

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

DESCRIPTION OF PROGRAM CHANGES TO THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION COASTAL MANAGEMENT PROGRAM (BCDC-2024-2)

MAY 2024

Adoption of California Public Resources Code Sections 30985-30985.8

Sea Level Rise; Planning and Adaptation

In 2023, the California Legislature adopted, and the Governor approved, Senate Bill 272. Section 2 of Senate Bill 272 added sections 30985-30985.8 as division 20.6.9 of the California Public Resources Code. Section 30985 of the California Public Resources Code requires, on or before January 1, 2034, local governments within the jurisdictions of the San Francisco Bay Conservation and Development Commission (“BCDC”) or the California Coastal Commission (“CCC”) to develop a sea level rise plan as part of either a subregional San Francisco Bay shoreline resiliency plan that is subject to approval by BCDC or a local coastal program that is subject to approval by the CCC. Section 30985.2 of the California Public Resources Code requires, on or before December 31, 2024, BCDC and the CCC each to establish guidelines for the preparation of the sea level rise plans required to be prepared by local governments. California Public Resources Code section 30985 also specifies the minimum required contents to be included in such sea level rise plans.

This program change request will add to BCDC’s federally approved coastal management program the new sections or subsections of the California Public Resources Code added by Section 2 of Senate Bill 272 that are applicable to BCDC and to the preparation of sea level rise plans by local governments within BCDC’s jurisdiction.¹

The following paragraphs summarize sections 30985 through 30985.8 of California Public Resources Code and identify those sections or subsections that are included in this program change request.

Section 30985

Subsection 30985(a)(1) requires a local government within the CCC’s jurisdiction to develop a sea level rise plan as part of a local coastal program that is subject to approval by the CCC

¹ Section 1 of Senate Bill 272 contains legislative findings and declarations concerning BCDC, the CCC, and the sea level rise adaptation planning processes conducted by each agency. Section 3 of Senate Bill 272 provides that if the Commission on State Mandates determines that Senate Bill 272 contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to state law. Sections 1 and 3 of Senate Bill 272 are not included in this program change request.

consistent with the guidelines established by the CCC pursuant to subsection 30985.2(a), discussed below.

Subsection 30985(a)(2) requires a local government within BCDC's jurisdiction to develop a sea level rise plan as part of a subregional San Francisco Bay shoreline resiliency plan that is subject to approval by BCDC consistent with the guidelines established by BCDC pursuant to subsection 30985.2(b), discussed below.

Subsection 30985(b) specifies the minimum contents of a sea level plan required pursuant to subsection 30985(a). Subsection 30985(b) requires such a plan to include: (1) the use of the best available science; (2) a vulnerability assessment that includes efforts to ensure equity for at-risk communities; (3) sea level rise adaptation strategies and recommended projects; (4) identification of lead planning and implementation agencies; and (5) a timeline for updates based on conditions and projections and as determined by the local government in agreement with BCDC or the CCC, as applicable.

Subsection 30985(c) requires a timeline for sea level rise plan updates to include economic impact analyses of, at a minimum, costs to critical public infrastructure and recommended approaches for implementing the sea level rise adaptation strategies and recommended projects.

Subsection 30985(d) requires all local governments subject to the requirements of subsection 30985(a) to develop a sea level rise plan by January 1, 2034.

Subsection 30985(e) provides that for purposes of section 30985, "critical public infrastructure" includes, but is not limited to, transit, roads, airports, ports, water storage, and conveyance, wastewater treatment facilities, landfills, powerplants, and railroads.

This program change request includes subsections 30985(a)(2), 30985(b), (c), (d), and (e).

Section 30985.2

Subsection 30985.2(a) requires, on or before December 31, 2024, the CCC, in coordination with the Ocean Protection Council and the California Sea Level Rise State and Regional Support Collaborative, to establish guidelines for the preparation of the sea level rise plans required pursuant to subsection 30985(a). Subsection 30985.2(a) further provides that the guidelines shall recognize and build upon the baseline policies as described in the "Sea Level Rise Working Group: 2021 Work Products" as published by the CCC on December 3, 2021.

Subsection 30985.2(b) requires, on or before December 31, 2024, BCDC, in coordination with the CCC, the Ocean Protection Council, and the California Sea Level Rise State and Regional Support Collaborative, to establish guidelines for the preparation of the sea level rise plans required pursuant to subsection 30985(a). Subsection 30985.2(b) further provides that the guidelines shall recognize and build upon the "guiding principles of the joint platform" as

described on page 16 of the “Bay Adapt Regional Strategy for a Rising Bay Joint Platform” adopted by BCDC on October 21, 2021.

This program change request includes subsection 30985.2(b).

Section 30985.4

Section 30985.4 provides that this division (*i.e.*, California Public Resources Code sections 30985-30985.8) does not reduce, alter, or diminish the authority of a state or local agency.

This program change request includes subsection 30985.4.

Section 30985.5

Section 30985.5 provides that local governments that receive approval by BCDC or the CCC, as applicable, pursuant subsection 30985(a) shall be prioritized for funding, upon appropriation by the Legislature, for the implementation of sea level rise adaptation strategies and recommended projects in the local government’s approved sea level rise plan.

Section 30985.6

Section 30985.6 provides that the operation of this division (*i.e.*, California Public Resources Code sections 30985-30985.8) is contingent upon an appropriation for its purposes by the Legislature.

Section 30985.8

Section 30985.8 sets forth definitions of the following terms: (a) “California Sea Level Rise State and Regional Support Collaborative;” (b) “Coastal zone;” (c) “Jurisdiction of the San Francisco Bay Conservation and Development Commission;” (d) “Local coastal program;” and (e) “Local government.”

This program change request includes section 30985.8.