

San Francisco Bay Conservation and Development Commission

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December 4, 2014

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

SUBJECT: 2013 Annual Report

I am pleased to provide you with the 2013 annual report of the San Francisco Bay Conservation and Development Commission (BCDC), which summarizes the activities BCDC 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 in that year. During 2013, BCDC continued to aggressively address the impacts of climate change to 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 48 years, nearly 29 square miles of Bay habitat have been restored, public trails and parks have opened along 134.7 miles of the Bay shoreline, and over \$19.3 billion in productive waterfront development has been built. Last year alone the Commission approved \$112.2 million in new development, which will make nearly six more miles of the Bay's waterfront available for public use and enjoyment. The wetland projects approved in 2013 will enlarge the Bay by 968 acres.

BCDC was created to prevent the Bay from shrinking due to local policies that encouraged unneeded landfill projects. Now, global warming is presenting a new challenge for the Commission. Accelerated sea level rise that will make the Bay larger threatens waterfront communities, infrastructure, businesses, and natural resources. Several years ago, to help the public understand this problem, BCDC produced maps showing the low-lying areas around the Bay that are vulnerable to flooding from sea level rise over the next century. Over 280 square miles of low-lying land are in danger of being flooded from sea level rise by mid-century and over 330 square miles will be vulnerable by 2100. The homes of over a quarter million residents, major highways, rail lines, airports and businesses worth over \$60 billion are located in these low-lying areas. Since producing the maps we have been working with local, regional, state and federal partners to lead a regional response to rising sea level.



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Attached to this report is a statistical summary of BCDC's 2013 work. During 2013, the Commission processed 149 regulatory applications (32 more than the previous year).

In addition to the attached statistical summary of our work in 2013, following are some of our most important accomplishments last year.

- Strategic Plan: On May 16, 2013, the Commission adopted a far-reaching Strategic Plan that includes Goals and Objectives. With Executive Director and Senior Staff oversight, staff are developing both broad and specific action plans to realize the Goals and Objectives. These will be tied to division and individual work plans so that progress toward realizing the Goals and Objectives can be measured and reported to the Commission. While all the Strategic Plan Goals and Objectives are important, BCDC must balance new initiatives with existing activities (both elective and required). Actions on which BCDC will focus are:
 - Data-Driven Enforcement (Goal 1, Objective 1): Develop and/or revise a systematic and data-driven enforcement strategy and policy to set enforcement priorities, improve compliance, improve regulatory and legal effectiveness, and use resources more efficiently.
 - Evaluation of Public Access (Goal 1, Objective 2): Inventory and evaluate the types and uses of BCDC-required public access that currently exists in light of current BCDC laws and policies.
 - Adaptation (Goal 1, Objective 3): Partner with a variety of stakeholders to develop a Bay-wide understanding of nature-based (ecosystem) adaptation solutions, including how to best use fill to reduce the impacts of rising sea level on natural and built resources.
 - Joint Policy Committee (Goal 2, Objective 1): Lead the JPC effort to develop regional capacity to adapt to rising sea level.
 - Public Education (Goal 2, Objective 3): Develop a public information program in collaboration with public, private and non-profit organizations.
 - Use Better Technology (Goal 3, Objective 1): Develop an information technology improvement plan to enable staff to work more efficiently and enable the public to access appropriate information.
 - Staff Development (Goal 3, Objective 2): Dedicate funding for staff professional development.

Work plans to fulfill these commitments will be completed by mid-February 2015 and teams of BCDC staff then will start to accomplish them. Reports on their progress will be made quarterly to the Commissioners starting in 2015. A copy of the Strategic Plan is attached to this report.

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Just as BCDC provides strong planning, regulatory, and enforcement leadership in the Bay Area, Pursuant to AB 2094 (2008) the Commission continues to serve as the Bay Area's leader (and a leader internationally) in the development of a regional climate resilience and adaptation strategy with particular emphasis on addressing rising sea level.

- As part of this rising sea level initiative in 2013 BCDC accomplished the following:
 - BCDC expanded its partnership with the National Oceanic and Atmospheric Administration (NOAA), the Metropolitan Transportation Commission and Caltrans, on the Adapting to Rising Tides (ART) Program to provide local governments with assistance in planning for rising sea level. In 2013, BART joined the partnership to help the team develop adaptation strategies that address vulnerabilities identified in the first phase of the project for three Alameda County focus areas, including the Bay Bridge peninsula, the Oakland Coliseum area and the Highway 92 corridor in Hayward.
 - BCDC continues to participate in important partnerships that leverage regional capacity to address climate change: (1) BCDC helped write and implement the California Natural Resources Agency's ocean and coastal resources component of the California Climate Adaptation Strategy Safeguarding California; (2) BCDC spearheaded the formation of the Regional Shoreline Partnership with the California Coastal Conservancy and the Association of Bay Area Governments to coordinate and collaborate on resilience work each agency has underway, and prepare a regional flood management capacity assessment; (3) the Commission has an active partnership 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, which is required for wetlands to adapt to a rising Bay; (4) BCDC continues to work with the San Francisco Estuary Institute to study the projected migration of head of tide on tributaries to San Francisco Bay as sea level rises to develop protocols for identifying the head of tide zone and methods for assessing impacts of its migration; and (5) BCDC is working with the State Coastal Conservancy and several other agencies and organizations to complete a technical update of the Baylands Goals to address climate change.
 - In May 2013, BCDC published the Innovative Wetland Adaptation Techniques in Lower Corte Madera Creek Watershed project, a pioneering effort led by BCDC that examines the resilience of San Francisco Bay tidal marshes and intertidal mudflats to accelerating sea level rise, and considers how the wave attenuation and other ecosystem benefits they provide can be preserved. This collaborative project was conceived to reduce the significant gap in understanding the roles baylands play as the first line of defense against coastal flooding, and how those roles may change in the future. The project was supported with funding from the San Francisco Estuary Partnership (SFEP) through a Resilient Watersheds for a Changing Climate grant of

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the San Francisco Bay Water Quality Improvement Fund from the U.S. Environmental Protection Agency, and by the generous contributions of research partners including the U.S. Geological Survey, UNESCO-IHE, University of San Francisco, and Marin County.

- In June 2013, along with BCDC's partners in the Long Term Management Strategy for Placement of Dredged Material in the Bay Region (LTMS)—the U.S. Environmental Protection Agency, the San Francisco Bay Regional Water Quality Control Board and the U.S. Army Corps of Engineers (USACE)—the Commission reviewed the findings and final report of the LTMS Twelve Year Program Review at a well attended public meeting. The Review determined that the LTMS program has led to beneficial reuse of 44 percent of sediment dredged in the program's first twelve years, and the LTMS in-Bay disposal limits were not exceeded.

PLANNING

- BCDC addressed the following significant planning issues last year:

The Adapting to Rising Tides (ART) pilot project began a transition to the ART Program, and the program completed the following milestones:

ART Subregional Working Group Meetings:

- Setting the stage for the Subregional Adaptation Responses: table top exercise on scale of adaptation action and implementation - Wednesday, January 16, 2013
- Resilience Goals and Evaluation Criteria Presentation / Adaptation Response Open House- March 26, 2013
- The Commission hosted an October 17, 2013 Public Workshop on the Adapting to Rising Tides Project in collaboration with the Adapting to Rising Tides (ART) project Subregional Working Group to review the ART Project's planning methods and tools, and provide feedback to staff and the working group on ART sea level rise adaptation planning.

ART 2013 Publications

- Synthesizing Vulnerability and Risk: The Define Step – December 2013
- Developing an Adaptation Response: The Plan Step – December 2013

Expanded the Commission's Oil Spill Prevention and Response Program by participating in the Golden Guardian Exercise, hosted by the California Office of Emergency Services, and helping develop new safe navigation practices in response to the Overseas Reymer allision with the Bay Bridge.

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LEGISLATION

- BCDC worked with partners to develop amendments to S.B. 792 (DeSaulnier) regarding the Joint Policy Committee (JPC). The Commission voted unanimously to join its JPC partners in recommending that the bill be amended to, among other things, specify that preparation of the next Sustainable Communities Strategy address priority air pollutants and rising sea level in more detail, and to require that BCDC relocate to the regional headquarters facility at 375 Beale Street in San Francisco.
- The Commission voted to support S.B. 122 (Lieu) to extend the Vessel Turn In Program (VTIP) for recreational boats.
- The Commission requested that Assembly Member Ting extend his legislation, A.B. 1273 (to amend and update earlier state legislation for Piers 30-32 on the San Francisco waterfront to set standards for consistency with the public trust doctrine and the Burton Act trust regarding a proposed development by the Golden State Warriors), to a two-year timetable so that the Commission's concerns could be addressed. The Commission voted to take an "oppose" position on the bill if this request was not granted.

REGULATORY

- The Commission issued the following significant regulatory permits, permit amendments, and federal consistency determinations in 2013:
 - To the County of Marin and Sonoma Marin Rail Transit to construct a bicycle/pedestrian overcrossing of Sir Francis Drake Boulevard in the City of Larkspur (BCDC Permit No. 2011.004.00).
 - To the California Department of Fish and Wildlife to implement the third phase of the Napa-Sonoma Marshes habitat restoration project located in former north Bay salt production and bittern ponds and install public access facilities at the site (BCDC Permit No. 2004.008.03).
 - To the U.S Army Corps of Engineers in its consistency determination that its work on the North Bay salt ponds described above was consistent with the Commission's federally approved Coastal Zone Management Program (BCDC Consistency Determination No. C2011.002).
 - To Chris Zimmerman to construct a 41-unit senior co-housing building with associated public access improvements including a public promenade, rehabilitation of a 2,500-square-foot public pier and improvements to a public street-end for public access (BCDC Permit No. 2013.002.00).

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- To the U.S. Fish and Wildlife Service in its consistency determination for Cullinan Ranch, a 1,575-acre tidal wetland restoration project, concurring that the placement and use of a temporary dredged material offloader was consistent with the Commission's consistency determination for the project (BCDC Consistency Determination No. C2004.005.13).
 - To Redwood City to correct a permit violation at the already constructed Bair Island bicycle/pedestrian trail in Redwood City, San Mateo County, that doubled to \$40,000, the City's contribution for mitigation.
- The Commission resolved the following significant Permit Enforcement matters in 2013:
- The Commission achieved compliance with a Default Judgment Issued by the Superior Court to remove illegal fill from Alviso Slough, Santa Clara County, working with staff of the Attorney General's office, the State Lands Commission, and the Santa Clara County Flood Control District.
 - The Commission participated in an inter-agency project to remove legacy fill from the Alameda-Oakland Estuary, led by the California Department of Resources, Recycling and Recovery (CalRecycle), and the U.S. Environmental Protection Agency, in cooperation with local, state and federal agencies. The \$8 million clean up effort resulted in the removal of 58 vessels, 9 debris sites, 4 docks and the clean up of two shorelines, removing: 125 tons of creosote; 354 tons of debris and 35 truckloads of concrete. \$68,000 of metal was recycled. The project removed hazardous waste from SF Bay: 18,000 lbs. of asbestos containing substances; 3,000 lbs. of paint related material; 1,000 gallons of flammable liquid; 40 lbs. of acid liquid; 120 lbs. of toxic liquid; 50 gallons of waste oil; 32 units of explosives; 29 marine batteries; 33 yards of non-RCRA debris; 145 lbs. of miscellaneous substances such as antifreeze and aerosols; and 1,700 cubic yards of contaminated sediment.
 - The Commission achieved compliance with its Cease and Desist Order to the San Pedro Homeowners Association (HOA) in San Rafael, Marin County. The HOA has successfully installed the upgraded public access and open space design required to offset the delay in providing and maintaining originally required public benefits, resulting in public access to a beautiful open space area and to a reconstructed Bay viewing deck.

COORDINATION, COLLABORATION, AND PARTNERSHIPS

- BCDC continued and expanded its various relationships with other organizations to leverage its capabilities and integrate its 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 with responsibility for air quality, transportation and land use planning and Bay management. BCDC is working

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voluntarily with the other agencies to develop and implement the region's first Sustainable Communities Strategy (SCS), *Plan Bay Area* pursuant to S.B. 375, and to prepare a regional sea level rise strategy for inclusion into the second SCS.

- Recognizing that San Francisco Bay and the Sacramento-San Joaquin Delta form a single estuarine system that requires an integrated management approach, BCDC continued to coordinate planning for the Bay and the Delta by serving on the Delta Conservancy Board.
- BCDC coordinated with the Water Emergency Transit Authority to plan for numerous ferry facilities throughout the Bay area.
- BCDC participated in quarterly "Abandoned Vessels" meetings hosted by the U.S. Coast Guard and also attended by the U.S. Army Corps of Engineers, State Lands Commission, Regional Water Quality Control Board, County Sheriff departments, local police departments, marine salvors and non-governmental organizations, such as the San Francisco Baykeeper.
- BCDC continued its partnership with the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, the San Francisco Regional Water Quality Control Board, and stakeholders, on the Long Term Management Strategy for Placement of Dredged Material in the Bay Region (LTMS) and the Dredged Material Management Office (DMMO).
- BCDC partnered with the San Francisco Estuary Partnership, the San Francisco Estuary Institute, the San Francisco Bay Joint Venture and the Bay Area Flood Protection Agencies Association to examine ways to improve or realign flood protection channels to efficiently transport sediment into wetlands and to the Bay shoreline in concert with regulatory guidelines.

BCDC welcomes the challenges and opportunities ahead, and BCDC's Commissioners and staff are proud to fulfill BCDC's mission statement, embedded in its Strategic Plan, that reflects its two primary responsibilities: to protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations.

Sincerely,

R. ZACHARY WASSERMAN
Chair

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

2013 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
2011	3	0	20	0	121	+74	1,700	77.8	3.9
2012	5	0	38	0	74	+201	362	6.7	3.0
2013	6	0	38	0	105	+968	112	0.3	6.0
TOTAL	601	26	3742	11	3,934.5	18,482.5	\$19,300	1,056.1	134.7

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

²Smaller projects including consistency concurrences 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.

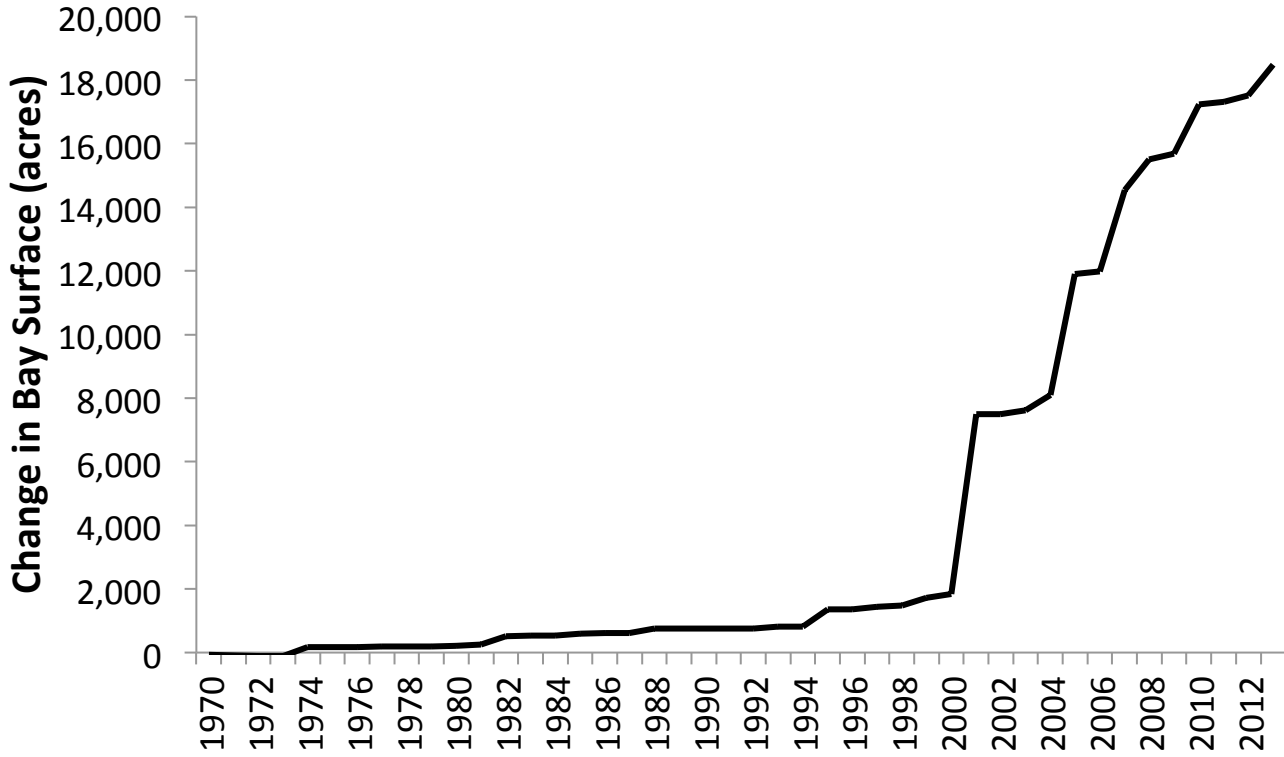
⁴Major and minor permits only.

**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
2013 ANNUAL REPORT**

SUMMARY OF ENFORCEMENT ACTIVITIES	
Caseload at the beginning of 2013:	178
New cases opened in 2013:	56
Cases closed in 2013:	54
Caseload at the end of 2013:	176
Cease and Desist Orders issued:	0
Cases referred to the Attorney General:	0
Civil penalties received:	\$32,668
Enforcement related donation to Bay Trail Program:	\$50,000

WORK PROGRAM AND BUDGET				
WORK PROGRAM	FY 12-13		FY 13-14	
	<i>PY</i>	<i>\$000</i>	<i>PY</i>	<i>\$000</i>
Core Program				
Permits/Consistency Determinations	10.1	1,134	11.2	1,250
Enforcement	1.9	230	1.9	244
General Planning	5.4	630	5.9	672
Executive, Legal and Legislative Support	5.6	705	5.0	704
Administration, Commission and Clerical Support	9.6	1,140	10.0	1,212
Total, Core Program	32.6	\$3,839	34.0	\$4,082
Special Fund Projects				
Enforcement (Bay Fill Clean-up Fund)	0.2	100	0.8	200
Permits (Federal Coastal Act Grant)	0.9	149	0.9	141
Enforcement (Federal Coastal Act Grant)	0.3	50	0.3	50
NOAA Local Protection Program Ph. I (Federal Grant)	0.5	95	0.4	47
NOAA Local Protection Program Ph. II (Federal Grant)	0.2	30	0.2	16
Federal Coastal Impact Assistance Program	0.0	147	0.7	232
Regional Collaboration (Metropolitan Transportation Commission)	1.0	283	1.0	330
Oil Spill Prevention and Response Planning (Department of Fish and Wildlife)	0.7	159	0.7	160
Transportation Project Review (Caltrans)	1.5	166	1.5	169
Association of Bay Area Governments (ABAG)	0.0	35	0.0	17
Bay Plan Amendments	0.0	137	0.2	136
Total, Special Fund Projects	5.3	1,351	6.7	1,498
TOTAL PROGRAM	37.9	\$5,190	40.7	\$5,580
BUDGET				
Expenditures				
Personal Services		3,680		4,010
Operating Expenses and Equipment		1,510		1,570
Total Expenditures		\$5,190		\$5,580
Revenue				
General Fund		3,839		4,082
Bay Fill Clean-up and Abatement Fund		100		200
Reimbursements from Federal Grants		471		486
Reimbursements from Other Sources		780		812
Total Revenues		\$5,190		\$5,580

Net Increase in Bay Surface Since 1970



Net Increase in Public Access Since 1970

