



January 20, 2011

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

SUBJECT: 2010 Annual Report

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EXECUTIVE DIRECTOR

Will Travis

DEPUTY ATTORNEY GENERAL

Alice Busching Reynolds

I am pleased to provide you with the 2010 annual report of the San Francisco Bay Conservation and Development Commission (BCDC), which 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. During 2010 BCDC continued to aggressively address the impacts of climate change as we fulfill our dual obligations to make San Francisco Bay a more productive estuarine ecosystem and to advance the economic vitality of the region that surrounds the Bay.

BCDC was established in 1965 as the nation's first state coastal management agency. Under the Commission's stewardship, the century-long diking, draining and filling that had reduced the Bay's size by one-third has ended. Over the past 45 years nearly 27 square miles of Bay habitat have been restored, public trails and parks have been opened along 122 miles of the Bay shoreline, and over \$17 billion in productive waterfront development has been built. Last year alone we approved \$251 million in new development, which will make nearly five more miles of the Bay's waterfront available for public use and enjoyment. The wetland restoration projects we approved in 2010 will enlarge the Bay by 1,562 acres.

BCDC was created primarily to prevent the Bay from getting still smaller from unneeded landfill projects, but global warming is presenting a new challenge for us: accelerated sea level rise that will make the Bay larger threatens waterfront communities, infrastructure, businesses and natural resources. To help the public understand this problem, we have produced maps showing the low-lying areas around the Bay that are vulnerable to flooding from sea level rise over the next century. These maps brought the rather abstract concept of global warming into a stark and graphic reality for the Bay Area. They show that over 280 square miles of low-lying land are in danger of being flooded from sea level rise by mid-century and that over 330 square miles are vulnerable by 2100. The homes of over a quarter million residents, major highways, rail lines, airports and businesses worth over 60 billions dollars are located in these low-lying areas.

The Bay Area has not escaped the impacts of the worldwide economic

recession, but our regional economy is beginning to rebound. After two years of record-low development levels around the Bay, in 2010 we processed 168 regulatory applications, 50 more than the previous year, but for smaller projects worth only half of those we approved in 2009.

In addition to the attached statistical summary of our work in 2010, following are some of our most important accomplishments last year.

- We continued our well-received and much publicized transformation of BCDC from an agency that deals primarily with Bay management into an international leader in the development of a regional climate change strategy with particular emphasis on sea level rise. As part of this initiative in 2010 we accomplished the following:
 - As a major component of our ongoing program to keep the *San Francisco Bay Plan*, which guides us in making our regulatory decisions, up-to-date and based on the best scientific information, we continued our revision of the Plan to address climate change. The proposed revisions in the Plan were based on a staff report released in April 2009 entitled, *Living With A Rising Bay: Vulnerability And Adaptation In San Francisco Bay And On The Shoreline*. We began the development of our Bay Plan climate change policies in 2009 by holding four public hearings and four public workshops. We kept the public comment period open for three months in 2009. To allow for full and active participation in this already lengthy process, we held seven more public hearings in 2010 and our staff attended local government meetings throughout the Bay Area to get input from local officials. We plan to hold additional hearings early this year and vote on the amendments in the Spring of 2011.
 - To provide local governments with assistance in dealing with sea level rise, we partnered with the National Oceanic and Atmospheric Administration (NOAA), the Metropolitan Transportation Commission and Caltrans, to initiate the Adapting to Rising Tides (ART) Project. The ART Project is using financial support from NOAA and the Federal Highway Administration to build on our successes in two earlier initiatives: our innovative partnership with the Dutch government that allows us to draw on the Netherlands' centuries of experience in protecting low-lying areas from flooding; and *Rising Tides*, our international design competition that generated innovative design solutions, effective ideas and strategies for adapting to the impacts of sea level rise. In 2010, *Rising Tides* was honored with a Special Achievement Award by the American Institute of Architects, and the ART Project was selected by ICLEI, an international association of local governments, to be one of eight ICLEI Inaugural Adaptation Communities in the nation.
 - In partnership with the Gulf of the Farallones National Marine Sanctuary, NOAA's Coastal Services Center, the Coastal Commission and Stanford University's Center for Ocean Solutions we provided training for coastal and marine resource managers.
 - We are continuing to participate in three important partnerships that leverage our capacity for addressing climate change. The first is with our sister agencies in the California Natural Resources Agency to implement the ocean and coastal resources component of the California Climate Adaptation Strategy. The second is with the San Francisco Estuary Partnership to study the resilience of Bay Area wetlands to

climate change using funding from the U.S. Environmental Protection Agency. The third is with the U.S. Geological Survey, which uses funding provided by the U.S. Army Corps of Engineers to study sediment transport in the Bay because an adequate supply of sediment is essential so wetlands can adapt to sea level rise.

- ❑ We addressed the following significant regulatory issues last year:
 - To allow faster approval of small projects, we amended two of our regionwide permits that pre-authorize certain categories of activities.
 - We issued administrative authorization for four flood control projects in Redwood City to help homeowners avoid the cost of more expensive flood insurance to meet Federal Emergency Management Agency requirements.
 - We authorized the upgrade of a public trail along the shoreline of Richardson's Bay in Marin County.
 - We issued a permit that will allow the Exploratorium to be relocated from its aging facilities at the Academy of Fine Arts to a dramatic new museum on Piers 15 and 17 on the San Francisco waterfront.
 - We issued a permit that allows two former Navy dry docks on Mare Island in Vallejo to be used for ship repair and dismantling. This action provides the Bay Area with the capability to dismantle vessels that are part of the so-called "mothball fleet," which is polluting the Bay.
 - We issued a permit to expand the Potrero Hills Landfill, which is located in the secondary management area of the Suisun Marsh in Solano County. Shortly before the end of 2010, a lawsuit was filed to challenge this approval.
 - We authorized the U.S. Army Corps of Engineers to dredge the federal navigational channels in the Bay.
 - We authorized the U.S. Fish and Wildlife Service to restore 1,575 acres of tidal wetlands on the Cullinan Ranch along the shoreline of San Pablo Bay in Napa and Sonoma Counties.
 - We issued a permit for the renovation of the San Francisco Marina.
 - We approved a permit that allows the Port of San Francisco to make improvements in the public access to the Bay at Fisherman's Wharf.
 - We authorized filing a lawsuit to enforce a cease and desist order we issued in 2009 to address violations in Alviso Slough in the City of San Jose.
 - We approved a stipulated agreement that will address an enforcement problem by providing improved public access at the San Pedro Cove community in San Rafael.
- ❑ We continued the many partnerships we have with other organizations to leverage our capabilities and integrate our programs with complementary efforts. Among the most important of these efforts were the following:
 - BCDC serves as a voting member of the regional Joint Policy Committee, which is coordinating efforts of the four Bay Area regional agencies that have responsibility for air quality, transportation and land use planning and Bay management in developing a regional climate change strategy.

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- Recognizing that San Francisco Bay and the Sacramento-San Joaquin Delta are a single estuarine system that requires an integrated management approach, we continued our efforts to coordinate planning for the Bay and the Delta by serving on the Delta Conservancy board.
- The U.S. Navy used funds we provided to remove derelict buildings at a closed Naval facility at Skaggs Island in Sonoma County allowing the 3,200-acre property to be transferred to the U.S. Fish and Wildlife Service for wetland restoration within the San Pablo Bay National Wildlife Refuge. The funds were part of \$8.8 million provided by Caltrans to mitigate environmental impacts caused by the construction of the new Eastern Span of the San Francisco-Oakland Bay Bridge.
- We joined a number of local and regional agencies, organizations and businesses in a successful bid to have the next America's Cup races held in San Francisco Bay.

In closing, we are dedicating our 2010 Annual Report to Catherine "Kay" Kerr, who passed away in December of last year. In the early 1960s Kay became alarmed by plans to double the size of Berkeley by filling in 2,000 acres of the Bay. She joined with Sylvia McLaughlin and Esther Gulick to start a movement to "Save the Bay." That movement led to state legislation creating BCDC in 1965. We are privileged to be a beneficiary of Kay Kerr's vision, determination and dedication.

We are proud to inherit the responsibility for continuing to save the Bay, and we welcome the challenges and opportunities we face as we try to make the Bay better for future generations.

Sincerely,

R. SEAN RANDOLPH
Chair

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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January 14, 2011

TO: Commissioners and Alternates
FROM: Will Travis, Executive Director (415/352-3653 travis@bcdc.ca.gov)
SUBJECT: Staff Report and Recommendation on 2010 Annual Report
(For Commission consideration on January 20, 2011)

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, from 1970 until 2001 the Commission submitted comprehensive and lengthy annual reports. For example, the Commission's 2001 report was 29 pages long. It took about three months of work to collect the needed information and prepare these highly detailed reports. Unfortunately, the Commission has no staff dedicated exclusively to public education and outreach activities, such as preparing annual reports. Therefore, as part of a strategy for dealing with budget reductions, since 2002 the Commission has produced far shorter, summary reports.

This type of abbreviated annual report fully complies with the requirements of law; provides the Governor, the Legislature and the public with a satisfactory overview of the Commission's activities; and no complaints have been raised about the shorter documents. For these reasons, the staff believes this approach used for the past eight years is sound and should be continued. Therefore, the staff recommends that the Commission adopt the attached draft text, authorize the staff to make any minor editorial revisions needed for accuracy and clarity, and direct the staff to submit the 2010 Annual Report to the Governor, the Legislature and the public.



Making San Francisco Bay Better

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2010 ANNUAL REPORT

SUMMARY OF PERMITS, FILL AND MITIGATION ¹									
Year	Major Permits ¹		Minor Permits ²		Permit amendments	Net change in Bay surface ³ (acres)	Total Project cost ⁴ (\$000,000)	Public access (acres)	Public access (miles)
	granted	denied	granted	denied					
1970	12	1	66	0		- 72.0			
1971	26	4	61	0		- 25.1			
1972	12	3	80	0		- 7.0			
1973	17	1	71	0		- 4.4			
1974	20	0	107	1		+ 274.0			
1975	10	0	87	0		+ 5.0	100		
1976	14	0	110	0		- 2.2	43		
1977	20	0	116	0	104	+ 16.8	100	21.4	
1978	23	1	104	4	90	- 1.9	152	46.1	9.6
1979	34	0	120	2	103	+ 3.4	93	25.1	
1980	19	1	105	1	101	+ 30.0	470	134.0	
1981	23	0	134	0	125	+ 44.5	130	42.2	
1982	26	0	104	0	115	+ 262.0	379	27.0	5.0
1983	23	0	105	0	131	+ 5.0	395	26.0	6.0
1984	15	3	135	0	130	+ 12.0	97	12.0	7.0
1985	15	1	98	0	104	+ 60.0	200	35.0	6.3
1986	20	0	108	0	112	+ 11.0	639	35.0	5.1
1987	16	2	108	0	104	- 2.0	68	6.0	1.1
1988	17	1	119	2	137	+ 152.2	125	3.3	0.9
1989	17	0	114	1	144	+ 1.7	107	12.7	1.5
1990	17	1	112	0	151	- 1.5	127	12.7	2.0
1991	8	1	61	0	163	- 0.7	400	4.0	5.6
1992	10	1	84	0	140	- 1.6	97	10.4	1.9
1993	8	1	89	0	122	+ 50.1	26	0.2	0.3
1994	11	1	114	0	96	+ 1.6	383	264.0	6.9
1995	15	0	72	0	107	+ 549.6	136	2.8	0.9
1996	7	0	93	0	97	- 1.0	60	3.1	2.2
1997	14	2	109	0	94	+ 75.0	733	14.1	2.9
1998	15	1	109	0	130	+ 38.5	518	16.4	3.3
1999	10	0	103	0	124	+ 258.0	828	67.2	8.4
2000	21	0	85	0	141	+ 112.4	4,640	40.0	1.9
2001	14	0	67	0	67	+ 5,649.3	2,770	34.8	11.1
2002	6	0	75	0	103	+ 1.1	118	2.5	0.5
2003	11	0	59	0	79	+ 118.7	471	28.8	3.8
2004	7	0	74	0	95	+ 493.0	408	11.2	1.5
2005	8	0	57	0	93	+ 3,807.0	382	3.4	4.5
2006	1	0	35	0	114	+ 70.0	169	0.7	0.4
2007	8	0	52	0	71	+ 2,560.0	459	3.5	9.7
2008	5	0	39	0	73	+961.0	552	12.7	6.5
2009	4	0	40	0	74	+174.0	500	1.5	0.2
2010	8	0	65	0	95	+1,562.0	251	11.5	4.8
TOTAL	587	26	3646	11	3729	17,239.5	\$17,126	971.3	121.8

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

²Smaller projects approved administratively or under regionwide permits.

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

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
2010 ANNUAL REPORT

⁴Major and minor permits only.

SUMMARY OF ENFORCEMENT ACTIVITIES

Caseload at the beginning of 2010:	134
New cases opened in 2010:	42
Cases closed in 2010:	44
Caseload at the end of 2010:	132
Cease and Desist Orders issued:	1
Cases referred to the Attorney General:	1
Civil penalties received:	\$32,500

WORK PROGRAM AND BUDGET

WORK PROGRAM	FY 09-10		FY 10-11	
	PY	\$000	PY	\$000
Core Program				
Permits/Consistency Determinations	9.6	1,066	10.1	1,132
Enforcement	2.0	224	2.0	231
General Planning	5.4	600	5.9	635
Executive, Legal and Legislative Support	5.6	693	5.6	714
Administration, Commission and Clerical Support	10.0	1,114	10.0	1,147
Total, Core Program	32.6	\$3,697	33.6	\$3,859
Special Fund Projects				
Enforcement (Bay Fill Clean-up Fund)	0.2	15	0.6	128
Permits (Federal Coastal Act Grant)	1.0	150	0.9	152
Enforcement (Federal Coastal Act Grant)	0.3	49	.03	51
Assessment and Strategy (Federal Coastal Act Grant)	0.2	39	0.0	0
Climate Change (Federal Coastal Act Grant)	0.4	85	0.9	125
Water Quality (Federal Coastal Act Grant)	0.0	18	0.0	0
Federal Coastal Impact Assistance Program	0.0	0	0.0	334
Transportation Planning (Metropolitan Transportation Commission)	1.0	220	1.0	282
Oil Spill Prevention and Response Planning (Department of Fish and Game)	0.9	162	0.9	199
Transportation Project Review (Caltrans)	1.8	272	1.8	280
Bay Plan Amendment (Exploratorium)	0.0	26	0.0	0
Bay Plan Amendment (Solano County)	0.0	0	0.0	79
Total, Special Fund Projects	5.8	1,036	6.4	1,630
TOTAL PROGRAM	38.4	\$4,733	40.0	\$5,489
BUDGET				
Expenditures				
Personal Services		3,254		3,651
Operating Expenses and Equipment		1,479		1,838
Total Expenditures		\$4,733		\$5,489
Revenue				
General Fund		3,697		3,859
Bay Fill Clean-up and Abatement Fund		15		128
Reimbursements from Federal Grants		343		372
Reimbursements from Other Sources		678		1,130
Total Revenues		\$4,733		\$5,489