



Making San Francisco Bay Better

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EXECUTIVE DIRECTOR

Will Travis

January 20, 2005

Governor Arnold Schwarzenegger
Members of the California Legislature:

SUBJECT: 2004 Annual Report

It is with great pleasure that we submit the 2004 Annual Report of the San Francisco Bay Conservation and Development Commission (BCDC), which describes our work under the McAteer-Petris Act, the Suisun Marsh Preservation Act, the federal Coastal Zone Management Act and the California Oil Spill Prevention and Response Act.

Last year, we approved \$408 million in development, which, as a result of our permit conditions, will open 1.5 miles of the Bay's waterfront for public use and enjoyment. The wetland restoration projects we approved will enlarge the Bay by 493 acres, and the penalties we imposed to deal with enforcement cases were the highest in our history. Thus, by maintaining our long-running record of advancing economic prosperity in the Bay region, while at the same time protecting the Bay's natural resources, we are continuing to live up to our name--Bay Conservation AND Development.

California's budget difficulties continue to have a significant impact on our ability to carry out the mandates of state law. The 2004 Budget Act did not reverse the cuts we have suffered over the past two years, which have reduced our staff size by nearly a third to its current level of only 32 positions. We have been able to accommodate these budget and staff reductions only because the ongoing downturn in the Bay Area's economy has reduced our permit workload. When the economy recovers, we will need additional staff to maintain the level of services the public deserves.

To generate additional revenue, we have increased our permit fees so that applicants will pay their fair share of our permit operation costs. To reduce our expenditures, we have cancelled more than half our Commission meetings and we are again foregoing our past practice of providing a comprehensive and detailed annual report. Instead, we hope you will find that the attached statistical summary provides an adequate overview of our activities in 2004.

To supplement the statistical information we are providing, we

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would like to highlight our most important accomplishments last year.

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- ❑ To improve our enforcement program, Senate Bill 1568 by Senator Byron Sher, a bill which we sponsored, was enacted into law.
- ❑ A company mining sand from the Bay without our needed approval agreed to pay a \$373,000 penalty, the largest amount ever paid to us to deal with an alleged violation.
- ❑ As part of the California Performance Review, we evaluated our permit procedures to ensure that they are efficient and effective.
- ❑ We approved the following projects and activities:
 - The interim management of over 15,000 acres of salt ponds in the South Bay as part of a long-range plan to restore the ponds to wetlands.
 - The reauthorization of a large houseboat marina in Richardson Bay.
 - The deepening, seismic upgrading and expansion of several container ship berths at the Port of Oakland.
 - The redevelopment and expansion of Oakland's Jack London Square.
 - A bridge across a channel along San Francisco's waterfront which will improve port efficiency and provide public access to the shoreline.
 - The restoration of 491 acres of wetlands along the Napa River.
 - A nine-acre public park along the Oakland Estuary.
 - Two pilot projects to determine how best to restore eelgrass and oysters in the Bay.
 - Several sand mining operations.
- ❑ We continued to make progress on updating our *San Francisco Bay Plan*, which guides us in making permit decisions, by initiating studies dealing with seawater desalination, salt ponds, water quality and transportation. In other planning initiatives:
 - In partnership with the Port of San Francisco we established a framework agreement for improvements in the Fisherman's Wharf area.
 - We completed a research study on water pollutants at four Bay marinas.
 - We began an update of our Public Access Design Guidelines.
 - Working with the San Francisco Harbor Safety Committee, we are updating the San Francisco Bay Harbor Safety Plan.
- ❑ As part of the award-winning LTMS (Long Term Management Strategy), we and our partner agencies dramatically simplified the process for gaining regulatory approval for dredging projects.

Shortly before the end of 2004, our esteemed Chair, Barbara Kaufman, resigned from her post when she accepted an important position on the Governor's staff. Our Commission dedicates this report to Barbara Kaufman in appreciation for her many contributions to the Bay Area during her tenure as our Chair.

We hope this brief report demonstrates to you that BCDC remains committed both to making San Francisco Bay a healthier, more productive ecosystem and to sustaining the vitality of the region that surrounds the Bay. We look forward to the challenges and opportunities we will face in 2005--the 40th anniversary of the creation of the Bay Conservation and Development Commission--as we continue to work to make the Bay better for future generations.

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Sincerely,

ANNE HALSTED
Chair

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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January 14, 2005

TO: Commissioners and Alternates
FROM: Will Travis, Executive Director (415/352-3653 travis@bcdc.ca.gov)
SUBJECT: Staff Report and Recommendation on 2004 Annual Report
(For Commission consideration on January 20, 2005)

Recommendation

The staff recommends that the Commission approve the attached text of BCDC's required annual report to the Governor and the Legislature.

Staff Report

Section 66661 of the McAteer-Petris Act requires the Commission to submit an annual report to the Governor and the Legislature summarizing the activities of the Commission during the previous calendar year. To meet this mandate, in the past the Commission has submitted comprehensive and detailed reports. For example, the Commission's 2001 report was 29 pages in length. It takes about three months of staff work to collect the needed information and prepare a detailed annual report. The Commission has no staff resources dedicated exclusively to public information projects, such as an annual report; therefore, the Commission submitted abbreviated reports for 2002 and 2003 so staff resources did not have to be redirected from other activities to prepare more comprehensive annual reports. The staff believes this approach is warranted again this year.

The attached report complies with the requirements of law and provides the Governor, the Legislature and the public with a satisfactory summary of the Commission's accomplishments in 2004. Therefore, the staff recommends that the Commission adopt the text, authorize the staff to make any minor editorial revisions needed for accuracy and clarity, and direct the staff to submit the 2004 Annual Report to the Governor, the Legislature and the public.



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2004 ANNUAL REPORT

SUMMARY OF PERMITS, FILL AND MITIGATION ¹									
Year	Major Permits		Minor Permits ²		Permit amend-ments ⁴	Net change in Bay surface ³ (acres)	Construction cost ⁴ (\$000,000)	Public access ⁵ (acres)	Public access ⁵ (miles)
	granted	denied	granted	denied					
1970	12	1	66	0		- 72.0			
1971	26	4	61	0		- 25.1			
1972	12	3	80	0		- 7.0			
1973	17	1	71	0		- 4.4			
1974	20	0	107	1		+ 274.0			
1975	10	0	87	0		+ 5.0	100		
1976	14	0	110	0		- 2.2	43		
1977	20	0	116	0	104	+ 16.8	100	21.4	
1978	23	1	104	4	90	- 1.9	152	46.1	9.6
1979	34	0	120	2	103	+ 3.4	93	25.1	
1980	19	1	105	1	101	+ 30.0	470	134.0	
1981	23	0	134	0	125	+ 44.5	130	42.2	
1982	26	0	104	0	115	+ 262.0	379	27.0	5.0
1983	23	0	105	0	131	+ 5.0	395	26.0	6.0
1984	15	3	135	0	130	+ 12.0	97	12.0	7.0
1985	15	1	98	0	104	+ 60.0	200	35.0	6.3
1986	20	0	108	0	112	+ 11.0	639	35.0	5.1
1987	16	2	108	0	104	- 2.0	68	6.0	1.1
1988	17	1	119	2	137	+ 152.2	125	3.3	0.9
1989	17	0	114	1	144	+ 1.7	107	12.7	1.5
1990	17	1	112	0	151	- 1.5	127	12.7	2.0
1991	8	1	61	0	163	- 0.7	400	4.0	5.6
1992	10	1	84	0	140	- 1.6	97	10.4	1.9
1993	8	1	89	0	122	+ 50.1	26	0.2	0.3
1994	11	1	114	0	96	+ 1.6	383	264.0	6.9
1995	15	0	72	0	107	+ 549.6	136	2.8	0.9
1996	7	0	93	0	97	- 1.0	60	3.1	2.2
1997	14	2	109	0	94	+ 75.0	733	14.1	2.9
1998	15	1	109	0	130	+ 38.5	518	16.4	3.3
1999	10	0	103	0	124	+ 258.0	828	67.2	8.4
2000	21	0	85	0	141	+ 112.4	4,640	40.0	1.9
2001	14	0	67	0	67	+ 5,649.3	2,770	34.8	11.1
2002	6	0	75	0	103	+ 1.1	118	2.5	0.5
2003	11	0	59	0	79	+ 118.7	471	28.8	3.8
2004	7	0	74	0	95	+ 493	408	11.2	1.5
TOTAL	557	26	3,358	11	3,209	8,105.5	\$14,813	938	95.7

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

²Includes smaller projects approved persuasively or under regionwide permits.

³Net change equals the area of the Bay created or restored through mitigation minus the Bay area authorized to be filled. Includes only major permits and consistency determinations for projects through 1987 and significant administrative permits thereafter.

⁴Includes both major and minor permits.

⁵Major projects only.



**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
2004 ANNUAL REPORT**

SUMMARY OF ENFORCEMENT ACTIVITIES

Caseload at the beginning of 2004:	150
New cases opened in 2004:	48
Cases closed in 2004:	57
Caseload at the end of 2004:	141
Cease and Desist Orders issued:	0
Cases referred to the Attorney General:	1
Civil penalties received:	\$376,140

WORK PROGRAM AND BUDGET

WORK PROGRAM	FY 03-04		FY 04-05	
	PY	\$000	PY	\$000
Core Program				
Permits/Consistency Determinations	6.7	866	6.7	892
Enforcement	1.6	196	1.6	202
General Planning	4.0	530	4.0	546
Executive, Legal and Legislative Support	5.6	600	5.6	618
Administration, Commission and Clerical Support	7.6	838	8.6	948
Total, Core Program	25.5	\$3,030	26.5	\$3,206
Special Fund Projects				
Enforcement (Bay Fill Clean-up Fund)	0.8	100	0.8	192
Permits (Federal Coastal Act Grant)	1.0	155	1.0	155
Enforcement (Federal Coastal Act Grant)	0.3	49	0.3	47
Bay Resource Assessment Tool (Federal Coastal Act Grant)	0.3	75	0.0	0
Salt Pond Study (Federal Coastal Act Grant)	0.5	80	0.3	45
Water Quality (Federal Coastal Act Grant)	0.8	100	0.8	100
Federal Coastal Impact Assistance Program	0.0	575	0.0	0
Recreation Policy (Federal Coastal Act Grant)	0.0	0	0.0	93
Oil Spill Prevention and Response Planning (Department of Fish and Game)	0.9	89	0.9	89
Transportation Project Review (Caltrans)	0.8	138	0.8	138
State Coastal Conservancy (Grants)	1.0	57	0.0	0
Total, Special Fund Projects	6.4	1,418	4.9	859
TOTAL PROGRAM	31.9	\$4,448	31.4	\$4,065
BUDGET				
Expenditures				
Personal Services		2,734		2,684
Operating Expenses and Equipment		1,714		1,381
Total Expenditures		\$4,448		\$4,065
Revenue				
General Fund		3,030		3,206
Bay Fill Clean-up and Abatement Fund		100		192
Reimbursements from Federal Grants		999		432
Reimbursements from Other Sources		319		235
Total Revenues		\$4,448		\$4,065