability assessment that exemplifies the sort of cross-jurisdictional planning that will be necessary to devise effective adaptation strategies that protect the Bay and existing and new shoreline development.

These efforts should be guided by a regional strategy.

The revised findings and policies provide that risk assessments should be conducted for large projects in the Commission's Bay, salt ponds and managed wetlands jurisdictions and suggest they be done in other vulnerable areas.

The policies require that large projects in the Commission's jurisdiction be designed to address a mid-century sea level rise projection and demonstrate that they can be adapted to meet an end of century projection.

Risk is a combination of the magnitude of the potential consequences and the likelihood that they will occur. Because the probability of future sea level rise cannot be quantified these risk assessments will be qualitative rather than quantitative. They will rely on the best-available science projections of sea level rise and other future circumstances.

Proposed climate change policy three promotes protection of existing shoreline areas that sustain diverse habitats and species or possess conditions that make them especially suitable for natural resource enhancement, such as wetland restoration. The policy also encourages the public purchase of these areas for ecosystem restoration or enhancement.

Policy, four, intends to set high performance measures for innovative adaptation proposals. We must insist that any proposal to build in an area that is vulnerable to sea level rise has a definitive strategy for dealing with rising water, achieves long-term environmental sustainability such as consistency with our regional focus program goals where most new residents will be transit riders and incorporate adaptive management to deal with uncertainties.

Policy six addresses development in low-lying areas such as redevelopment of environmentally contaminated sites, particularly military bases, provided the development

helps achieve regional goals of concentrating an employment for housing near transit, can be designed and managed over time to avoid flooding and has a financing strategy that ensures that the general public will not be burdened with the costs of protecting the development in the future. It also makes provision for infrastructure projects, minor repairs, in fill, development, interim or temporary uses and parks and wetlands restoration projects.

For projects in low-lying areas outside the Commission's jurisdiction the proposed findings and policies are advisory.

Our proposed Bay Plan Climate Change Policy calls for the development of a regional strategy in cooperation with the Joint Policy Committee and local, state and federal government in an inclusive public process.

This policy statement is a call to action to the region to engage the Commission in developing a broad response that addresses the challenges we are likely to face along the shoreline from sea level rise and storm surge.

In recognition of the many overlapping jurisdictions along the shoreline, proposed policy seven provides that where jurisdictions overlap authorities should endeavor to coordinate project reviews and requirements to streamline the process.

In the Safety of Fill Section, language was extracted and moved to the new Climate Change Section and remaining language was updated for consistency. The revised policies have been clarified to permit fill to protect existing development from flooding. The policies also make provision for innovative or adaptive management approaches to addressing risks from sea level rise for projects built on fill in the Bay, salt ponds or managed wetlands.

In the revised shoreline protection findings and policies, combining soft or vegetated shoreline protection and hard shoreline protection is encouraged and required wherever feasible. The findings acknowledge that in some cases wetland restoration and structural shoreline protection can be part of an integrated strategy. The policies require that impacts from shoreline protection on Bay resources be mitigated.

The proposed revisions to public access findings and policies recognize that sea level rise will have negative impacts on existing public access such as damage from flooding and that some shoreline protection could impact public access. The proposed policies provide that public access required by the Commission for projects should be designed to avoid impacts of sea level rise and must remain viable for the duration of the project, or that alternative access is provided nearby.

Staff has endeavored to craft a revised recommendation that incorporates the thoughtful input from the Commission and the public.

We recognize that these policies represent an interim response to the challenge that requires a broader, regional approach.

Once we have broad, regional policies in place they will have to be applied along the entire 1,000 miles of Bay shoreline in a plan that identifies the areas that must be protected, where development should be removed, which natural areas should be protected and enhanced and which low-lying areas can be developed and how they should be planned and managed.

We believe the staff recommendation takes a middle course on the continuum of possibilities for implementing a precautionary approach to development in low-lying areas.

The Commission could direct the staff to craft policy that would allow greater flexibility for considering development in low-lying areas.

It could take a more precautionary posture and discourage all development in low-lying areas or it could modify the middle course the staff has proposed.

We welcome your comments on our proposed recommendation. And thank you. That concludes my presentation.

Chair Randolph thanked Mr. LaClair and opened the public hearing. He mentioned that there were some 30 speakers and that the hearing would be finished on time.

He stated that every speaker would have three minutes and if comments could be faster than that then that would be great.

He called each speaker in sequence so that the next speaker was ready to comment.

Chair Randolph then called the first speaker Margaret Kettunen Zegart.

Ms. Zegart stated the following: I really like the Commission's efforts to alert the public about climate change because many people are not aware of it. I particularly like the language that staff has prepared for the Commission and it's very fine and honed with the consideration of all the remarks of the public. I think the Commission should make Caltrans especially aware of the dangers of future flooding. Many people who will buy in flood prone areas cannot afford the insurance needed so equity should be addressed. I hope you accept the document as presented.

Carole Wong of Redwood Shores thanked the Commission for the background information on the proposed amendment. I have always advocated that whatever development takes place should be done in a manner that will allow it to cope with the inevitable sea level rise. I am a supporter of smart growth and am not a supporter of no growth. I was somewhat alarmed at the language related to governance and regulation and also with respect to community outreach.

On governance and regulation, I interpreted that in this plan it was going to align the overlapping jurisdictional areas and I'm uncomfortable with how that alignment would happen in that an unspecified regional strategy would drive this. I noticed an absence of input from a lot of the local governments and that worries me because there should be a lot more input coming in and I'm worried about how community outreach was done.

Ellen Johnck, Executive Director of the Bay Planning Coalition said the impacts of sea level rise on our community will be significant. The Bay Planning Coalition along with our partner organizations, the Bay Area Council and the Building Industry Association and several others support BCDC's leadership in bringing public awareness of the impacts of sea level rise. We believe that the subject of sea level rise something that BCDC cannot take on alone. We undertook a very serious analysis of the work that BCDC has done and we presented these recommendations for language which we thought was a balanced approach in the Bay Plan and would be consistent with the MacAteer-Petris Act. Those comments were sent to the Commission.

We were very disappointed with the September 3rd report. We did not see some of the principles as far as consistency with the MacAteer-Petris Act espoused in that report. We saw ambiguities. We saw some preemptive language, which we thought imposed land use restrictions which would preclude some essential shoreline protection and facility maintenance and even preclude some worthy, economic development projects that incorporated a lot of environmental benefits.

We need another process. The process of coming up with this language is broken. We are trying to find solutions to how we get to address this very important issue of sea level rise collectively and at all levels of government. So this is our recommendation and you'll see that reflected in a letter that we brought to you from the Bay Area Council and the Building Industry Association. Basically what we're saying is that we want the hearing kept open for an indefinite period of time. We want a task force to be established with some Commissioners here to establish a new structure for discussion and for a more integrative, consensus-based approach on where we go with the Bay Plan Amendments.

Mr. Brad Olson said I am here to speak in favor of the climate change policies. I represent the East Bay Regional Park District and for us, climate change is not just about sea level rise.

We're looking at changes in precipitation patterns, acidification and warming of the Bay, encroachment of salt into our fresh-water marshes and shoreline erosion and levee failures.

Many of our parks are impacted by development and levee conditions. We are very concerned about both the impacts of the Bay on our parks as well as upland development. Many current improvements will not be sustainable over the 100-year period that is identified. Typically the life of these projects is about 25 years.

Ms. Gwenyth Scove, representing Friends of Redwood City said we appreciate the Commission's foresight and initiative in addressing the impacts of climate change on San Francisco Bay. We would also like to thank the staff and Commission for taking into consideration our previous comments on the proposed Bay Plan Amendment of 1-08 concerning climate change.

The Pacific Institute Economic Study referenced in the September 3rd, 2010 BCDC Staff Report identifies San Mateo County as the Bay area county most at risk economically from sea level rise.

The future cost of protecting what is already built will be overwhelming. This is one reason why Friends of Redwood City is very concerned about new language in Climate Change Policy 6d that sanctions new large-scale construction projects on undeveloped, low-lying shoreline areas of the Bay.

This policy can be applied broadly and existing environmental degradation or contamination is not defined. What parameters will be used to define environmental degradation and contamination?

Under Policy 6d a local jurisdiction could possibly label former salt pond sites as environmentally degraded because the ponds are currently diked off from the Bay or contaminated because some of the ponds might contain bittern from salt making operations.

Policy 6d as currently worded could create conflict and inconsistencies with other proposed Bay Plan policies that called for identifying potential restoration sites that will enhance and maintain a healthy Bay ecosystem into the future. We strongly recommend that language in Climate Change Policy 6d be modified to exclude sites that have been determined through scientific analysis to be restorable as tidal marsh or critical upland habitat for mitigating sea level rise.

Ian Wren, staff scientist at San Francisco Bay Keeper, said I'm also here on behalf of California Coast Keeper Alliance and their written comments include suggestions to the language of the Bay Plan Amendment. They also express concern that the previous iterations of the Amendment appear to have been weakened and priorities for in-fill development are included without concern for flood risks. I've made additional comments intended as constructive suggestions.

I have worked in London on climate change policies such as the ones being considered here. There is no evidence suggesting that having these policies in place represents a ban on development or that having sea level rise adaptation policies have resulted in reduced economic activity in Europe. Instead such policies demand appropriate development and call on the private sector to develop innovative design standards for water-compatible developments.

Without such policies in the Bay area our communities are subject to greater flood risk and the conservation efforts you have worked so hard to implement will be much less resilient to sea level rise. We strongly support the incorporation of this amendment into the Bay Plan and would be happy to work with agencies and the development communities to strengthen and streamline this process.

Scott Zengel, with the Bay Area Council said we represent the business interests of approximately \$4 trillion in the Bay area. We've been strong supporters of AB 32 and SB 375 since their adoption and we think that smart growth and sea level rise are fully intertwined. We thank BCDC for raising public awareness of sea level rise and for spearheading this in the Bay area.

When we were approached to give feedback we thought that we would be joining a process that would be integrated into further versions. We submitted our response in June and received nothing back until September 3rd. We disagree with the middle-course version you have in front of you today. We think that our basic principles have been excluded.

We have significant concerns. We cannot accept the September 3rd Bay Plan Amendments as pieces of our work and as a reflection of our values and of how we would like to see the Bay area progress.

We think that the current version will cause undue harm to the economy of the Bay area. The process for public engagement for the Bay Plan Amendments is broken. We think that stakeholder input has not been integrated.

We recommend keeping the public hearing open and enlisting a subcommittee of Commissioners to help guide this process. We suggest you bring in local and county municipalities and federal officials who have expertise and, most of all, bring us and our partners back in.

Linda Best with the Contra Costa Council said we're a public policy organization whose mission is economic vitality and quality of life. We do recognize that climate change and sea level rise will have an impact on our economy, the environment and our communities.

We strongly believe that planning should occur in a collaborative process and not by just one single-purpose agency. We urge you to convene the appropriate federal, state, regional and local agencies as well as stakeholder groups to prepare a comprehensive plan to protect our shoreline, communities and our economic assets.

Crisand Giles, with the Building Industry Association of the Bay Area said I agree with my coalition partners, the Bay Area Planning Coalition and the Bay Area Council.

We believe that given the tenuous state of the economy and the recent progress to implement SB 375 and the mandated sustainable community strategy that it's critical that we don't rush the process of guiding future planning policy on sea level rise and climate change.

The proposed Bay Plan Amendments before you today unilaterally insert BCDC into the province of local, regional, state and federal agencies with existing authority and expertise in sea level rise. We feel that it's necessary the BCDC's work be tightly aligned with a sustainable community strategy so that the regional planning agencies complement and don't contradict one another. The proposed Bay Plan Amendments if adopted would cause unnecessary harm to the Bay area's economy. Please consider keeping the public hearing open and work with the task force and Bay area partners to create an integrated and consensus-driven approach.

Sabrina Saunders said I am the founder of the One Accord Voting Project which is a non-profit that focuses on civic engagement for the African American faith community. I'm here on behalf of the Pilgrim Rest Community Missionary Baptist Church, Mount Zion Missionary Baptist Church and Carriage Hills Community Church and would like to enter into the record letters signed by them objecting to the proposed Bay Plan Amendment on climate change.

These organizations object to the lack of notice and inclusion in the formulation of the sea level rise policies affecting low-level, largely low income and predominantly African American neighborhoods in Richmond. Any proposals that could limit preparation for the investment and protection against sea level rise for our communities are unacceptable. We request postponement of further consideration of the proposed Bay Plan Amendment on climate change until an inclusive and transparent process exploring the needs and goals of all stakeholders is initiated.

Todd Adair said I'm here today representing the San Mateo County Economic Development Association, SAMCEDA. SAMCEDA is the oldest business organization in San Mateo County founded in 1953.

In general, SAMCEDA has been in support of your Commission through the years and your mission to ensure public access of the Bay and to protect the economic and environmental benefits of the San Mateo shoreline. Today we are in disagreement with the proposed Bay Plan Amendment. We were confused by the Amendment language and the far-reaching impact the proposed language could have on the communities and property owners in San Mateo County and around the Bay.

There has been very little outreach to the cities in San Mateo County and the different stakeholders along the San Mateo County shoreline. SAMCEDA requests that the Commission restart this process and actively engage the communities, land owners and stakeholders that will be impacted.

Joshua Genser with the Richmond Development Company said we own some industrial land on the shoreline in Richmond that would potentially be impacted by the passage of these amendments. We didn't find out that this process even existed until less than two weeks ago which indicates a failure to actually communicate to important stakeholders. We are asking that you extend this process, take no votes, and permit us to take Mr. Travis up on his invitation to speak with the staff and figure out what impacts this might have upon us and give our input into the process. The Commission should make a major effort to provide direct and actual notice to all those stakeholders of future public hearings and of the consideration of these issues.

BCDC MINUTES
October 7, 2010

David Smith Vice-President and Regulatory Entitlements Counsel for DMB Associates, said for over 30 years DMB has been establishing nationally recognized communities and conservation programs throughout the western United States. Climate change has been and remains a priority issue for all of our endeavors. We were instrumental in the crafting and passage of SB 375 and we are strong supporters and sit on the executive committee for the campaign to defeat Proposition 23. We agree that the consequences of sea level rise and climate change must be addressed around the Bay, but so must the causes of climate change, namely, greenhouse gas emissions. Land use patterns will be an integral part of greenhouse gas reduction strategies around the Bay.

The stakes for landowners, local government agencies and numerous other stakeholders are complex and intertwined. They all need to be brought to the table. We strongly encourage BCDC to convene a working group of all the stakeholders with an objective of a structure for thorough vetting of the proposals within the projected inundation zones both in terms of the benefits and vulnerabilities.

Terry Blount Planning Manager for the city of Martinez said I'm here on behalf of our mayor and the city to comment on this item. We have concerns regarding proposed amendments to the Bay Plan regarding climate change. We only recently learned about the proposal and haven't had sufficient time to review it. We are concerned about the potentially far-reaching implications for local land use control, significant capital investments our city has made over time as well as future plans for our downtown and waterfront. We request the BCDC staff work with us and the cities affected in a collaborative effort to promote a consensus strategy for a Bay-wide engagement with a buy-in of all essential stakeholders.

Andrew Fields from the California Alliance for Jobs said we represent more than 50,000 union construction workers, as well as 17 hundred heavy construction contractors, and we would like to formally thank and applaud the Commission for its determination and foresight in addressing such a critical issue as climate change and specifically sea rise.

We join with our union brothers and sisters in the building and trades and feel that the proposed amendment is flawed. In this case the lack of words is very important. We're talking about \$62 billion worth of existing shoreline development, 270,000 people affected and more than 213,000 acres and that doesn't include the future development that would be affected by this amendment. To adopt this amendment as-is would be to discourage new development, alienate private-capital projects and stifle potential area innovations. We encourage you to take a closer look at the Bay Planning Coalition, the BIA and other coalition members and their proposed amendments. We're very concerned with the loss of potential jobs and given the current economic conditions we cannot allow more potential jobs to remain unrealized.

Terrence Grindal Community Development Director for the city of Newark, said I do appreciate the clarification that the Plan is advisory in areas outside of your present jurisdiction, however, even the implication of those kinds of controls over local land use is of significant concern to us and that impression creates impediments to developments. We object to a regional agency dictating our local land uses. We want to be a part of the process that looks at these issues.

Mike Daley from EAH Housing said we're a non-profit and affordable housing developer and manager based in San Rafael, but we work all over the Bay area, California and Hawaii. We commend the Commission and the staff for working on this. We agree that this is not something that you can ignore or deny.

We are in the business of lessening greenhouse gas and would consider it ironic if we were unable to develop in the core areas or the priority development areas for affordable housing so that folks don't have to commute from places that are upland. We would appreciate more time to review this and work on this in a collaborative way along with other folks.

Brad Benson Special Projects Manager for the Port of San Francisco said we're here to say that the Port staff supports BCDC's Bay Plan findings process for climate change. Planning for sea level rise is a necessity for development going forward. We need to address these issues in the context of CEQA and the permitting process and we need clear rules of the road.

BCDC and the Port have been collaborating together over the past several months. We've been interviewing waterfront stakeholders of all stripes to look at the issue of sea level rise in the context of the San Francisco Waterfront Special Area Plan. The proposed findings do recognize the importance of in-fill development. We'll continue to work with BCDC to implement the findings of this process in a way that recognizes the need for maritime uses in Port priority areas and also recognizing the importance of historic structures.

The Port is conducting its own due diligence and we're pursuing mapping of projected flood risks along the waterfront assuming different levels of sea level rise. Finally, we want to encourage that local building officials will retain the responsibility to determine the safety of flood risk mitigation strategies as they apply to structures.

David Burch stated: I am here on behalf of the Bay Area Air Quality Management District to express support for the proposed amendments. The four regional agencies have been working together and we're all committed to taking on the challenges related to climate protection in a very serious way. We've been coordinating our efforts through a joint policy committee in trying to develop an integrated climate protection strategy for the region.

Our mandate is to reduce emissions, attain air quality standards and to protect public health but we see BCDC's work on adaptation as a critical piece of a comprehensive strategy to address climate change. The Air District appreciates BCDC's leadership on this issue and we support the proposed amendments to the Bay Plan.

Seth Hamaliah with Mission Bay Development Group, which is responsible for coordinating all of the infrastructure and development occurring down at Mission Bay said that I view BCDC as one of our partners. I regret to be in a position today where I feel like we were not engaged or reached out and so we would take Travis up on his offer to continue hearing this discussion before this is adopted.

Nicholas Targ said I am a partner with the law firm of Holland and Knight. I represent a number of public and private sector clients that would be very much affected by these amendments. Our practice focus is on in-fill, brown fields and redevelopment projects and environmental compliance, and my focus is on CEQA. I've also worked in the area of environmental justice for 12 or 13 years and I presently serve on US EPA's National Environmental Justice Advisory Council.

I'm very much concerned that the amendments will have a dramatic effect on the Bay area and its vitality and particularly on the low-income people of color who live here and that these amendments were drafted without appropriate meaningful public participation by those most directly impacted. I'm also concerned that the economic and environmental effects of the amendments haven't been appropriately analyzed.

The staff report states, and I quote, “that the proposed amendments will have no significant adverse environmental impacts”. And there’s also been no economic analysis whatsoever. The impacts of the amendments have not been considered fully and this includes issues pertaining to sprawl, development of green fields by reducing in-fill opportunities, greenhouse gas and tailpipe emissions in traffic by limiting growth in in-fill areas and creation of blight caused by capital disinvestment.

With respect to equity considerations I point out that the 2009 report stated that BCDC doesn’t consider that it has jurisdiction to consider issues of social equity. I strongly object to that statement and I would be pleased to work with counsel of BCDC on that point. The city and Redevelopment Agency of Richmond like many other municipalities it was caught unaware by the amendments and it has caused substantial concerns.

They have stated that the agency and the city share BCDC’s concerns regarding the potential drastic effects of climate change on the San Francisco Bay area and agree that a proactive approach is necessary. This approach is best implemented at a local level.

The agency and the city like other local governments already evaluate climate change impacts as part of the standard environmental review process for projects proposed in the city. They are concerned that the amendments have not been sufficiently understood by the many cities, agencies and counties throughout the Bay area that will be affected by the amendments.

The proposed amendments propose significant policy changes that would impact local governments yet the Bay Plan Amendments do not appear to have fully engaged by local governments including the agency and the city. Change of this magnitude should directly involve all stakeholders.

Brent Butler Planning Director for the city of East Palo Alto said I’m not speaking on behalf of the city since notice of this public hearing was provided too late for city council input, since no Spanish language literature was made available for nearly 60 percent of the population that does speak Spanish as a first language, and since no formal or informal consultation regarding the proposed amendments with our local government occurred.

Thirty-eight percent of our city is in the flood plain. Our community was designated a Brown Field showcase community by the US EPA. And our city has been listed by the Bay Area Air Quality Management District as a priority area.

The potential effects of the proposed amendments have not been answered by any voice from the community I serve or by any of the city’s numerous community groups and non-profits. These groups are excited by the prospects of redeveloping the city’s redevelopment area. Speaking as a certified flood plain manager and a certified planner with a background in chemistry I question how the disproportionate burden expected to be borne by communities such as EPA is to be addressed. I provide for the record that environmental justice communities such as EPA need more consultation not less. I would welcome the broadening of community participation with specific regard to these amendments.

Gail Maderis CEO of Bay Bio said Bay Bio is northern California’s Life Science Industry Association. We have over 400 members engaged in support of research, development and commercialization of medical, biotechnologies, diagnostics, research tools, agriculture and industrial applications. We’re very supportive of addressing climate change. One of our fastest growing segments is that of industrial biotech which includes biofuels and green chemicals designed to address those challenges.

We are very supportive of protecting the environment and the Bay area and the Bay but we are opposed to the proposed amendments in the Bay Plan. The proposal would transfer power from local governments to the BCDC and make it more arduous for life science companies to operate in the Bay area. These companies are major contributors to job growth and to the economy of the Bay area. Additionally, the proposed amendments contain vague and undefined prohibitions and mandates. These provisions potentially expose those with actual jurisdiction in the overlay zone to litigation over disputes of interpretation and consistency with local land use decision making. This could have significant impacts on the economic development of our region.

A comprehensive and collaborative process must be convened to address the preservation of the San Francisco Bay and those with expertise and authority in the lead. Bay Bio urges that you reject the current proposal and that we engage the Commission collaboratively with all stakeholders to protect our environment in the Bay area.

Tom Kendall Chief of the Planning Branch with the Corps of the San Francisco District said we are supportive of the provisions that encourage collaboration, negotiation and public involvement. I think that you've demonstrated that you mean what you say there.

The land use restrictions contained in Policies, 1, 3, 5 and 6 appear to have the effect of limiting development and we would assert that if there is good science to support a project that effectively manages any potential risk we would like to see the flexibility to consider such a project.

We concur with the findings that acknowledge that we need to use the best science-based sea level projections. In our Corps civil works planning process we're tasked with identifying the best investment from a federal perspective and for that we use ranges of sea level. In many cases we anticipate that it's going to be a phased form of investment that is adaptable down the road. Our approach to recommending a federal investment could be in conflict with your preliminary staff recommendations in Policy 4. We would discourage an arbitrary use of a quote, 100 year flood elevation, and prefer recent analysis of what elevation is appropriate for the investment under consideration.

Merry Goodenough commented: I am the District Counsel with the Corps of Engineers. We really appreciate all the work that went into this effort. From a legal standpoint the Corps has had a legal duty to comply with the Coastal Zone Management Act for some time.

In 2009 the Corps updated its policy on sea level rise and we have a duty to look at all the direct and indirect impacts of sea level rise on Corps projects. Unfortunately this policy does not apply to our regulatory program and so we implore you that during the implementation of the Bay Plan Amendments that you continue to expeditiously issue your consistency determinations so that we may expeditiously issue or Section 404 and Rivers and Harbors Act permits.

Karen Engel, Executive Director of the East Bay Economic Development Alliance said we are the public/private regional economic entity working on behalf of Alameda and Contra Costa Counties. We represent our 28 member cities, private sector companies and dozens of non-profits and other regional organizations in the East Bay. The proposed changes to the Bay Plan have only recently come to our attention.

After reviewing the proposed changes to both the findings and policy sections of the Plan we do have a number of concerns regarding the proposed language. We've identified some of those particular concerns in our letter which I believe is in your packet.

While we understand that the intent is to provide guidance to developers and the general public as well as our local governments regarding the need to plan for a rise in sea levels, the overall tone of the language suggests a strong preference for curtailing, minimizing or altering proposed and existing waterfront development.

The waterfront and its development have been an important economic factor in the East Bay and for this reason and for the fact that many of our member cities did not have any notification of these proposed changes we do hope you'll consider allowing additional time for the public to consider and provide input regarding the proposed changes to the Plan.

East Bay EDA is eager to partner in that effort and to help make sure that the stakeholders that are required from the East Bay are notified and at the table. I was asked by the city of San Leandro to pass on a comment and to make sure that you have attention drawn to their letter that has been submitted. San Leandro submitted a letter requesting that the Bay Plan Amendment process be halted and a regional collaborative and creative strategy which includes local governments, stakeholders and state and federal agencies be initiated. The city is concerned with the unilateral approach BCDC seems to be considering in a clearly multi-jurisdictional matter and believes that it is imperative that a solution be developed that includes input and buy-in from local governments including public works, engineering, recreation and community development departments.

Scott Peterson, Public Policy Director with the Oakland Metropolitan Chamber of Commerce said we are asking that you extend this process and allow for more public input to any proposed changes in policy on the Bay Plan. Some of the words that matter to us are phrases like; preclude development, discouraging permanent new development, removing existing development, conflicts between the goal of minimizing flood risks, encouraging in-fill development and redeveloping military bases. Those are all things that are of significant importance to Oakland and to the greater East Bay because the waterfront is a significant economic asset for us and for our member companies. We ask that you align this process with other regional agencies such as MTC and ABAG.

Richard Sinkoff, Port of Oakland Director of Environmental Programs and Planning said I am here to offer comments on behalf of our board.

We fully support the need to really understand the potential effects of climate change on our region. Over 85 years of experience have given us quite a bit of experience in seeing how development and investment can actually be part of the solution or part of the mix that has to be considered in developing strategies to address a complex issue such as climate change. First, we request that the regulatory process be concurrent with the process that is also underway to develop engineering standards to address climate change and see it more closely aligned with what is done with other important issues such as seismic safety.

Secondly, we would like to see the process reflect the role that investment and development activities do play in developing the engineering solutions, the design solutions that we will need to address climate change. The Port is a resource that should be considered more deeply in the Bay Plan Amendments.

And finally, we do support Section 5 which is the Regional Strategy. We want to emphasize that we believe that public/private partnerships be considered in that strategy more clearly than has been indicated in the text of the Amendment.

James Jonas stated: I am from Redwood City. We need to put a pause on this process. I acknowledge the fact that you did have public input before but we need some more.

BCDC seems to have a policy of not supporting, in fact, opposing, floating communities within the Bay area. Hybrid homes have been developed that are not floating at the time that they are built but are designed to float if necessary. Under current BCDC policies such ideas are not even considered. If this requires a change in law then as per your mandate under this climate change policy suggests a change in California law. Don't exclude an idea when our local communities are trying to solve these problems and then come forward and say that you have a climate adaptation strategy when, in fact, you're only allowing for two solutions, build big levees or leave.

There is a legal document that you put together that stated that: if sea level rises then BCDC gains jurisdiction over that area. This need not be a top/down solution or strategy but rather it's one that we could all engage in and find common ground.

Mike Jacob, Vice-President of Pacific Merchant Shipping Association said we represent ocean carriers and marine terminal operators at all 11 of California's public ports. I want to memorialize that these amendments do not amend the Sea Port Plan which we're supportive of. We would ask that the Commission, in adoption, make a finding and recognize that it does not impact the Sea Port Plan.

Evan Reeves with the Center for Creative Land Recycling said we're a regional non-profit that supports the clean up and redevelopment of contaminated properties, brown fields and also support efforts toward in-fill development in the Bay region. I want to support the recommendations of the Bay Planning Coalition and their partners. We have a particular concern regarding Policy 6c and 6d. We believe that they will create a very high level of uncertainty and likely will create an unrealistically high bar for in-fill and brown field development and will therefore effectively redline large swaths of in-fill and brown field development, large swaths of low-income communities pushing development out to the suburban fringes and therefore exacerbating climate change challenges. We recommend that you keep the public process open and create an inclusive and collaborative regional process for fully addressing these serious concerns.

David Lewis, Executive Director of Save the Bay said I am distressed but not surprised at the transparent attempts to squash or delay these modest policies that you have been working on for more than a year and a half and I want to applaud Will Travis' summary and statement of context at the beginning because this process has been exhaustive. The current draft incorporates your guidance from a year ago.

The Bay Planning Coalition statements that they're making today, they've actually been making for about a year and a half and they were corrected and answered by the staff over a year ago in the September document with response to letters from that time, and yet they're repeating them with an insulting claim that your process is broken. This process is not broken. It's been adhered to scrupulously and it sounds to me like they're trying to break the process. I'm very proud to say that Save the Bay has focused on the language and the wording of this amendment throughout this last year and a half.

We've made specific suggestions and met every deadline emphasizing the facts. And now we're asking you to act and reject these requests to dither and delay because if you allow that, the casualty may be much more than these very modest policies which are important. But

instead the casualty will be the Commission's integrity, your credibility, the relevance of this Commission. And since we helped to create it and rely on it to protect the Bay, that would be a very big casualty indeed. I think that Ellen's representation of the Bay Planning Coalition's perspective is not fully representing its own maritime interest and members, including the Port of San Francisco which supports these policies and Pacific Merchant Shippers Association that you just heard from.

So the speakers who want more innovative solutions on the shoreline should welcome these policies because these policies, for the first time say, BCDC is actually encouraging innovation. And the speakers who want a multi-agency process, passing these policies is the best way to make that happen. It's currently languishing at the Joint-Policy Committee. It should happen but it's no reason for BCDC to wait to update its own climate change policies. So I think you should adopt these policies to actually spur that multi-agency effort which will provide people with many more opportunities for public input on the broader issues that are beyond BCDC's jurisdiction and beyond BCDC's purview.

So you should reject the unsubstantiated suggestions that the current draft amendment goes beyond the scope of BCDC's mandate. It does not. And you should reject the allegations that the current draft, in any way, expands BCDC's statutory jurisdiction. It does not and it cannot. We encourage you to adopt the Amendment with modest changes that we've suggested at your next meeting.

Cecily Barclay stated, I am a land use attorney here in the San Francisco Bay area but I am not here on behalf of any client. I am here for personal reasons and I'm here for professional reasons.

I am urging you to not pass the Amendments today. I am not asserting that the process is broken. I'm actually impressed with the amount of work that has gone on and I laud everybody who has worked to that end.

I am a fourth generation San Franciscan. And the point is that 150 years back and 150 years forward is actually a relatively short time and this is a very important process. Professionally I'm here because as a land use attorney I chose to do just what you're all doing which is try to make this a great and wonderful place for people from all around the world to have the best life and share the best life that they can here.

What concerns me is threefold. The first is the process. There is a genuine concern that I hear in reading the letters from the airport, from the Port, from the city councils. It is, maybe not rushed in terms of what's gone on but it feels very rushed to the communities who are affected by this and I think it is critical that we take a pause and reevaluate how this process is going to work. Substantively, I think there are very genuine questions that have been raised as to what the impact of the policies would be and in order to have environmental solutions we need economic engines.

And third, finally, words are important and I think there are conflicts in the different policies that lead to uncertainty as to exactly what role the Bay Plan Amendment would have, how local agencies are expected to address what the different words say or what they mean and how the permitting agencies will work going forward. I think we've got to end up with a clearer set of regulatory policies that everybody can work with so we don't find ourselves in litigation and inhibiting greater resources to help protect the Bay but instead, invite it. And I think clarity is very much needed.

Rosanne Foust said I am here today as the President and CEO of the San Mateo County Economic Development Association. I'm also here as the immediate past Mayor and current Council Member in the city of Redwood City. Yesterday the Commission was sent a letter by our Mayor, Vice-Mayor and City Manager and I'd like to draw your attention to one paragraph in the letter.

"It is also of great concern to us that the proposed Bay Plan Amendment has not been sufficiently vetted among the many local jurisdictions throughout the Bay area that will be greatly affected. The proposed amendment will impose significant policy changes that would have dramatic impacts on local governments yet the process used does not appear to have fully and directly engaged local governments."

From the San Mateo County Economic Development perspective many of our members have submitted letters, the San Francisco Airport, Oracle Corporation to name two. If there is any doubt in your minds or any of the Commission's mind that this process hasn't been as extensive as many community members would like I would like to draw your attention to the staff report, page two in the section entitled, Public Hearings and Workshops, second paragraph.

"The Commission directs its staff to work with those members of the public and advocacy organizations who continue to express concerns about the proposed amendments. The staff met with representatives of the Bay Planning Coalition, the Bay Area Council, several Bay area development companies, Save the Bay, Golden Gate Audubon, the Friends of Redwood City, the Committee for Green Foothills and Citizens' Committee to Complete the Refuge among others."

I think it would be helpful to know who, among others, were. And in this list going forward it would be very helpful to have organizations like SAMCEDA and like all of the jurisdictions that circle the Bay that will be affected by this policy.

Jon Yolles from the San Francisco Mayor's Office of Economic Development and the Treasure Island Development Authority said, over the past several years our office has collaborated closely with BCDC's staff to proactively address the impacts of climate change, specifically those of flood protection associated with potential future sea level rise on Treasure Island. With staff's input we have established an adaptive management strategy to proactively address sea level rise in both the near to mid-term and over the long-term life of the proposed redevelopment project. That redevelopment plan is consistent with the Governor's 2009 Climate Adaptation Strategy, respects the goals and principles of AB 32 and SB 375 and it has been tailored to include BCDC's best thinking on this important topic.

From our close collaboration with BCDC we believe that its work on the issues of global warming and sea level rise and recognizing and proactively establishing policies to address sea level rise is timely and important. However, given the extent of the Bay Plan Amendment's implications, as a city, we are seeking additional time to gain clarity on the latest round of proposed amendments.

Kwablah Attiogbe, Environmental Manager for Alameda County Flood Control District said I am also representing The Bay Area Flood Protection Agency Association, of which, the District is a member. The District is also a member of the Bay Planning Coalition.

Today I want to express the concerns we have from the Bay Area Flood Protection Agency Association. Most cities and agencies along the Bay Area right now are all involved in climate change planning and mitigation and ways to cope with that. BCDC is doing a good job in playing a leadership role on this. However, we have some concerns. One concern primarily is regarding the Policy 1. Policy 1 states that, the climate change section of the Bay Plan encourages new projects on the shoreline to be set back from the edge of the shore above the 100 year flood level that takes future sea level rise into account for the expected life of the project.

We're not sure where that 100 (sic) year flood level is and my agency is intimately involved with FEMA in conducting some studies right now on the Bay Tidal Study, which is ongoing and that information is not out yet. And that research information will give us a basis to determine how we will respond to sea level rise.

And to preemptively come up with a number that we don't have a basis for seems to be putting the cart before the horse. My recommendation is that we should suspend this process and extend it for a little bit longer until such time that the FEMA studies are completed and we have some basis upon which we can have some decisions made on that.

Chair Randolph thanked everyone for their comments and said in having gone through the language carefully and having been involved in these discussions from the beginning I feel comfortable that the process we've been through at BCDC has, in fact, been an open and a transparent and a good-faith one. We've had our public hearings. We've extended them a number of times as we should.

And when it became apparent earlier this year that there were significant concerns from leaders in the business community about the last draft language, we went beyond that to have a very detailed, long meeting, going through the last text word by word and inviting very specific input and then we did something similar with our friends in the environmental community because it was clear that our three minutes of testimony on an issue as complex as this isn't adequate to bring out the level of interaction that we needed.

I think the process has been open and fair and in good faith and I think what we are doing is consistent, although there are a lot of ambiguities about implementations. The devil is in the details and I think had the wording we're looking at now in the Plan been acceptable to all the constituents who we received input from earlier this summer we wouldn't be at quite the point of lack of concord that we are now. A lot comes down to the wording and the interpretation of the wording.

My own feeling is that it's very resolvable. We need to go back to the well on the wording. All of us are on completely new ground here and we are seeing the complexity of stepping on to very, very new ground for everyone. In opening it up for Commission comments my suggestion is going to be that we hold the public hearing open and that we defer the vote that is scheduled for next month to allow the opportunity for more input. I'm going to suggest that we have a process for engaging directly those members of the Commission who would like to be directly engaged to work with us and with staff on the language, be part of these ongoing conversations. Normally, BCDC's processes that have public official participation are the way for outreach to cities, but again, this is such a complex topic we may need to add another process for efficiently engaging with cities around the region and really going into the intent and the effects of the language and how the kinds of concerns that have been expressed today can be addressed.

I think there needs to be a clear communication as part of that about the jurisdiction of BCDC and what the legal and regulatory implications are and aren't of whatever we choose to say in the Bay Plan. There has also been discussion of a further climate adaptation strategy. That should be the Bay Plan. The Bay Plan is within our authority and this discussion is catalyzing a lot of input and a lot of interest. I would suggest that we not stop working on the Bay Plan. We're obviously not there yet but the Bay Plan should be our strategy, keeping the door open for more input from the public, from interested companies and our cities, and to move forward with a vote as soon as we can. I'm going to suggest that members of the Commission be concise in your comments and with that let's open it up.

Commissioner Chiu said it goes without saying that every member of this Commission shares a very serious commitment to climate change and dealing with sea level rise and getting this done. I agree that the process has been comprehensive and transparent and I want to thank the BCDC staff for all the work that you've done. I do think that there have been some real questions that have been raised. And certainly within San Francisco, questions raised by a number of our city agencies that I would like to see answered. I support having at least one more public hearing. I think we're all committed to getting it done and getting it done right.

Commissioner Goldzband stated, the steps I reviewed were five dealing with this process. The first step is jurisdiction. There really have not been any constructive arguments that would oppose BCDC believing that it has jurisdiction in this arena. Number two. Does this policy follow, is congruent with, somehow fits with state policy with regard to this issue, meaning AB 32 and SB 375? Again, there seem to be no effective or constructive arguments which would argue that it does not. Third. Given my appointing authority, one of the things I look to a lot is whether the State Department of Finance, the Natural Resources Agency or the Business, Transportation and Housing Agency have concerns about this issue? I think they probably do and I'm more than happy to listen to them.

Fourth. Has the process been fair? Has it been transparent? Has it been open? I think that is the one place where we really need to take a serious look as to whether it has been. But at the same time that I say that I also want to argue or state that from my belief it is a process which has been very well understood for the past however many years by every single one of the public agencies which has participated in these processes since BCDC was founded as well as the local economic development agencies as well as private sector organizations. Nothing is new here with regard to a process. A year ago I was very, very strong in saying; we need to make sure that we invite every public works organization in our jurisdiction to separate public discussions about this. And that was done. So my comment about cities who all of a sudden are saying, we're new to this and we didn't know this was going on, candidly, it reminds me of Claude Reins in Casa Blanca saying, I'm shocked and appalled that there is gambling in this establishment.

Finally, taking a look at the policy. Does it matter and does it make sense? I think it does. I am happy, Sean, to go along with you to continue the public hearing. You're my Chair and I think you should have the opportunity to tell us that's what you want and I'm going to support you as Chair. I don't think we need to restart anything. I don't think we need to recreate anything. I think what we need to do is have constructive, specific suggestions from people who oppose what is written to tell us why it is.

I think David Lewis is correct. Everything I've seen from BPC says the same thing that's been said before. And everything I've seen from BCDC's staff seems to answer it. If there's going to be new stuff there needs to be new stuff.

Finally, I would say one more thing. On behalf of BCDC, as a member of BCDC but not as a local, elected official I think it's really important that BCDC retain its credibility in this process as the leader of this process. So whatever process this group decides to undertake it should be BCDC that leads it with its Chair as the leader. And I would recommend that a hard stop be put to it so that a vote is taken on the Bay Plan Amendments before the end of 2010 because I think we owe that to the folks who have been participating in this process and we owe it to the public and we owe it to the regulated community to ensure that there is consistency and there's understanding.

Commissioner Baird said clearly the Governor and the Legislature and Secretary Snow support full implementation of AB 32. We think BCDC is doing groundbreaking stuff on climate change and it's really impressive. The Natural Resources Agency has done an effort to address adaptation called, The California Climate Adaptation Strategy. It encourages our boards, commissions and departments to develop these agency plans. BCDC is way out in front in doing that and achieving that.

Our strategy does, indeed, say coastal hazard avoidance is a key component. The devil is in the details. The devil is in how some of our strategies have been characterized, in the letter from Save the Bay there's a portion of our recommendation. It is not exactly what we recommended. I think if we want something sustainable here, give it a little bit more time and see if we can bring some of these parties in and hear what their concerns are and see if we can address them.

Commissioner Lai-Bitker stated, I am feeling pretty good with the fact that we are able to engage so many people today. In 10 years, this is the issue that I've got the most letters, calls and emails on. The staff planned free workshops to engage as many local governments as possible. There wasn't a whole lot of participation because many local governments were worried about budgets.

I do feel that the process has been a good-faith one and it's transparent. Unfortunately, we didn't get the attention from some of the stakeholders. We are now getting their attention. Some of the letters we received misconstrued BCDC's attempt to extend our jurisdiction even though we don't have any intention to do that.

If we include local governments and other agencies in the language along with BCDC that probably will relieve some of the anxieties from some of the stakeholders. I do applaud the staff's work on this and I also applaud the communities coming out and sharing their thoughts with us.

Commissioner Gioia said I appreciate all the comments. It is always good getting good input at meetings. I'm also disappointed that today I've heard some of the greatest misrepresentations about what the language here is.

Before I was on BCDC, I was a land use lawyer so I've had a lot of experience with the policies here and I read them very carefully within the context of how would it impact the communities I represent in the Richmond, West Contra Costa County area.

I understand that local governments can't always engage at the level they would like to. I think having further outreach with local governments would be good. I agree with taking the extra time but I think that we need to be cautious. I think that the representation that was made by the Bay Planning Coalition to a lot of individuals to get them to come here said, BCDC is going to take jurisdiction away from local government and I'm disappointed in that because that's not the proposal before us.

I think we need to have a very good, detailed discussion about the words of the policy, what they mean and if folks have constructive suggestions for them. The policies lay out a whole array of options that can exist along the shoreline. They don't mandate that development not occur in particular areas. I was also disappointed to hear land use lawyers that I know come here and say, boy, they're going to take away development rights.

I think we need to keep the integrity of this Commission and stay in control of this process. We want to hear from stakeholders but we don't want to turn the process over to the stakeholders.

When this Commission was established in the 1960s cities were allowing the fill of the Bay for garbage dumps and developments. And when Democrats and Republicans in the State Legislature crafted the bill signed by Governor Reagan to create this Commission to put together federal, state and local officials together to come up with coherent policies to protect San Francisco Bay and there were winners and there were losers.

And the losers at the time were the garbage dumps and those who wanted to develop. And the winners were the people of San Francisco Bay.

I think that everyone credits that the Bay has not been filled because of the creation of this Commission and the foresight back in the 1960s. And I think likewise we have to look at how our policies here address sea level rise around this Bay in a comprehensive way and we should engage more but set a deadline and understand that not everybody is going to be onboard with regard to the regional policies because we're trying to act in the greater interest of San Francisco Bay and its residents.

I'm supportive of the suggestion but just would say, there were some here today that have very constructive comments to make and there are some who would rather derail this process and use the delay as a way to derail the process. I'm all for hearing the first group that want to make constructive comments but I'm not in support of those that are using the delay to derail the process.

Commissioner Nelson said one of the challenges that climate change poses for us that our institutions weren't conceived with this in mind. We're really wrestling with how our institutions need to evolve. We've heard testimony today from people who've talked about both ends of the spectrum, success and failure. I think that's a reminder of what's at risk here. We need to take this challenge very seriously and not delay indefinitely.

I have had a chance to go to the Netherlands and look at the investments they've made on the ground to respond to this challenge and they've invested billions to meet this challenge head on. And look around the Bay area. We're not making those investments yet. And we're not making them because we don't have this kind of a regional strategy.

In the Delta the Legislature has created the Delta Stewardship Council to write that plan to create a regional strategy in the Delta. We don't have that regional strategy here in the Bay area. And that's exactly what this process is designed to create.

A number of folks have mentioned that there is no building moratorium in these policies. There's no jurisdictional change in these policies. But what is more important is that there's no improvement in building standards in these policies. There are no new levee policies. These policies won't, by themselves, strengthen a single levee around the Bay area. They don't resolve the land use issues. What we need is a regional adaptation strategy and that's exactly what we're trying to create.

I've been jotting down notes today from many witnesses today talking about the need for a very broad public process that includes every city and county around the Bay area, stakeholders, federal agencies, integrating AB 32 and SB 375, economic analysis, engineering standards and expertise of the Port and a much broader open public policy process. I think many of those are excellent points. Frankly, that's beyond the jurisdiction of BCDC and the resources of BCDC. That's the job of this regional strategy. That's exactly what this process is designed to launch. And the challenge for those of us as Commissioners is whether we should say to our staff, go into that regional strategy with no guidance from us or whether you should go into that process with some policy guidance.

I think what these findings and policies are designed to do is to provide that guidance going into a regional process. It doesn't resolve any of those very tough issues but it helps create that forum for all of those different voices to be heard. And I think it's appropriate that we do that. It's appropriate that we move forward with it expeditiously. I support, reluctantly, a continued delay. I agree with Commissioner Goldzband that we should create a hard date for action at the end of the year. Alameda County and the Corps of Engineers raised the issue of the language in here discussing the 100 year flood. It certainly raises questions in my mind about exactly what that means in light of climate change.

Commissioner Balico said I would like to concur with the Chair's recommendation that we should go on with the process. We had a meeting with the Contra Costa Preservation Authority and we went through the same process. ABAG went around the whole region. I do represent Contra Costa and Alameda Counties.

The challenge with local government is we are forced with a lot of mandates and we don't funds to meet all of these unfunded mandates. This is one of them again. That's the way we look at it. This is a fact for us. We are busy trying to meet the protections of Prop 22 in order that the State stops borrowing money from us. Those are the priorities that we have.

I believe the process that we went through was a good process. We have to say that we cannot satisfy everybody and let's move on. We cannot sit and do nothing. What we should do is follow the other things that other agencies do. We've got nine counties in the Bay area. We should go and hear different comments from these counties. And I think that is what you need. My recommendation is that you go to different regions in the Bay area that are impacted, especially the coastal communities.

Commissioner McGrath said I agree with the sense of urgency from Commissioner Goldzband and the comment that some of these comments are, awfulizing, with very little basis in fact.

When I got this document I read it for accuracy. I read it for the response to all of the comments that had been made before. And I read it to make sure it was neutral on the question of the salt ponds.

And I was satisfied with it on all three of those points. That it didn't change the fundamental balance on any of those. On the question of usurping, folks read item v on page 14. It's to provide guidance, not to usurp authority. Read carefully, the only policies that really matter in this are policies at 5 and 6. It's been a very strange public hearing to hear my colleagues and friends Scott Peterson and the gentleman from the Port of Oakland talk about impacts on their facilities. That policy says, this is going to be a regional effort in collaboration

with local governments to protect existing development, to encourage innovative ways that the public prosperity is associated with protecting these and to protect such infrastructure as airports, ports, regional transportation facilities, some of which are at risk right now. I can't rationalize the testimony that I heard with the plain language in front of me. Please read it more carefully. It doesn't do what you fear it does.

I need to make a comment about urgency and why I want to move quickly on this. It goes to our responsibility to those people who are now at risk. I studied coastal engineering at the University of California in the early 80s. I've been around sea level rise questions for a long time. Not everybody understands that Katrina didn't exceed the design standard for the facilities that had been built. If they had been built properly, if there was a sense of urgency and proper maintenance, they should not have failed. We have that same circumstance with flood control around the Bay area. Right now most of the facilities that overflow at high tides just get peoples' feet wet but it's going to happen more and more often. And we have a responsibility to do something about that. And we have a responsibility set in place, the policy framework for evaluating those.

All of those facilities are eventually going to come through BCDC's jurisdiction. They're going to affect the hydraulics and the delivery of sediment and we need to start the work on it. We need to set a policy framework that allows it.

We're not going to usurp what FEMA does and what the Corps of Engineers does. And we should be careful about mandating standards. But what this does is start a process of looking at that.

Pinole creek now has about a 30 year design capacity. So it's got a one chance in 30 of flooding each and every year. Many of the facilities we have aren't adequate. And unless we move on to the next stage of looking at that, putting together projects with the environmental issues, the fiscal issues, the fundraising issues, that's not simple. The longer we delay this, the longer we delay that. So I'm fine with December. I'm fine with the response that goes through it but, frankly, I look at this policy and it's good and it doesn't do very much of what I've heard today.

Chair Randolph said having gone through the language again and again, I think the one issue that comes out of it that I'm hearing the comments focusing on is, essentially, the idea of preclusion. The concept that, "is there a presumption against development in a flood-prone zone or not"? And, how do you align a set of principles for guidance about what should be permitted, where and how with the idea that in each individual case you can either meet those criteria or not and whether there is a presumption against development starting out. I think if there's one issue that comes out of the wording now that is flying yellow flags in the air, that may be it. And that may be a tough one to run at. But when we go back to the language I think that's one of the issues we're going to have to have to discuss.

Commissioner McGlashan said I want to reinforce the comments of my colleagues. I think a lot of people came today under somewhat potentially false pretenses and there was some fear used to get people to show up and ask for a delay. And I think the Chairman has a great proposal to delay for a limited period of time. And I think my colleagues are making it clear that we would support a very limited delay to the year end and I'd go along with that.

I think at the end of the day this agency needs to provide some advice that very well may not make everybody happy and that there will be political decisions made at the local government level based on advice from this agency and then the very specific benefits and costs of detailed development proposals that many of you would want to make at the local

government level. We will need to bolster our resolve to potentially say something unpopular with some people. As a Commissioner I personally will strengthen my resolve to say things that may not be popular with everybody who testified today. The reality is that we face flooding. And it may be appropriate to voice a presumption against developing in flood-prone areas. I think it's very important for BCDC, unique among agencies, to fess up to the reality of the development effects of our need to adapt to climate change.

And we need to provide a useful role among the agencies willing to say something honest to local governments. I think BCDC has a heritage of doing that kind of thing that dates back to our formation. We need to get real and have some courage about what we may need to say. As a result I'm not a bit interested in delaying for long, long periods of time to try to make everybody happy with the specific word choices. We're going to have to say some real things and some hard things that we can use as advice. What I would really advise, the Bay Planning Coalition in particular, and the other people who came to testify today, is get very specific about the detailed edits now.

You've accomplished your goal of delaying our vote and now what I need to hear is actually what it is you're really objecting to so that we can have an honest discussion about whether we end up with a presumption against something or for other things like getting busy developing retreat strategies, an elegant retreat which is a term of art I got from BCDC.

If you all come in hoping to derail the process or to get happy about the ability to conduct business as usual, I think what I wanted to do was to reinforce what Commissioner Goldzband said, which is, you won't be happy. We may just have to agree to disagree and then the battle goes to the specific local governments that have to use this piece of advice constructively in the reality of politics. The last thing that I would say is that we'll need a very specific way to digest and debate and argue what detailed edit requests come in from our community.

Commissioner Maxwell said there is no doubt in my mind that BCDC and its staff has conducted a very open process because that's what a lot of us do. Having just finished many projects our constituents expect us to have a policy. They expect us to think about them in every single thing we do. We have a mandate to ensure that these projects are safe. I believe that those folks who came today I'm going to take it at their word that each and every one of them has said that they believe in the process and that it's important.

We have a mandate and we must get this done and I believe by the year end.

I don't want my constituents marching in here telling me, you said it was safe. I want them to feel that it is safe and that there is a policy. There are some agencies in our city that are not comfortable. I think they need to give us some hard facts why they're not comfortable and what we can do to make them comfortable. They have to come in with some things in saying, that, yes, this is what will make us comfortable. I am more than willing and I'm going to call them in myself. I would certainly like to work with you all to make sure that we get that done and that whatever concerns they have are manageable and that we can have it on paper and deal with it.

That's what every single person here who has an issue owes us. That's what they owe our constituents because we have no choice.

Commissioner Wieckowski said I want to acknowledge all the courageous leadership of my fellow Commissioners and the people who have testified today and also thank Bay Planning Coalition. I think we have succeeded in getting everybody's attention. I'd like to associate myself with everything that has been said today except that I think that our process being open and collaborative and transparent, we're not delaying anything. We're just keeping that process open.

I'm inviting my city to weigh in on their comments. I would like the Chair continue our vote on this until December 1st. I certainly believe that we need to take action and that there are going to be winners and there's going to be losers. It is our responsibility to come up with adaptation policy, a regional one for the San Francisco Bay area. I encourage even more comments from people.

Commissioner Halsted commented: I am delighted that the staff has put together such an excellent recommendation. We didn't create climate change. It's coming and there is urgency in dealing with it. It's important that every one of us become engaged.

There has been a real concern among locally elected officials about the resources available to their planning departments, to other departments to deal with these things. That does not mean we can delay. We really need to take action in a limited period of time.

I support our Chair's recommendation and say that we should move ahead as quickly as we can. These are tough issues. We are looking at a very tough situation so we probably won't get complete consensus.

Commissioner Kato said last year the State Lands Commission directed its staff to review the impacts of climate change on the sovereign lands for the state of California. Some of our findings have been that local governments and entities have actually stated that they feel that it's not their responsibility and it's the responsibility of regional and/or state entities to provide guidance and expertise because at a local level they don't have those resources. The State Lands staff position is that the Bay Plan Amendment proposal actually starts that process, or at least has the framework of developing that regional process. Our view is that projects that are proposed and those under development now are projects that we anticipate being in existence to experience the effects of sea level rise. It's very important that we take into consideration protective measures now as opposed to having to deal with those processes later.

The infrastructure that's currently in place and those infrastructures that are under consideration and to be proposed are vital but expensive. Those costs and limitations are definitely outweighed when contemplated to the potential costs and losses that could be experienced, both economically and socially, if development is allowed to take place without the appropriate measures in place to deal with climate change. Our primary concern was that once a project is built the general perception and the societal pressures are to protect that development at any cost. That type of post-development protection may actually require the use of public funds which are limited. And those types of protections will require hardscape-type structures such as sea walls

We are concerned about the position of allowing for development that will eventually run counter to the mandate of BCDC by pressuring for fill in the Bay. So the State Lands Commission staff has undertaken its own efforts to deal with climate change. We believe that BCDC under the leadership of Travis has done an exceptional job of research, reaching out to stakeholders and the regional community and have created amendments that we can support.

Commissioner Shirakawa said: This meeting has certainly grabbed my attention today. I'm very pleased that we're able to listen to comments. Folks that I represent in the southern part of the Bay certainly appreciate the Commission hearing our comments. I appreciate the Commission extending the comment period for public input.

Chair Randolph stated, we are going to hold the public hearing open and continue the process. We will defer the vote on the Plan but not indefinitely with a date to be scheduled within the next few months. We will engage in a further public outreach to cities and to those who've expressed themselves today and others around the specific language in the Plan, and I'll ask Travis and staff to come back to us with a process that engages all BCDC Commissioners.

Commissioner Gioia asked: When you say, come back to the Commission with a Plan are you talking at the next meeting? Chair Randolph responded: We'll communicate with you before the next meeting. What do you think Travis about the timing for coming back with a Plan?

Executive Director Travis answered: If we're going to end this process by the end of the year, we're going to start before the next meeting. We'll be reaching out immediately.

Chair Randolph added: We'd encourage everybody to be as actively engaged in these next couple of months as you have been today.

Executive Director Travis stated: Since the Bay Planning Coalition has been so extraordinarily effective in getting people here, can we ask for your assistance in putting out the corrections that we had today and to inviting people through your network to the next public hearing with requests for specific comments on the language. Can we do that?

Ms. Johnck responded: Of course. Executive Director Travis answered: Thank you Ellen.

Chair Randolph added: It will come down to specific language in the end. I'm going to turn the meeting over to our able Vice-Chair, Commissioner Halsted to wrap up the meeting. We are moving on to Item number 11.

11. Public Hearing and Vote on Proposed Coastal Management Program Assessment and Strategy. Vice-Chair Halsted mentioned: Wendy Goodfriend will present the staff report and recommendation.

Wendy Goodfriend commented: I am one of the Senior Planners and I am before you today to recommend that the Commission adopt and forward to NOAA's Office of Ocean and Coastal Resource Management the San Francisco Bay Coastal Management Program 309 Assessment and strategy.

As an overview, of the 309 assessment strategy, the 309 Coastal Zone Management Act establishes a voluntary grant program that encourages coastal management programs such as BCDC to take – innovative approaches to program changes.

Vice-Chair Halsted interjected: Excuse me, I hate to do this but it appears that we've lost a quorum and I'm thinking that we might have to put this over to our next meeting as well.

Oh, we're okay? My apologies Ms. Goodfriend.

Senior Planner Goodfriend continued: The assessment strategy is our way of communicating to OCRM that we are able and eligible to receive funding through their 309 Program.

This program supports programmatic changes and implementations of program changes and helps fund us to do these activities.

The total that we can ask for per year right now is at about 125,000 so it's not enough for each project but it does help us.

There are three parts to the Assessment Strategy.

There's a list of accomplishments.

There is the assessment which is our evaluation of nine enhancement areas or issue areas that NOAA has determined are important.

We present the current, extent status and trends; the management practices; and lastly we talk about gaps and information needs.

We translate those gaps and needs into what is called a strategy otherwise known as a list of potential projects.

The assessment looks back five years and the strategy looks forward five years.

There is a the strategy for each enhancement area and we have put together 12 strategies.

Each one of the strategies is described in the Assessment and Strategy.

We have sent this off as a draft to OCRM for their review and comment and they have given us comments that are minor non-substantive in nature.

We are bringing it here before you for consideration and potential approval.

Vice-Chair Halsted opened this item for public hearing. There being no public comment she asked for a motion to close the public hearing.

MOTION: Commissioner Moy motioned, seconded by Commissioner Maxwell to close the public hearing.

Commissioner McGrath asked: It looks like this is allocating \$11 million over five years and prioritizing and that's what concerns me.

I think this deserves some Commission discussion about whether or not we buy in to what's high priority or what's not.

Executive Director Travis responded: Nationwide.

Senior Planner Goodfriend added: The reason that that number is so high is for two reasons.

We don't get a lot of money from NOAA and so we're demonstrating that our projects cost a lot more than they can actually fund us. Only one project is funded at \$125k per year.

Commissioner McGrath responded: And so the actual discussion on allocation would occur in our annual strategic planning meeting.

That's fine. I want to make that clear.

When it gets down to specific work programs for such items as the Sediment Workshop for Coastal Hazards or the like there will be vetted with peer-reviewed workshops.

Commissioner Baird added: When I was Chair of the Coastal States organization I remember all the states constantly moaning and groaning about going through a 309 Assessment.

This really looks complete and it was interesting for me to read.

MOTION: Commissioner McGrath moved the staff recommendation, seconded by Commissioner Wieckowski. The item passed unanimously via a hand vote with no abstentions.

12. **Briefing on Economic Impact of America's Cup.** This item was postponed.

13. **Consideration of Strategic Plan Status Report.** Executive Director Travis mentioned that there was a request in the Commissioners' monthly report, a request to make one change in one of the deadlines and that he would appreciate a motion and a second and approval of this.

MOTION: Commissioner Wieckowski moved to approve the item, seconded by Commissioner Lai-Bitker. The item passed unanimously by voice vote with no abstentions.

14. **New Business.** There was no new business.

15. **Old Business.** There was no old business.

16. **Adjournment.** Vice Chair Halsted entertained a motion to adjourn. Upon motion by Commissioner Goldzband, seconded by Commissioner Baird, the meeting adjourned at 4:25 p.m.

Respectfully submitted,

WILL TRAVIS
Executive Director

Approved, with no corrections, at the
San Francisco Bay Conservation and
Development Commission Meeting
of October 21, 2010

R. SEAN RANDOLPH, Chair