

From: Paul Campos <pcampos@biabayarea.org>
Sent: Monday, October 14, 2019 3:57 PM
To: Goldzband, Larry@BCDC <larry.goldzband@bccdc.ca.gov>
Subject: Request for Clarification

Dear Larry,

I write to request clarification of one of BCDC's responses to the comment letter submitted by BIA Bay Area et al. on the proposed EJ Bay Plan Amendments.

With respect to a project that is outside the boundaries of a BCDC water-oriented priority use area, and involves no fill of the bay, what is BCDC's position regarding its authority to impose mitigation measures on the project other than those involving impacts to public access? In the response below, BCDC acknowledges that its authority to deny a permit for such a project is limited to a project's failure to provide maximum feasible public access (citing Gov. Code 66632.4). However, the response goes on to note BCDC's authority to evaluate project impacts and require mitigation beyond the issue of public access (citing Gov Code 66632(f)):

Outside the boundaries of water-oriented priority use areas, the Commission may deny a permit for a project in the shoreline band only on the grounds that the project fails to provide maximum feasible public access, consistent with the proposed project. Gov't. Code § 66632.4. However, the Commission's authority to evaluate a project's impacts and require appropriate mitigation is not limited to impacts on shoreline public access. As noted above, BCDC has the authority and responsibility pursuant to the McAteer-Petris Act to analyze a proposed project's consistency with all applicable requirements and policies of the McAteer-Petris Act, the San Francisco Bay Plan, and the Commission's regulations, and to impose reasonable permit terms and conditions to ensure consistency with its laws and policies. Gov't. Code § 66632(f). (<https://www.bcdc.ca.gov/cm/2019/1017BPA2-17SocialEquityEnvJusticeRec.pdf>) (p.42)

With respect to a project for which BCDC acknowledges that it cannot deny the permit except on grounds related to shoreline public access, does the response above mean that BCDC asserts the authority to impose mitigation requirements that have no nexus to shoreline access? Or, is the second sentence of the response simply noting that with respect to projects that involve fill or are located in a priority use area, BCDC's project review and mitigation authority extends beyond the issue of shoreline access?

If the former, what is the scope of BCDC's mitigation authority with respect to a project that it can only deny on the basis of public access pursuant to 66632.4?

Thank you,

Paul

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Dear Commissioner,

I support the Environmental Justice (EJ) and Social Equity policies under consideration for inclusion in the Bay Plan to improve the protection and management of San Francisco Bay. I urge the San Francisco Bay Conservation and Development Commission (BCDC) to amend the Bay Plan and implement the staff recommendation on Environmental Justice and Social Equity to promote a more sustainable and equitable future for disadvantaged communities across the nine Bay Area counties.

Implementation of the EJ and Social Equity policies will help create a healthier and more equitable San Francisco Bay. I support the proposed EJ and social equity policies because they promote government learning from disadvantaged communities and meaningful community involvement, minimizing impacts from development and equitable distribution of quality public access.

Responsible Shoreline Development. Environmental justice is defined as the fair treatment of people of all races, cultures, and incomes with respect to the enforcement of environmental laws. However, disadvantaged communities are often more heavily burdened with environmental stressors resulting from discriminatory land use decisions. BCDC oversees development around the Bay Area shoreline and the EJ policies would require local governments to address disproportionate impacts on environmental justice communities.

Increasing Equity and Inclusion. Implementation of the EJ and social equity policies would ensure disadvantaged communities are involved in and aware of the Commission's work to create better outcomes for all.

Inclusive Public Access. The EJ and social equity policies promote increased access for all communities. The policies expand on BCDC's leadership on public access by requiring consideration of history, inclusive design, and multicultural programming.

Bay Area residents welcome your leadership in creating environmentally just solutions for all communities.

Thank you for your consideration.

Sincerely,

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