



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

May 8, 2020

Mr. Larry Goldzband
Executive Director
California Coastal Management Program
San Francisco Bay Conservation and Development Commission
375 Beale St., Ste. 510
San Francisco, California 94105

Dear Mr. Goldzband,

Thank you for the San Francisco Bay Conservation and Development Commission's (BCDC's) January 9, 2020,¹ request for approval of the changes to the San Francisco Bay segment of the California Coastal Management Program pursuant to the National Oceanic and Atmospheric Administration (NOAA) Coastal Zone Management Act (CZMA) regulations at 15 CFR part 923, subpart H.²

With the clarifications, exceptions and qualification noted below, the Office for Coastal Management approves the incorporation of the changes as part of the federally approved San Francisco Bay component of the California Coastal Management Program.

NOAA's regulations require that the state post a public notice of the Office for Coastal Management's decision.³ The public notice should state that as of the date of this decision letter the approved enforceable policies shall apply to federal consistency reviews under the CZMA regulations found at 15 CFR part 930.⁴ Please include in the public notice the list of changes provided in this letter, and send a copy of the public notice to the Office for Coastal Management for our records to close out this file.

CHANGES APPROVED

See the attached Table of Approved Changes (BCDC-2020-2).

¹ In accordance with CZMA § 306(e), a decision on the request was originally due on February 8, 2020, subject to extension. The Office for Coastal Management extended its review of this program change approval request to May 8, 2020.

² This program change request was submitted under the revised CZMA program change regulations at 15 CFR part 923, subpart H (84 Federal Register (FR) 38118 (Aug. 6, 2019)).

³ 15 CFR § 923.81(e)(5); 84 FR 38118, 38133 (Aug. 6, 2019).

⁴ 15 CFR § 923.81(f); 84 FR 38118, 38133 (Aug. 6, 2019).

CLARIFICATIONS AND QUALIFICATIONS

The proposed modification to Public Access Policy 2 adds a requirement that “if in lieu public access is required and cannot be provided near the project site, the required access should be located preferably near identified vulnerable or disadvantaged communities lacking well-maintained and convenient public access in order to foster more equitable public access around the Bay Area.” Although state enforceable policies can include requirements to provide public access and be the basis for a CZMA objection where public access is not provided, enforceable policies are not mechanisms for redefining proposed projects or requiring federal agencies or applicants to conduct or fund a new project. BCDC cannot use the CZMA review process to require federal agencies to fund a new public access project and BCDC cannot base an objection to a consistency determination or consistency certification on a failure by a federal agency or non-federal applicant to fund a new public access project. The CZMA authorizes states to review and concur with, or object to, proposed federal actions; it does not authorize states to redefine or expand a proposed federal action.

It may be that mitigating for coastal effects will include compensation as negotiated by the state and the federal agency or applicant, but required compensation cannot be part of an enforceable policy, a condition of concurrence, or a basis for an objection. A state could still object because mitigation is not adequate to meet the application of an enforceable policy, but could not object because the federal agency or applicant did not pay funds or create a new project. The CZMA does not contemplate a situation in which a state could require a federal agency or applicant to propose a new project that may in and of itself be subject to federal consistency review. In addition, for federal agency activities under subpart C, such requirements could, among other things, cause Anti-Deficiency Act issues and possibly trigger supplemental review under the National Environmental Policy Act.

The Office for Coastal Management recognizes that Public Access Policy 2 serves purposes other than for the CZMA federal consistency review process and could be applied through state permits. As such, Public Access Policy 2 is approved as part of the San Francisco Bay component of the California Coastal Management Program so long as it is understood that Policy 2 is not an enforceable policy that can be used for CZMA review purposes.

As a standard qualification applying to all program changes, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document, the referenced policy must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. No referenced policy may be applied for CZMA federal consistency review purposes unless that policy has been separately reviewed and approved as an enforceable policy by the Office for Coastal Management.

Thank you for your cooperation in this review. Please contact Sarah van der Schalie at 510-637-3794, if you have any questions. For future correspondence regarding these program changes, please refer to the file number assigned to this action, BCDC-2020-2.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joelle Gore', written in a cursive style.

Joelle Gore, Chief
Stewardship Division

Enclosure(s): Table of Approved Changes (BCDC-2020-2)

BCDC 2020 2 TABLE OF APPROVED CHANGES

Please reference the Office for Coastal Management May 8, 2020, decision letter for clarifications, exceptions and qualifications pertaining to this approval.

Legal citation	Title of policy, section, or other descriptor	Is the change new, revised, or deleted	Date effective in state <i>MM/DD/YYYY</i>	Enforceable policy	Enforceable mechanism citation
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity	Bay Plan Environmental Justice Finding A: This finding provides historical context on the environmental justice movement and subsequent polices in the U.S. It is included to frame this new Bay Plan section in the national narrative on environmental justice.	New	12/27/2019	No	
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity	Bay Plan Environmental Justice and Social Equity Finding B: This finding describes issues of environmental justice and social equity within the context of BCDC’s history and mandate. In order to address environmental justice and social equity, the Commission must begin with understanding and acknowledging the role it, along with all agencies involved in the entitlement process, has played in perpetuating such injustices and inequities.	New	12/27/2019	No	

San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity	Bay Plan Environmental Justice and Social Equity Finding C: This finding acknowledges that Native American issues are related but distinct from environmental justice issues, given these communities’ cultural connections to the Bay’s natural resources. This finding also describes BCDC’s history on tribal issues.	New	12/27/2019	No	
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity	Bay Plan Environmental Justice and Social Equity Finding D: This finding summarizes federal and state civil rights standards that apply to the Commission in its regulatory work.	New	12/27/2019	No	

<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity</p>	<p>Bay Plan Environmental Justice and Social Equity Finding E: This finding provides the definition of “environmental justice” that is included in the state government code to provide clarity and context to the findings and policies which use this term.</p>	<p>New</p>	<p>12/27/2019</p>	<p>No</p>	
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity</p>	<p>Bay Plan Environmental Justice and Social Equity Finding F: This finding provides a definition of “fair treatment” to provide clarity and context to the findings and policies which use this term.</p>	<p>New</p>	<p>12/27/2019</p>	<p>No</p>	
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies,</p>	<p>Bay Plan Environmental Justice and Social Equity Finding G: This finding provides a definition of “social equity” to provide clarity and context to the findings and policies which use this term.</p>	<p>New</p>	<p>12/27/2019</p>	<p>No</p>	

Environmental Justice and Social Equity					
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity	Bay Plan Environmental Justice and Social Equity Finding H: This finding provides definitions or descriptions of the terms “disadvantaged community”, “vulnerable community”, and “underrepresented community” to provide clarity and context to the findings and policies which use these terms.	New	12/27/2019	No	
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity	Bay Plan Environmental Justice and Social Equity Finding I: This finding provides a definition of “meaningful involvement” to provide clarity and context to the findings and policies which use this term.	New	12/27/2019	No	

<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity</p>	<p>Bay Plan Environmental Justice and Social Equity Finding J: This finding states a set of guiding principles to help integrate environmental justice and social equity into the Commission’s actions and activities to better carry out its mission.</p>	<p>New</p>	<p>12/27/2019</p>	<p>No</p>	
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity</p>	<p>Bay Plan Environmental Justice and Social Equity Finding K: This finding explains the need for outreach and engagement and enumerates various barriers to outreach that may exist. Further, this finding acknowledges that additional or more targeted outreach and engagement may be necessary to meaningfully involve all impacted communities, such as language-specific or culturally-specific outreach and engagement tactics. Lastly, this finding explains the need for such engagement to occur from the onset of the project.</p>	<p>New</p>	<p>12/27/2019</p>	<p>No</p>	
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV –</p>	<p>Bay Plan Environmental Justice and Social Equity Finding L: This finding explains that addressing environmental justice is a two-step process of first identifying potential disproportionate burdens and then taking steps to reduce them.</p>	<p>New</p>	<p>12/27/2019</p>	<p>No</p>	

Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity					
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity	Bay Plan Environmental Justice and Social Equity Finding M: This finding explains the importance of collaboration and coordination among government entities, given varying jurisdictions and authorities, in advancing environmental justice.	New	12/27/2019	No	
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity	Bay Plan Environmental Justice and Social Equity Policy 1: This policy provides an overarching framework to guide the Commission in ensuring environmental justice and social equity are adequately addressed.	New	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.

<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity</p>	<p>Bay Plan Environmental Justice and Social Equity Policy 2: This policy commits the Commission to addressing issues related to environmental justice and social equity through leadership and collaboration.</p>	<p>New</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity</p>	<p>Bay Plan Environmental Justice and Social Equity Policy 3: This policy addresses meaningful community involvement, which is a major tenet of environmental justice. This policy explains that local governments and project applicants should undertake outreach and engagement as they are involved from the earliest stages of the project in certain circumstances. This meaningful community involvement requirement would apply for projects requiring a major permit and certain administrative (minor) projects at the Commission’s discretion in disadvantaged, and/or identified vulnerable and/or disadvantaged communities. To ensure that community involvement is meaningful, evidence of how input was addressed should be provided to the Commission. If</p>	<p>New</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>

	the Commission finds previous outreach and engagement did not occur, further outreach and engagement to ensure meaningful involvement will need to be conducted prior to Commission action on the project.				
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Environmental Justice and Social Equity	Bay Plan Environmental Justice and Social Equity Policy 4: This policy requires project applicants to identify disproportionate project impacts (in collaboration with the impacted community) if the project is in an underrepresented and/or identified vulnerable and/or disadvantaged community. Additionally, this policy requires local governments and the Commission to address disproportionate project outcomes through their permitting and environmental review processes, within the bounds of their respective authorities and jurisdictions.	New	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Public Access	Bay Plan Public Access Finding B: This finding is revised to expand upon the benefits of public access to the San Francisco Bay. Subsistence fishing is common among some vulnerable and/or disadvantaged communities. It is important to recognize the role that public access plays in providing safe, convenient areas for these communities to fish. As the population in the Bay Area increases, it is important to recognize the role the Bay can	Revised	12/27/2019	No	

	play in mitigating public health impacts related to crowded, hot urban areas.				
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Public Access	Bay Plan Public Access Finding C: This finding is revised to reaffirm that public access is generally free and available to all while ensuring that there is no conflict with public access as a public trust use and with BCDC’s ability to allow limited ticketed events pursuant to permit conditions. It also expounds upon the list of potential public access improvements that can help create more equitable public spaces. Lastly, this revised finding clarifies the benefits of programming the use of public access areas.	Revised	12/27/2019	No	
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Public Access	Bay Plan Public Access Finding E: This revised finding explains that the full potential of public access at the Bay has not yet been achieved with respect to environmental justice considerations. Although the Commission has worked since its inception to improve the public’s access to the San Francisco Bay and its shoreline, some communities have not received as many of these benefits, as they may be cut off physically from the Bay by busy roadways or industrial development.	Revised	12/27/2019	No	

	<p>Additionally, certain communities may be cut off figuratively from public access areas if way-finding and interpretative signage are not accessible or if activities at the public access areas require owning or renting various watersport equipment, which can be expensive. Further, not all public access designs may have included the recreational preferences of a diversity of people, which can create a cultural disconnect where certain communities do not feel welcome at public access areas.</p>				
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Public Access</p>	<p>Bay Plan Public Access Finding H: This finding explains that public access is not equally distributed, maintained, or improved around the Bay, nor may it serve local communities’ needs. Although this is known anecdotally, this finding explains that there is not region-wide comprehensive and comparative information on this topic and thus, there remains a need to better understand this issue to provide more equitable and convenient public access.</p>	<p>New</p>	<p>12/27/2019</p>	<p>No</p>	
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the</p>	<p>Bay Plan Public Access Finding I: This finding explains the importance of meaningfully involving underrepresented communities in the designing and programming of public access areas. In order for BCDC to reach its full potential in providing inclusive public access to the Bay,</p>	<p>New</p>	<p>12/27/2019</p>	<p>No</p>	

<p>Bay and Shoreline Findings and Policies, Public Access</p>	<p>designs and programming should take equity into consideration to avoid excluding certain public access users. Another way to create welcoming spaces for all, especially those that may have been excluded from the shoreline, is to create public access spaces that embrace the project area’s multifaceted histories.</p>				
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Public Access</p>	<p>Bay Plan Public Access Findings: several existing findings have been re-lettered due to the inclusion of the new findings described above.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>No</p>	
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Public Access</p>	<p>Bay Plan Public Access Policy 2: This revised policy requires project applicants to provide public access preferably near identified disadvantaged or vulnerable communities in applicable situations, as these communities are often near public access that is physically inaccessible, poorly maintained, or infrequently improved. This policy would apply only in instances where in lieu public access is required and it is not feasible near the project site.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>No</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>

<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Public Access</p>	<p>Bay Plan Public Access Policy 5: This policy requires meaningful community involvement and, in particular, of vulnerable, disadvantaged, and /or underrepresented communities. Involving underrepresented communities in the design and programming of public access areas will create a more inclusive and equitable public access experience and can help celebrate the areas’ multicultural and indigenous identities. If the Commission finds previous outreach and engagement did not occur, further outreach and engagement to ensure meaningful involvement will need to be conducted prior to Commission action on the project.</p>	<p>New</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Public Access</p>	<p>Bay Plan Public Access Policy 8: The first revision to this policy provides that improvements to public access should be consistent with the culture(s) of the local community. It also explains the need to create barrier-free access, beyond physical access. While physical access for all is important, there are also a number of figurative barriers, such as economic and cultural barriers. This revised policy also includes a requirement to post public access signs in the appropriate language and/or with culturally-relevant icons.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>

<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Public Access</p>	<p>Bay Plan Public Access Policy 13: Until BCDC’s Public Access Design Guidelines can be updated to include principles of environmental justice and social equity, this revised policy serves to ensure BCDC’s Design Review Board takes equity and inclusivity into consideration when reviewing public access designs.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Public Access</p>	<p>Bay Plan Public Access Policies: several existing policies have been re-numbered due to the inclusion of the new policies described above.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline</p>	<p>Bay Plan Shoreline Protection Finding C: This revised finding explains the importance of retaining safe and accessible water access when using riprap or other hardened structures as shoreline protection, especially in communities who lack access to the Bay’s waters. Riprap is an easy and low-cost shoreline protection method; however, it can reduce the</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>No</p>	

Findings and Policies, Shoreline Protection	public's ability to safely and easily access the water, especially to swim, fish, or boat.				
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Shoreline Protection	Bay Plan Shoreline Protection Finding G: This finding explains the potential adverse impacts from shoreline protection structures, as well as the potential socio-economic impacts of protecting the shoreline. Certain shoreline protection structures, namely those that cause significant wave reflection, can have adverse impacts to adjacent or nearby areas. Because well-engineered and well-constructed shoreline protection can be costly, these adverse impacts can be an issue for communities that are unable to afford adequate protection structures.	New	12/27/2019	No	
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Shoreline Protection	Bay Plan Shoreline Protection Finding K: This finding explains the importance of meaningfully involving vulnerable communities in shoreline protection project planning and in the creation of regional strategies and resilience measures. Given certain communities' levels of vulnerability to flooding due to socioeconomic factors and the presence of contamination, it is important to adapt in an equitable manner.	New	12/27/2019	No	

<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Shoreline Protection</p>	<p>Bay Plan Shoreline Protection Finding L: This finding describes the potential health consequences of contaminated site remediation projects that do not use the best available science on sea level rise, storm surge, and associated groundwater impacts in project design. If contaminants are mobilized by flood waters, already burdened communities could face more adverse health and environmental impacts.</p>	<p>New</p>	<p>12/27/2019</p>	<p>No</p>	
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Shoreline Protection</p>	<p>Bay Plan Shoreline Protection Findings: several existing findings have been re-lettered due to the inclusion of the new findings discussed above and the inclusion of findings described in the Fill for Habitat Bay Plan Amendment (program change submitted separately).</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>No</p>	
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline</p>	<p>Bay Plan Shoreline Protection Policy 1: This revised policy requires project applicants to evaluate and address adverse impacts caused by shoreline protection projects to adjacent or nearby areas. Ideally, adverse impacts will be avoided by using shoreline protection that dissipates wave energy. If the site does not allow for</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>

Findings and Policies, Shoreline Protection	this type of protection, adjacent impacts should be mitigated.				
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Shoreline Protection	Bay Plan Shoreline Protection Policy 2: This policy requires that equitable and culturally-relevant community outreach and engagement be conducted to meaningfully involve nearby communities for certain shoreline protection project planning and design processes. Vulnerable, disadvantaged, and/or underrepresented communities, in particular, need to be involved. If the Commission finds previous outreach and engagement did not occur, further outreach and engagement will need to be conducted prior to Commission action on the project to ensure meaningful involvement.	New	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Shoreline Protection	Bay Plan Shoreline Protection Policy 6: This revised policy requires project applicants to ensuring safe and convenient water access within their shoreline protection projects whenever feasible, especially in communities who may be already lacking water access.	Revised	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.

<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Shoreline Protection</p>	<p>Bay Plan Shoreline Protection Policy 8: This policy requires that contamination remediation projects use the best available science on sea level rise, storm surge, and associated groundwater impacts to prevent the mobilization of contaminants.</p>	<p>New</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Shoreline Protection</p>	<p>Bay Plan Shoreline Protection Policies: several existing policies have been re-numbered due to the inclusion of the new policies discussed above and the inclusion of policies described in the Fill for Habitat Bay Plan Amendment (program change submitted separately).</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline</p>	<p>Bay Plan Mitigation Finding F: This revised finding expands upon the economic and social effects of impacts to natural resources by adding in a geographic and distributional element.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>No</p>	

Findings and Policies, Mitigation					
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Mitigation	Bay Plan Mitigation Finding H: This finding lists a few benefits of meaningfully involving underrepresented communities in mitigation projects.	New	12/27/2019	No	
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Mitigation	Bay Plan Mitigation Findings: several existing findings have been re-lettered due to the inclusion of the new findings discussed above.	Revised	12/27/2019	No	
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV –	Bay Plan Mitigation Policy 3: This policy requires meaningful involvement of nearby communities in certain mitigation project processes. Vulnerable, disadvantaged, and/or underrepresented communities, in particular, should be involved. If the	New	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.

Development of the Bay and Shoreline Findings and Policies, Mitigation	Commission finds previous outreach and engagement did not occur, further outreach and engagement to ensure meaningful involvement should be conducted prior to Commission action on the project.				
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Mitigation	Bay Plan Mitigation Policy 4: This revised policy expands upon the requirement of considering additional benefits of mitigation beyond environmental benefits to include equity.	Revised	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Mitigation	Bay Plan Mitigation Policy 10: This revised policy expands upon what the Commission should consider when weighing multiple mitigation alternatives, to include community priorities and concerns. This can help reduce any unintended consequences and potentially cultivate stewardship among the surrounding communities.	Revised	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California	Bay Plan Mitigation Policies: several existing policies have been re-numbered	Revised	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC

Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline Findings and Policies, Mitigation	due to inclusion of the new policies discussed above.				Enforcement Program: California Government Code Sections 66637 through 66642.
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