

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

Public Notice

August 6, 2024

NOTICE OF FEDERAL APPROVAL OF PROGRAM CHANGES TO THE SAN FRANCISCO BAY SEGMENT OF THE CALIFORNIA COASTAL MANAGEMENT PROGRAM

Adoption of California Public Resources Code Sections 30985-30985.8 Sea Level Rise; Planning and Adaptation

Pursuant to the Coastal Zone Management Act (CZMA) regulations, 15 C.F.R. § 923.81(e)(5), notice is hereby given that on August 2, 2024, the Office for Coastal Management (OCM) of the National Oceanic and Atmospheric Administration (NOAA) issued its decision approving certain changes to the federally approved coastal management program for the San Francisco Bay segment of the California coastal zone. The approved program changes add to BCDC's federally approved coastal management program the new sections or subsections of the California Public Resources Code (PRC) enacted by Senate Bill 272 that are applicable to BCDC and to the preparation of sea level rise plans by local governments within BCDC's jurisdiction.

In 2023, the California Legislature adopted, and the Governor approved, Senate Bill 272 which added sections 30985-30985.8 as division 20.6.9 of the California PRC. Section 30985 of the California PRC requires, on or before January 1, 2034, local governments within the jurisdictions of 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 PRC 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 PRC section 30985 also specifies the minimum required contents to be included in such sea level rise plans.

The following paragraphs summarize sections or subsections of the California PRC added by Senate Bill 272 that are included in this program change.

Section 30985

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.

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.

Section 30985.2

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.

Section 30985.4

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

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.”

The sections or subsections of California PRC enacted by Senate Bill 272 that are included in this program change do not add, modify, or delete any enforceable policies.

The Commission provided public notice on May 30, 2024, that it was requesting OCM's approval of these changes to the coastal management program and that comments on the request could be sent to OCM. OCM did not receive any comments during their review process.

A copy of OCM's approval letter is available on the NOAA website here: <https://coast.noaa.gov/czmprogramchange/#/public/home> and on the Commission's website here: <https://www.bcdc.ca.gov/>

The program changes identified in the Table of Approved Changes attached to OCM's approval letter shall apply as of August 2, 2024.