



Making San Francisco Bay Better

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February 7, 2008

The Honorable Arnold Schwarzenegger, Governor
Members of the California Legislature:

SUBJECT: 2007 Annual Report

I am pleased to provide you with the 2007 annual report of the San Francisco Bay Conservation and Development Commission (BCDC). This report summarizes the activities we have carried out to implement the McAteer-Petris Act, the Suisun Marsh Preservation Act, the federal Coastal Zone Management Act and the California Oil Spill Prevention and Response Act. We hope this brief report illustrates how BCDC remains committed both to making San Francisco Bay a more productive estuarine ecosystem and to sustaining the economic vitality of the region that surrounds the Bay.

BCDC was established in 1965 as the nation's first state coastal management agency. Under the Commission's stewardship, the century-long diking, draining and filling that had reduced the Bay's size by one-third has ended. Over the past 42 years nearly 23 square miles of Bay habitat have been restored, public trails and parks have been opened along 110 miles of the Bay shoreline, and \$15.8 billion in attractive waterfront development has been built. Last year alone we approved \$459 million in new development, which will make another 9.7 miles of the Bay's waterfront available for public use and enjoyment. The wetland restoration projects we approved in 2007 will enlarge the Bay by 2,560 acres. Thus, we are maintaining our record of advancing economic prosperity in the Bay region, while at the same time protecting and enhancing the Bay's natural resources.

Although BCDC was created primarily to prevent the Bay from getting still smaller from unneeded landfill projects, global warming is presenting a new challenge for us. Accelerated sea level rise will make the Bay larger by flooding the more than 200 square miles of low-lying filled land along the Bay shoreline. Although we do not yet have a legal mandate to address climate change, we believe it is our responsibility to work with other agencies and organizations to develop a comprehensive climate change strategy for the Bay Area. To kick off this effort, we adopted a climate change action plan, and our regional climate change planning project received an award as an outstanding achievement in implementing the Comprehensive Conservation and Management Plan for the San Francisco Estuary.

Overall, the Bay Area economy remains relatively strong, but the

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national downturn in the housing market is beginning to impact the pace of development around the Bay. Even so, we processed 113 regulatory applications, including nine major permits, last year.

To supplement the attached statistical summary, following are some of our most important accomplishments in 2007.

- ❑ We continued to make progress on updating our *San Francisco Bay Plan*, which guides us in making permit decisions, by continuing our development of goals for subtidal habitat areas in the Bay and by updating the sections of our Bay Plan and *Suisun Marsh Protection Plan* dealing with managed wetlands. We also amended a port priority use designation at the Port of Oakland.
- ❑ As required by state law, we completed a draft San Francisco Bay Area Water Trail Plan and submitted it to the Legislature.
- ❑ To assist landscape designers and project managers in achieving successful shoreline projects, we updated our publication, *Shoreline Plants: A Landscape Guide for the San Francisco Bay*. This guide serves as a companion to two other publications: *Shoreline Spaces: Public Access Design Guidelines for the San Francisco Bay* and *Shoreline Signs: Public Access Signage Guidelines*.
- ❑ We updated our strategic plan, which we use to guide the development of our budget and to set the work program for our staff.
- ❑ We dealt with the following significant regulatory issues:
 - We authorized the installation of a 53-mile-long cable on the Bay bottom to transmit high voltage electrical power from Pittsburg in Contra Costa County to the City and County of San Francisco. The project will provide greater reliability in power for San Francisco.
 - We approved maintenance dredging of the federal navigational channels in the Bay by the U.S. Army Corps of Engineers.
 - We issued permits for: (1) the restoration of wetlands at a 1,160-acre closed salt-making plant along the shoreline of the Napa River in Napa County; (2) a natural gas exploration and production well in the Suisun Marsh, Solano County; (3) a new residential development adjacent to a marina that will be renovated in Marin County; (4) a shoreline residential project in Benicia, Solano County; and (5) the replacement of a bridge across Lake Merritt Channel in Oakland, Alameda County.
 - We approved a joint state-federal project to convert 1,400 acres of former salt ponds to tidal marsh at Bair Island in Redwood City, San Mateo County.
 - We settled a lawsuit resulting from an enforcement problem involving the tardy completion of construction of a marina in Marin County. The settlement uses financial incentives and penalties to ensure that the construction will finally be completed this year.
 - To deal with crises that demanded immediate attention, we issued emergency permits to: (1) replace a railroad bridge on the Amtrak/Capitol Corridor mainline in Pinole, Contra Costa County; (2) remove stagnant water from a residential development in Novato, Marin County by breaching a levee; (3) repair a wharf used by

tankers at a refinery in Martinez, Contra Costa County; (4) stabilize a ferry terminal dock in Alameda, Alameda County; and (5) install a median safety barrier on State Route 12, east of Suisun City, Solano County.

- We revised our permit application form to make it easier to use and provide all the relevant information we need to more quickly process applications.
- We expanded the many partnerships we have with other organizations to leverage our capabilities and integrate our programs with other complimentary efforts. Among the most important of these efforts were:
 - We joined the regional Joint Policy Committee as a non-voting member. We are seeking the passage of legislation to allow us to become a voting member of the Committee, which is composed of representatives from BCDC, along with the Association of Bay Area Governments, the Bay Area Air Quality Management District and the Metropolitan Transportation Commission. We decided that the most pressing issues on which we can work with these other regional agencies are: climate change; transportation planning, regional smart growth, and dredging/sediment management.
 - We joined with the Metropolitan Transportation Commission and the Association of Bay Area Governments in sponsoring a regional conference entitled *Bay Area on the Move: □Connecting Transportation, Land Use and Climate Protection*.
 - We received a briefing from the executive director of the Metropolitan Transportation Commission on opportunities for further collaboration between our commission and MTC.
 - We approved two agreements that will provide us with additional funding to work in partnership with other agencies. The first is with the Metropolitan Transportation Commission so we can assist in regional airport planning, ferry terminal planning and smart growth initiatives. The second agreement is with the California Department of Transportation so we can assist Caltrans' staff in meeting our laws and policies and can give priority consideration to permit applications from Caltrans.
 - Pursuant to a permit we issued in 2000, the first phase of the Port of Oakland's Middle Harbor Restoration Project, a large wetland enhancement project in the midst of the Bay Area's largest container port, was completed last year.
 - We reached a major milestone in our partnership with the U.S. Army Corps of Engineers and the California Coastal Conservancy to use dredged material to restore wetlands on the closed Hamilton Air Force Base in Marin County. In 2007, the first material dredged from Bay shipping channels and the Port of Oakland was placed at the Hamilton project site.
 - We entered into a two-year contract for a National Oceanic and Atmospheric Administration Coastal Management Fellow to assist us in determining whether ecosystem-based management is an appropriate tool for San Francisco Bay.
 - We are continuing an ongoing partnership with Northern California Public Broadcasting on the production and broadcast of a four-hour television documentary entitled, "Saving the Bay."

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- We received a number of briefings aimed at providing us with a better understanding of other initiatives and programs with which we interact. The subject of these briefings included:
- An initiative by Save the Bay to raise funds to restore Bay wetland restoration.
 - Bay sediment processes.
 - Better integration of science into our planning and permit processes.
 - Planning for expanded passenger ferry service on the Bay.
 - Planning to improve management of the Sacramento-San Joaquin Delta.
 - The activities of other California agencies to deal with climate change.
 - The Coastal Commission's public education program.
 - The Delta Vision project.
 - The design of public access to the Bay and the relationship of access to shoreline development.
 - The first phase of the Regional Airport System Analysis.
 - The oil spill into the Bay from the container ship, *Cosco Buson*, as well as the work of the Harbor Safety Committee of the San Francisco Bay Region, which is chaired by a member of our commission.
 - The work of the Suisun Marsh Charter Group and the update of wildlife hunting club management plan updates by the Suisun Resource Conservation District.
 - Waterfront development and public access in Sydney, Australia.

In closing, we are dedicating our 2007 Annual Report to Melvin B. Lane who passed away last year. Mel was the first chairman of our commission in the 1960s and went on to become the first chairman of the California Coastal Commission in the 1970s. His honesty and integrity were inspiring, and his capacity as a statesman brought foes together in common agreement more often than not. He treated everyone who appeared before the commissions honorably and fairly, and he made sure they knew their ideas were welcome and their concerns valid. Working with Mel made all of us proud to be part of government because he made government operate at its very best. The ongoing protection of San Francisco Bay and the California coastline are among Mel's legacies. We are privileged to be beneficiaries of his accomplishments.

We look forward to the challenges and opportunities we will face in 2008 as we continue to work to make the Bay better for future generations.

Sincerely,

R. SEAN RANDOLPH
Chair

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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2007 ANNUAL REPORT

| SUMMARY OF PERMITS, FILL AND MITIGATION ¹ | | | | | | | | | |
|--|----------------------------|-----------|----------------------------|-----------|---------------------------|--|--|--|--|
| Year | Major Permits ¹ | | Minor Permits ² | | Permit amend- ments | 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 | + 493.0 | 408 | 11.2 | 1.5 |
| 2005 | 8 | 0 | 57 | 0 | 93 | + 3,807.0 | 382 | 3.4 | 4.5 |
| 2006 | 1 | 0 | 35 | 0 | 114 | + 70.0 | 169 | 0.7 | 0.4 |
| 2007 | 8 | 0 | 52 | 0 | 71 | + 2,560.0 | 459 | 3.5 | 9.7 |
| TOTAL | 570 | 26 | 3,502 | 11 | 3,487 | + 14,542.5 | \$15,823 | 945.6 | 110.3 |

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

²Includes smaller projects approved administratively or under regionwide permits.

³Net change equals the area of the Bay determined or restored through mitigation less the Bay area authorized to be filled. Includes only major permits and the 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
2007 ANNUAL REPORT

SUMMARY OF ENFORCEMENT ACTIVITIES

| | |
|---|----------|
| Caseload at the beginning of 2007: | 122 |
| New cases opened in 2007: | 60 |
| Cases closed in 2007: | 31 |
| Caseload at the end of 2007: | 151 |
| Cease and Desist Orders issued: | 1 |
| Cases referred to the Attorney General: | 1 |
| Civil penalties received: | \$55,901 |

WORK PROGRAM AND BUDGET

| WORK PROGRAM | FY 06-07 | | FY 07-08 | |
|---|-----------------|----------------|-----------------|----------------|
| | PY | \$000 | PY | \$000 |
| Core Program | | | | |
| Permits/Consistency Determinations | 10.3 | 1,385 | 12.7 | 1,494 |
| Enforcement | 2.0 | 276 | 2.5 | 301 |
| General Planning | 4.6 | 688 | 5.9 | 711 |
| Executive, Legal and Legislative Support | 5.6 | 769 | 5.6 | 759 |
| Administration, Commission and Clerical Support | 10.0 | 1,298 | 10.5 | 1,265 |
| Total, Core Program | 32.5 | \$4,416 | 37.2 | \$4,530 |
| Special Fund Projects | | | | |
| Enforcement (Bay Fill Clean-up Fund) | 0.2 | 50 | 0.8 | 212 |
| Permits (Federal Coastal Act Grant) | 1.0 | 158 | 1.0 | 148 |
| Enforcement (Federal Coastal Act Grant) | 0.3 | 49 | 0.3 | 49 |
| Assessment and Strategy (Federal Coastal Act Grant) | 0.3 | 60 | 0.0 | 0 |
| Bay Plan Amendments | 0.0 | 17 | 0.0 | 0 |
| Climate Change (Federal Coastal Act Grant) | 0.4 | 40 | 1.0 | 125 |
| Water Quality (Federal Coastal Act Grant) | 0.2 | 33 | 0.0 | 0 |
| Federal Coastal Impact Assistance Program | 0.0 | 90 | 0.0 | 0 |
| Transportation Planning (Metropolitan Transportation Commission) | 0.9 | 85 | 0.9 | 170 |
| Oil Spill Prevention and Response Planning (Department of Fish and Game) | 0.9 | 188 | 0.9 | 188 |
| Transportation Project Review (Caltrans) | 0.8 | 124 | 1.9 | 354 |
| Wetland Restoration Planning (State Coastal Conservancy) | 0.0 | 3 | 0.0 | 0 |
| Total, Special Fund Projects | 5.0 | 897 | 6.8 | 1,246 |
| TOTAL PROGRAM | 37.5 | \$5,313 | 44.0 | \$5,776 |
| BUDGET | | | | |
| Expenditures | | | | |
| Personal Services | | 3,405 | | 3,939 |
| Operating Expenses and Equipment | | 1,908 | | 1,837 |
| Total Expenditures | | \$5,313 | | \$5,776 |
| Revenue | | | | |
| General Fund | | 4,416 | | 4,530 |
| Bay Fill Clean-up and Abatement Fund | | 50 | | 212 |
| Reimbursements from Federal Grants | | 340 | | 322 |
| Reimbursements from Other Sources | | 507 | | 712 |
| Total Revenues | | \$5,313 | | \$5,776 |