

San Francisco Bay Conservation and Development Commission

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DRAFT MINUTES

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653;
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Sierra Peterson, Executive & Commissioner Liaison (415/352-3608;
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SUBJECT: Draft Minutes of October 17, 2024, Hybrid Commission Meeting

1. Call to Order. The hybrid meeting was called to order by Chair Wasserman at 1:07 p.m. The meeting was held with a principal physical location of 375 Beale Street, San Francisco, California, and online via Zoom teleconference.

Chair Wasserman stated: Good afternoon all, and welcome to our once-again hybrid BCDC commission meeting. My name is Zack Wasserman, and I am the Chair of the Commission. I want to thank the Commissioners who have come here to the Metro Center for attending the meeting in-person and to acknowledge those who are participating virtually.

Chair Wasserman asked Ms. Peterson to proceed with Agenda Item 2, Roll Call.

2. Roll Call. Present were: Chair Wasserman, Commissioners Addiego, Ahn, Burt, Eckerle (represented by Alternate Kimball), Eklund, El-Tawansy (represented by Alternate Ambuehl), Gioia, Gorin, Gunther (represented by Alternate Belin), Lee (represented by Alternate Kishimoto), Mashburn (represented by Alternate Vasquez), Moulton-Peters, Pine, Ramos, Ranchod (represented by Alternate Nelson), Randolph, Showalter and Tam (represented by Alternate Gilmore).

Ms. Peterson announced that a quorum was present.

Not present were Commissioners: USACE (Beach), Department of Finance (Benson), U.S. Environmental Protection Agency (Blake), Governor (Eisen, Hasz), State Lands Commission (Lucchesi), City and County of San Francisco (Peskin), Association of Bay Area Governments (Zepeda).

3. Public Comment Period. Chair Wasserman called for public comment on subjects that were not on the agenda.

Bruce Beyaert commented: Chair Wasserman, Members of the Commission, my name is Bruce Beyaert. I am the Chair of TRAC, the Trails for Richmond Action Committee.

I would like to invite you on November 16 to join the fifth anniversary bicycle ride across the Richmond-San Rafael Bridge. Meet at the Richmond BART station at 10 a.m. The -San Rafael Bridge Trail is the most popular for bicyclists of all five BATA state-owned toll bridges. Combined, bicyclists and pedestrians have enjoyed over 417,000 trips across the Bridge Trail since it opened November 2019.

Both the city of Richmond and the city of Albany have adopted resolutions asking this Trail be kept open seven days a week. The West Contra Costa Transportation Commission has adopted a similar resolution asking it be open seven days a week, at least until the overload tolling has been installed and the HOV lane extended and evaluated.

Despite this, Caltrans wants to get a BCDC permit to shut down the Trail four days a week to revert to providing a breakdown lane for cars on the Bridge, as existed for decades prior to opening the Trail. This makes no sense.

UC Berkeley's Partners for Advanced Transportation Technology have concluded the Trail has had no effect on traffic congestion, on Bridge approaches, and has had no effect or significant effect on collisions on the Bridge or collision clearance times. It makes no sense to shut down the Trail four days a week to provide an automobile breakdown lane. In fact, this would be the antithesis of BCDC's mandate to provide maximum public access to San Francisco Bay.

Thank you for your time.

Chair Wasserman continued to the Report of the Chair.

4. Report of the Chair. Chair Wasserman reported on the following:

A. Commission Schedule: I want to remind Commissioners and the public that we will hold Commission meetings through December, considering a number of important things. Next month we have a series of permits we expect to consider as well as briefings. We are scheduled to consider the Regional Shoreline Adaptation Plan for approval at the December 5 meeting after today's public hearing, and we do expect to hold a meeting on December 19 to consider at least one and perhaps two permit applications. I also want to remind the Commission that because the Regional Shoreline Adaptation Plan will be considered as part of a Bay Plan amendment, its approval requires 18 affirmative votes. That is an indirect and I will make the direct plea to make sure that you attend the December 5 meeting.

We do not plan to hold a meeting on January 2 of 2025. Do refer to our new website, which has an easy-to-read calendar listing all of the Commission's public meetings, including our working groups, the Enforcement Committee, the DRB and the ECRB meetings.

B. Introduction of Rylan Gervase: I want to recognize and formally introduce, because it is his first Commission meeting, Rylan Gervase, our new Director of Legislative and External Affairs. Welcome. This is a good one to start cutting your teeth on.

C. Report from Commissioner Pat Showalter: I would next like to ask Commissioner Showalter to take a few minutes and report on a very interesting and productive Commissioner working group meeting on environmental justice issues, and to make an announcement on a meeting that she will hold later this month.

Commissioner Showalter reported the following: On June 5 we had a virtual Environmental Justice Working Group meeting and it was a joint meeting with the Commissioners and the Advisory Group. We had Commissioners Shari Pemberton, myself, Zack Wasserman joined us, as well as Advisors Anthony Khalil, Niria Garcia and Violet Saena. BCDC staff Phoenix Armenta, Jessica Fain, Dalila Adofo, Nayre Herrera and Kat Riley were also present.

We have two recently hired EJ staff, an Assistant Manager for environmental justice, Dalila Adofo and NOAA Fellow Nayre Herrera. Dalila and Nayre introduced themselves and spoke about their experiences with environmental justice.

Phoenix gave a presentation on the EJ Advisors 2024-2026 Work Plan. The Work Plan included six program goals and nine program subgoals, which included items such as increasing EJ representation on the BCDC Commission and developing toxic tours for the BCDC staff.

Commissioners Showalter and Pemberton both commented that the Work Plan was very helpful to understand the direction of the program, but also extremely ambitious. A discussion of how the work would be accomplished followed the presentation. This Work Plan is a wonderful aspirational plan and describes the goals of the EJ Advisors very well.

EJ Advisors Anthony Khalil, Niria Garcia and Violet Saena each discussed the current work on the EJ Advisors Work Plan. One of the things that is important is they have gotten started on many of these Work Plan items already, and so it might not seem as ambitious as it did at first glance. We look forward to working with them on the toxic tours, on more tribal engagements and more trainings.

If you would like to join our merry band, the next EJ Commissioner Working Group will be held on December 19 from 10:00 to 11:30 a.m. and our meetings are always virtual. Thank you.

In addition to that, I am convening a meeting at Mountain View City Hall next Wednesday, October 23, for elected officials from the Santa Clara County shoreline cities. There are basically four of us that are required to make a plan and an additional one that is involved. We are going to try and get all those representatives from all those cities together to, first of all, get another description of what the RSAP is. We had a very short one at the Cities Association meeting for all the cities, but it was only 10 minutes and there was not time for discussion.

And then we will also have time for John Bourgeois who has been involved in the South Bay Salt Pond Plan for many years and now works at Valley Water to give a description of what are the shoreline protection projects that are going on now in Santa Clara County to bring everybody up to date about where we are in the process.

Then, of course, we are going to talk a little bit about how we can collaborate. I am pleased that BCDC Planning Director Jessica Fain will be coming to help us, and I think this will be valuable. I will report back on it later. Thank you.

Chair Wasserman: Thank you, Pat, for the report and for the work.

D. New Bay Planning Coalition CEO: Continuing the theme of welcoming people who are new to their position, I was pleased to see that the Bay Planning Coalition, one of our major organized constituencies, has selected Laura Tam as its new leader. Ms. Tam has worked for many years at the intersection of climate change and sustainability. She has been a great collaborator with BCDC as our staff has worked to advance the Bay Adapt Program and the draft Regional Shoreline Adaptation Plan.

When she worked for SPUR, she was intimately involved with the development of the Shoreline Adaptation Atlas. And more recently as a leader at the Resources Legacy Fund, she greatly assisted BCDC with our Environmental Justice Advisors Program. We will ask her to join us at a meeting as soon as her schedule allows after she begins her new role in early November.

E. Next Meeting: Our next meeting will occur in three weeks on November 7. At that meeting we will likely consider the following agenda items:

1. A public hearing and possible vote on a permit for PG&E's remediation project in San Francisco;
2. A public hearing and possible vote to reinitiate the Commission's San Francisco Waterfront Special Area Plan;
3. A briefing on the safety of bridges in the Bay, spurred by the Baltimore Bridge allision early this year;
4. And a briefing on the Commission's Sediment for Wetland Adaptation Project, SWAP.

F. Steve Goldbeck Retirement Party: I also want to remind the Commissioners that we will be congratulating Steve Goldbeck on his retirement immediately after this meeting. In addition to the normal kind of festivities that occur at such occasions, I am informed that BCDC staff are having a bake-off as part of the celebration. So be aware that your waistlines may be challenged at this party. I hope that all of you will be able to attend.

G. Ex Parte Disclosures: That brings us to ex parte communication disclosures. General Counsel Greg Sharff has prepared a significant memo for each of us to read regarding BCDC's ex parte rules and how they should be applied, due to the lengthy discussion at our last Commission meeting. It will be distributed later today via email. The memo is, and is marked, "Attorney-Client Confidential" so please do not distribute it. Do please read it carefully and feel free to contact Greg if you have any questions.

Meanwhile, this afternoon, in case you have not made a formal report on any written or oral ex parte communications you may have had that need to be reported please do so as soon as possible, and any Commissioners who have engaged in any such Commission communications may report on them at this point by raising your hand and unmuting yourself. Please do remember that your written report should be detailed enough for the public to understand the conversation's main topics, but that your oral report, if you are making one, should be brief, please, less than two minutes.

In addition, because the subject of today's public hearing, while very important, is not a quasi-judicial matter. It is a policy matter. No ex parte announcements are required of you regarding any comments you may have received or exchanges you may have participated in regarding the RSAP. However, they would be required if you have held discussions concerning the Richmond-San Rafael Bridge issue. Do we have any Commissioners who wish to make a report? I see none. All awaiting Greg's memo.

That brings us to the Executive Director, who is present with us virtually. Larry, take it away.

5. Report of the Executive Director. Executive Director Goldzband reported: Thank you, Chair Wasserman.

I noticed that today is the 57th anniversary of the premiere of the first rock musical on Broadway – "Hair." It scandalized the theater-going crowd, but not so much that they didn't make it a hit. Radio stations around the world played "Aquarius," and the Cowsills - remember the Cowsills - they turned the title song into the number 2 song in the country two years later.

Today, our Commissioners will mirror the second-most scandalous experience of attending the musical. At its finale, when the actors sing that great song "Let the Sunshine In," they summon audience members to the stage and encourage them to sing and dance with them. Today after the Commission meeting, our staff will summon the Commissioners to a party that we are holding to celebrate Steve Goldbeck's retirement.

While I can't promise you that there will be singing and dancing, there certainly will be eating and drinking, and you might have a chance to sample the winner of that BCDC staff bake-off. Yet another reason I am sad not to be with you.

As Chair Wasserman noted, I also am happy to introduce you personally to Rylan Gervase, BCDC's new and first Director of Legislative and External Affairs. Ryan has been with us for a month now so he is an absolute expert on BCDC history, current events, and anything else you may want to ask him about. I have asked Rylan to spend a few minutes to update you on his plans for the new position and what he has been working on so far. Rylan, all yours.

Director of Legislative and External Affairs Gervase addressed the Commission: Thank you, Larry, and thank you, Chair Wasserman, for that very kind introduction. Good afternoon, Commissioners. Let me just start by saying how very excited I am to be here joining the BCDC family. As a lifelong northern Californian and environmentalist, working on preserving the very special San Francisco Bay is an issue that is second to none in my mind. I look forward to meeting with each of you in person, hopefully later today at the bake-off. I have actually submitted a baked good. I won't say which for fear of prejudicing the Commission, but please do try it.

I also wanted to say that my door upstairs will always be open if anyone wants to ask any questions or seek any counsel.

Today marks exactly one month since I joined BCDC. In that time, I have managed to find my desk, find the coffee station, and complete a whole lot of state-mandated training, with a lot more on the horizon.

As Larry notes, this is a completely new position for BCDC, which means that much of the role and therefore much of what I will be working on, has yet to be defined. The next few months I plan to spend working on a public affairs strategy that will help implement BCDC's Strategic Plan by providing transparency and efficiency when communicating with the public. That will certainly include direction for a press strategy, for the website, as well as our social media accounts.

In the meantime, my immediate task is putting together a legislative strategy and the processes for BCDC to work on legislation. This is crucially important because the new legislative session starts in December and legislative deadlines do not wait for anybody.

That strategy will include a focus on establishing relationships with members of the legislature as well as staff, particularly here in the Bay Area caucus. Particularly introducing BCDC and providing an Educational 101 for those members on what we do and our role in regulating the development and conservation of the Bay Area.

I will also be looking at BCDC's legislative needs over the next few years, which I will get into on another occasion, but I look forward to discussing that in greater detail down the line. Thank you so much, and I will turn it back to you, Larry.

Executive Director Goldzband continued: Thank you, Rylan. We are really, really thrilled that Rylan is here and I think it is marvelous that Rylan's first Commission meeting today is also when we welcome Steve back, who of course has tremendous experience dealing with the legislature. So, we look forward to that meeting as well.

I am also pleased to let you know that unless we hear otherwise, we will have Amanda Boyd join us next month to fill out Greg Scharff's legal team. Amanda will work with a wide variety of our staff including the Planning Division as we move forward on the RSAP. Amanda is a proud double Bruin, having graduate summa cum laude as an undergraduate from UCLA in 2019 and earning her law degree from UCLA four years later. While at UCLA Law she co-chaired a large student organization and earned a scholarship for her academic performance. Amanda interned for the U.S. House Committee on Natural Resources and the Los Angeles County District Attorney's Office prior to her joining Hogan Lovells, her first full-time position in law. In her spare time, she enjoys reading mysteries and thrillers and attempting new recipes, so we may have to have her give us some baked treats as well.

I am also pleased to announce that Jackie Perrin-Martinez, whom you will hear from later today, has accepted a promotion within our Adapting to Rising Tides Program. In that role Jackie will oversee the Climate Adaptation Planning Unit tasked with providing technical assistance to local governments that will help them implement local rising sea level plans, and ultimately to help review and approve those plans. Jackie will begin in her new role at the beginning of November, and we are looking forward to moving the Technical Assistance Program forward.

Three last things. First, I want to let you know earlier this week Chair Wasserman and Vice Chair Eisen from abroad each approved an emergency permit request to repair Black Point Bridge, located at the mouth of the Petaluma River. The Bridge pilings had been damaged by an allision with a barge and was in immediate danger of partial collapse. The Bridge is owned by the Sonoma Marin Area Rail Transit Agency and work will begin almost immediately if it has not started by now.

I want to remind all our Commissioners, Alternates, and various Advisory Board Members who are required to complete the State of California's ethics compliance requirements that notices to comply with the ethics requirement have been distributed. As always for local government officials, completion of the local ethics requirement does not satisfy the State's requirement. Please let me know if you do not know whether you have completed the requirement; we are happy to update you.

Finally, to buttress what Chair Wasserman said, and this is very important, Commissioners. On December 5, should the RSAP be on the agenda as we expect, we will be calling you to ensure that we have much more than a bare quorum because it does require 18 votes to pass, and we assume that there will be quite a big discussion about it. So, we want to make sure that we have as many Commissioners as possible, either at Metro Center or virtually attending.

That completes my report, Chair Wasserman, I am happy to answer any questions.

Chair Wasserman asked: Any questions for the Executive Director?

Commissioner Eklund was recognized: Larry, is it okay if I ask Rylan a question?

Executive Director Goldzband replied: Sure. I can't vouch for his answer but go ahead.

Commissioner Eklund continued: That's okay. It will be interesting to hear what his answer is.

So, Rylan, welcome aboard. It would be interesting to know where you live in Northern California, but that's okay. Hope it is in Marin, but we will see. Anyway, so the question I have for you is what experience have you had working with local governments, cities and counties?

Mr. Gervase answered: Thank you, Commissioner, that is an excellent question. And to your first question, I live in Sacramento.

Commissioner Eklund acknowledged: Oh, my goodness, okay.

Mr. Gervase added: Sadly, not Marin.

Commissioner Eklund noted: That is a big commute.

Mr. Gervase continued: I do appreciate the beautiful coast there. Yes, I do have experience working with local governments. Two roles prior to this - I was the legislative representative for the California Special Districts Association. So, I represented everything from water districts to fire districts in front of the state legislature and made a great deal of relationships there. It really helped improve my understanding of how local government in California works.

Commissioner Eklund commented: Special districts are a lot different than cities and counties but at least you have had some local experience. In my brief tenure here on BCDC I really believe that we need a lot more outreach to cities and counties.

It is really important for BCDC to have a better understanding of what issues we are dealing with at the local level. When I worked for the US Environmental Protection Agency, we certainly knew that there were a lot of demands put on local governments when we were putting in our regulations, but there was always that struggle. So, just wanted to put a little note in your book there to really start reaching out to local governments, especially with the guidelines on this document that we are going to be adopting in December.

There's a lot of concerns that hopefully we will be talking about today and in December. Thank you.

Mr. Gervase acknowledged: Thank you, Commissioner.

Chair Wasserman continued: Any other questions for Larry or for Rylan? That brings us to Item 6, the Consent Calendar.

6. Consent Calendar

a) Approval of Minutes for the August 15, 2024, Meeting

Chair Wasserman reviewed the items on the Consent Calendar and called for public comment.

(No members of the public addressed the Commission.)

Chair Wasserman asked for a motion and a second to adopt the Consent Calendar.

MOTION: Commissioner Eklund moved approval of the Consent Calendar, seconded by Commissioner Pine.

VOTE: The motion carried with a vote of 19-0-0 with Commissioners Addiego, Ahn, Ambuehl, Burt, Belin, Eklund, Gilmore, Gioia, Gorin, Kimball, Kishimoto, Moulton-Peters, Nelson, Pine, Ramos, Randolph, Showalter, Vasquez and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

7. Commission Consideration of Administrative Matters. Chair Wasserman asked if there were any questions for Regulatory Director Harriet Ross regarding the Administrative Listing.

(No members of the public addressed the Commission.)

(No questions were posed to Ms. Ross.)

8. Public Hearing on the Regional Shoreline Adaptation Plan (Bay Plan Amendment No. 1-24). Chair Wasserman stated: We will move on to the primary item on our agenda today, which is a public hearing on the Regional Shoreline Adaptation Plan and proposed Bay Area Plan Amendment Number 1-24, whose adoption would create a Regional Shoreline Adaptation Plan, commonly known as the RSAP, for the first time. The RSAP includes guidelines for local governments to use to prepare rising sea level plans pursuant to Senate Bill 272 authored by Senator John Laird last year, in addition to the One Bay Vision and a description of regional rising sea level challenges. This plan amendment would also amend several San Francisco Bay Plan Climate Change findings and policies.

Before I open the public hearing, I want to make a few comments. First, as I previously said, there is no vote today. We have tentatively scheduled to vote on this amendment for December 5. And I will ask the Commission today to extend the public comment period for an extra day to the end of tomorrow, October 18, at the end of Business at 5 p.m.

The Preliminary Staff Recommendation, along with a draft of the RSAP, was circulated on September 16 to the Commission and interested parties and posted on BCDC's website.

Written public comments received by 5:00 p.m. yesterday have been distributed to the Commission prior to this meeting and have been posted on our Commission agenda website. Any additional written comments received through the end-of-day tomorrow will be distributed to the Commission. Staff will respond to all public comments as part of the Final Staff Recommendation and that Recommendation will be distributed prior to the Commission vote.

Today, the staff will present the RSAP and then we will open the public hearing. Commissioners may ask clarifying questions prior to public comment, but I want to emphasize that that is clarifying questions, not comments on the RSAP itself. You will have the opportunity to do that after public comment.

Our Planning Director Jessica Fain will now introduce this item.

Planning Director Fain spoke: Thank you, Chair Wasserman. Good afternoon, Commissioners and members of the public.

As Chair Wasserman mentioned, today we are having a public hearing on Bay Plan Amendment 1--24 to adopt the Regional Shoreline Adaptation Plan and establish guidelines for the preparation of rising sea level plans pursuant to SB 272. The purpose of today's public hearing is to hear from the public and the Commission on the draft RSAP and ask questions of BCDC staff. There is no vote scheduled for today, this is a public hearing only.

This summer on August 15 the Commission unanimously voted to initiate this Bay Plan Amendment and circulated a descriptive notice to interested parties, including all affected shoreline cities and counties.

On September 16, staff distributed our Preliminary Staff Recommendation to the Commission and interested parties, which recommends that the Commission first adopt the draft RSAP and make surgical changes to Bay Plan Climate Change findings and policies that you approved 13 years ago. It also includes associated items as required as part of the Bay Plan Amendment, including an Environmental Assessment.

So, today, this presentation is going to walk you through the draft RSAP and the proposed changes. It will cover the background on BCDC's regional sea level rise efforts and SB 272, the planning process and outreach that we engaged in, an overview of the draft RSAP, the proposed changes to our findings and policies in the Bay Plan Climate Change Policies, next steps and the staff Preliminary Recommendation.

I am joined today by Dana Brechwald, Assistant Planning Director for Climate Adaptation Planning, Jackie Perrin-Martinez, Project Manager for the RSAP, and Cory Mann from our Long-Range Planning Team. So, it is going to be a group presentation.

But before we get into it, ever since BCDC's inception 60 years ago, almost 60 years ago, BCDC has always been a forward-looking agency. Over this time, BCDC has been remarkably successful in its original mission in managing the Bay from uncoordinated fill and making its shorelines more accessible to all.

Sea level rise adaptation and climate change, however, were not on the minds of the original legislators who drafted the McAteer-Petris Act, nor was the fact that the Bay, instead of becoming smaller due to fill, is now increasing in size due to sea level rise and bringing the Bay more inland. This, as Chair Wasserman likes to call it, is the big pivot that BCDC has been making over the past decade plus.

Over the years as adapting to climate change has become increasingly recognized as an urgent societal need, the state legislature has authorized the Commission to play a bigger and bigger role. From the passage of AB 2094 in 2008 which gave the Commission permission to develop regional sea level rise adaptation strategies, to SB 272 in 2023 which requires all local jurisdictions to develop sea level rise adaptation plans and provides new authority for BCDC to develop guidelines for those local plans and review those plans for consistency with these guidelines.

As the Commission considers taking this next step in adapting the Bay to rising sea level let's pause for a moment and reflect on the over decade of leadership BCDC has given that has got us here today.

Ever since the Commission adopted climate change policies and called for the creation of a regional shoreline adaptation strategy in 2011, we have known that a regional approach, not a city-by-city or a project-by-project approach, is necessary to protect the people and the natural built environment from rising sea level.

Getting this far has taken as long as it has, not because we have been sitting around, but because we have been busy, from supporting cities in the region with our Adapting to Rising Tides or ART Program which has provided much of the foundational research that this is based on; to continuing to amend our Bay Plan policies to address related issues such as environmental justice and social equity and fill for habitats. And then developing the Bay Adapt Joint Platform, a regional consensus-driven roadmap for Bay-wide adaptation and so much more.

The Plan that we are asking you to review now, comment on and adopt by the end of the year, as required by law, is the latest in this series. And while it is required by the passage of SB 272, it has also been a long way in the making. Of course, the work does not stop at the end of 2024. Once you adopt the RSAP there is a lot to do to support jurisdictions around the Bay as they develop local and subregional plans, projects and more.

As a reminder, the Bay Plan contains eight climate change policies, but Policy 6 is the key one here. It states that the Commission in collaboration with a range of regional, state, federal agencies, local governments and the general public should formulate a regional sea level rise adaptation strategy for protecting critical developed shoreline areas, natural ecosystems, enhancing the resilience of the Bay and shoreline systems, and increasing their adaptive capacity.

And it describes actually in quite a bit of detail what the strategies should include and consider. So, we will be describing how the RSAP meets this policy and more. And so, with that I will turn it over to Dana to take us through the next part of the presentation.

Assistant Planning Director for Climate Adaptation Brechwald presented the following: Thank you, Jessica. I am going to share a little bit on the foundation for the RSAP, what it is and why we are doing it.

As Jessica mentioned, the plan that will really kick off the next phase of adaptation planning for BCDC and the region is the Regional Shoreline Adaptation Plan, or the RSAP. In simplest terms, the RSAP is a regionwide plan for the Bay that guides the creation of coordinated, locally planned sea level rise adaptation actions that work together to meet regional goals.

The RSAP works by combining a top-down with a bottom-up approach. The regional approach includes a One Bay Vision for what successful adaptation along the Bay shoreline could look like, and strategic regional priorities that identify big picture vulnerability issues that need to be addressed in local adaptation planning. The plan guidelines then tell how to develop local subregional shoreline adaptation plans and create adaptation strategies that meet consistent standards and advance the One Bay Vision.

So, we will spend some time today covering what is in this document, but also why it has been created and what it means for local adaptation plans along the Bay shoreline.

At its most basic, shoreline adaptation planning means thinking ahead to address flooding that is projected to occur in the future. A lot of this flooding will be driven by sea level rise inundation, which is expected to accelerate in the coming decades.

The Ocean Protection Council is the California state agency who studies these projections. Their 2024 Guidance is what we have based our science on for the RSAP. The RSAP guidelines therefore address an increase of 0.8 feet by 2050; and anywhere from 3.1 to 6.6 feet of additional water along our shorelines by 2100.

The RSAP also looks at other forms of shoreline flooding that could impact communities in the future such as high tides, storm surges and rising groundwater driven by sea level rise.

And the guidelines are designed to set minimum standards to reduce flood risk due to these coastal hazards.

But before we get into how we should do adaptation planning it is worth spending a moment on what could happen if we fail to do this critical planning.

BCDC has done the studies. We know the impacts would be more widespread than just a few homes flooded along the shoreline. Shoreline habitats, wetlands, bird migration spaces, even beaches are among the first to be flooded, up to 20,000 acres.

Much of our region's infrastructure is also at risk, including roads, freeways and rail lines, impacting our ability to move people and goods around the region. Both existing and planned future homes and job spaces will be impacted, with socioeconomically vulnerable shoreline communities disproportionately at risk. This is just a snapshot of what could happen. Even if you don't think about the impacts listed on this slide on a daily basis, you will notice something is different when you can no longer flush your toilet.

And these impacts will be costly, rippling through our economy for decades. A very conservative estimate, which you have heard before, which is based on just the assessed property value of property at risk and the cost of replacing only select pieces of transportation infrastructure, puts the cost of inaction at about \$230 billion between now and 2050. So even though the costs of developing shoreline adaptation plans and implementing shoreline projects is high no doubt, estimated to be about \$110 billion in the same time frame, keep the \$230 billion number in mind. It pencils out to do the work and avoid the worst impacts.

Of course, even though every shoreline community is unique, we are all linked due to our shared shoreline and the infrastructure systems we collectively rely on. Flooding in one part of the Bay can impact other neighbors across the Bay.

In addition, different communities are at various stages of planning. Some will need support to even get started. Protecting our communities requires us to act together towards shared goals, and the well-being of each community depends on the well-being of the region as a whole.

Setting shared goals and priorities and linking local plans to the bigger picture can ensure that adaptation is coordinated, and we reduce and avoid unintended negative consequences to our neighbors.

Resources are available to frontline communities who have less capacity to prepare.

We prioritize the long-term health of our wetlands and coastal habitats.

We develop common standards and methods so that we can share data and information.

Act strategically as a region to fund and implement certain projects first.

And track and measure progress so we know how to continuously adapt to this challenge over time.

As Jessica mentioned, to add extra fuel to the fire, local adaptation planning is now recognized by the state as important and required by law. In 2023 SB 272 was signed into law that now requires that local jurisdictions develop Subregional Shoreline Adaptation Plans by January 2034.

BCDC's job is to develop the guidelines that these plans must follow, and then to review and approve or deny subregional plans based on consistency with the guidelines. The Coastal Commission on the outer coast has a similar responsibility in their jurisdiction.

Cities and counties may also apply for funding to complete these plans, and approved plans will unlock dollars for implementation of projects.

And I just want to recognize here that even though this law is new, adaptation planning in the Bay Area is not. As you listen through to the guidelines we have developed to implement 272, keep in mind that the RSAP sets out a comprehensive process to develop a compliant plan. But many cities are likely to already have pieces of these plans completed. So, we are committed to working with each community to meet them where they are to complete the plans and build what has already been done locally.

SB 272 does lay out some minimum requirements for what should be contained in these plans, as listed here. But gives each agency, Coastal Commission on the outer coast and BCDC here, autonomy to make guidelines specific to the needs of the jurisdictions. The guidelines that you will hear about today are designed to not only meet the legislative requirements, but to tie together our best available knowledge and that of the region to create a comprehensive approach for the Bay. This will maximize the benefit of each individual plan locally and for the region.

The law also names cities and counties within BCDC's jurisdiction as those required to develop the Subregional Shoreline Adaptation Plans. This table here shows the cities and counties that fall into this category, and you will also notice that some cities have an asterisk next to them. These are cities that are not within BCDC's jurisdiction but are projected to be impacted by the coastal flood hazards in the near term that you saw on the previous slide and may want to partner with their neighbors to develop plans for that reason. Special districts are not required to develop plans but could and should play a critical role in the development of local plans.

Each city or county may choose to prepare their own plan, especially if they are already advanced in their adaptation planning process, but we are highly encouraging neighboring cities and counties to work together to create a multi-jurisdictional plan that looks and creates solutions across jurisdictional boundaries. There is a lot of flexibility in our guidelines for each city and county to weigh various options and create custom-made plans that suit their own needs.

Now I will turn it over to Jackie to take a deep dive into how the Plan was created and the contents.

Senior Climate Adaptation Planner Perrin-Martinez spoke: Great. Thank you, Dana. Good afternoon, Commissioners. Before I dive into the details of the RSAP I want to take a moment to acknowledge and recognize that we did not develop this plan in isolation. We engaged with hundreds of people throughout our 18-month process to collaboratively shape the draft that is currently out for public comment.

Equity has been at the forefront of this process. We set aside a budget, even before we started, to compensate environmental justice and equity representatives to participate in this process.

We worked with these partners to codevelop an equity strategy that guided our meeting processes, outreach and engagement.

And we worked together to create the Equity Assessment Standard, which is part of the draft RSAP and is designed to ensure local planning centers equitable outcomes and adaptation.

But our equity work was only the tip of the iceberg. This slide highlights the range of outreach we conducted where we listened to people, solicited input, and used it to revise the Plan.

We deeply engaged with an Advisory Group made up of subject matter experts who reviewed multiple drafts of the RSAP before the one you see today. In fact, the draft out now is version three.

We brought updates to you, our Commissioners, and to the Rising Sea Level Commissioner Working Group as well as our Local Electeds Regional Task Force members.

We heard from community members through local community events and co-hosted local workshops with community-based organizations to test draft guidelines.

We shared an early draft with local government planners and held a planner and practitioner workshop to ensure these guidelines work for local planners.

And lastly, we have been touring the region and speaking at mayors' conferences and county supervisor meetings to share what we have been working on as widely as possible.

And I would like to take this moment to express the BCDC team's sincere thanks and appreciation to all of the people who have spent countless hours with us over this past year providing insightful recommendations to get us to where we are today. Thank you. We are so grateful for your dedication to do this difficult work with us.

Now I will provide an overview on what is in our draft Regional Shoreline Adaptation Plan, AKA the RSAP.

I want to start by saying that we were intentional about our goals for developing the RSAP, and especially for developing the guidelines in this document, which outline the requirements for local jurisdictions to prepare Subregional Shoreline Adaptation Plans.

From the very conception we aimed to ensure that the guidelines are designed to be flexible and provide multiple avenues to meet the requirements. Encourage alignment across planning processes.

Are right-sized, meaning that they recognize differing levels of capacity.

Build upon existing efforts through allowing use of existing elements that meet the guidelines.

And are effective. That they respond to the needs facing local jurisdictions, and are locally adopted, codified and provide the right level of information to catalyze implementation of policies and projects for sea level rise adaptation. And as part of the Bay Adapt guiding principle, we don't want to hold back early movers, but also plan for the long term.

The draft RSAP is organized by three main sections.

Section 1 is the introduction that provides the underlying science and context for the RSAP and the Subregional Shoreline Adaptation Plans.

Section 2 is our One Bay Vision, which includes our Strategic Regional Priorities. This section can be thought about as the regional approach that lays out the big picture for achieving successful adaptation in the region.

Section 3 provides the Subregional Shoreline Adaptation Plan Guidelines, which speak to the requirements of SB 272. This is where local planning will engage with their local communities, identify local priorities and develop adaptation strategies suitable to their conditions.

The One Bay Vision defines the regional outcomes of adaptation that all of adaptation should be collectively striving to achieve, and these served as the foundation for the Subregional Plan Guidelines.

The One Bay Vision includes a statement for the region as a whole, and vision and goals for eight topic areas that represent key categories addressed throughout the Plan.

The regional vision starts by stating: As sea levels rise, the Bay Area's diverse communities come together to transform how we live, work, plan, and adapt along our changing shorelines.

For each topic area the Vision Statements state that as sea levels rise:

Communities are healthy and vibrant.

Healthy Baylands ecosystems thrive.

Places are designed for changing shorelines.

Critical services are reliable.

The Bay shoreline is accessible to all.

Safe and reliable transportation connects us all.

People and ecosystems are safe from contamination risks.

And that regional collaboration drives efficient and effective adaptation.

Each of the eight topic areas have a corresponding strategic regional priority. These are the critical issues that affect the well-being of our entire region and include issues that must be addressed across jurisdictional boundaries. Local governments are required to address these in their plans. I am going to touch on each of these, so you have a sense of what these priorities are.

These include reducing displacement of communities on the front lines to mitigate displacement risk.

Ensuring Baylands ecosystems are complete and connected. In addition to requiring habitats to be improved locally, we also ensure that they are planned for across jurisdictional boundaries. As we know, nature does not follow those lines.

Promoting safe and strategic growth and density using Plan Bay Area's growth geographies to meet regional housing and development needs.

Maintaining reliable critical and emergency services across our communities.

Improving connected regional shoreline access across future adaptation projects.

Maintaining the regional movement of people and goods to ensure the functions of key assets will be sustained.

Reducing contamination in environmental justice communities by highlighting where contaminated sites occur in specific communities to ensure they are addressed first.

And last but not least, ensuring flood risk reduction is achieved with neighbors and across jurisdictions by identifying areas of high hydrological connectivity and ensuring strategies along the shorelines work together.

As you can see, these are important and often very interconnected issues. And addressing them effectively means that cities and counties will need to work together, likely even more than you already do, to build this resilient future.

Now to the Subregional Plan Guidelines. This includes requirements for what needs to be in a plan. And these elements include a planning process, existing conditions, vulnerability assessment, adaptation strategies and pathways, land use and policy plan, project implementation and funding, and a project list.

For those who are familiar with sea level rise adaptation, this shouldn't look new, and that is intentional. We developed this based on existing plans in the region, and the plan requirements are structured similar to FEMA's Local Hazard Mitigation Plan guidelines. The purpose of the Guidelines is to standardize this process to ensure all planning is using the best available science, information and practices to help us achieve the One Bay Vision. You can think about this as a cheat sheet for how to do good planning.

As part of the Guidelines, we also developed four minimum standards. While the Plan elements outline the planning process and will naturally include a lot of local nuance, the standards set consistent baselines for adaptation outcomes, which are used across the planning process. These standards include coastal flood hazards and sea level rise scenarios, minimum categories and assets, equity assessments, and adaptation strategy standards. I will provide a brief overview of these two components.

Element A requires a description of the plan partners, a planning area which can be a city, county, or a combination. It can also include at the operational landscape unit scale. And it also includes an equitable community engagement strategy.

Element B requires listing existing plans, policies, physical and social conditions that create the context for your plan.

Element C is where there is an assessment of the vulnerability of critical assets, issues and populations to coastal flood hazards. This is where strategic regional priorities get elevated in the process.

Element D is where adaptation strategies are identified and preferred adaptation approaches are selected.

Element E requires a summary of the approach of what land use changes or policies may be necessary to achieve those strategies.

Element F requires a description of implementation including responsible parties, timeline, costs and potential funding sources.

Element G provides a list of priority projects.

The standards are referenced throughout the plan elements.

The coastal flood hazards and sea level rise scenarios identify four minimum hazards that must be addressed, all of which are exacerbated by sea level rise. These include tidal inundation, the 100-year storm surge, and shallow and emergent groundwater. We set baseline sea level rise scenarios based upon the Ocean Protection Council's updated Sea Level Rise Guidance, as Dana mentioned earlier.

We also include minimum categories and assets to ensure that no key issues are being left out in planning. And BCDC provides regionally available data to meet many of these requirements.

The equity assessment standards include equity-focused questions at each element to ensure equity is being centered in the process.

And last, the Adaptation Strategy Standards guide the selection and the development of strategies and adaptation pathways. There are 20 standards, and they are organized by 3 buckets, which I will go into next.

The Adaptation Strategy Standards are a key component of the RSAP and are used during the development of local adaptation strategies in element D. In the RSAP we define an adaptation strategy as an action or a set of interrelated actions that achieve a particular purpose. The RSAP does not require any one specific strategy in any one place. That is a local decision that must be determined by the local communities in partnership with their neighbors, community, landowners and other stakeholders. There are inherent tradeoffs when making decisions for adaptation and these decisions are dependent on the local conditions.

However, what the Standards do is define what the outcomes of adaptation should strive to achieve. There are many different combinations of adaptation strategies, policy tools and pathways that can occur along any particular part of the shoreline, and those strategies can and should shift over time to respond to changing flood risks.

In the RSAP local jurisdictions have the ability and flexibility to determine what individual strategies they want to use to achieve these standard outcomes. The standards set guardrails that guide how local jurisdictions can make adaptation decisions that meet their local needs and also work towards the regional One Bay Vision.

I am sure you are wondering, okay, what are they?

We have organized 20 Standards by 3 buckets. Standards with a green dot are those that are specific to the strategic regional priority. These groupings include standards focused on maximizing the benefits of water-dependent shoreline uses and Baylands habitats. These standards include promoting public access, water-dependent uses such as ports, marinas and water access points, and ensuring Baylands habitats are improved and have the ability to exist into the future.

The second grouping is improving community health, economic development, infrastructure and housing needs. These standards include achieving key outcomes related to reducing flood risk for existing development and strategic planning for new development, along with many of the key issues I mentioned earlier in the strategic regional priorities. This is also where we have included a standard to use nature-based adaptation first, where feasible, and to integrate multiple benefits into adaptation.

And the last category is focused on creating pathways to respond to changing flood risks over time. This is the emphasis on building the adaptive capacity to implement adaptation pathways and be responsive to risk. These include actions that governments can take such as updates to local codes, policies and land uses, as well as ensuring that the selected adaptation strategies evaluate and minimize the consequences of failure to protect people property and limit loss of life.

The Guidelines also include a formal process for local jurisdictions in developing and submitting subregional plans; and for BCDC to review and set into motion the process for plan approval. This includes that local governments provide a Notice of Intent to begin plan preparation and a minimum number of consultation meetings between local staff and BCDC so that we can work with local governments on where the plan is starting from and how either existing resources or new planning efforts can best meet the Guidelines.

We are requiring that plans are locally approved before being submitted to BCDC. And it is in this step before being submitted to BCDC where local governments, as the lead agency under CEQA, will determine the appropriate level of environmental analysis required under CEQA, if any.

Once a plan is submitted, BCDC will undertake a process to review the plans, provide notice of a public hearing and bring to BCDC's Commission for a vote of plan approval. We have also included a timeline for local plan updates including a 5-year limited update and a 10-year comprehensive update. BCDC will also update the RSAP and the Guidelines approximately every five years to reflect updated, best available science and best practices as we learn from these efforts.

We recognize that adaptation planning is a lot of work and BCDC is currently developing resources to support local government.

In 2025 we will be publishing an online mapping platform to provide regionally available data layers that visualize existing conditions, map strategic regional priorities, support vulnerability assessments and inform adaptation strategies. A draft Data Viewer is currently available that was shared alongside the draft RSAP and we welcome any feedback on this tool.

We are also beginning to develop a local assistance program to provide support on how to create plans, support community capacity, especially in frontline communities, and connect folks with resources, so stay tuned for more on this.

We also know this is going to cost a lot of money. There is funding available right now to support local governments to create plans, and this funding is available through the Ocean Protection Council's SB 1 Grant Program. BCDC is also working closely with our partner agencies on developing a broader regional investment strategy to bring more money into the region to support projects and implementation arising from these plans.

There is a lot that we have shared with you today, and I want to reaffirm our intention to provide the right amount of flexibility, ensuring that existing work isn't duplicated but instead brought together to build a cohesive approach across shorelines, and ensure the RSAP really does provide a cheat sheet for how to do good planning. Sea level rise planning is complex and will require a collaborative approach. We are committed to working with local jurisdictions one on one to help you create these plans.

There is no doubt that this work is hard, the challenge of sea level rise before us is immense, but we believe in the outcomes of good, coordinated and consistent planning that we can achieve together.

From prioritizing environmental justice communities to ensuring flood safety in and new developments, protecting habitats and more, the RSAP is designed to bridge the gap from local to regional and move us all forward together.

I will turn it over to Cory Mann for a few more slides on our climate change policies and findings.

Principal Waterfront Planner Mann presented the following: Thanks, Jackie. Good afternoon, everyone. I am going to spend just a few minutes providing you with an overview of the proposed changes to the Bay Plan Climate Change Findings and Policies associated with adopting and implementing the RSAP.

Jessica already provided context regarding the Commission's adoption of the Climate Change Policies in 2011. As she mentioned, it has been 13 years since those policies were written, and thus staff are recommending some updates to incorporate the RSAP into the Bay Plan. That said the updates proposed by staff are limited in scope rather than a wholesale rewrite of the policies. But of course, we recognize that there is going to be a need to continually reexamine and revise the Bay Plan policies on climate change as we implement the RSAP and continue to evolve as an agency.

As you might recall from the Commission's August 15 meeting, staff recommends adopting the RSAP as a plan addressing special needs. That is a Bay Plan terminology and this is something that would be similar to our Special Area Plans or Seaport Plan, and the RSAP would be incorporated by reference in Bay Plan Climate Change Policy 6. So, this is the most straightforward approach to give the RSAP legal effect as envisioned under SB 272.

In addition, staff recommends updating some other relevant Bay Plan Climate Change Findings and Policies, and that is to reflect new best-available science and other information that has changed since the policies were first written.

Importantly, adopting the RSAP as a Bay Plan Amendment will not alter BCDC's permitting process for individual projects. This amendment is limited to incorporating the RSAP into our planning program under SB 272, but it would have no effect on BCDC's underlying permitting authority under the McAteer-Petris Act.

The staff report circulated to you on September 16 includes specific revisions to the language of the Climate Change Findings and Policies, but I just want to provide you with a high-level overview of the policy changes.

First, staff are proposing a minor revision to Climate Change Policy 1. What it does is it clarifies the applicability of the Climate Change Policies to the review of permit applications for projects in the Commission's jurisdiction.

But because the RSAP's policies are only advisory for activity by BCDC's Regulatory Program, and as I just mentioned the RSAP does not change BCDC's permitting authority, it is necessary to exclude the RSAP from Policy 1. So, that is the revision for that one.

The most substantial policy revision is to Climate Change Policy 6. As Jessica mentioned at the beginning of this presentation, the existing policy directs the Commission, in collaboration with other regional stakeholders, to formulate a regional sea level rise adaptation strategy. So, Policy 6 was intended to be an interim policy until a regional strategy was created. Now that the RSAP is being developed, we recommend significantly revising that policy to establish the plan.

The newly proposed Policy 6 has three functions.

First, it establishes the RSAP into the Bay Plan to direct local governments in their preparation of Subregional Shoreline Adaptation Plans as required by SB 272.

Second, it articulates the Commission's commitment to providing technical and policy assistance to support local governments and regional stakeholders.

Third, it describes major goals for the Commission's ongoing resiliency planning. And that really speaks to the need for implementation of the Plan to be an evolving process for the Commission in years to come.

Finally, staff are also proposing a minor revision to Climate Change Policy 7. The existing policy states that until a regional shoreline strategy can be completed, projects must be evaluated on an individual basis. And that policy goes on to encourage certain types of regional shoreline adaptation projects that have regional benefits.

Staff proposes to amend Policy 7 to allow the Commission to consider the RSAP and Subregional Plans in an advisory capacity for permitting. Again, you can see the specific language for all of these proposed Bay Plan Policy updates in the staff report that was sent ahead of this meeting.

Before I turn it back to Jackie, I just want to provide a quick overview of the environmental assessment that was also included in the Staff Report.

BCDC's regulations require an Environmental Assessment to be prepared whenever we act as CEQA lead agency, which we do for any Bay Plan Amendment. BCDC's process is a bit unique but it is equivalent to CEQA.

As stated in the Staff Report, the Commission's adoption of the RSAP itself will not cause a direct physical change to the environment because the RSAP only requires local governments to develop Subregional Shoreline Adaptation Plans for approval by BCDC. These are planning level documents.

Furthermore, the RSAP does not have the potential to cause a reasonably foreseeable indirect physical change in the environment either. So, any connection between the RSAP and any reasonably foreseeable environmental change is speculative, because the strategies and projects that will be included in future local government Subregional Shoreline Adaptation Plans have not been planned yet.

So, in summary, the Environmental Assessment concludes that the RSAP will not have any significant adverse or irreversible environmental impacts and so no mitigation measures or alternatives are required.

But it is important to note that the Commission's adoption of the RSAP neither requires nor precludes future CEQA work at the local level. Jackie mentioned this earlier in the presentation. But plans and projects that are eventually proposed by local governments may need to be compliant with CEQA, and we anticipate that local governments would be responsible for that environmental review.

With that I will turn it back to Jackie to discuss Next Steps.

Ms. Perrin-Martinez continued: Great. Thanks, Cory. I have a few closing slides to discuss our Next Steps and then we can move into the public hearing.

As Jessica stated at the beginning, we released the draft RSAP On September 16 and we have already received a lot of comments and feedback, which you all received in an email packet this morning. I would like to summarize a few emerging themes that we have heard so far. As of yesterday evening we have received over 200 individual written comments, about 90% of which are letters from members of the Sierra Club. And a few things that we are already hearing, which by no means is an exhaustive list of the comments, includes:

The need to further emphasize the importance of restoring habitats and using nature-based solutions for adaptation, which is something we have been working hard on and will continue to do so.

A desire to see more language on the flexibility to use existing plans to meet guidelines requirements.

Concerns about how to address the region's housing needs and the role that new development can play in bringing private investment into adaptation.

And lastly, a desire to ensure that adaptation plans and projects are effectively tracked so we can understand our progress towards regional goals.

We are going to take this feedback and the rest of the written and oral comments received through the comment period and revise the Plan. We are already thinking about how we can address these, especially in terms of making it clear how local governments can take advantage of the flexibility that is within our intention to meet the Guidelines.

Finally, I would like to reiterate the timeline for the RSAP and the Bay Plan Amendment process.

On August 15 the Commission voted to initiate a Bay Plan Amendment process.

On September 16 BCDC released the Preliminary Staff Recommendation and Draft RSAP and the public comment period began.

Today on October 17 we are holding a public hearing on the Preliminary Staff Recommendation and Draft RSAP.

And tomorrow on October 18 at 5:00 p.m. the public comment period will close.

Staff will then review and respond to every public comment, revise the Staff Recommendation and Draft RSAP, mail a Final Staff Recommendation and RSAP in late November, and come back to the Commission on December 5 to provide a Final Staff Recommendation and Commission vote.

Finally, I want to share the Preliminary Staff Recommendation for Bay Plan Amendment Number 1-24. As you know, today is a public hearing and not a vote on the proposed amendment. But the Preliminary Recommendation includes everything that the Commission will be asked to vote on in December. Staff preliminarily recommends that the Commission:

Adopt the Regional Shoreline Adaptation Plan as a plan addressing special needs incorporated by reference within the San Francisco Bay Plan.

Amend San Francisco Bay Plan Climate Change Findings C, E, O, P, R, U and W, and establish new Climate Change Findings X, Y and Z.

Amend San Francisco Bay Plan Climate Change Policies 1, 6 and 7.

Make necessary findings that this amendment to the San Francisco Bay Plan conforms to all applicable findings and declarations of policies in the McAteer-Petris Act.

And make necessary findings regarding the Environmental Assessment.

With that, thank you, and I will turn it back to Jessica.

Ms. Fain continued: Thanks, Jackie. This Plan represents a remarkable leap in our region's ability to prepare for sea level rise. The Bay Area's 7 million people cannot afford for us not to do this. But let's not kid ourselves. This is new, it is a different approach, and there are some real tensions at play between the needs for local governments to have flexibility in the plans that they create, the associated costs, the diversity and complexity of the shoreline and different local conditions, and our role as a regional state agency charged with protecting San Francisco Bay and Bay Area communities as a whole for future generations. We hope that the RSAP finds the right balance there, but we know we can improve it, so we are looking forward to hearing public comments and the Commission's guidance on how to do that. Thank you.

Chair Wasserman acknowledged the presenters: Thank all of you for the presentation and, more importantly, the hard work that went into bringing the RSAP to the point at which it is today.

With that I will open the public hearing and first ask Commissioners whether they have any clarifying questions. I am going to start with people in the room.

Commissioner Randolph addressed the potential nexus between planning and permitting: Thank you, Chairman. Could you clarify a little bit if this is the right time to ask on the subject of the relationship between the Plan and permitting. You said that the Plan would be advisory. What does that mean? Does it mean it would be contextual but not determinative? How would you see that advisory function for the plan working in practice?

Ms. Fain replied: I think that is a great way of describing it. We will not be able to deny a permit based on inconsistency with one of these plans, but it provides really important context that we can consider as we are reviewing a permit.

Commissioner Gioia stated: That last question opened up some of the line of question that I had, which is, because it does not require changes in the permitting process but is advisory. One is, what is the teeth for enforcement on this, on these plans? And two, would we need specific statutory change of our regulatory authority to have greater power?

General Counsel Scharff fielded these questions: I guess you asked two questions. How do we enforce it? And I think the answer is, we don't really have an ability to enforce it, to be perfectly clear.

I think the second thing you asked was, do we need statutory changes? I think if you want to have teeth in it, yes, we need statutory changes.

Commissioner Gioia offered a hypothetical: Let's say we make a recommendation in a permit application to implement certain things coming up that are consistent with these policies. You are saying that if the applicant says they do not want to incorporate those conditions, there is nothing we can do.

Mr. Scharff replied: Well, I wouldn't say exactly that. But as I said, there's no teeth in it.

Commissioner Gioia continued: There is also this phrase that says this neither requires nor precludes future CEQA at the local level. Tell me what that means. At BCDC, at a city or county approval process. What does that mean?

Long-Range Planning Manager Buehmann answered: This is Erik Buehmann, Long-Range Planning Manager. Part of the process that we have outlined in the Guidelines is that local governments will have to adopt these plans in the first instance through their local process, whatever local process that is; and that they would be the lead agency for CEQA and determine what kind of environmental documentation they would need under CEQA.

Commissioner Gioia clarified: So, in other words, the local city or county is going to go through its environmental assessment and CEQA process to determine what is required in adopting a plan.

Mr. Buehmann agreed: That is right.

Commissioner Gioia added: So, we do not have to go through CEQA in adopting the Guidelines, but the city or county determines whether it needs to go through CEQA to adopt its plan.

Mr. Buehmann replied: For the Subregional Shoreline Plans, yes, that is right.

Commissioner Gioia asked: What is your belief? Is your belief that cities or counties are going to need to go through CEQA?

Ms. Fain stated: Just to clarify, BCDC right now as part of our Preliminary Recommendation included our equivalent of CEQA, an environmental assessment that we are asking you to look at as part of this Bay Plan Amendment. So, we are covering our CEQA responsibilities right now as we adopt the RSAP. Local governments are at very different stages in their adaptation planning processes.

I am making this up, but Mountain View maybe already has a great sea level rise plan. Maybe they have already done CEQA on it. Mountain View will have to evaluate what, if any, additional CEQA review is required at the local level prior to coming to BCDC. That is a determination that the local government as lead agency would have to make.

Commissioner Gioia continued his inquiry: Okay. And final question, do you believe we have carried our authority as far as legally possible in coming up with the guidelines here and the policy changes?

Mr. Scharff answered: I think that is too much of a loaded question, to be honest. You could always push your authority more. I think we struck the right balance.

Commissioner Gioia asked: Just conceptually, how could we push our authority more? What would be that pathway?

Mr. Scharff replied: I am not prepared to say that at the moment.

Mr. Buehmann stated: If I might jump in, because we have been talking about this. We have been talking about this for a number of years as we have been going through the SB 272 process and going through the RSAP process. We have been talking about how SB 272 does not provide the Commission with any new regulatory authority when it is reviewing permits. And we wanted to incorporate in the Bay Plan some kind of way for the Commission to acknowledge when they get a project that might be incorporated in one of these plans, that that project is part of a plan that was approved through the RSAP.

But we know that this is going to be an ongoing conversation about how we evolve as an agency. This is a big first step of how we evolve as an agency. And we are going to be starting a process, probably in the new year, a very transparent, collaborative dialog about where we go after this. I don't know if Larry wants to add to that.

Executive Director Goldzband commented: I don't think we know any more than that. I think the really important thing to note with regard to your question, Commissioner Gioia, is what Greg said, which is we think we have struck the right balance with regard to what SB 272 says in the letter as well as the spirit.

I think that the thing that the Commission staff presentation wanted to emphasize is that we look forward to hearing whether we have not and how we actually move forward to remedy that, because we want to be as aligned as possible with 272. We also recognize that this is a big lift and there may well be ways for us to do this better, and so that is why we want to hear from folks.

Commissioner Gioia stated: Larry, I understand the issue about the Guidelines, so moving to the Bay Plan policies. How do we know? Our Bay Plan is like our Constitution, and generally what is in the Bay Plan has been in the past also consistent with our regulatory authority. When a permit application violates the Bay Plan, right, it is sacred. So, how do we know which provision? Is there language that says which provisions of the Bay Plan are mandatory and which are advisory? In other words, is it noted here that these policies in the Bay Plan that are advisory, does it say these are advisory?

Mr. Buehmann responded: In some places in the Bay Plan there are explicitly advisory policies where they say, this is advisory. In some places you have to read between the lines to know that there is no basis in the McAteer-Petris Act that give it any teeth, but that it is intended to be advisory.

When the Bay Plan was developed, the Commission at the time wanted to make it partially this regulatory document, but also a vision for the Bay Area, a vision for the future that extended beyond just the jurisdiction, right? So, there are policies in the Bay Plan that are advisory.

Commissioner Gioia continued: Okay. I guess I am just not clear how when we are reviewing we know which ones they are and is there some legal question about which ones are and which ones aren't.

Mr. Buehmann stated: I think we have tried to draft these in particular to be very explicit that they are advisory.

Commissioner Gioia acknowledged: Okay, thank you.

Executive Director Goldzband asked: Does that help, John?

Commissioner Gioia replied: Yes, it does. So, these particular Bay Plan amendments, it is clear that they are advisory.

Mr. Buehmann agreed: Yes, it says that in Policy 7, the one that we amended that makes it advisory for permitting, it says it is advisory.

Commissioner Gioia acknowledged: Okay, thank you.

Commissioner Showalter had procedural concerns: I am concerned about a little bit about the methodology for cities to update their plans after they have one because, as we know, things change and they need to be updated. Can you talk a little bit about how that is going to work?

Ms. Brechwald responded: Yes. In the Guidelines we have a description of a limited five-year update. So, five years after the plan is adopted, updates to things like sea level rise science, any changes that are known, or any major changes in shoreline projects, updates on the progress of the standards that are outlined or the strategies that are outlined in the Plan. And then on a ten-year cycle, ten years after initial adoption, they will do a more comprehensive update on the plan itself, rewrite any sections that need to be updated significantly.

Commissioner Showalter had additional questions: Well, another issue that I think may come up is that there will be cities who are a little further ahead in the process who will want to get a plan approved as quickly as possible because it makes us eligible for funding. But that might mean we are ahead of the multi-jurisdictional plan that we eventually want to be part of.

So, I get if it is on the five-year cycle, that is pretty clear. But what if it is not on the five-year cycle? What if it is a change in, you know, we want to switch from being a city plan to being a multi-jurisdictional one. I did not find where it said how to do that. There is a lot in here about incentivizing and thinking that multi-jurisdictional plans are superior, but not about the possibilities of moving back and forth.

Ms. Brechwald stated: Yes, you can certainly submit an update or join on to a multi-jurisdictional plan sooner than five-years. And our Executive Director also has the authority to extend the five-year timeline if you are close to your update but it is not quite meeting the timeline. So, there is lots of flexibility within that required update cycle that would allow you to join a multi-jurisdictional plan wherever it falls in that update cycle.

Commissioner Showalter continued: Okay. So, another question I have is, why are we requiring, what is the definition about us requiring the plans to be approved by the local jurisdiction before we submit them for BCDC?

It seems like we typically work in a very iterative fashion. And there in the Next Steps it is described that we would have at least a few meetings. But what about the idea that we could submit chapters and say, we want to know. Because people want to know whether they are on the right track. They won't want to get the whole thing buttoned up and approved by their council and then submit it and then have you say, no, no, that wasn't right. So, how is that going to work?

Ms. Brechwald replied: And this is a lot of what we are going to be building out in our Technical Assistance Program, so you will hear a lot about that next year. But the intention is that at each of those check-in points we would book through whatever content has already been developed, and make sure that things are still on track. We have thought about adding in benchmarks that you can meet at each of those required check-in points.

So, our intention is certainly that prior to local adoption, BCDC will be very familiar with the content. We will have gone through an iterative process between BCDC staff and local staff, and so there are no surprises by the time it is adopted locally and then submitted to BCDC.

Commissioner Showalter stated: Well, that is excellent. I bring that up because we have all gone through housing elements, and that has not been how it has worked. We have had to have a completed housing element, or one we thought was complete, usually it wasn't, and we submitted it to the state, and then there was a very formal process. It was only after you failed that you got to have interaction with the state that was meaningful, and that was not effective. It didn't build trust and just all sorts of things that are important to doing governance. So, I really think that that iterative analysis of what cities want to submit is really important.

Chair Wasserman stated: We are not going to follow the housing element process.

Executive Director Goldzband stated: Chair Wasserman, may I add one thing for Commissioner Showalter?

Chair Wasserman replied: Sure.

Executive Director Goldzband added: One of the pieces of good news BCDC received in the budget for this fiscal year is that the governor approved our additional staff for next year and the year after. And those positions are being designed to literally be with cities and counties as they develop these plans.

So, we are devising ways throughout the next year to make sure that that communication happens early, often and well, because we don't want to see a plan coming at us that is supposedly 100 percent done and then have to deal with that. We want to get it done iteratively, as you say.

Commissioner Showalter stated: Well, that is great. I think that is something that when we go out and talk to the cities and counties, we want to make sure that we really emphasize that. Because we are all a little gun shy given what has happened with the housing element, and we want to make it clear that is not the process we are going to use here. That should be a big part of our outreach, I think.

And then another question I had is, the vulnerability assessment is the section I find the most problematic. What are we going to do with that? What is the purpose of the vulnerability assessment?

Ms. Perrin-Martinez answered: Well, vulnerability assessments have a lot of value in shaping what you are responding to, what risks you are responding to. So, in one way SB 272 laid out some minimum requirements for what must be in the Guidelines, and vulnerability assessments were part of that.

In our Guidelines we laid out requirements that there is an assessment, an understanding of our minimum hazards to a series of the minimum assets. As I mentioned, we have a lot of that data, so we are not asking local jurisdictions to come up with all of their own data, we have most of it. The ones that we don't are just very locally relevant information.

As you heard us say a lot too, we are going to be working on and thinking about how we can really make it clearer that if there is existing vulnerability assessments that have occurred that are a little bit different than what we require, that there can be some staff discussion and discretion and allowances for that. As they are currently written, what they are really trying to do is help walk local jurisdictions through a process to be able to evaluate and understand exposure to a lot of assets, but then really focus on priorities.

So, that is where there's a couple of steps currently in the Guidelines so that you are actually really doing more in-depth vulnerability assessment on local priorities, those strategic regional priorities, and some of those key assets in your location.

The purpose is that all of the elements build on one another and that you are using the results of that to inform what adaptation strategies you use and identify in prioritizing your plan.

Commissioner Showalter continued: So, it would be really for the use primarily of the city itself or the multi-jurisdictional group, not necessarily for BCDC or the Restoration Authority when it was giving grants. That it would be more of a local focus.

Ms. Perrin-Martinez agreed: Yes, that is the intention that they were written, that they would be a useful and necessary step in a local government's ability to then create those strategies to respond to the risks that are local, yes.

Commissioner Showalter acknowledged: Okay. I think that's all my questions, thank you so much.

Commissioner Eklund commented: First of all, I wanted to ask a question about the process for today. If we have proposed changes to the Plan, is that something that we should talk about today before it is issued, or should we wait until all the public comments have come in and then have the discussion in December? Which may mean that we may not be adopting it in December.

Chair Wasserman stated: Your choice. If you have specific suggestions any Commissioner would like to make today, you certainly may make them.

Commissioner Eklund asked: And is it appropriate to do this now?

Chair Wasserman answered: No, not at this moment.

Commissioner Eklund stated: After public comment, after public comment.

Chair Wasserman acknowledged: After public comment, that's correct.

Commissioner Eklund stated: Okay, great. That helps me because I do have specific changes that I would like to propose.

Chair Wasserman: But I would also say, if they are programmatic, thematic, conceptual, broad, absolutely. If they are much more specific you can submit those to staff separately. We are not precluded from submitting proposed changes as it goes along.

Commissioner Eklund stated: I would prefer to mention them today and I may have some others that I would like to propose in December.

My second question is, are we going to get a response from BCDC staff on each of the comments that have been submitted by each of the commenters? And we will get that what, a week before the December hearing so that we have an opportunity to go through that?

Ms. Perrin-Martinez responded: Correct. I believe it might be two weeks.

Commissioner Eklund continued: Two weeks. Okay, great. The other clarifying question is, and I think the biggest issue we need to have some discussion about at some point is the relationship with cities and counties. My question is, will BCDC be enforcing the local plans? Greg, will BCDC be enforcing the local plans?

Mr. Scharff answered: No, we will not have turned this over to our Enforcement.

Commissioner Eklund asked: Will local jurisdictions be required to enforce them?

Mr. Scharff opined: I don't think we have that authority.

Commissioner Eklund acknowledged: Great. Is that in writing?

Mr. Scharff stated: Is that in writing? I don't believe it is, no; and I wouldn't put it in writing.

Commissioner Eklund replied: You wouldn't.

Mr. Scharff continued: Just to be clear. I think we are getting a little afar in terms of, we already said the plans don't impact permitting. There are some financial issues where if you don't have your plan you are not in line to get money, it is those kind of things. I just want to make clear, BCDC's Enforcement Division is not going out there and fining cities and counties on their plans, that is that is not what this is about. I don't know if that helps.

Commissioner Eklund replied: So, what happens if a local government does not develop a plan?

Chair Wasserman stated: I think that is a very important question, but I think it is a much broader question than we should get into at this moment in time.

Commissioner Eklund replied: Okay, but after public comments. And I think after public comments I would like to ask some CEQA issues as well. But I do have specific changes that I will be proposing.

So, thank you very much for asking my clarifying questions. I have a lot more which we will be talking about hopefully after public comment.

Commissioner Ramos was recognized: In the line of questioning I appreciate the Chair's boundaries that you have attempted to place upon us a number of times. I think that one of the things that would be incredibly helpful is for staff to actually send out the bill language.

The bill itself is incredibly short and it really puts the parameters we are required to adopt by December 31. So, we cannot be saying, if we adopt in December. We are required by law. We are not required to enforce. We are required to provide guidelines for local agencies to create their own plans.

The local agencies, if you want money, you have got to have a plan. That is on them, that is on each of us to take home to each of our agencies. I think, for BCDC's purposes we are here to provide comments on a plan that we are required by law to adopt by December 31.

And I don't know about you guys, but I have no interest in being called upon my duties to adopt by the attorney general who seems more than willing to go around the state and enforce these deadlines, especially when it comes to environmental issues. So, I think that would be incredibly helpful if staff could actually send that out. It clearly does say we are an adopting guideline agency, period.

And when it comes to the to the localities in regards to the technical assistance, I am going to highly suggest and I am going to pull it up for staff. One of the things that we did at the Association of Bay Area Governments when it came to the Technical Assistance Program, let me pull it up. The Technical Assistance Program that we provided for the housing elements this last time around was actually very multifaceted. I think it would be very instructive here, whether it is counties that are working with cities, which we had that type of technical assistance if you were using the same consultant; and translated in housing terms, if you had a RHNA process, if you had a collaborative process. So, I think that is one of the great ways in which we can provide technical assistance.

But I also think that we need to, and I am sure staff is already doing this, make sure we are working closely with ABAG and MTC for REAP funding that comes through on the actual planning as this does have an intersection with jobs and with housing.

But also, I really think that there is an opportunity here for us as a state agency to provide that regional leadership on that technical assistance. I look forward to that being some other time, sometime not before our December 31 deadline. Thank you.

Commissioner Moulton-Peters commented: I am going to follow along with the local government questions, and I want to thank you for the commitment to working with local government and incorporating work we have done. I know this falls into the where do we go from here. And maybe this is January, but I am curious what your approach to incorporating existing information would be. Would you consider offering equivalency?

Your plan is equivalent or meets the requirement of if not the letter?

Ms. Brechwald answered: I will just say in the text itself, in the Guidelines itself, we say that we will accept incorporation by reference, as is sections of plans if they meet the guidelines. If they don't quite meet the guidelines that is a one-off determination of what needs to happen in that particular location. But that is part of the consultation process that we have set up.

Commissioner Moulton-Peters acknowledged: Yes, great. My next question goes to that consultation process, and it focuses on the Adaptation Priority Standards. I think this becomes really one of the most challenging issues, what do you prioritize for work? I appreciated the very comprehensive list of considerations. I think it would be helpful for BCDC to provide some guidance on which of those priorities could be considered highest priority among the long list. I think it is difficult for localities to assess that as they go into this planning process.

That did sound more like a comment, so let me go back to a question. Just globally, how do you envision rolling this out? It is incredible to consider 101 cities in nine counties all trying to do this.

A phased approach has been raised as a concept. And the only thing I can think of is the way the National Pollutant Discharge permits were rolled out on a rolling basis for certain facilities over the last 40 years. Do you have a sense of how you might roll this out globally? Will it be cities and jurisdictions first in ready, then they go? Anyway, it just is how do you approach such a large challenge?

Ms. Brechwald stated: Personally, I think there will be a lot of self-selection in who becomes an early adopter. We anticipate ramping up over time. I think we have thought about what sort of targeted outreach we might want to do in the early years.

There is a fairly long onramp for this, 10 years. For some cities that need to build capacity to do this type of planning it may take 10 years and that is fantastic, and other places that they might be on their third iteration by the time the 10-year deadline ends.

I think either way we are committed to meeting cities where they are and helping them along the process. As I responded to Commissioner Showalter, even though there is one adoption process at the end, there can be several versions or iterations, and we can do more than three consultations. I think it will naturally phase itself over time, given how each city or county or multi-jurisdictional plan is developing their process.

Commissioner Moulton-Peters asked: Okay, great. And last question, and you and Jessica and Jaclyn have been generous in meeting with our county and city representatives, but could you see providing a scope of work and a sample budget as to what it might cost jurisdictions to comply with this plan?

Ms. Brechwald replied: It is certainly one of the technical assistance tools we are looking at prioritizing early on. We have not committed to our toolkit of TA tools yet, but we have a consultant right now who is helping us develop that work plan and determining highest priorities for what we roll out next year versus what gets rolled out in the future, and that is certainly something we have heard multiple times is a priority.

Commissioner Moulton-Peters acknowledged: Yes, thank you. I think that would be helpful to jurisdictions. Okay, thank you.

(Executive Director Goldzband requested that Commissioner Belin hold Commissioner Gunther's comments until after Public Comment.) Commissioner Belin agreed to do so.

Chair Wasserman continued: Seeing no other hands from Commissioners we will go now to public comment. I want to make a couple of introductory remarks about the public comment period. We are here primarily to listen and to take in thoughts, and then in our comments to staff, and staff is the same, to listen.

We currently have 23 speakers. If you believe you want to speak and you are not in the room, please add your name now, put up another hand. This does affect how much time I am allocating to speakers. At the moment I will start with three minutes, hoping it isn't actually three minutes per speaker, a point I will get to in a moment. But I may limit it to less if there are additional speakers.

Under rules of free speech and the Bagley-Keene Act that govern us, you are entitled to say what you want, to be repetitive, to be redundant. I would urge you not to be. So, if in fact you have submitted something in writing, if you have something in addition, certainly say that. You don't need to duplicate. You may. And I would simply note that repetitiousness and redundancy don't always help to strengthen the point. Sometimes it dulls the point. But you are entitled to do what you want to do.

All right. With that let us start calling the public speakers. We will start with the people in the room.

Josh Quigley spoke: Good afternoon, Chair Wasserman and Members of the Commission. I am Josh Quigley from Save the Bay. Thank you for the opportunity to comment on the Draft Guidelines for the Regional Shoreline Adaptation Plan, and to the incredible amount of effort that the staff has put into getting us to this point.

Sea level rise and flood risk poses a significant challenge to the Bay Area's communities, to our economy and to the vital habitat of the Bay that we have worked for decades to restore and improve.

We have long maintained that there is a need for a coordinated regional approach that balances protecting homes and businesses while also advancing progress on our established shoreline restoration goals, in part because those goals themselves support flood resilience.

That is why Save the Bay advocated strongly for the passage of SB 272, to empower BCDC to lead this process by creating these Guidelines and requiring cities to submit plans that conform to the agency's requirements.

The success of the Bay Area's approach will depend on how strong these guidelines are and how effectively cities implement them through their local planning, zoning and project design. We are glad that the Guidelines incorporate many of the priorities that we identified at the beginning of this process.

First, the Guidelines require the consideration of compound flood risk from sea level rise, storm flooding and groundwater rise. They also require consideration of sea level rise scenarios that include up to the high risk projection of 6.5 feet in the current OPC Guidance. And we also appreciate the RSAP Guidance's emphasis on the need for multi-jurisdictional collaboration, support for equitable engagement of diverse communities, and a strong emphasis on prioritizing nature-based adaptation and support for healthy habitat zones with migration space to allow for changes over time as water levels rise.

The One Bay Vision, which acts as the document's foundation, effectively establishes accepted, shared regional priorities. And we are glad that those priorities include an emphasis on healthy and accessible Baylands, ecosystems and shorelines, as well as keeping communities safe from contamination risks.

But treating all of these regional priorities as separate and equal ignores the fact that situations will arise where adaptation projects to address one priority may conflict with another. For example, the redesign of Highway 37 presents a situation where design decisions could singularly prioritize current transportation needs.

But efforts to integrate both transportation needs and shoreline ecosystem rehabilitation that allows for increased efficiency and maximizes sea level rise resilience could make it a model for how to balance these types of regional priorities. Conflicts like this are likely to be common in this process. Therefore, the Guidance should include methods for determining how to integrate multiple strategic priorities and what considerations should have to guide the balance. One way to do that would be to note the project should maximize public trust, rights and resources in their outcomes.

Additionally, the draft rightfully focuses on the need on the risks of legacy contamination in communities, and that many contaminated sites are likely to be impacted. I will skip ahead a little bit. We have some additional comments on that.

But I would like to also note that we acknowledge that there are situations where the permitting and the jurisdiction limitations involved in this process will need to be addressed by the Commission.

Gordon Atkinson spoke: Thank you, Commissioners. My name is Gordon Atkinson. I am an architect and the President/Director of Bay Area Floating Homes, a local nonprofit public benefit corporation. I would like to enter these comments into the public comment.

Reading Section 2.3.3 of the RSAP, local jurisdictions will be required to assess, quote, “Residential land uses, affordable housing sites, and housing element opportunity sites.” End quote.

It goes on to urge them to quote, “Support the region in creating affordable housing and meeting state-mandated housing goals...” “and reducing flood risk and other hazards that may worsen with sea level rise.” End quote.

The following page asks that they, quote, “include effective measures that address changing future flood risks, such as plans and policies that result in development and infrastructure that is resilient to sea level rise and adaptable over time.” End quote.

The first paragraph of this section states the context of these recommendations, saying, quote, “Future land use decisions along the shoreline will need to balance the need to increase housing production, preserve existing housing, and maintain a strong economy with managing risk — not just along the shoreline, but inland from the shoreline as well.” End quote.

I would like to urge the Commission to expand this recommendation to specifically include private residential development on the Bay that is buoyant architecture, something which has successfully been accomplished in numerous places around the world already and has become a burgeoning new housing type in response to global struggles for solutions to a lack of affordable urban land.

Our organization, Bay Area Floating Homes, a local nonprofit development corporation, believes the time has come for the Bay Area to join this movement. We are advocating for allowing floating structures only where it is environmentally benign, avoiding areas with healthy marshes and eel grass and those targeted for restoration. Furthermore, floating structures should be socially beneficial, providing affordable housing, good connectivity to shore communities and maintaining public shoreline access. We propose floating structures be held to stringent, sustainable design standards and be given priority if they intentionally provide substrate for underwater habitat and water filtration features as well as public amenity components. Floating structures can meet all these criteria.

Rigel Robinson commented: Chair Wasserman and Commissioners, good afternoon. Rigel Robinson on behalf of the Bay Area Council.

We have been very grateful to be a part of the RSAP Advisory Group and are deeply appreciative of the ways the plan has responded to our feedback throughout the process. And thank you, Commission staff for your partnership.

Today, I would like to direct your attention to a letter you will find in the submitted public comments from ourselves the Bay Area Council, the Building Industry Association of the Bay Area, the Housing Action Coalition and a coalition of partner organizations.

We appreciate deeply the ways that the RSAP's introduction and One Bay Vision sections recognize the need to align adaptation goals with the region's urgent housing, transportation and economic development goals. However, in numerous instances, the adaptation strategy standards in the Plan Guidelines offer language that we worry conflicts with the Plan's stated goals and objectives; and would, if adopted as written, make it much more difficult to attract the private investment essential for defending the region against sea level rise.

With a \$105 billion funding gap for shoreline adaptation by 2050 we know the public sector cannot do it alone. We hope you will review the comments in our letter, and I was glad to hear reference to those comments from staff just a moment ago.

Most importantly, we are concerned that the language as written takes, at times, an overly prescriptive and impractical approach. Utilizing the word "must" in many places where phrases like "should" and "to the extent feasible and appropriate" would be more realistic. The Plan must embrace a flexible, site-specific approach instead of a one-size-fits-all mandate for adaptation strategies and ensure that the Subregional Shoreline Adaptation Plans don't frustrate regional housing goals.

And further, we are concerned that none of the adaptation strategy standards or strategy options indicate the ways that new development and private investment can deliver shoreline resilience improvements, despite the very strong language in the introduction and One Bay Vision sections of the RSAP, which speak to the importance of these strategies.

We believe deeply that strengthening the region's shoreline resilience and addressing the region's housing crisis aren't mutually exclusive goals; and that on the contrary, investments in one can unlock investments in the other.

Commission staff have received a series of proposed revisions that I hope will be helpful in ensuring that the final plan protects our shoreline and natural resources, while also promoting sustainable growth and development for the benefits of all Bay Area residents. With tremendous gratitude for the Commission's leadership in addressing the challenge of rising tides, thank you for your consideration of our comments and we hope that they will be reflected in the Plan's final draft. Thank you very much.

Kelli McCune addressed attendees: My name is Kelli McCune; I coordinate the San Francisco Bay Joint Venture. And I want to introduce the Joint Venture with a hope that our story provides encouragement to improve the RSAP and work together to achieve the future described in RSAP's One Bay Vision.

So, our joint venture is one of 22 habitat joint ventures across North America that were formed in 1986 through a Trilateral Agreement between Canada, the US and Mexico, after they recognized the significant decline in migratory birds. The Trilateral Agreement specifically called for working together across political boundaries because they recognized migratory birds don't follow them.

What was also groundbreaking for the time was that the national governments did not set the habitat goals in a top-down way. Rather, they called for the joint ventures to be established, made up of regional management boards who were best suited to determine strategies and implementation actions to achieve a region's habitat goals.

This Trilateral Agreement remains strong after 40 years due to regional goals being implemented and tracked toward continent scale impact. Most importantly, the Trilateral Agreement continues to be improved and updated over time. I will note that it recognizes now the inextricable link between people's and nature's well-being.

The analogies to the RSAP are clear. This includes the fact that sea level rise and flood water do not follow local and county boundaries. The RSAP also is providing regional guidelines then to be customized to a local context. And we commend BCDC for its commitment to achieving successful adaptation by supporting local governments with the RSAP. We believe in working together to achieve the RSAP One Bay Vision, where the habitats that we depend on to sustain our quality of life in the Bay Area are thriving.

In order to set our region best to achieve that future vision, we have focused our comment letter on four areas of improvement.

First, we amplify and support the comment letters submitted by the Confederated Villages of Lisjan Nation.

Second, we recommend adding a table of our regional habitat goals from our implementation plan to the ecosystem health and resilience strategic regional priority.

Next, enable regional partners to support BCDC and local governments to track habitat and nature-based projects and develop project funding together by requiring the use of SFEI's EcoAtlas tool in F2 and G1b.

Finally, activate an adaptive management program in F3 as called for by BCDC's Bay Plan Climate Change Policy 6. Thank you so much.

Lucy Gill was recognized: Thank you, Commissioners and staff, for this opportunity to comment on the draft RSAP. My name is Lucy Gill, and I am a Cultural Resources Manager for the Confederated Villages of Lisjan Nation. These comments are not just my own, but also represent the comments of Lisjan Nation Tribal Chair Corrina Gould. Lisjan Nation's traditional territory encompasses Alameda, Contra Costa, and San Joaquin counties and parts of Napa and Solano along the waterways.

We are happy to see that the draft RSAP encourages nature-based solutions and collaborative governance to ensure complete and connected ecosystems across local jurisdictions. We also appreciate the intent of informally encouraging local governments to build relationships with tribal governments and incorporate tribal cultural resources into subregional plans. We are already working closely with Alameda, Oakland, Richmond and San Leandro on their subregional plans to address sea level rise.

However, we are concerned that the draft RSAP establishes no requirements for local governments or BCDC to conduct government-to-government consultation with California tribes, despite executive orders from Governors Brown and Newsom that affirm the responsibility of state agencies to consult with California tribes on all activities that may impact them and their tribal cultural resources.

Most of Lisjan Nation's sacred shell mounds where our ancestors are buried are built where our creeks flow into the Bay. So, any sea level rise adaptations can either help protect our tribal cultural resources or adversely impact them. The only way to identify and protect tribal cultural resources is to engage in meaningful tribal consultation.

We are also concerned that Lisjan Nation was never consulted on the draft RSAP itself. Participating in public comment is not a substitute for tribal consultation, as it does not recognize the particular responsibilities of the State of California-to-California tribes and does not allow us to share confidential tribal knowledge that may be relevant. The draft RSAP also does not discuss tribal knowledge at all, despite federal and state policy recognizing tribal knowledge as co-equal to western science and instructing state and federal agencies to include tribal knowledge in decision making.

Tribes are the only communities that have lived in the Bay Area long enough to have seen sea level change substantially. For adaptation efforts to be successful over not just the next 50 or 100 years, but the next 7 generations and beyond, engaging responsibly with tribal knowledge is imperative, which is impossible without early and meaningful tribal consultation.

We respectfully request that the Commission include a requirement for government-to-government tribal consultation in the final RSAP, and also request that tribes have an opportunity to consult on the draft RSAP before it is approved. Thank you.

Justin Ebrahemi commented: Hello and good afternoon. My name is Justin Ebrahemi from Greenbelt Alliance. Over the past year, we have partnered with BCDC on how to engage Bay Area residents on their concerns and their priorities for preparing our communities, our ecosystems, infrastructure, housing and transit for sea level rise. We have played a key role in supporting workshops with CBOs and their constituents throughout the region, and the results of these efforts is the draft RSAP we are discussing today.

In my role, I have personally been pleased to support the initial community outreach and storytelling strategies for the RSAP, using the voices of community members to enhance the transparency of the community engagement process.

One of the things we have heard throughout the CBO workshops was a need for more equitable adaptation processes in adaptation planning. Whether we were in Suisun or East Palo Alto, community members expressed a need for increased collaboration to address our shared challenges. I was pleased that the RSAP articulates shared governance models, which echoes the perspectives of many workshop participants.

It is clear that the perspectives of community members from those initial CBO workshops, such as practitioners and environmental justice leaders, were integrated throughout the draft Plan. I believe that the RSAP seeks to empower communities in decision making while balancing shoreline protection with our region's rapidly changing economic and housing needs.

Speaking of housing, we recognize that land use decisions need to account for the urgent needs to increase housing production for Bay Area residents, both along the shoreline and inland where coastal flooding has the potential to impact infrastructure and lives.

We affirm the RSAP's alignment with state-mandated housing goals and advancing affordable housing while balancing these needs with managing the risks of sea level rise and flooding. We look forward to BCDC helping meet the region's growing needs as we work to protect our shoreline.

At Greenbelt Alliance we often say that nature is the solution. During the RSAP community workshops we heard strong interest in nature-based and hybrid solutions like ecotone levees and habitat improvements. The RSAP recommends implementing nature-based actions wherever feasible in a way that reflects community values in tandem with practical and science-based solutions.

However, we recognize that in order to address the urgent challenges of tomorrow's sea level rise we need to advance solutions today. We appreciate working with BCDC to streamline adaptation guidelines in local and subregional jurisdictions, working across sectors to move quickly in advancing solutions. We agree that the accelerating rate of sea level rise requires coordinated local, regional and state supported action. However, we recognize that continued coordination requires funding to ensure the RSAP can be put into action.

We look forward to continuing to partner with BCDC and other stakeholders to secure funding to support local communities in implementing solutions. The RSAP is a comprehensive and iterative document that in its adoption will require the close collaboration of local and subregional jurisdictions. We urge that this RSAP draft is the first step in the process, and we are glad to see BCDC taking a leadership role in the urgency of funding so that we could build a more resilient future together. Thank you.

Barbara Salzman offered the following: I am Barbara Salzman, and I am representing the Marina Audubon Society. I would first like to say that this is indeed an impressive document, and the effort is greatly needed. And as is reflected today, it will be a daunting attempt for local governments to comply, but I hope they will all do it. Anyway, we will be sending a letter, but I wanted to emphasize two points today.

One is the Public Trust Doctrine, which in the document is described as applying to the usual things, navigation and fishing and also recreation, the preservation of lands in a natural state. And of course, it does not include private uses such as housing and it is your responsibility to uphold the Public Trust Doctrine.

A more complete description of the Public Trust Doctrine, however, is in the legal decision, the most recent one, which is one in the 1980s and it was *National Audubon vs. Superior Court*. And a general quote from that is that the Public Trust calls for the preservation of tidelands in a natural state so that they may serve as ecological units for scientific study, as open space and environments which provide food and habitats for birds and marine life.

What is often not emphasized by BCDC is the habitats for bird and marine life. Now, that may or may not be included. I think the effort to provide habitats as well as ecosystem benefits and nature-based approaches is laudable and may or may not address the specific needs of wildlife species.

So, what I am advocating for today is that you include more information about the different species that depend on the Bay marshes and waters, especially for endangered species but also resident migratory ones, and that their habitats be prioritized in the implementation of the Plan.

Secondly, with regard to technical assistance. It is great you are providing lots of funding and mapping and other tools. But I did not hear any mention or see in any of the documents any mention of wildlife, again, and wildlife habitat. So, my suggestion is to look into the possibility of a partnership with the Department of Fish and Wildlife so that they can provide a consistent, accurate and up-to-date information for all of the jurisdictions. That would avoid some areas of inconsistency which seem to be a concern about the different plans. Thank you.

Mike Pechner was recognized: My name is meteorologist Mike Pechner, I have been here in the Bay Area all my life. I also have studied climatology for about 50 years. And I want to thank the Commissioners and the Chairman for this time.

One of the things that I think that the BCDC people should keep an eye on is storm surge. If we look at the recent developments in Florida, within two weeks of each other two hurricanes came over the same area with record storm surge. While storm surge does not seem to be a problem here in the Bay Area, one of the things being studied right now are atmospheric rivers. Combine that with rising tides, rising king tides as well, and the fact that the Bay has been

filled in for over 100 years, atmospheric rivers could prove to be a very daunting task when trying to figure out where we should develop along the Bay line. And the reason is that with global warming, the atmosphere is now holding much more moisture because of the rising temperatures than it historically has been here in the Bay Area going back went to the 1870s when weather records started.

And the problem we are looking at climate here in the Bay Area, when you look at prior weather records and high tides and historic storms for example, in 1955 and in 1937, in 1964, we don't have a long enough record to really determine how high some of the storms could produce in terms of flooding along the Bayshore.

And the reason why I say that is that atmospheric rivers now can produce 20 to 40 percent of the entire seasonal rainfall here in the Bay Area. And while we might be in a drought, an atmospheric river could swamp much to the Bay line that is already developed. And when I see the word development in RASP, I am thinking that we should not develop any part of the Bay now, not mitigate for that, but mitigate for the current records and the current outlook on sea level rise in the Bay Area, because that is going to be the most vulnerable part as we go down the road here looking at storm surge and flooding in the Bay. Thank you.

Carin High was granted the floor: Good afternoon. Carin High, Citizens Committee to Complete the Refuge.

First, Steve Goldbeck, thank you for all your years of service, we really appreciate it. Second, Jackie, congratulations on your promotion.

We deeply appreciate the efforts of BCDC staff throughout this process. Thank you for the opportunity to be part of the Advisory Group and thank you to all those who have participated in this process. We recognize that this process is the carrot, not the stick, but an important carrot that has the potential to prioritize access to funding, and it provides a framework, the RSAP process, that makes use of natural and nature-based solutions in the resilience of our communities and economy priorities and will hopefully elevate the issue of equity.

We have seen the recognition of the Bay evolve throughout the RSAP process from an emphasis on the beauty of the Bay and recreational opportunities to one that actually includes recognition of the climate resilience benefits provided by Bay habitats. We appreciate the progress, but we also believe that the RSAP could be improved by incorporating language that more fully conveys the many reasons that the use of natural and nature-based solutions should be prioritized with developing shoreline adaptation plans. And that is due to these areas, climate resilience benefits, the economic benefits provided by NBS adaptation strategies that can also provide co-benefits, as opposed to traditional gray infrastructure, and due to the many ecological and societal benefits.

We will be providing comments that suggest ways in which this can be done without lengthening the document further.

It is gratifying to think that we might be on the cusp of looking at how the Bay Area as a region will plan for sea level rise adaptation in a more holistic manner, one that considers not only community resilience and concerns about how our actions might impact our neighboring communities, but also the need to ensure resilience for the Bay's habitats. Thank you very much.

Skylar Sacoolas spoke: My name is Skylar Sacoolas and I am an Environmental Justice Organizer at Green Action for Health and Environmental Justice.

The Regional Shoreline Adaptations Plan's vision and goals of a unified approach to shoreline adaptation is so important, and we appreciate the work BCDC is doing to work toward that goal.

But one of our main concerns with these shoreline adaptation plans is how they will address contamination that has been remediated through methods like capping or containment that leave waste in place, susceptible to groundwater rise and sea level rise.

For example, remediation at the Hunters Point Naval Shipyard Superfund site utilized ubiquitous land covers where toxic contamination is buried at the site that is located directly on the southeast shoreline of San Francisco. A radioactive glass shard was discovered at the site last year, in a portion of the shipyard the Navy assured no radiological contamination remains, highlighting the urgent need for extensive retesting, revised cleanup plans and diligent oversight.

The Subregional Shoreline Adaptation Plans should include stronger cleanup standards and requirements to explicitly identify capped or contained waste and address the vulnerabilities they have to degradation, sea level rise, groundwater rise and permanent inundation.

We cannot rely on caps and containment to protect future generations and the environment from mobilized contamination and increased exposure pathways. The Regional Shoreline Adaptation Plan's adaptation strategy standard of reduced contamination and environmental justice could be strengthened to strive for clean communities and environmental justice to work toward eliminating the risk, not just reducing it. Thank you.

Julie Weiss presented the following: Hello, good afternoon. My name is Julie Weiss, Watershed Protection Program Manager for the city of Palo Alto Public Works Environmental Services.

First, the city of Palo Alto thanks BCDC for the magnitude of thought that has been put into developing the draft RSAP and the colossal amount of work underway to lead regional sea level rise adaptation planning.

Palo Alto offers the following five priority recommendations on the RSAP from the perspective of an agency that will be charged with submitting a future plan. Additional feedback has been provided in written comments.

First, regarding regional coordination, we urge a more immediate outreach to city managers, planning directors and other local agency leaders, specifically city staff. Regional sea level rights planning is a huge effort requiring an undetermined level of agency resources. And while BCDC has held a number of meetings on this topic, it does not appear that city level staff received as much targeted outreach as needed. When awareness and support among local agency leaders is low, it impacts timely resourcing and engagement with the process.

Second, CEQA will be required for all agencies submitting plans, and it is expensive. Originally, our request today was for BCDC to conduct an EIR that cities can tier off of. However, based on comments today during the presentation, we request that BCDC provide clear guidance and assistance to help cities address the costly and time intensive process. There may be ways to leverage regional or subregional resources.

Third, we urge that the guidance be simplified and consolidated, particularly Section 3. We recommend clear differentiation between mandatory and optional planning requirements, and that these distinctions be embedded directly into the checklist. Information is distributed throughout the sections and could be consolidated in a different way to help agency staff who will develop these plans to be more efficient in moving through the extensive detail and the requirements.

We also recommend that BCDC enlist a small working group of practitioners that would actually be using the guidance to draft local plans to weigh in on how to make the guidance more succinct and clear.

Fourth, we urge a recommended schedule to complete the success of RSAP tasks similar to the municipal regional stormwater permit. Phased deliverables would allow for subregional partners to focus their collaboration efforts. It would make the process more manageable and allow more time for BCDC to develop resources for later deliverables.

Fifth, please provide additional guidance on conducting economic impact analysis to estimate the cost of inaction and the desired outcome for public agencies to deliver on that. These type of assessments are very costly and at some point have a diminishing return of value because the cost of no action is so ridiculously high and the estimates become out of date so quickly. Additional guidance could improve the consistency and the alignment of the estimates.

Palo Alto will be submitting a more detailed, written list of comments.

Elliot Hellman addressed the Commission: Hi. My name is Elliot Hellman, and I commend the Commission for comprehensive work on the Shoreline Adaptation Plan. I live in Mission Bay in San Francisco, so the Bay is literally in my backyard. I spend time walking along the Bay shore almost every day, and my appreciation and enjoyment of this privilege is immeasurable. Now that I have established my creds, I want to emphasize some of the concerns that others have already raised.

The Plan should include greater emphasis on protection of existing wetlands and should prioritize nature-based solutions wherever possible all around the Bay.

The Plan also needs to better address cleanup of legacy toxins in Bayside communities that could be mobilized by groundwater rise as well as sea level rise, as has been mentioned here already, my neighbors in Bayview Hunters Point have already seen infusion of toxics into their surface waters and streets, especially during periods of King Tides.

BCDC is absolutely correct for prioritizing equity assessments, but ecosystem health must be given equal importance. Of course, we need to remediate past injustices on historically low-income and communities of color, but we also need to ensure that we avoid exacerbating historic injustice from impacts that may result from changing climatic conditions.

I would also like to add my support for the suggestion to include tribal government consultations and tribal knowledge in decision making for the Plan.

Thank you all, and I look forward to seeing our Bay and our Bayside communities thrive together.

Sally Tobin spoke: First of all, thank you for all of your hard work and for the opportunity to speak. My name is Sally Tobin, and I am a retired biologist and bioethicist who lives in Richmond. I am commenting today largely from my experience as a representative for Citizens for East Shore Parks to the San Francisco Bay Shoreline Contamination Cleanup Coalition, and also my attendance at meetings of the Community Advisory Group for Richmond Healthy Alliance which monitors the Zeneca site and several others.

BCDC has done a really wonderful job of integrating the struggles and interests of environmental justice communities into this document up to page 148. But page 148 is where legacy contamination in the form of hundreds of capped toxic sites along the shoreline that are vulnerable to sea level rise on the bottom and sides exhibits the environmental policies of a variety of state and federal agencies.

Those agencies have left the shoreline littered with sites containing metals like arsenic and lead, radioactive materials, cancer causing solvents, herbicides, insecticides like EVT, among others.

Suddenly, environmental justice communities, on page 148 are required to justify their relationships with the agencies that have by and large betrayed them. And if nothing is done about these toxic sites, both public health and the vibrant ecosystems of San Francisco Bay will be exposed to literally tons of poisons. Will the Bay become a toxic bathtub, and will Pier 39 be Selling Dungeness crab from Oregon? A solution is desperately needed.

Recommendations: Number one, discovery of all toxic sites around the Bay, many have yet to be discovered.

Two, prioritization of the sites for cleanup or immobilization based on their effects on the Bay and human health.

Three, identification of effective measures.

And four, protection of both human health and the health of the Bay ecosystems. Thank you very much.

Arthur Feinstein commented: Chair Wasserman and Commissioners, nice to be talking to you. I am sorry I am not seeing you in person. I am Arthur Feinstein. I am Chair of the Sierra Club's Sea Level Rise Committee for San Francisco Bay called Bay Alive. I have also been on the Advisory Committee to the RSAP and I really appreciated that opportunity. And I want to express my appreciation to the staff for the incredible amount of work that they put into this and their responsiveness to comments from all the people who have been part of that process.

We are going to be submitting an extensive letter by the end of tomorrow, but in the meantime, I just want to focus on what to my mind is going to be the one of the major issues, aside from contaminants and equity, is keeping our Bay alive.

And I just want to remind everybody that, what was it, 60 years ago when BCDC was created, it was because the Bay was disappearing in volume, for sure. But it was also disappearing in health because most of the shallow water habitats were where we developed and that is where you have your tidal wetlands and your mud flats, eelgrass beds, all of which provide incredible services to us as humans, not just fish, but cleans our water, cleans our air, moderates our temperature. These are tidal wetlands. Provides huge economic benefits to us. And absent that we have a dead Bay, and we have an area that is going to be a lot less attractive to people.

So, the test here is as we now see that sea level rise is going to rise, we also see it is not only threatening our homes but threatening our shallow water habitats, all those that I just talked about. And so, we really need the RSAP to be defending those habitats, and it does to a good extent, although we are going to hope it does more.

But the issue to my mind that I am not sure how many people, people appreciate the Bay. The Restoration Authority was over 70 percent endorsed to take our money to support it, so people do care. But I am not sure that they have a full understanding of just how important our shallow water habitats are and that does need to be expressed through the RSAP because it is not just our communities, but it is the local government officials and the planners who also need to be educated when they have choices. How can we continue to have our habitats while we are protecting our community? But we need both, and that is the key. Thank you very much.

Kristen Mercer addressed the Commission: Thank you, Commission. I appreciate the tremendous step forward that this Plan represents. I am a resident of San Mateo County and a participant in the local Sierra Club Sustainable Land Use Committee.

I want to thank you for the progress that this Plan represents; but I want to also urge you to elevate and strengthen the Plan by elevating the priorities, three specific priorities.

First, nature-based solutions. I would like you to strengthen the standards to require, whenever feasible, use of natural solutions.

Second, elevate the impacts of rising groundwater. We know rising sea level will push up groundwater with hundreds of toxic sites along the shoreline releasing these toxins into Bay waters. But even when not contaminated or toxic, rising groundwater well inland from the actual shoreline may end up being a larger threat than the tidal act on just the shoreline. I think the Plan should elevate the importance of this issue throughout the document and set broader standards for addressing groundwater rise.

Third, managed retreat. I would urge you to improve strategies to help cities implement policies of managed retreat. Right now, along the San Mateo County Bay line there are huge commercial developments being built or permitted where the natural water table is just feet below. Eight or ten-story buildings and entire office parks are being built directly on the Bay shoreline or estuaries, on former mud flats, just feet above the water tables.

We know these are going to be future problems. They are rapidly building disaster sites. And we can't rely on CEQA to stop these projects because CEQA considers the impact of the project on the environment, but it does not consider the impact of the environment on the project. So, if we can't expand CEQA to stop these buildings that are future disaster sites, then this document needs to include strategies for cities to do so.

Finally, I support the modifications of Policies 1, 6 and 7. And I understand the limited mandate of SB 272, but I believe the California Coastal Commission has authorities for shoreline protection that Bay Area residents aren't afforded, and I would urge our legislature to grant those same authorities to this Commission. Thank you.

Charles Schaefer was recognized: Hi, good afternoon. My name is Charles Schaefer. I am also with the Sierra Club's Bay Alive campaign, and I live in Los Gatos.

I guess first I would like to say I really want to thank the BCDC staff for the job that they have done to incorporate environmental concerns into the RSAP. They have been very accommodating to us and very patient with our concerns.

My concerns for the Bay are a result of my concern for the environment, but also for my enjoyment of sailing. I have a 14-foot sailboat that I love to sail in the Bay, but I can't actually sail in the Bay because it is way too choppy for my little boat. But I do like to sail in Pete's Harbor there in Redwood City. Sailing the main channel is great, but I really enjoy sailing in the various sloughs around it. And sometimes I will stop at some of the old duck hunter shacks to just relax and enjoy the wilderness. It is great to get out and away from the urban environment.

I suppose I should say that the Sierra Club is going to be submitting a letter that talks about a number of our concerns about the RSAP. But I would like to, I guess, stress one particular issue that is to me a primary concern. And that is that while the environment has been very well presented in the RSAP as an asset, it shows up a lot and they talk about how important it is, however, I believe there should be more emphasis put on the living shoreline being a tool to help other community assets.

I am afraid that city planners, almost by definition, won't know much about the marine environment and will not understand and not be able to stretch their imaginations to include nature-based solutions in their toolbox. We absolutely need to say in the RSAP itself more about using nature-based adaptation as a tool, and we also need I think to focus on educating city planners as well.

I might add that what I heard earlier about adding staff to work with cities sounds like a very good step in the right direction. But we really do have to focus on letting people know that nature can help protect their cities. Thank you very much.

Laura Kaminski addressed the Commission: Good afternoon, Commissioners. My name is Laura Kaminski. I am the Strategic Planning Manager for the city of Oakland. The city of Oakland appreciates the work done in the RSAP. We will be submitting a more detailed letter so I will just summarize some of the few key concerns.

So, the proposed Plan requires extensive detail and substantial resources for local jurisdictions to develop. We request BCDC simplify the requirements, such that local jurisdictions have greater flexibility to align RSAP planning efforts within their existing planning and community engagement processes, including general specific plans, local hazard mitigation plans and resilient strategies.

And respond to local needs. For example, BCDC could provide greater flexibility, clarify requirements, address inconsistencies, reduce the level of detail required and focus on key requirements. In addition, BCDC should not require that cities should update existing plan studies and data to be compliant with the RSAP.

We also have concerns that the provisions of the RSAP may conflict with those of other state agencies such as OPR, state HCD, CalOES, Caltrans, CAL FIRE and more.

As an example, one of the core requirements from the state HCD in creating the city's housing element was to reduce constraints on housing. It appears these requirements could add many additional constraints on housing and may affect a city's ability to meet their RHNA goals. We would like to understand how BCDC has worked with the state HCD to ensure consistency between the housing element and RSAP requirements, since cities are beholden to meeting state HCD requirements and are subject to penalties if they are not.

We are also concerned that the draft RSAP Guidelines hold cities and counties responsible for developing plans for shoreline areas outside their jurisdictions and/or where the shoreline is managed by other agencies, federal and state governments, park districts, ports, utilities, et cetera, or private landowners and these asset owners are not required to develop plans to address sea level rise. While coordination among parties will occur in development of the subregional plans, this disconnect creates a challenging scenario that requires all parties to agree on details of how to manage land uses and infrastructure near the shoreline, including land use and economic strategies and no way forward if an agreement cannot be reached. Putting all the burdens on cities without equal responsibility and asset managers is inequitable to communities. Thank you.

Leslie Flint spoke: My name is Leslie Flint. I am a member of the Conservation Committee of Sequoia Audubon, which is the San Mateo County Chapter of the National Audubon Society. Our mission is to advocate for healthy habitats and ecosystems for birds. At the height of migration, over a million shorebirds and waterfowl stopover in San Francisco Bay and are supported by the Bay and surrounding wetlands. This emphasizes the importance of a living, healthy Bay.

We appreciate the work that has been done so far on the RSAP in recognizing habitat; and there are some areas of the document that need to be strengthened, specifically as it relates to habitats that support wildlife. Tidal marshes and shallow water habitat along the shorelines are critical for birds and other organisms. These are what make a living Bay. For the health of the Bay habitat and ecosystems, natural and nature-based solutions must be considered first before using a hardscape approach for all projects.

To make this priority clear in the RSAP, in every section of the Guidelines and checklists, shoreline and shore habitat and ecosystems need to be included and considered as part of nature-based planning.

Approximately 85 percent of San Francisco Bay wetlands, over 150,000 acres, have been lost to development. We think the goal of restoring 100,000 acres of wetlands regionwide should be included in the priorities. This priority is currently missing. Thank you for your consideration.

Ginny Madsen commented: My name is Ginny Madsen and I am representing as an elderly woman, third generation from the East Bay, without good technology apparently. Despite the fact that we lived in Livermore, my mother, my sister and I passionately worked to save the Bay back in the 1970s. They passed years ago, and I struggle to keep speaking. The prospect of the Bay as a concrete canal galvanized us back then and still scares me deeply after 55 years, even without sea level rise, groundwater rise and extreme rain beds, which my education tells me are impacting the Bay and will increase faster than expected.

I think five-year updates in the RSAP will be outpaced by a faster changing environment and hope you are prepared for that.

Seeing the Bay model as a child informed my world view and I wish a version of it could be put on tour now. I have lived and worked all over the Bay, and I am grateful to have been able to experience the Bay in its totality. But my lived experience tells me that too many view the Bay in pieces and not as a whole. Too many in the Bay Area view the Bay shoreline as real estate and want to derive revenue from it, from what they consider their portion of it. I pray that the BCDC can counteract that viewpoint and overturn it. The survival of the Bay depends on it. And without the Bay, nearby real estate loses value.

Reading the RSAP and listening to today's presentation and comments makes clear that the BCDC understands their mandate and the complexity of the challenge better than I do. I had hoped for a stronger emphasis on nature-based solutions in the RSAP, and I am grateful that that will be for finalization. We need less hardscape on the Bay shoreline to be resilient, not seawalls.

I tried to inspire 20 neighbors in San Leandro to come to this today but apparently I failed. I wish the BCDC much more evangelical outreach. I support the Elysian comment wholeheartedly and thank you for letting me speak.

Danielle Mieler was recognized: Good afternoon, Commissioners. My name is Danielle Mieler. I am the Sustainability and Resilience Manager for the city of Alameda; and I am also Co-Chair of the Oakland Alameda Adaptation Committee, which was formed in 2021 as a coalition of shoreline communities and stakeholders working to accelerate sea level rise adaptation, protect and restore water quality, habitat and recreation and promote community resilience. We believe our committee offers a model for the types of subregional planning efforts BCDC is seeking to promote with the RSAP.

In addition to developing physical, multi-jurisdictional shoreline adaptation projects, we are currently in the process of developing a long term multi-jurisdictional adaptation plan for the entire Oakland and Alameda shoreline.

Our intent is that the OAAC Adaptation Plan will meet the requirements of SB 272. However, the \$800,000 in funding that we currently have for this plan we do not believe to be nearly sufficient to meet the extensive RSAP requirements; and we are concerned that this exhaustive new process with significant detailed planning requirements will take away resources and time for much needed implementation of adaptation measures and does not fully account for the various planning work already undertaken at the local level.

I was pleased to serve on the RSAP Advisory Committee, and I greatly appreciate the work of the BCDC staff and their responsiveness to many of our comments and recommendations throughout the development process, and we are strongly supportive of the need to develop subregional and regional adaptation plans.

Together with the city and Port of Oakland we will be submitting a letter with our detailed comments and recommendations for revising the Guidelines.

To highlight our preliminary our primary comments, we are concerned that the Plan is overly prescriptive and detailed and will require significant resources to comply. We request BCDC to simplify the requirements, such that local jurisdictions have greater flexibility to align RSAP planning efforts within their existing processes and be responsive to local needs.

We are concerned with the level of advanced decision making required in the RSAP and that it gives BCDC significant authority for planning and decision making along the shoreline. We believe the requirements could add additional constraints on housing and may affect a city's ability to meet RHNA goals.

We are concerned the draft Guidelines hold cities and counties responsible for developing action plans for shoreline areas outside their jurisdiction, or where the shoreline is managed by other agencies such as federal and state governments, parks, ports and private landowners who are not required to develop plans that address sea level rise. While we are actively coordinating with these parties in the development of our plan, we are concerned about the requirements that will be inequitable to the cities who will be held responsible.

As I mentioned, we will be submitting our detailed comments separately and we look forward to working with BCDC as the guidelines are finalized and implemented. Thank you.

Chair Wasserman stated: I want to make a brief announcement before the next speaker. I do want to make sure we have sufficient time for the Commissioners to discuss the issues and what we have heard from the public so far. So, if you have not raised your hand by now, we are not going to hear you now. However, you can submit comments by email to us through end of day tomorrow and you will certainly have the opportunity to submit comments before we act in December. Thank you.

Lucas Paz commented: Thank you. Good afternoon. First, my name is Lucas Paz, I work with Terraphase Engineering. I am a principal hydrologist and have been supporting local municipalities in sea level rise adaptation planning for the last several years.

First, I want to commend the BCDC staff on your excellent efforts to date in developing this important plan and just provide a few comments.

The draft RSAP has identified minimum required coastal flood hazards and sea level rise scenarios that require valuation and subregional plans, including .8 feet for 2050 and various scenarios for 2100.

The RSAP shows and indicates that for developing adaptation strategies the RSAP requires the adaptation strategies to be developed for both the .8-foot 2050 scenario and the 3.1 feet 2100 scenario. The question initially is, for a planned shoreline project improvement, would it be considered sufficient to design physical improvements for the 2050 .8-foot scenario for consideration of additional adaptation pathways, or should new shoreline projects be physically designed for the 2100 3.1-foot scenario? This is currently unclear.

Secondly, when jurisdictions or private developers are planning shoreline adaptation projects, is it envisioned that proposed design elevations would meet these projected scenario elevations at a minimum, or would additional freeboard also be expected?

Other comments that we have include the fact that current RSAP Guidelines should be revised to better encourage and/or incentivize utilization of true nature-based adaptation solutions has been recognized so far over traditional hard, gray infrastructure approaches that are more often being utilized.

It is also important that the RSAP provide evaluation discussion of unintended consequences associated with hard infrastructure, sea level rise protection measures such as seawalls that are focused on providing a barrier to inland flooding of Bay waters without considering the potential for trapping of elevated emerging groundwater without providing a mechanism for release.

Considering that the Bay Trail is located adjacent to the shoreline throughout a large portion of the Bay Area, the RSAP should include a consistent set of accepted adaptation strategies and example cross-sections that can be uniformly applied and utilized by multiple jurisdictions to adapt shoreline reaches that include Bay Trail segments.

The draft RSAP should also explicitly acknowledge and identify and map potential areas where future tidal wetland habitat can be planned and created directly adjacent upgradient into portions of the Bay shoreline that are currently surrounded by narrow rock riprap levees that will be subject to tidal inundation. This would be helpful to support development of subregional adaptation plans.

And lastly, when the RSAP is finalized, it should provide a link to a document template resource, i.e., a MS Word document file that will support more efficient development of subregional adaptation plans. This could be a hypothetical plan in an unspecified jurisdiction. So, I will just leave it at that. Thank you.

Gita Dev presented the following: Good afternoon. This is Gita Dev. I am an architect. I am in Sierra Club, and I actually am part of the Sustainable Land Use Committee, which tends to be very pragmatic. Therefore, I appreciate BCDC's inviting me to serve on the Implementation Committee. This has been an incredible amount of work that the staff has done and I really appreciate the fact that they not only listen, but they actually hear what we say. One of the advantages of going last, practically, is I have heard a lot of very, very interesting comments today. So, I just want to focus on two items.

One, is that with sea level rise, which does not stop in 2075 or 2100, it just keeps going. The fact is that we need to recognize that the Bay itself is as much at risk as the surroundings and the communities and the infrastructure. And in a way it is our Golden Goose and we need to make sure that we save it.

And the one thing that I think is not as clear in the RSAP is that nature-based adaptations are, in fact, the only thing that will save the Bay. Building levees and sea walls creates a bathtub, which could be dead. But the living shorelines are what is going to keep it alive and that is what we need to focus on.

The second thing is that because of this it is really important that the necessity to use nature-based adaptations for all teams in all phases and for all projects along the shoreline needs to be more emphasized and be clearer, so that the requirement to consider nature-based adaptation solutions first has to be front and center on every team's mind. I will give you an example.

If you are a transportation person and you are doing Highway 37, you are looking at a causeway that will let the waters flow under it. If you were thinking about how nature could be integrated into a bridge or a causeway, that is a very important decision. The Yolo Causeway is actually home to a huge flock of bats, and this is an enormous advantage to the rice farmers and the wetlands because they eat, they have taken care of the mosquito problem. They pollinate the farms that are nearby. So, there are opportunities for nature in every housing or transportation project as well.

Kate Powers commented: Hi, thank you for the opportunity to speak. My name is Kate Powers. I am a resident of San Rafael. I would like to echo others' appreciation for BCDC's staff in producing the draft RSAP Guidelines and also the amendments to the Bay Plan. I have three questions or comments.

The first is that state and federal highways ring the shorelines around San Francisco Bay, and in many areas they run through low-lying areas in communities that are vulnerable to sea level rise. Also similar to the highways are rail lines. Both will impact possible solutions, create constraints, but also could possibly present opportunities for how jurisdictions will be able to prioritize nature-based adaptations that would support connected Bayland ecosystems around the Bay over more pump stations, raising and widening levees or other hardened edges.

My question is, how does BCDC, county and city jurisdictions working together with the transportation agencies in meeting the Guidelines; adaptation strategy standards?

And second is, how will large projects currently in various phases of planning, design and environmental review that will have impacts long into the future be approached about integrating RSAP Guidelines once they are passed next month? And I am thinking of Highway 37 as well.

And then finally, I was just wondering how planning documents such as the Novato Creek Bayland Strategy, the Petaluma River Bayland Strategy, and the Sonoma Creek Bayland Strategy, how those plans will inform and be integrated into the adaptation planning in the North Bay? Thank you for the opportunity to comment.

Carolyn Cheng addressed the Commission: I am Carolyn Cheng. I work at the local Sierra Club, San Francisco Bay Chapter, working on water and shoreline-related campaigns, so this issue on sea level rise as well as toxic sites along shorelines are very important issues to me that I work on every day and I am also a lifelong Bay Area resident.

Again, I want to thank BCDC Commissioners and staff for being responsive to our feedback throughout this process and incorporating nature-based solutions, adaptive pathways, equity throughout the most recent draft.

I think several others have made the comments and in the interest of time I will just say, we are also supportive of continuing to keep those items in the next draft as well as make sure natural and nature-based solutions are incorporated throughout the Plan and every section, as well as echoing the concerns others raised about toxic sites and addressing sites that have been capped, and that is not the most efficient cleanup measure considering sea level and groundwater rise. Yes, we just want to support those points, and we will be submitting written comments that will address those in further detail. And also want to uplift the written comments that have been or will be submitted by other partners as well addressing toxic sites. Thanks.

Jennifer Hetterly was recognized: This is Jennifer Hetterly. I am a Bay Area native and longtime resident and also the Staff Coordinator for the Sierra Club's Bay Aive campaign. I want to add my thanks to the many before me for staff's incredible efforts and the Commission's efforts to really ensure strong engagement, accessibility and responsiveness throughout this year of developing the RSAP. I think you have undertaken a Herculean task bringing these complex issues all together in a coherent way.

I also want to echo comments from Save the Bay, Josh Quigley. I do think it is critically important to avoid siloing various priorities within the RSAP and emphasize the public trust impacts and help cities and counties figure out how to balance those priorities or integrate them together.

I also want to amplify some serious concerns raised by a lot of frontline communities about contamination concerns and that is where I want to focus the rest of my comments today. We will submit a detailed comment letter, but I think it is critically important to call out one major gap in the RSAP and that is the contamination standard, the shoreline contamination standard for environmental justice communities. It appears to address only contamination risks as they relate to flooding and omits the substantial risks posed by nonemergent shallow groundwater.

This hidden threat, of course, of newly mobilized contaminations, is a major concern to frontline communities. And as the RSAP does note, it can also undermine the effectiveness of past remediation strategies in addition to creating new risks from un-remediated sites. So, it is critically important that that standard be expanded. Also, there is no standard for contamination risk reduction for non-EJ communities and that seems like an important gap to fill given that our entire shoreline is peppered with contaminated sites. Thank you very much for the opportunity to speak.

Norman La Force spoke: I am Norman La Force. I am President of SPRAWLDEF, Sustainability, Parks, Recycling, Wildlife, Legal Defense Fund and I have also been involved with the Sierra Club Bay Alive Committee. I will make these following comments. We will be submitting more comments directly in writing.

There is a lot that is good about what is being proposed and this is a very difficult subject, it is very complicated. Sea level rise is not necessarily a very simple issue. However, what I have heard today is very disturbing and that is that there is no enforcement by BCDC for these Regional Shoreline Adaptation Plans and that is very disturbing, and I will explain that in the future down the line here.

And also, there is really no analysis of how you are going to deal with multi-jurisdictional issues. So, for example, the area I know most about is from north of the Oakland Toll Plaza to Richmond, and that includes the McLaughlin Eastshore State Park, which I helped create. That has the cities of Emeryville, Berkeley and Albany, Richmond, and has the state parks and has a regional park district. Who is supposed to be responsible for how you are going to deal with this?

I have already heard from proponents of massive development on the former racetrack site in Albany and Berkeley that they want housing and biotech parks on the site that would be flooded under the 7 foot or the 6.6 meter rise under clear indications, okay, under Ocean Protection Council projections. So, what are you going to do? Because if you put walls around that development, you are going to destroy the McLaughlin Eastshore State Park. You are going to destroy the Emeryville Crescent and the Albany Mudflats, which are the richest, some of the richest areas of wildlife and habitat in the Bay Area. And there is nothing in these guidelines that address the issues.

There is nothing in these guidelines that address the issue of how do you deal with contamination of sites. At the Zeneca site we have clear indications that the Zeneca site in Richmond is contaminated with stuff that Stauffer Chemical created. That is DDT, all these other things. And yet DTSC has abrogated its responsibility. Under the rules, it looks like BCDC is going to have to hire consultants to deal with this. I wholly support what Lucy Gill said.

Anthony Khalil was recognized: Greetings. This is Anthony Khalil. I am very grateful to join everyone on this important day. This is an anniversary for us here from the Bay Area; 35 years ago we were rocking and rolling in 1989. The lesson that I learned from that crisis is there's many opportunities.

The Regional Shoreline Adaptation Plan is quite the opportunity. It is not the solution that will solve the crisis of not only rising tides but the impacts of frontline communities and the inequities that these legacy communities have faced. I have dedicated the majority of my professional career to where I live, work, play and pray, which is right here in San Francisco and its shoreline communities.

And one thing that we have said consistently throughout the decades, throughout the tenure of even BCDC's inception, is representation and what impacts us is not being addressed.

What we see here in the RSAP is the opportunity. It is an imperfect opportunity, a vessel to as what has been said earlier. It is to encourage jurisdictions. And that is where I see a lot of challenge in our future. This opportunity of myself within this to participate as an Advisor within the Advisory Council of the RSAP process is one way forward to start bringing in more jurisdictional collaboration.

Paired with that, of course, is the resources needed. These are things that have been historically excluded from environmental justice communities, frontline communities, and I will even extend that to the natural environment that surrounds them.

Our most undesirable industrial activities usually occur on, have resided and occurred on shoreline habitats, and we are now in this period of really coming to that equal cultural reckoning. So, I really hope and I commend all the sage wisdom and collaboration, but know that the only way that we can turn this planning platform into a regional success is by many more resources and collaboration amongst the jurisdictions.

I would like to also encourage the use of measurable outcomes and metrics. We do that quite well in the scientific community where data is saturated. This is a time where we can really use that data to empower the most under-resourced communities, meaning natural, and of course all the ABCs, the abiotic, the biotic and the cultural resources that are needed to address not only social determinants of health, but the ecological health for future generations. I look forward to joining this and I am honored to be part of this process for the years to come.

Chair Wasserman acknowledged the public speakers: Thanks to all of the public speakers. Again, I remind you that you have until the end of tomorrow to submit comments during this public hearing period, assuming the Commission accepts my suggestion to extend this until tomorrow, I think they will.

Can we have a motion to close the public hearing?

MOTION: Commissioner Showalter moved to close the public hearing, seconded by Commissioner Moulton-Peters. The motion carried by a voice vote with no abstentions or objections.

Chair Wasserman continued: We will start recognizing Commissioners who may have comments or questions. I am going to reverse and start with the screen with Commissioner Nelson.

Chair Wasserman yielded the floor to Commissioner Nelson: I want to thank all of the very thoughtful commenters we got today. A couple of recommendations and a couple of additional comments.

First, I would like to support the recommendation of the Lisjan tribal community with regard to government-to-government relationships. There has been a great deal of increased awareness about tribal issues around the Bay shoreline. A tribal consultation is one thing. But this is an extraordinarily important process, and I think that government-to-government relationship is essential.

We heard a lot of comments about groundwater contamination. There is a lot about groundwater issues in this document, there is not a lot about tribal contamination. That is, I think, an area where the document could be strengthened. But it is important to note that that is not an area the Commission has much jurisdiction over. Nevertheless, it is a really important issue for shoreline adaptation to address.

With regard to nature-based solutions, we have heard quite a bit about that today and in previous meetings. I went through the document pretty carefully. It is in the guiding principles, it is in the standards, it is addressed in sidebars. If the staff can find more places, and if the commenters from the Club and elsewhere can provide specific recommendations for where that could be strengthened, I am all for that, but frankly, staff has done a pretty good job of addressing the issue.

Two final comments just about challenges. The first is, there's a lot in here about coordination among jurisdictions. That is really important. Nevertheless, that is going to be hard. It is going to be hard because some communities are going to be ahead of other communities so that coordination is going to be a challenge. And when it gets to implementation it is going to be even more of a challenge to make sure that as implementation happens it is coordinated among communities. Again, some may be ahead and behind others. That is something we really need to keep our eye on.

One final comment, there have been a number of comments today about the lack of teeth, the lack of enforcement in here. We have very limited authority in this area. SB 272 was a real breakthrough, really important. I think we are just starting to think about what that next phase of the Commission's authority is like. I don't know what that next authority looks like, but look forward to talking with Larry and Rylan and my fellow Commissioners about how we meet that challenge. Pretty clear, that is a place we are going to need more authority in the future. Thank you.

Commissioner Gioia was recognized: First a process question. I know we are all providing input. And I know you are not changing every single thing we are saying. I am going to be clear, none of us have the ability to tell you to make changes in this document. Because we don't know where we are going to come out. We are all providing our input. And just want to understand, you are going to be collecting our input and then we will hear back in December, right? I just wanted to understand the process first.

Ms. Fain replied: Today we would love to hear any either general or specific comments. You are welcome to also send us an email with any additional ones. After this we will be taking all the public feedback that we heard into account, all of your feedback into account, and creating a final draft, hopefully a final draft of the RSAP, which we will be sending out to you with a Staff Report that will summarize our response to all those comments, about two weeks before the December 5 hearing.

Commissioner Gioia acknowledged: Got it, okay. Just an easy comment. I do want to just express support for the Lisjan Nation letter about some of the points they raised. I wanted to express that. As well as the comment that my previous colleague just mentioned about contamination issues. An area that we want to more fully understand because that is relevant to this issue as well, so I just wanted to put in support for that.

I wanted to understand, I was trying to find it, to the extent that cities can work together, like in Contra Costa we are as a county working with a number of cities with some joint funding to prepare a multi-jurisdictional plan. I want to emphasize how we can continue to encourage that and incentivize that. How do you see us being stronger in that area? I think while each city is going to potentially do its own, it is better to have the subregional multi-jurisdictional plans.

Ms. Brechwald responded: I think you are setting a fantastic example by passing through funding to each of the cities that are participating, I think that is helpful. We can also help host subregional meetings. That is one role that we could potentially play. Being a neutral third party that pulls cities together and helps to facilitate those connections.

But I think if there is one thing that we have learned from our role at BCDC, it is that you just keep showing up and eventually people really start to look at you as the experts. So, I think that Contra Costa County has got a great start on that.

Commissioner Gioia continued: Yes. I would like to see us include some additional language that encourages that, right. We are not requiring that, but that encourages that by stating the benefit of doing that. Not just the benefit of getting more funding, but the benefit of having a better plan because this is a regional issue. So, exploring some additional incentive language and encouragement language I think is important.

Executive Director Goldzband stated: John, can I respond to that for just one second?

Commissioner Gioia acknowledged: Yes.

Executive Director Goldzband stated: Totally agree. I also think that in the words of now a somewhat disgraced filmmaker, 85 percent of life is showing up, right? Which is what we try to do. But I think that starting next year when the cities and counties start realizing, because this is going to get on an agenda and the like, that we will work with them and make it very clear that, boy, wouldn't it be great if. And I think when it becomes more and more real there might be more of an incentive to do it. So, I am hoping that happens as well.

Commissioner Gioia acknowledged: Got it, right. The other thing is each jurisdiction, as identified in the state law, is required to file this plan. It would be useful for us to keep, while we cannot enforce that, I think we can be a resource to provide inventory of which jurisdictions have filed a plan and which have not and therefore link to those plans on our website. So, I think we can be a clearing house for all of those plans so that people could come to our site to access all of those, all of the subregional plans. I don't know if we had thought about that, but I think that would be a good thing for us to do.

Chair Wasserman added: I do not see her hand, but I want to note Commissioner Belin's previous comment that Commissioner Gunther has some thoughts. We will make those part of the public record one way or another.

Commissioner Gioia stated: I like his thoughts as well. I do not think we need to read them because we have them, we have read them.

Chair Wasserman agreed: Exactly.

Commissioner Gioia reiterated: I just want to say I think they are really good.

Chair Wasserman clarified: Yes. I just wanted to note we were recognizing them.

Commissioner Kishimoto commented: First I wanted to thank our hard-working staff and our Board overall, of course, for tackling this tremendously complex challenge. I was going to be alarmed that the Guidelines have to be adopted by the end of this year; but I read that the Guidelines, of course, can be amended so it is something that is a starting point in some ways.

I do agree that so much more outreach is necessary. I would guess 90 percent of the Council members are not really aware of the responsibilities that they are going to be facing. The city councils have been struggling with the housing element and they understand the reality of that. But I think it is going to be comparable in some ways, the difficulty of meeting the requirements, and it is difficulty that we need to give them. They do need to understand the challenges they are going to be facing.

I really appreciated the letter from the Alameda Oakland Coalition and I think that could be shared with all the cities, actually. They also noted that they were burning through \$800,000 easily and I think that is something that needs to be conveyed as well.

But one question is, can staff clarify how much SB 1 funding is available? Is there enough funding for all the cities that will need it, or do we have to really scramble to be the first to compete for it? That is one question, then I still have other comments.

Ms. Brechwald stated: Do you mind if we default that one to Justine?

Commissioner Kimball responded: Yes, I can answer. Yes, \$77 million was retained for the SB 1 Program in the Fiscal Year 2024-25 Budget. We currently have \$34 million of that. We have spent about \$10 million, I believe. I could check the numbers, this off the top of my head. I think we have about \$24 or \$25 million left in that pot, and then we have another about \$36 million expected in July of 2025 to make up that \$77 million.

There is additional funding that would come to SB 1 should Prop 4 the Climate Bond pass, but obviously that is on the ballot and we will see what happens there. So, that is our current funding situation.

I was also going to raise my hand and just flag and highlight again the opportunity there for local jurisdictions. We are trying to make it as easy as possible to apply. There is a Technical Assistance Program as part of that that jurisdictions can reach out to that will help provide different levels of support, all the way up to helping writing proposals. So, there is a lot of support there. And we are ready and able to talk to jurisdictions and really trying to get as many jurisdictions to the table as we can.

Commissioner Kishimoto acknowledged: Yes, that is very, very helpful. I wonder if somehow, we can get that information up on our website. I think a lot of people would be interested in that.

And may I also ask, I know that you mentioned that we are getting greater staffing next year or next couple years. Can you clarify how many more FTE we are getting, and could they be used for outreach and education as well?

Ms. Fain replied: In this year's budget we were allocated three additional staff people. So, a total of 15 staff people over 3 years, ramping up, 15 additional staff. We have a bunch of existing staff that are grant funded, so it is not exactly 15, it is actually more. Because we are going to have to do some moving around of existing 6 or so staff that are grant funded. But it does increase a substantial increase in our staffing abilities. So, 3 staff this year, 7 the following year, and 5 the year after that is how it is laid out.

Commissioner Kishimoto replied: Okay. That is significant.

Ms. Fain continued: And in terms of the positions, we are still working through exactly what those positions are, but we envision a range of different types of folks. Folks that can do outreach but also technical staff, engineers, and other folks that can help more on the back end technical side of things.

Commissioner Kishimoto acknowledged: Okay, that is very helpful. I hope some of those would be education on the ecology of the Bay and such.

And maybe another area for that assistance is, I think one of the public speakers mentioned Caltrans and the highways that run very close to the Bay. Is each city going to be expected to deal with them separately or how are we going to deal with that?

Ms. Brechwald fielded this question: We have already been engaging with Caltrans and BART and other similar agencies. Our plan is to help facilitate connections with those agencies that have to deal with lots of jurisdictions through our Technical Assistance Program to help facilitate those conversations as opposed to leaving it up to each individual jurisdiction to do it on a case-by-case basis.

Executive Director Goldzband stated: If I can add to that. One of the reasons that BCDC has been successful in the past in dealing with issues like this is because as you look on the screen you will see David Ambuehl who is the Chief Deputy Director of Area 4, and Dave gets this in a big way. It is always a pleasure dealing with District 4 on this. They truly understand it and we will be working with them and the cities because this is a regional issue.

Commissioner Kishimoto continued: Okay, that would be great. Or possibly a Caltrans workshop or something. That would be something that would be great if BCDC would consider doing.

I do have one kind of a big philosophical question which has to do with the 110 to 220 billion dollars that this is going to cost. When I look on the Land Use Section of the Plan it has a map of MTC's Designated Growth Geographies. I guess it must be the development priority areas. And some of those are right on the Bay. And that is page 55, I think, of the Plan.

I know that BCDC's role is to balance both development and conservation, yes, I have heard that. But does the fact that \$220 billion and all the ecological impacts that we are hearing, does that change the equation and balance? I don't know how much staff has talked about that.

Also, if we are going to allow this development to continue on the shoreline, what percentage, how much do the developers and/or the cities allowing that going to pay into this? It is not imaginary but a projected \$220 billion mitigation funds that we are being asked to come up with.

Chair Wasserman stated: To be determined.

Commissioner Kishimoto acknowledged: To be determined, okay.

Executive Director Goldzband added: Can I also respond to that a little bit? Because I want to make sure it is clear that the report did not advocate for there to be a \$230 billion mitigation fund from which to draw. What the report did was model the expectational costs of what the different types of projects that would be expected or forecasted at various places might well cost; and those projects would more than likely be developed by all three sectors in various ways, the public sector, the nonprofit sector and the private sector. I want to make clear that as you look at the way BCDC permits projects, applicants come from all three of those different sectors, and I would not doubt that that will continue.

Commissioner Kishimoto acknowledged: Yes, thank you for the clarification. I do understand there is no \$220 billion mitigation fund. But I just did want to make the point that although 100 percent of us support affordable housing, if it is on the Bay shore that is a cost that we have to keep in mind. So, I think those are my comments for now. Thank you.

Commissioner Randolph commented: A number of speakers in the public comments have talked about housing and affordable housing, which is important to balance as we were just saying, in the equation.

I just want to suggest some sensitivity in the final language, and sometimes it comes down to just a few words, when it comes to being prescriptive versus flexibility. The reason being that those of us who been around like a really long time here remember the first time that BCDC dove into this area of Bay Plan and climate and there was some language that went out there, which was interpreted by some in the business community but also cities and ABAG as preempting or precluding development in any area on the state's map where water might go. That was not the intention, but the way that it was phrased that was the interpretation by some. That led to a pretty big dust up about what were we really saying here and it took about a year to get that cleared up.

Fortunately, we have come a long, long way in terms of our consultative processes, very inclusive, very consensual. So, lots of credit to staff for doing a fantastic job putting this together over the last year and even before that.

But I think we will just want to be sensitive in the exact final wording that we do not come across as being inflexible or overly prescriptive when it comes to things like development and housing versus retreat. I think we want to leave as much room and flexibility as we can for creatively adaptive solutions, which can come from cities and from the private sector. Thinking about the big price tag out there. Some part of that is going to be carried by the private sector as development happens near the shore and adaptation is baked into those strategies, and that could bring resources to the table.

I think what we have now is terrific. I am just suggesting the final language would be sensitive to any perception we are being overly prescriptive and suggesting we leave as much flexibility as possible for creative adaptation.

Commissioner Showalter was recognized: There are a couple things I wanted to bring up. One is I think that that as we move forward with this there will be things that we find that are better done collectively than, and maybe by the whole Bay Area or maybe half or a third of the Bay Area at a time, than by these individual jurisdictions. I think we can work on that. There are a couple things I would like to bring up along those lines.

One is any kind of economic assessment. If we are going to use the vulnerability assessment for local decisions, I find that really reassuring. Because in my experience working on flood issues, people have spent literally decades working on economic assessments that the Army Corps of Engineers has then said, well, that leads to a No Action Alternative. We do not have a No Action Alternative here. That is just not one of the ones that is in the list. I am very concerned about putting costs associated with this vulnerability assessment. If we do that, or we want to do that, I think it would be done more on the range of our whole Bay Area and where we are allocating the money to do the projects first.

Then another one I think we can do better collectively is on the adaptive management. In here it talks about monitoring, but I substituted in my head the idea that what we really want to do is adaptive manage. We want to monitor things so we learn what is working and what is not.

I think we should take the example of the South Bay Salt Ponds. They have had a lead scientist that has worked on that for many years. When it has worked well they have had regular conferences of scientists to get together. It provides a deadline for everybody. They have to be able to present their results. And it also allows them to use the collective wisdom of the group to help solve their problems. So, I would think of that as something that we could do much better.

The other thing I want to say about the enforcement and the lack of enforcement and the lack of teeth. Over the years in working in the environment we have found that command and control is not the best method. Command and control is what works when people just really refuse to take part. And maybe we will have one or two bad actors here, but I bet we won't.

I bet there will be some cities who have to take a little longer to do this because they are further behind. But I think that the population in the Bay Area believes in climate change, and they believe that this is important. So, I think that, as somebody in the comments said, this is the carrot not the stick. I think that is a good thing and it will be okay.

Then more specific, the vulnerability assessment, I would suggest that we add language in there that says you can use the list from your local hazmat plans that all counties are required to put together. We had those lists and they are pretty extensive.

Then the other thing I wanted to say is just following up on Andy Gunther's comment about the organizational landscape units. They are a really good way to move forward and hopefully we will be able to encourage that.

So, thank you very much. I think this is a great step forward. As my colleague Yoriko said, it is always important to remember this Plan can be amended. We just have to have guidelines that are ready to start on December 31 and that is our job. Thanks.

Commissioner Ecklund commented: Ditto. First of all, I want to thank staff. This document is incredible, it really is. You have done a lot of work and tried to anticipate different scenarios or issues in a region that is very complex and very different, whether it is the North Bay or the East Bay or the South Bay or wherever. Just really, my hat is off to you very much for doing this very complex document.

Secondly is that I think my personal opinion is that the biggest issue here is the relationship from BCDC and local governments, and then also BCDC with the other state agencies.

Relative to the local governments, I totally agree with the comments that you will be getting from other cities, and also the ones that you have already gotten from cities, Palo Alto, Alameda, Oakland, Sausalito, Corte Madera, and one you are going to be getting from San Rafael and others, is that it is going to be very difficult for local government to develop the plans. And I appreciate the fact that you have given us 10 years to develop it, to 2034.

But there are a lot of local governments, like Novato for an example, we are a poor property tax city. We do not even have enough money to have enough police officers than we should given our population and the issues that we have. And it goes back to Prop 13 as something that we cannot change legally or even through statute, because it was a vote of the people, so it would take another vote of the people to change that.

So, I think as Palo Alto said, I think very, very good, is that we really need to focus between now and December of trying to simplify and identify what is mandatory and what is optional in these plans and trying to give guidance to them on what is the plan structure.

Working for EPA, I was in charge of the NPDS Program, and we actually brought on local governments, and it was a struggle. But we recognized at EPA that there were some cities that were able to do more than others depending on what their current situation is.

And I think that the clearer that we could get on the guidance to the cities and the counties would be really helpful. I agree with the collaboration effort, but there is going to be some cities that are not going to be able to perform as well. I think that the more that BCDC can reach out I think that would be very helpful.

The other thing I wanted to say, thanks for the ten years. But something that has bothered me ever since I saw the original update schedule. You have here, updates every five years, the first in five years and the next in ten. Well, I looked at our housing element. Updates are every eight years. With the General Plans they recommend ten but there really is not a state law for that. For a local government to do an update every five years, that is huge resource intensive. So, I really would like us to think about, not for December but for the long term, giving us at least eight years like we do for a housing element. Because even that is very difficult for local governments, especially given the

RHNA.

Technical assistance. I think the suggestion of scope of work. You talked about developing that with estimated costs. I think that would be helpful. And helping local governments with state agencies. Whether it is HCD for housing. So, if a housing element has identified housing in the Bay Area with the sea level rise, there is going to be a need to some degree to change that housing element, and they may not have the property to develop and meet the RHNA. I think that is going to be an issue that BCDC might have to get involved with. So, coordination with HCD and some of the state agencies that require the cities to do different things.

And also between not only Caltrans but I would say even some of the transit organizations as well. Right now, the transit organizations don't necessarily listen all the time to cities or counties, they are more regional in nature. I think that is a sensitivity.

Yes, there is no question cities are going to have to do CEQA, comply with CEQA when they develop their local plans. As some of the cities have actually stated in some of their letters, we are required when we do a plan like that, we have to comply with CEQA for our housing elements. That is also a problem but that is also a cost as well.

I appreciate the fact that there is money in here to develop the plans, but there is going to be needing funds to comply with CEQA. As one city has said, it is very expensive because most of the time it is contracted out.

Those are some of the major issues. I have some minor ones, but overall, I think that it would be helpful if BCDC, we have cities and counties at the dais here, I think maybe some small group meetings to talk about how we are going to be implementing this past December might be helpful. And to anticipate. As was previously mentioned, we can always change the plan, and we can always change the requirements. I think that is something that we should be prepared to do as they are developing the plans, because we are going to find some things that may not be accomplishable by some cities or counties. So, comments from the peanut gallery up north.

Chair Wasserman commented: Thank you for the peanut gallery comments. I do not see any other hands. I have just a few quick comments.

Again, I want to thank all the people who have commented. We have listened.

This is a big leap forward. It is a leap forward mandated by the state, not by BCDC, and it is an absolutely necessary big leap forward. At the same time, it is a very complex balancing act, way beyond the simple conservation and development.

I think the draft Plan does a very good job of addressing that. I think it can be and will be better. As has been stated repeatedly, this is not set in stone. Not only can it be amended, I guarantee you it will be amended, and will need to be amended. I do not think five years is too long, because I think we are going to find some very significant changes in the scientific study in rising sea level over the next five years and that will dictate changes.

I think the comments about looking very carefully about the difference between “must” and “should” is important, and I think there probably are too many “musts” in here, in particular because that balance has balance between some conflicting issues which will be different place by place, city by city, county by county, subregion by subregion.

I think the comments about making clear that although we certainly need to talk about affordable housing, we need to talk about housing overall. Recognizing, one, we are not a housing agency, affordable or otherwise.

Number two, there is some very fundamental Public Trust Doctrine and law and law cases that limits housing that can be on public trust land. Having said that, I also want to remind everybody that we are engaged with other agencies, including in particular State Lands, on what the Public Trust Doctrine means in the face of rising seas, and so that may change. Ain’t changed yet. May not change. But it may also change.

This Plan is by statute necessarily directed at cities and counties, because those are the major planning units. But be reassured that staff understands, this Commission understands, that there are many other governmental players who are not cities and counties, including a whole range of special districts, a whole range of transportation agencies, that are involved in this complex balancing.

And I want to finish by talking about enforcement. I have said many times from this position over my years of my being Chair, which are going on twelve and a half, that at some point we are very likely to have to go to the legislature to reevaluate our enforcement powers. This step forward is moving on that track. But let’s not jump forward to do it before we have got this stuff moving.

Having said that, there is a huge enforcer of this Plan and the need for this Plan, and it is water, and it is rising sea level. Part of what this Plan does, yes, part of what our outreach needs to do is to work with the cities and the counties and the other agencies to recognize that if we don’t work together, if we don’t find the funds and the will and the energy to make these plans and then make them work, then we are looking at the \$230 billion, that is a B, dollar damage figure. And don’t kid ourselves at all, that is a low figure.

So, that is the enforcement that is behind all of us, and it is different to some extent than all of the other complex issues. Our public safety issues, which play in here, our housing issues, which certainly play in here, our transportation issues, all have problems if we don’t find ways to solve them. Problems that are often unfortunately on our front doorsteps.

This problem will be effectively on our front doorsteps unless we manage to find the methods, the resources, the cooperation to address rising sea level, and that is what this plan is really all about.

So, thank you all. I think that concludes this item for this day only. There is much work left to do. And I would entertain a motion to adjourn.

9. Adjournment. There being no further business, upon motion by Commissioner Showalter, seconded by Commissioner Randolph, the Commission meeting was adjourned at 4:53 p.m.