

# San Francisco Bay Conservation and Development Commission

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September 16, 2024

**TO:** Commissioners and Alternates

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**SUBJECT:** **Staff Report and Preliminary Recommendation for Proposed Bay Plan Amendment No. 1-24 to Adopt a Regional Shoreline Adaptation Plan and Establish Guidelines for the Preparation of Sea Level Rise Plans Pursuant to Senate Bill 272 (Laird, 2023)**  
(For Commission consideration on October 17, 2024)

## Preliminary Staff Recommendation

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.
- Make necessary findings regarding the Environmental Assessment.

An affirmative vote of two-thirds of the Commission membership (18 members) is required to amend the *San Francisco Bay Plan (Bay Plan)*.

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([Appendices B-C separate attachment](#))

## Staff Report

### I. Executive Summary

This staff report provides the preliminary staff recommendation, as well as contextual information and analysis, to support the Commission’s consideration of the proposed San Francisco Bay Plan Amendment No. 1-24 (BPA 1-24).

If adopted, BPA 1-24 would establish the Regional Shoreline Adaptation Plan (RSAP), which has been made available as Appendix A. The initial iteration of the RSAP will consist of 1) a One Bay Vision, 2) a set of Strategic Regional Priorities, and 3) Subregional Shoreline Adaptation Plan Guidelines (Guidelines) for local governments to follow as they develop and submit Subregional Shoreline Adaptation Plans. Adoption of these components of the RSAP in 2024 will begin implementing the requirements of Senate Bill 272 (Laird, 2023) and position the region for strategic planning and funding to advance adaptation to climate change, sea level rise and flooding.

In addition to establishing the RSAP, BPA 1-24 would amend the San Francisco Bay Plan (*Bay Plan*) Climate Change Findings C, E, O, P, R, U, and W, and establish new Climate Change Findings X, Y, and Z. It would also amend *Bay Plan* Climate Change Policies 1, 6, and 7.

To aid the Commission’s consideration of the proposed amendment, this staff report contains:

- A background and description of the proposed amendment, including a summary of the planning process, community outreach, and engagement;
- The draft Regional Shoreline Adaptation Plan (Attachment A), and a description and analysis of the plan;

- A description and analysis of the proposed amendments to the *Bay Plan* Climate Change Findings and Policies;
- A statement describing the effect the proposed amendment would have on the existing *Bay Plan*;
- A required statement of consistency with the McAteer-Petris Act;
- An Environmental Assessment that concludes that the proposed amendment will have no significant adverse impacts to the environment;
- A summary of and response to written public comments received following distribution of the descriptive notice up to the time this staff planning report was mailed; and
- The link to an online draft Mapping Platform, which contains data that supports the RSAP.

### Public Review Process

The Commission initiated BPA 1-24 on August 15, 2024, after over a year of public process to develop the RSAP. On September 16, 2024, staff circulated this Staff Report and Preliminary Recommendation with proposed amendments and a draft Environmental Assessment, and the RSAP Public Comment Draft to the Commission and interested parties.

An informational webinar with a staff presentation about the RSAP Draft followed by a Q&A session will be held at **1:00 PM** on **September 19, 2024**. Registration is required for the webinar and can be completed at the following link:

[https://bcdca.gov.zoom.us/webinar/register/WN\\_oOVwNpWTSyqUKwdgeAp\\_dg](https://bcdca.gov.zoom.us/webinar/register/WN_oOVwNpWTSyqUKwdgeAp_dg)

A recording of the webinar will be posted to the Commission's website and emailed to registrants.

The Public Comment Period is from September 16, 2024, to October 18, 2024<sup>1</sup>. Public comments can be submitted:

- Via online form at the following link:  
<https://d34njgmmi7g.typeform.com/to/y17P6ZmD?typeform-source=statics.teams.cdn.office.net>
- Via email to [publiccomment@bcdca.gov](mailto:publiccomment@bcdca.gov) with the agenda item number or "RSAP" in the subject line.
- Via mail with the agenda item number or "RSAP" in the letter, mailed to San Francisco Bay Conservation and Development Commission, 375 Beale Street, Suite 510, San Francisco, CA 94105.

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<sup>1</sup>Although the brief descriptive notice adopted by the Commission indicated that the public comment period would run from Monday September 16 to Thursday October 17, the public comment period is being extended an additional day to Friday October 18 to afford additional opportunity for public participation in this matter.

A Public Hearing will be held on **October 17, 2024 at 1:00 PM**, where members of the public may provide oral comments in person at the Metro Center (375 Beale Street, San Francisco) or virtually via the Zoom link found in the Public Hearing Notice, which will be emailed to interested parties and posted on the Commission's website at the following link: <https://bcdcc.ca.gov/event/october-17-2024-commission-meeting/>.

Following the October 17 public hearing, staff will make any necessary revisions to the above-referenced materials based on public and Commissioner input, and then circulate a final recommendation including a final Environmental Assessment and a response to public comments to all interested parties. Thereafter, the Commission will vote on the proposed amendment, which has been tentatively scheduled for December 5, 2024. If adopted by the Commission, BPA 1-24 also will require approval from the State of California Office of Administrative Law and will also be submitted for approval to the National Oceanic and Atmospheric Administration as part of BCDC's certified coastal management program under the Coastal Zone Management Act.

## **II. Background and Description of Proposed Amendment**

### **2011 Bay Plan Climate Change Policies**

The accelerating rate of global sea level rise caused by climate change calls for urgent, coordinated, statewide and regionwide action. In 2011, the Commission adopted new Climate Change policies into the *Bay Plan*. These policies require permit applicants for certain types of projects to conduct a risk assessment and, based on the results of that risk assessment, design the project to be resilient to sea level rise to mid-century, and develop an adaptive management plan if the duration of the project is expected to span beyond mid-century. Recognizing the importance of preparing for sea level rise beyond a project-by-project basis, the policies also require the Commission to develop a regional sea level rise adaptation strategy in coordination with regional partners.

*Bay Plan* Climate Change Policy 6 states, in part:

The Commission, in collaboration with the Joint Policy Committee, other regional, state and federal agencies, local governments, and the general public, should formulate a regional sea level rise adaptation strategy for protecting critical developed shoreline areas and natural ecosystems, enhancing the resilience of Bay and shoreline systems and increasing their adaptive capacity [...].

### **Adapting to Rising Tides Program and Bay Adapt Joint Platform**

Since the adoption of the Climate Change policies, the Commission has actively led and participated in regional sea level rise planning through its Adapting to Rising Tides Program, among other efforts. The 2020 report *Adapting to Rising Tides Bay Area*, which BCDC published in partnership with MTC/ABAG, was the first comprehensive vulnerability assessment of the impacts and consequences of rising sea level across the region. In 2019, BCDC convened Bay Adapt: Regional Strategy for a Rising Bay in partnership with a broad

range of Bay Area leaders. After two years of collaborative work, the *Bay Adapt Joint Platform (Joint Platform)* was released in 2021. The *Joint Platform* is a regional, consensus-driven strategy that lays out the actions necessary to protect people and the natural and built environments from sea level rise. The *Joint Platform* contains a set of guiding principles, which also serve as guiding principles for the Regional Shoreline Adaptation Plan. The following tasks from the *Joint Platform* are most relevant here:

- Task 1.1: Create a long-term regional vision rooted in communities, bay habitats, and the economy.
- Task 5.1: Provide incentives for robust, coordinated adaptation plans.
- Task 8.1: Incentivize projects that meet regional guidelines.
- Task 8.2: Encourage collaboration among people doing projects in the same places.

### **Senate Bill 272 (Laird, 2023)**

In recognition of the need for local sea level rise adaptation planning statewide, a new state law was enacted in California in October 2023. Senate Bill (SB) 272 (Laird, 2023): Sea level Rise Planning and Adaptation requires all local governments within BCDC’s jurisdiction to address sea level rise through subregional San Francisco Bay shoreline resiliency plans (which BCDC is referring to as Subregional Shoreline Adaptation Plans) subject to approval by BCDC. Similar provisions are required for local governments within the Coastal Commission’s jurisdiction on the outer coast. The law requires BCDC to establish guidelines under which local governments must prepare the plans by December 31, 2024, and local governments within BCDC’s jurisdiction must submit plans consistent with the adopted guidelines by January 1, 2034.<sup>2</sup> Jurisdictions that complete this requirement will be prioritized for state funding for the implementation of sea level rise adaptation strategies and recommended projects included in the local government’s approved Subregional Shoreline Adaptation Plans. The guidelines established by BCDC must recognize and build upon the guiding principles of the *Joint Platform*. Additionally, the Subregional Shoreline Adaptation Plans should include, at a minimum:

- The use of best available science.
- A vulnerability assessment that includes efforts to ensure equity for at-risk communities.
- Sea level rise adaptation strategies and recommended projects.
- Identification of lead planning and implementation agencies.
- A timeline for updates, as needed, based on conditions and projections and as determined by the local government in agreement with BCDC.

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<sup>2</sup> The bill similarly requires local governments within the coastal zone to address SLR as part of Local Coastal Programs subject to approval by the California Coastal Commission by January 1, 2034, consistent with guidelines to be established by that agency by December 31, 2024.

- The timeline for updates should include economic impact analyses of, at minimum, costs to critical public infrastructure and recommended approaches for implementing the sea level rise adaptation strategies and projects include in the plans.

## **The Regional Shoreline Adaptation Plan**

Building from the *Joint Platform*, and in response to SB 272, BCDC staff have been working with a broad array of interested parties, including the Commission, a Rising Sea Level Commissioner Working Group, a Local Electeds Regional Task Force, a large advisory group of external stakeholders, and through partnerships with community-based organizations, to develop the draft *Regional Shoreline Adaptation Plan* (RSAP) (Appendix A). The RSAP is a region-wide plan for the Bay shoreline that guides the creation of coordinated, locally planned adaptation strategies based on a regional vision (called the One Bay Vision), Strategic Regional Priorities, and Guidelines for Subregional Shoreline Adaptation Plans. Furthermore, the RSAP is the regional strategy called for in *Bay Plan* Climate Change Policy 6.

The overarching goals identified through the public process that informed development of the of the RSAP include:

- Coordinated adaptation
- Priority resources to frontline communities
- Long-term health of wetlands
- Strategic implementation
- Common standards and methods
- Pipeline of funding
- Track and measure progress

The initial RSAP consists of 1) a One Bay Vision, 2) a set of Strategic Regional Priorities, and 3) guidelines for local governments to follow as they create, submit, and seek approval for Subregional Shoreline Adaptation Plans, along with associated resources, best practices, and data and maps to support implementation. Together, these components establish common standards and values for adaptation planning along the San Francisco Bay shoreline and guide local jurisdictions in making adaptation decisions that contribute to not only local benefits but also to regional adaptation goals.

The RSAP provides requirements for achieving coordinated, collaborative sea level rise adaptation in the San Francisco Bay and directs local governments in their preparation of Subregional Shoreline Adaptation Plans as required by SB 272. It guides these plans by explicitly outlining:

**The Context for Planning:** Section I of the RSAP, Introduction, provides the laws, policies, and concepts that the approach to subregional shoreline planning is based on.

**The One Bay Vision and Strategic Regional Priorities:** Section II, the One Bay Vision, outlines the shared goals that successful adaptation planning in the region should help achieve. It also identifies key issues that drive region-wide patterns, where these issues

occur spatially around the region, and the required policy responses to successfully address these issues locally. The One Bay Vision and Strategic Regional Priorities address goals in the following categories:

- *Community Health and Well-being:* This section addresses safeguarding communities from the public health consequences of flooding, meaningfully engaging and empowering communities in adaptation decision-making processes, addressing risks to essential community assets, and prioritizing economic opportunities from adaptation in disadvantaged communities. The Strategic Regional Priority requires that plans include actions to mitigate involuntary displacement risk due to sea level rise. This section primarily responds to existing Climate Change Policy 6(g), “address environmental justice and social equity issues,” although other sections do as well.
- *Ecosystem Health and Resilience:* This section addresses the need to protect, restore, and enhance Baylands ecosystems, prioritize nature-based solutions where possible, and identify and facilitate opportunities for ecosystems to migrate landward. The Strategic Regional Priority requires that where ecosystems cross jurisdictional boundaries, habitat connectivity is maintained or enhanced. This section responds to existing Climate Change Policy 6(b): “enhance the Bay ecosystem by identifying areas where tidal wetlands and tidal flats can migrate landward; assuring adequate volumes of sediment for marsh accretion; identifying conservation areas that should be considered for acquisition, preservation or enhancement; developing and planning for flood protection; and maintaining sufficient transitional habitat and upland buffer areas around tidal wetlands”; and 6(c): “integrate the protection of existing and future shoreline development with the enhancement of the Bay ecosystem, such as by using feasible shoreline protection measures that incorporate natural Bay habitat for flood control and erosion prevention.”
- *Development, Housing, and Land Use:* This section addresses the need to adapt existing development and plan for safe new and re-development, align land use planning with risk mitigation while balancing economic vitality, and supporting the creation of needed housing while managing risk and preserving public trust uses of the Bay. The Strategic Regional Priority requires strategies for safe, sustainable, and strategic growth and density in MTC/ABAG’s growth geographies contained within Plan Bay Area. This section responds to existing Climate Change Policy 6 to address “where and how existing development should be protected, and infill development encouraged, where new development should be permitted, and where existing development should eventually be removed to allow the Bay to migrate inland.”
- *Critical Infrastructure and Services:* This section references continued or improved continuity of critical services, consideration of emergency management services, and prioritizing services expansion in underserved communities. The Strategic Regional Priority requires that plans ensure the maintenance and reliability of critical and emergency services. This section responds to existing Climate Change Policy 6a: “advancing regional public safety and economic prosperity by protecting: (i) existing development that provides regionally significant benefits; (ii) new shoreline development that is consistent with other Bay Plan policies; and (iii) infrastructure that

is crucial to public health or the region's economy, such as airports, ports, regional transportation, wastewater treatment facilities, major parks, recreational areas and trails", and 6 h: "integrate hazard mitigation and emergency preparedness planning with adaptation planning by developing techniques for reducing contamination releases, structural damage and toxic mold growth associated with flooding of buildings, and establishing emergency assistance centers in neighborhoods at risk from flooding."

- *Public Access and Recreation:* This section references expanded and improved public access to the shoreline, connecting disadvantaged communities to the Bay, and balancing pleasure, sustenance, and cultural connections to the Bay. The Strategic Regional Priority requires that strategies preserve or improve public access networks along the shoreline and connect these networks with their neighbors. This section responds to Climate Change Policy 6(a): "advancing regional public safety and economic prosperity by protecting:...(iii) infrastructure that is crucial to public health or the region's economy, such as...major parks, recreational areas, and trails."
- *Transportation and Transit:* This section refers to ensuring that transportation systems remain safe and reliable, especially in transit-dependent communities, integrating multi-benefit opportunities into transportation projects, and promoting low-emissions mobility. The Strategic Regional Priority requires the maintained function of regionally significant transportation infrastructure. This section responds to existing Climate Change Policy 6(a): "advancing regional public safety and economic prosperity by protecting:... (iii) infrastructure that is crucial to public health or the region's economy, such as airports, ports, regional transportation..."
- *Shoreline Contamination:* This section refers to the need to identify, mitigate, adapt, and remediate shoreline contaminated sites, with prioritization of Environmental Justice communities, and incorporate the latest science on shallow groundwater rise and how it interacts with contaminated sites. The Strategic Regional Priority requires that contamination remediation be prioritized in Environmental Justice communities. This section responds to existing Climate Change Policy 6(j): "encourage the remediation of shoreline areas with existing environmental degradation and contamination in order to reduce risks to the Bay's water quality in the event of flooding."
- *Collaborative Governance, Flood Management, and Funding:* This section refers to the need for collaboration between neighboring and regional governments, as well as across hydrologically and environmentally connected landscapes (such as "Operational Landscape Units"), to address shared risk and identify multi-benefit adaptation opportunities, engage with Indigenous partners, promote formal and informal collaboration structures, and improve funding and regulatory processes for projects. The Strategic Regional Priority requires identification of cross-jurisdictional flood risk and identification of multi-jurisdictional flood management strategies. This section responds to existing CC Policy 6: "particular attention be given to identifying and encouraging the development of long-term regional flood protection strategies that may be beyond the fiscal resources of individual local agencies" and 6(e): "identify a framework for integrating the adaptation responses of multiple government agencies."



**Subregional Shoreline Adaptation Plan Guidelines (“Guidelines”):** Section III includes all the required components for local governments to prepare a Regional Shoreline Adaptation Plan. This section includes the Subregional Plan Elements, Minimum Standards, Complete Plan Submittal Checklist, Plan Development, Submission, and Approval, and Tools to Support Plan Development. This section includes requirements to incorporate the One Bay Vision and Strategic Regional Priorities into Subregional Plans.

**Subregional Plan Elements (3.1)** describes the required elements that a completed Subregional Shoreline Adaptation Plan must contain. It also sets the requirements for the content of the plan elements by outlining what should be included in each element, and how they should be considered and developed. This section also contains required submittals. This section includes guidelines for the following plan elements:

- *Element A: Planning Process*
- *Element B: Existing Conditions*
- *Element C: Vulnerability Assessment* – this element addresses SB 272’s requirement that subregional plans include a vulnerability assessment that incorporates efforts to ensure equity for at-risk communities.
- *Element D: Adaptation Strategies and Pathways* – this element addresses SB 272’s requirement that subregional plans include sea level rise adaptation strategies. It also responds to existing Climate Change Policy 6 to incorporate an adaptive management approach.
- *Element E: Land Use and Policy Plan.* This element addresses existing Climate Change Policy 6 regarding land use and long-term adaptation policy by ensuring consistency with Plan Bay Area (SB 375) and aiding local governments to “determine where and how existing development should be protected and infill development encouraged, where new development should be permitted, and where existing development should eventually be removed to allow the Bay to migrate inland.”
- *Element F: Project Implementation Plan and Funding Strategy* – this element addresses SB 272’s requirement that subregional plans must include the identification of lead planning and implementation agencies, and an economic impact analysis of, at a minimum, costs to critical public infrastructure and recommended approaches for implementing sea level rise adaptation strategies. It also responds to existing Climate Change Policy 6(e): “identify a framework for integrating the adaptation responses of multiple government agencies,” and Policy 6(m): “identify mechanisms to provide information, tools, and financial resources so local governments can integrate regional climate change adaptation planning into local community design processes.”
- *Element G: Project List:* This element addresses SB 272’s requirement that subregional plans include recommended projects. This project list will also support the State in prioritizing funding to projects and strategies contained within BCDC approved subregional plans, per SB 272.

**Minimum Standards (3.2):** Certain Plan Requirements require compliance with common Standards. The Standards outline the minimums that must be met to comply with the Plan Requirements. Not all Plan Requirements reference Standards, but if they do, plan elements will be reviewed based on how closely they align with the intent of the standards. Standards include:

**Coastal Flood Hazards and Sea Level Rise Scenarios Standards:** The flood hazards and future sea level rise scenarios that all plans must use for vulnerability assessments and to develop responsive strategies. These standards fulfill SB 272's mandate for "the use of best available science" and respond to existing Climate Change Policy 6.

**Minimum Categories and Assets Standards:** The minimum assets that plans must consider when evaluating vulnerability and adaptation for flood risk reduction.

**Equity Assessment Standards:** A set of questions for each element that allows the user to evaluate how effectively equity principles have been incorporated into the plan process and outcomes. This section responds to existing Climate Change Policy 6(g): address environmental justice and social equity issues.

**Adaptation Strategy Standards:** The adaptation standards set the outcomes of adaptation that must be met when developing adaptation strategies. Strategies must demonstrate how they have met the standards which are intended to achieve both local and regional benefit. This section includes the required standards to advance the Strategic Regional Priorities. Adaptation Strategy Standards fit within the following categories: (1) Maximize benefits of water-dependent shoreline uses and Baylands habitats; (2) Improve community health, economic development, infrastructure and housing needs; (3) Create pathways to respond to changing flood risks over time. These Standards address specific recommendations in existing Climate Change Policy 6 (see Table in Appendix B for more details).

**Complete Plan Submittal Checklists (3.3):** This section provides an easy-to-follow checklist of the required components of a complete plan.

**Plan Development, Submission, and Approval Process (3.4):** This section outlines who is responsible for developing a Subregional Shoreline Adaptation Plan and encourages partnering of cities and counties to develop multi-jurisdiction plans. It also addresses plan submittal deadline and requirements, evaluation of alternative data sources, and the process for initiating a plan, engaging in consultations with BCDC while developing a plan, obtaining local approval for completed plans, and submitting completed plans and obtaining approval from BCDC. It describes a requirement for a 5-year limited update process and a 10-year comprehensive update. This section addresses SB 272's requirement for the inclusion of a timeline for updates and existing Climate Change Policy 6, recommending regular updates to the strategy.

**Tools to Support Plan Development (3.5).** This section describes how local governments can get support. Developing a Subregional Shoreline Adaptation Plan is a significant undertaking, but there are many resources available to help leverage existing material,

get access to ready-made data, and utilize examples, support, and guidance. This section discusses how to leverage and utilize existing adaptation work already developed locally, and accessing best available data available regionally or locally.

Adoption of the RSAP in 2024 will begin implementing the requirements of SB 272 and position the region for strategic planning and funding to advance adaptation.

## **Environmental Justice and Social Equity within the RSAP**

*Bay Plan* Environmental Justice and Social Equity Policy 1 states that “the Commission’s guiding principles on environmental justice and social equity should shape all of its actions and activities.” The guiding principles are provided in Environmental Justice and Social Equity Finding N:

“The Commission will:

- Recognize and acknowledge the California Native American communities who first inhabited the Bay Area and their cultural connection to the natural resources of the region.
- Maintain its commitment to ensuring that the Bay remains a public resource, free and safe for all to access and use regardless of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability.
- Continually strive to build trust and partnerships with underrepresented communities and community-based organizations.
- Endeavor to eliminate disproportionate adverse economic, environmental, and social project impacts caused by Commission actions and activities, particularly in disadvantaged and vulnerable communities.
- Ensure that the needs of vulnerable shoreline communities are addressed as the Commission assists all stakeholders plan for current and future climate hazards.
- Work collaboratively and coordinate with all stakeholders to address issues of environmental justice and social equity.
- Continually build accountability, transparency, and accessibility into its programs and processes.”

To embody and fulfill this policy, and follow the Commission’s guiding principles, one of the first steps in planning the process to develop the RSAP was to create an Equity Strategy to ensure that equity, diversity, and inclusion are embedded in the RSAP development process and that the Guidelines themselves guide users to create equitable processes in their own plan development and achieve equitable outcomes in their plans.

An Equity Strategy is a crucial component to ensuring the RSAP process and its intended outcomes align with the region and its communities’ climate justice priorities. The intent for the Equity Strategy was to serve as a living document throughout the course of the project, co-created with the RSAP Equity Subcommittee, Equity and Environmental Justice Representatives, and the Advisory Group. It addresses equity in two parts:

**Part One: Embedding Equity into the RSAP Development Process.** This component provided guidance on how Advisory Group conversations, community interactions, outreach and meetings are structured to center equity in the process of creating the Regional Shoreline Adaptation Plan. This included:

- *Equity and Environmental Justice Representatives on the Advisory Group:* The initial scoping and budget for developing the RSAP included compensation for up to five paid positions for equity and Environmental Justice representatives to participate in six Advisory Group meetings over the course of the project, with funding for additional participation in Advisory Group subcommittees. Participants were paid at a rate comparable to a consultant and a partnership agreement was developed to ensure fair understanding of expectations and participation.
- *Equity Subcommittee:* All equity and Environmental Justice representatives, along with interested members of the broader Advisory Group, volunteered to participate in an Equity Subcommittee. This group met an additional six times throughout the project to provide input, share expertise, and provide recommendations on various project components, including topic areas for the RSAP, the One Bay Vision, Strategic Regional Priorities, Subregional Shoreline Adaptation Plan Guidelines, and the Equity Assessment.
- *Equitable Advisory Group Meeting Process:* The Equity subcommittee developed a series of considerations to be reflected on and enacted when the team develops Advisory Group meeting structure and content.
- *Equity in the Outreach and Communications Plan:* Goal #1 of the Outreach and Communications Plan was to “Build community engagement and involvement for the RSAP, particularly among communities who have been traditionally excluded from climate resilience decision-making.”

**Part Two: Developing an Equity Assessment for Subregional Shoreline Adaptation Plan Guidelines.** This component co-created an Equity Assessment to be used in Subregional Shoreline Adaptation Plan Guidelines and serve as a Minimum Standard to ensure local jurisdictions integrate equitable processes, outcomes, and accountability in their Subregional Plans. This included:

- *Defining the Equity Checks and Equity Assessment Process:* As part of developing a transparent, respectful, and collaborative process, BCDC and the consultant team engaged with the Equity subcommittee to identify how “Equity Checks” would be conducted. An “Equity Check” was initially identified as a way to create a continuous learning environment that co-evolved a shared understanding of how justice, equity, diversity, and inclusion is intentionally being practiced and resulting in the desired outcomes. The goal of these Equity Checks was to reflect on both the process and the deliverables; how the process and deliverables are/aren’t supporting the commitment to improve systems and remove barriers and biases that impede justice-minded outcomes; and tracking progress through criteria co-designed with the Equity Subcommittee. This system of Equity Checks

was envisioned to be iterative, in which feedback from the check is processed, content revised, and re-checked. Following meetings with the Equity Subcommittee, it was determined that the most effective approach to ensuring equitable outcomes would be through developing an Equity Assessment that required local jurisdictions to conduct these concepts of equity checks on their own planning process.

- *Developing and Refining the Equity Assessment*: The foundations of the equity assessment came from numerous equity subcommittee meetings throughout the RSAP that identified important questions and considerations that should be asked when developing a local adaptation process and determining the potential outcomes of adaptation strategies. Through collaboration with the equity subcommittee, BCDC developed an initial equity assessment, which was refined and improved through input over the course of multiple Equity subcommittee meetings. The final version of the Equity Assessment can be found in the Equity Assessment Standard (3.2.3) in the RSAP.

### **Planning Process, Community Outreach and Engagement for Development of the RSAP**

Equitable engagement was a major cornerstone in the development of the RSAP.

Engagement in the RSAP development came in the form of multiple leadership groups and significant public outreach and stakeholder engagement. Staff hosted or participated in over 70 separate meetings, focus groups, presentations, pop-ups, workshops, and panels to share progress and solicit feedback and engagement from hundreds of stakeholders from July 2023 to September 2024. The RSAP Equity Strategy (outlined above) laid out a process for ensuring that equity, representation from Environmental Justice communities, and diverse voices were included in the outreach process.

A detailed description of all outreach and engagement events can be found in Section 4.4.2 of the RSAP (see Appendix A). The following is a summary list:

- Leadership Groups:
  - Advisory group – 6 meetings
  - Advisory group subcommittees – over 40 meetings
    - Data and Mapping
    - Equity
    - Subregional Plans
    - Outreach and Communications
    - Environment
  - Local Electeds Task Force – 5 presentations with discussion
  - Bay Adapt Implementation Coordinating Group – 3 presentations with discussion
  - BCDC Commission – 6 presentations with discussion
  - Rising Sea Level Working Group – 6 presentations with discussion

- BCDC's Engineering Criteria Review Board and Design Review Board – 2 presentations with discussion for each group
- Public Outreach
  - Pop-up events – 10 events around the region (September-November 2023)
  - Online survey – October 2023, 246 respondents
  - Public Kick Off Workshop – October 2023, approximately 130 participants
  - Focus groups – 4 focus groups in early 2024
    - Consultants
    - Special Districts
    - Planners
    - Vulnerability Assessments
  - Community Based Workshops – 5 workshops in May-June 2024
    - Suisun City – Sustainable Solano
    - North Richmond – The Watershed Project
    - San Rafael – Canal Alliance
    - East Oakland – Hood Planning
    - East Palo Alto – Climate Resilient Communities
  - Planning Staff Workshop – July 2024, approximately 110 participants
  - Elected official presentations – At least 1 presentation in each county geared towards city and county elected officials
- Conferences – California Adaptation Forum (August 2023), State of the Estuary (June 2024), and Bay Adapt Summit (August 2024)
- Intergovernmental Coordination: In addition to public engagement, staff has coordinated extensively with other local, regional, state and federal agencies. This includes, but not limited to:
  - California SLR Task Force (California Sea Level Rise State and Regional Support Collaborative, per SB 272)
  - CNRA Climate Leadership Coordination
  - Bay Area Regional Collaborative (BARC) SLR Coordination Group
  - Individual interagency coordination (California Coastal Commission, MTC/ABAG, California Department of Toxic Substances Control, Water Board, and others)
- Tribal Consultation:
  - In September 2022, BCDC staff joined consultations between the Coastal Conservancy and the Yocha Dehe Wintun Nation (whose traditional land overlaps with the Commission's jurisdiction in Solano and Napa counties) and Graton Rancheria (whose traditional land overlaps with the Commission's jurisdiction in Solano, Napa, and Marin counties) to learn about their concerns and to inform BCDC's outreach strategy to other local Tribes.

- In July and August 2023, BCDC sent letters to 28 local Tribes to invite Tribal Representatives to be involved in the development of the RSAP. This included opportunities such as paid positions on the RSAP Advisory Group and one-on-one consultations. Staff followed up with phone calls. BCDC received one response from a Tribe expressing interest but were thereafter unable to get in contact with this Tribe.

Feedback was extensive throughout the process and provided significant direction in drafting the RSAP. Some highlights and summaries of what was learned from the extensive engagement include:

- Desire for emphasis on protecting habitats and nature-based solutions
- Guidance for consideration of existing and planned shoreline development
- Desire for flexibility, working with existing plans cities have developed, and requests for significant technical assistance
- Consideration for local decision-making about shoreline solutions based on local context and knowledge
- Requests for simplification and clarity of what is required and why
- Significant discussion and feedback on the correct shoreline hazards and sea level rise scenarios to require
- Appreciation for BCDC's inclusion of many stakeholders and the significant preparation that BCDC is providing to allow users to be prepared for the new requirements

## **Maps and Data**

To support implementation of the RSAP, BCDC is developing a mapping platform to provide regionally available data layers that visualize existing conditions, map Strategic Regional Priorities, support vulnerability assessments, and inform adaptation strategies and pathways. The mapping platform is intended to assist planners by providing baseline required information to develop Subregional Shoreline Adaptation Plan submittals including jurisdictional boundaries, demographic information, coastal hazards, and map layers representing critical infrastructure, transportation, ecosystem, public access, and shoreline contamination; but will need to be supplemented by local data and planning analysis. The mapping platform data and functionality are intended to be updated regularly by BCDC when new best available science is published. The mapping platform will be launched in 2025, but draft data layers and analysis can be previewed at the following link: <https://experience.arcgis.com/experience/5d9dc19692de485aa32bd8b2607dc5e8>.

## **Commission Adoption of the Regional Shoreline Adaptation Plan**

SB 272 requires BCDC to establish guidelines for the preparation of Subregional Shoreline Adaptation Plans by December 31, 2024. However, the bill does not speak to the process for the Commission to approve such guidelines. In order for BCDC to carry out its

responsibilities under SB 272, BCDC must formally adopt the RSAP to implement its authority to review and approve local government Subregional Shoreline Adaptation Plans based on enforceable processes and standards. Therefore, BCDC will use its existing laws, plans, and processes to implement the provisions of SB 272.

The McAteer-Petris Act (Government Code section 66651(d)) specifies that the *Bay Plan* “may contain or incorporate by reference special area plans with more specific findings and policies for portions of the bay and its shoreline and **other plans addressing special needs**, such as seaports” (emphasis added). The *Seaport Plan*, for example, contains its own set of findings and policies for Port Priority Use Areas across the Bay. Special Area Plans have also been approved by the Commission for specific areas along the shoreline. This provision in the McAteer-Petris Act provides a clear avenue for the Commission’s adoption of the RSAP in a similar manner as a “plan addressing special needs.” Adopting the RSAP as a plan addressing special needs as part of the Bay Plan will formally integrate SB 272 with BCDC’s other laws and sources of authority, such as the McAteer-Petris Act and the Suisun Marsh Preservation Act.

In addition to amending the Bay Plan to incorporate the RSAP by reference, staff recommends as part of this Bay Plan Amendment that the Commission undertake a limited update to the thirteen-year-old relevant Bay Plan Climate Change Findings and Policies. Climate Change Policy 6 in the Bay Plan states, in short, that the Commission should develop a regional shoreline adaptation strategy. Staff recommends updating this and other *Bay Plan* findings and policies, but such updates will be limited and specific to the Commission’s adoption of the RSAP and minor, factual updates.

It is vital to note that adoption of the initial RSAP components as a Bay Plan Amendment at this time will not alter the Commission’s jurisdiction or permitting authority or processes for individual projects under the McAteer-Petris Act. While approval of a permit by the Commission must be consistent with the provisions of the McAteer-Petris Act and of the Bay Plan then in effect, the function of the RSAP is not “to establish policies for reviewing and acting on projects” in implementing the Commission’s McAteer-Petris Act authority, which is a core function of the Bay Plan (Government Code section 66651(d)), but rather is proposed for incorporation into the Bay plan to serve as the regional sea level rise adaptation strategy called for by existing *Bay Plan* Climate Change Policy 6 and to serve as a “plan addressing special needs” (*i.e.*, SB 272 implementation). Therefore, under its existing State laws, policies, and regulations, BCDC could not deny a permit for a project on the basis that the project is inconsistent with these Guidelines adopted by BCDC under SB 272 or a Subregional Shoreline Adaptation Plan approved as consistent with the adopted Guidelines.

Nonetheless, the RSAP and subsequent Subregional Shoreline Adaptation Plans can serve a useful function by developing a broader context and adaptation framework for individual projects that will come before the Commission for a permit. Implementing SB 272 will be an ongoing process that requires both short- and long-term measures. The Commission’s adoption of this first iteration of the RSAP as a Bay Plan Amendment is an important step toward that goal.



### III. Revisions to Bay Plan Climate Change Findings and Policies

Staff recommends revising *Bay Plan* Climate Change Findings C, E, O, P, R, U, and W, and establishing new Climate Change Findings X, Y, and Z. Staff also recommends revising *Bay Plan* Climate Change Policies 1, 6, and 7.

The purpose of the proposed revisions is to establish the RSAP and update outdated information in existing *Bay Plan* Climate Change Findings and Policies.

The proposed revisions are shown with additions in underline and removals in ~~striketrough~~. Staff have also provided general explanations for the revisions. For a more detailed analysis of each revision, please see **Appendix B**. A “clean” copy of the new Findings and Policies without any tracked changes is available in **Appendix C**.

#### Proposed Revisions to Existing Bay Plan Climate Change Findings

Staff recommends revising existing Climate Change Findings C, E, O, P, R, U, and W. These findings were adopted in 2011, and staff suggest updating them to reflect best available science (e.g. updated Ocean Protection Council Sea level rise projections, and the threats posed from groundwater rise), new terminology and regional planning efforts (e.g. Plan Bay Area), new legislation (e.g. Assembly Bill 1482), and other minor changes that have occurred since the findings were written.

- c. Global surface temperature increases are accelerating the rate of sea level rise worldwide through thermal expansion of ocean waters and melting of land-based ice (e.g., ice sheets and glaciers). Bay water level is likely predicted to rise by a corresponding amount. In the last century, sea level in the Bay rose nearly eight inches. ~~Current science-based projections of global sea level rise over the next century vary widely. Using~~ Derived from the IPCC greenhouse gas emission scenarios 6<sup>th</sup> Assessment Report and the 2022 Federal Sea Level Rise Technical Report, in 2010 2024 the California Climate Action Team (CAT) developed Ocean Protection Council (OPC) updated its sea level rise projections (relative to sea level in 2000) for the state that, along with site specific estimates for 14 tide gauges along the California Coast. These projections extend to 2150 with 5 scenarios for each decade: Low, Intermediate-Low, Intermediate, Intermediate-High, and High. The state recommends using the Intermediate to High scenarios to inform sea level rise planning and project decisions. The recommended statewide averages range from 10 to 17 inches 0.8 to 1.2 feet by 2050, 17 to 32 inches 3.1 to 6.6 feet by 2100, and 6.1 to 11.9 feet by 2150. 2070, and 31 to 69 inches at the end of the century. The CAT has recognized that it may not be appropriate to set definitive sea level rise projections, and, based on a variety of factors, state agencies may use different sea level rise projections. Although the CAT OPC values are generally recognized as the best science-based sea level rise projections for California, scientific uncertainty remains regarding the pace and amount of sea level rise. ~~Moreover, melting of the Greenland and Antarctic ice sheets may not be reflected well in current sea level rise projections.~~ As additional data are collected and analyzed, sea level rise projections will likely change over time and OPC updates its guidelines regularly. The National

~~Academy of Sciences is in the process of developing a Sea Level Rise Assessment Report that will address the potential impacts of sea level rise on coastal areas throughout the United States, including California and the Bay Area.~~

- e. ~~Shoreline areas currently vulnerable to a 100-year flood event may be subjected to inundation by high tides at mid-century.~~ Over time, shoreline areas currently vulnerable to temporary flooding from storm events may be permanently inundated. Sea level rise will also exacerbate groundwater rise. In some low-lying areas, the groundwater table may reach the surface and cause emergent groundwater flooding. Groundwater rise poses unique challenges for infrastructure and may risk mobilizing contaminants from toxic sites. Much of the developed shoreline may require new or upgraded shoreline protection to reduce damage from flooding. Shoreline areas that have subsided are especially vulnerable to sea level rise and may require more extensive shoreline protection. The Commission, along with other agencies such as the National Oceanic and Atmospheric Administration, the Federal Emergency Management Agency, the United States Army Corps of Engineers, cities, counties, and flood control districts, is responsible for protecting the public and the Bay ecosystem from flood hazards. This can be best achieved by using a range of scientifically based scenarios, including projections, which correspond to higher rates of sea level rise. In planning and designing projects for the Bay shoreline, it is prudent to rely on the most current science-based and regionally specific projections of future sea level rise, develop strategies and policies that can accommodate sea level rise over a specific planning horizon (i.e., adaptive management strategies), and thoroughly analyze new development to determine whether it can be adapted to sea level rise.
- o. Approaches for ensuring public safety in developed vulnerable shoreline areas through adaptive management strategies include but are not limited to: (1) protecting existing and planned appropriate infill development through the end of the useful life of the development; (2) prioritizing water-dependent and water-oriented uses along the shoreline and considering placing other uses away from vulnerable shorelines; ~~(2)~~ (3) accommodating flooding by building or renovating structures or infrastructure systems that are resilient or adaptable over time; ~~(3)~~ (4) discouraging permanent new development when adaptive management strategies cannot protect public safety; ~~(4)~~ allowing only new uses that can be removed or phased out if adaptive management strategies are not available as inundation threats increase; and (5) over time and where feasible and appropriate, removing existing development where public safety cannot otherwise be ensured. Determining the appropriate approach and financing structure requires the weighing of various policies and is best done through a collaborative approach that directly involves the affected communities and other governmental agencies with authority or jurisdiction. Some adaptive management strategies may require action and financing on the regional or sub-regional level across jurisdictions.

- p. ~~The Every four years, the Association of Bay Area Governments and the Metropolitan Transportation Commission update Plan Bay Area, the region's long-range plan for housing, economic development, transportation, and environmental resilience, initiated the FOCUS program to develop a regional strategy that promotes a more compact Bay Area land use pattern. In consultation with local governments, the FOCUS program has identified Priority Development Areas for infill development in the Bay Area. These Priority Development Areas, along with other sites, are anticipated to be key components of the Bay Area's Sustainable Communities Strategy that will be adopted and periodically updated pursuant to the Sustainable Communities and Climate Protection Act of 2008 (SB 375). Plan Bay Area incorporates a set of growth geographies, such as Priority Development Areas, Priority Conservation Areas, and Priority Production Areas, that guide future growth in housing and jobs over the next 30 years. One of the Commission's objectives in adopting climate change policies is to facilitate implementation of Plan Bay Area ~~the Sustainable Communities Strategy~~. Some shoreline areas that are vulnerable to flooding are already improved with public infrastructure and private development that has regionally significant economic, cultural or social value, and can accommodate infill development.~~
- r. In some cases, the regional goals of encouraging infill development, remediating environmentally degraded land, redeveloping closed military bases and concentrating housing and job density near transit may conflict with the goal of minimizing flood risk by avoiding development in low-lying areas vulnerable to flooding. Methods to minimize this conflict, include, but are not limited to: clustering infill or redevelopment in low-lying areas on a portion of the property to reduce the area that must be protected; formulating an adaptation strategy for dealing with rising sea level and shoreline flooding with definitive goals and an adaptive management plan for addressing key uncertainties for the life of the project; incorporating measures that will enhance project resilience and sustainability; and developing a project-based financial strategy and/or a public financing strategy, as appropriate, to fund future flood protection for the project, which may also protect existing nearby development. Reconciling these different worthy goals and taking appropriate action requires weighing competing policy considerations and would be best accomplished through a collaborative process involving diverse stakeholders, ~~similar to that being undertaken by the Joint Policy Committee to develop the Sustainable Communities Strategy.~~
- u. Government jurisdictional boundaries and authorities in the Bay Area are often in conflict incongruent with the regional scale and nature of climate-related challenges. The Bay Area Regional Collaborative, Joint Policy Committee, which is comprised of regional agencies, provides a framework for regional coordination decision-making to address climate change through consistent and effective regionwide policy and to provide local governments with assistance and incentives for addressing climate change. The Commission ~~can~~ collaborates with the Bay Area Regional Collaborative and its

member agencies Joint Policy Committee to assure that the Bay Plan Climate Change policies are integrated with the emerging Sustainable Communities Strategy and other regional agencies' policies that deal with climate change issues.

- w. The California Climate Adaptation Strategy, mandated by Assembly Bill 1482 (Gordon, 2015) and AB 1384 (Gabriel, 2022), link together the state's existing and planned climate adaptation efforts and prioritize the most vulnerable communities, ecosystems, and economic sectors. California Ocean Protection Council has endorsed the guiding principles of the California Climate Adaptation Strategy, which recommends that state agencies pursue It includes the following policy objectives for state agencies in their adaptation planning:

- Strengthen Protections for Climate Vulnerable Communities
- Bolster Public Health and Safety to Protect Against Increasing Climate Risks
- Build a Climate Resilient Economy
- Accelerate Nature-Based Climate Solutions and Strengthen Climate Resilience of Natural Systems
- Make Decisions Based on the Best Available Climate Science
- Partner and Collaborate to Leverage Resources
- ~~Protect public health and safety and critical infrastructure;~~
- ~~Protect, restore, and enhance ocean and coastal ecosystems, on which the State economy and well-being depend;~~
- ~~Ensure public access to coastal areas and protect beaches, natural shoreline, and park and recreational resources;~~
- ~~Plan and design new development and communities for long term sustainability in the face of climate change;~~
- ~~Facilitate adaptation of existing development and communities to reduce their vulnerability to climate change impacts over time; and~~
- ~~Begin now to adapt to the impacts of climate change.~~

Sea level rise adaptation and coastal resilience is an important component of California's overall climate adaptation approach. The strategy calls for closer alignment among coastal planning in light of sea level rise. Due to the significant value of critical infrastructure, the strategy calls for proactive planning to support resilience of critical infrastructure against sea level rise. It includes actions to protect, restore, and create coastal wetlands and subtidal habitats, and test innovative nature-based climate solutions. Additionally, it calls on California to take actions that ensure continued public access to California's coast in light of changing shoreline conditions and sea-level rise, prioritizing climate vulnerable communities. Lastly, it calls for incorporating tribal governments into planning processes for climate actions.

The California Climate Adaptation Strategy recognizes that significant and valuable development has been built along the California coast for over a century. Some of the

~~development is currently threatened by sea level rise or will be threatened in the near future. Similarly, the coastal zone is home to many threatened or endangered species and sensitive habitats. The strategy acknowledges that the high financial, ecological, social and cultural costs of protecting everything may prove to be impossible; in the long run, protection of everything may be both futile and environmentally destructive. The strategy recommends that decision guidance strategies frame cost-benefit analyses so that all public and private costs and benefits are appropriately considered.~~

~~The strategy further recommends that state agencies should generally not plan, develop, or build any new significant structure in a place where that structure will require significant protection from sea level rise, storm surges, or coastal erosion during the expected life of the structure. However, the strategy also acknowledges that vulnerable shoreline areas containing existing development or proposed for new development that has or will have regionally significant economic, cultural, or social value may have to be protected, and infill development in these areas should be closely scrutinized and may be accommodated. The strategy recommends that state agencies should incorporate this policy into their decisions. If agencies plan, permit, develop or build any new structures in hazard zones, the California Climate Adaptation Strategy recommends that agencies employ or encourage innovative engineering and design solutions so that the structures are resilient to potential flood or erosion events, or can be easily relocated or removed to allow for progressive adaptation to sea level rise, flood and erosion.~~

~~The strategy further recommends that the state should consider prohibiting projects that would place development in undeveloped areas already containing critical habitat, and those containing opportunities for tidal wetland restoration, habitat migration, or buffer zones. The strategy also encourages projects that protect critical habitats, fish, wildlife and other aquatic organisms and connections between coastal habitats. The strategy recommends pursuing activities that can increase natural resiliency, such as restoring tidal wetlands, living shorelines, and related habitats; managing sediment for marsh accretion and natural flood protection; and maintaining upland buffer areas around tidal wetlands.~~

## Proposed New Bay Plan Climate Change Findings

Staff recommends establishing three new *Bay Plan* Climate Change Findings: X, Y, and Z. The purpose of Finding X is to provide an overview of the Commission's work on climate change over the past decade and beyond, including the establishment of the Climate Change policies in 2011, the development the Adapting to Rising Tides Program, and the convening of Bay Adapt and the release of the Joint Platform. Finding Y describes Senate Bill 272 and summarizes its main requirements. Finding Z establishes and provides an overview of the RSAP and articulates its One Bay Vision.

- x. In 2011, BCDC adopted new landmark Bay Plan Climate Change Policies after an extensive public process. These policies provide standards for the Commission to review projects within its jurisdiction for resilience and adaptability over time to rising sea level,

and called for the Commission to collaborate with partners to develop a regional sea level rise adaptation strategy for protecting critical developed shoreline areas and natural ecosystems, enhancing the resilience of Bay and shoreline systems and increasing their adaptive capacity. Recommendations for the regional strategy included that the strategy (1) incorporate an adaptive management approach; (2) be consistent with the goals of SB 375 and the principles of the California Climate Adaptation Strategy; (3) be updated regularly to reflect changing conditions and scientific information; (4) include maps of shoreline areas that are vulnerable to flooding based on projections of future sea level rise and shoreline flooding, prepared under the direction of a qualified engineer and regularly updated in consultation with government agencies with authority over flood protection; and (5) pay particular attention to identifying and encouraging the development of long-term regional flood protection strategies that may be beyond the fiscal resources of individual local agencies. Further policy considerations aimed to advance regional public safety and economic prosperity, enhance Bay ecosystems, integrate protection of shoreline development with ecosystem protection, encourage innovative approaches, address issues of environmental justice and social equity, encourage shoreline remediation, and more. This policy guidance was and continues to be instrumental in guiding future Commission planning efforts that led to the creation of the Regional Shoreline Adaptation Plan.

To support development of the regional strategy, in 2011 BCDC launched its award-winning Adapting to Rising Tides Program that continues to work with local jurisdictions around the Bay to develop multi-sector, cross-jurisdictional projects to understand the risks from rising sea level and assess adaptation responses. After nearly a decade of working closely with cities and counties on understanding local vulnerability to sea level rise, BCDC published Adapting to Rising Tides Bay Area, which provided a comprehensive look at the interconnectedness of vulnerable systems across the Bay. To identify shared solutions to regional vulnerability, in 2019 the Commission convened Bay Adapt: Regional Strategy for a Rising Bay in partnership with a broad range of Bay Area leaders. After two years of collaborative work, the Bay Adapt Joint Platform was adopted in 2021. The Joint Platform is a regional, consensus-driven strategy that lays out the actions necessary to protect people and the natural and built environments from sea level rise. The Joint Platform contains six guiding principles, nine actions, and 21 tasks.

The guiding principles are to:

- (1) Support socially vulnerable communities.
- (2) Put nature first whenever possible.
- (3) Solve interconnected problems at the same time.

- (4) Practice inclusive, community-led governance and decision-making.
  - (5) Support existing efforts but plan for the long term.
  - (6) Pick the right strategy for the right place at the right time.
- y. Senate Bill (SB) 272 (Laird 2023): Sea Level Rise Planning and Adaptation requires all local governments within the Commission’s jurisdiction to address sea level rise through preparation of subregional San Francisco Bay shoreline resiliency plans, henceforth called Subregional Shoreline Adaptation Plans, subject to approval by the Commission. SB 272 requires the Commission to establish guidelines under which local governments must prepare the plans. Local governments within the Commission’s jurisdiction must submit plans consistent with the adopted guidelines by January 1, 2034, with updates thereafter. Pursuant to SB 272, local governments that receive approval by the Commission will be prioritized for state funding, upon appropriation by the Legislature. These plans must include, at a minimum, all of the following:
- (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.
  - (5) A timeline for updates, as needed, based on conditions and projections and as determined by the local government in agreement with BCDC.
- z. Building from the Joint Platform and Adapting to Rising Tides (ART) Bay Area (2020), the Commission, in collaboration with regional, state, and federal agencies, local governments, and the public, BCDC developed the Regional Shoreline Adaptation Plan to meet the requirements of SB 272 and embrace the strategies and goals of the regional strategy originally called for by the Climate Change policies. The Commission has incorporated by reference into the Bay Plan the Regional Shoreline Adaptation Plan as a plan addressing special needs. The Regional Shoreline Adaptation Plan sets forth a One Bay regional vision that address major issues facing the Bay Area today, as set forth below.

Vision: 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. In this future, communities are healthy, safe, and have greater access to the shoreline where they can feel connected to the Bay’s edge and experience the beauty and wonder of thriving habitats we depend upon to sustain our quality of life. Our region remains connected so that networks of people and goods can move with ease and get to the places they need to go. The services we rely upon keep our communities and economies running and are designed for the long-term. Achieving this future will require

governments, the private sector, and communities to make a commitment to equity, address past harms, and take on complex, interrelated challenges together. A resilient future for the San Francisco Bay Area starts now and continues for generations to come.

As sea levels rise:

- (1) Communities are healthy and vibrant.
- (2) Healthy Baylands ecosystems thrive.
- (3) Places are designed for changing shorelines.
- (4) Critical services are reliable.
- (5) The Bay shoreline is accessible to all.
- (6) Safe and reliable transportation connects the region.
- (7) People and ecosystems are safe from contamination risks.
- (8) Regional collaboration drives efficient and effective adaptation.

In addition, the Regional Shoreline Adaptation Plan provides for Strategic Regional Priorities and Subregional Shoreline Adaptation Plan Guidelines to direct the local government preparation of “Subregional Shoreline Adaptation Plans” to comply with the requirements of SB 272. Minimum Standards in the Regional Shoreline Adaptation Plan outline the minimum requirements that must be met to comply with the Subregional Shoreline Adaptation Plan Guidelines, meet local and community needs, and contribute to regional outcomes as defined in the One Bay Vision. The Regional Shoreline Adaptation Plan will evolve to incorporate new elements over time, and the Commission will support local government resilience and adaptation planning through technical assistance.

## **Proposed Revisions to Existing Bay Plan Climate Change Policies**

Staff does not propose to establish any new *Bay Plan* Climate Change Policies, but recommends revising Climate Change Policies 1, 6, and 7.

### **Policy 1**

The existing Policy 1 in the *Bay Plan* clarifies the applicability of the Climate Change findings and policies as they related to the review of permit applications for projects in the Commission’s jurisdiction. Because the RSAP’s findings and policies incorporated into BPA 1-24 are only advisory for projects and activities reviewed by BCDC’s Regulatory Program, and do not change how projects are reviewed for consistency with the Climate Change policies, it is necessary to exclude the RSAP from Policy 1. Staff recommends the following changes:

1. The Commission intends that the Bay Plan Climate Change findings and policies will be used as follows for the purposes of reviewing projects and activities by the Commission’s Regulatory Program:



- a. The findings and policies apply only to projects and activities located within the following areas: San Francisco Bay, the 100-foot shoreline band, salt ponds, managed wetlands, and certain waterways, as these areas are described in Government Code section 66610, and the Suisun Marsh, as this area is described in Public Resources Code section 29101;
- b. For projects or activities that are located partly within the areas described in subparagraph (a) and partly outside such area, the findings and policies apply only to those activities or that portion of the project within the areas described in subparagraph (a);
- c. For the purposes of implementing the federal Coastal Zone Management Act, the findings and policies do not apply to projects and activities located outside the areas described in subparagraph (a), even if those projects or activities may otherwise be subject to consistency review pursuant to the federal Coastal Zone Management Act; and
- d. For purposes of implementing the California Environmental Quality Act, the findings and policies are not applicable portions of the Bay Plan for purposes of CEQA Guideline 15125(d) for projects and activities outside the areas described in subparagraph (a) and, therefore, a discussion of whether such proposed projects or activities are consistent with the policies is not required in environmental documents.

### **Policy 6**

Existing *Bay Plan* Climate Change Policy 6 directs the Commission, in collaboration with other regional stakeholders, to formulate a regional sea level rise adaptation strategy. The existing policy contains five major recommendations for what the strategy should include, and 13 more specific strategies and goals that the Commission encouraged this regional strategy to address. Policy 6 was intended to be an interim policy until a regional strategy was created, and now that the RSAP is being developed, staff recommends significantly revising Policy 6 to establish the RSAP as incorporating the recommendation and goals of Policy 6 as currently drafted.

The newly proposed Policy 6 has three functions. First, it establishes the RSAP into the Bay Plan to govern the Commission's review of local government Subregional Shoreline Adaptation Plans, thus implementing the requirements of SB 272. Second, it articulates the Commission's commitment to providing technical and policy assistance on shoreline adaptation for local governments and regional stakeholders. Third, it describes four major goals for the Commission's ongoing resiliency planning, speaking to the need for implementation of the RSAP to be an evolving process for the Commission in the years to come.

To revise Policy 6, staff evaluated how well the RSAP aligns with the recommendations, goals, and strategies that the Commission had outlined in the current policy. In places where the RSAP now implements those recommendations, staff recommends removing

such recommendations from the policy. In places where the RSAP does not yet implement Policy 6 recommendations, staff recommends revising or retaining those recommendations. Staff recommends the following changes:

6. The Regional Shoreline Adaptation Plan (the One Bay Vision, Strategic Regional Priorities, and Subregional Shoreline Adaptation Plan Guidelines) shall provide requirements for achieving coordinated, collaborative sea level rise adaptation planning in San Francisco Bay and shall direct the local governments in their preparation of San Francisco Bay shoreline resiliency plans, henceforth called Subregional Shoreline Adaptation Plans, as required by SB 272. The Subregional Shoreline Adaptation Plan Guidelines shall govern the Commission's review and approval of the Subregional Shoreline Adaptation Plans. Local governments shall submit Subregional Shoreline Adaptation Plans that are consistent with the Subregional Shoreline Adaptation Plan Guidelines to the Commission for approval and shall update these Plans as provided by SB 272 and the Regional Shoreline Adaptation Plan.

The Commission shall provide technical and policy assistance on development of Subregional Shoreline Adaptation Plans with respect to shoreline adaptation, including but not limited to: (1) online data and mapping using best available science that is updated regularly to reflect changing conditions and new information; (2) technical support; (3) coordination and interagency collaboration; (4) guidance for undertaking equitable, culturally-relevant public outreach and engagement; and (5) assistance with identifying funding opportunities. Local jurisdictions should coordinate early and regularly with Commission staff to maximize the benefits of collaborative, regional adaptation planning.

The Regional Shoreline Adaptation Plan is a living document that employs an adaptive management approach to planning for rising sea levels. The Regional Shoreline Adaptation Plan should be regularly updated, consistent with the goals of SB 375 and the principles of the California Climate Adaptation Strategy. As the Commission's resiliency planning continues to evolve, the Commission should:

- a. Support research that provides information useful for planning and policy development on the impacts of climate change on the Bay, particularly those related to shoreline flooding.
- b. Develop, in partnership with the Metropolitan Transportation Commission and the Association of Bay Area Governments, a San Francisco Bay Area Sea Level Rise Funding and Investment Strategy with the input of regional and state agencies, local jurisdictions, flood management agencies, non-profit and community-based organizations. The Strategy should identify and categorize regionally significant sea level rise adaptation projects and strategies, analyze current and projected revenues, and include funding strategies.
- c. Collaborate with local governments to determine where and how existing development should be protected and infill development encouraged, where new

development should be permitted, and where existing development should eventually be removed to allow the Bay to migrate inland.

- d. Identify any other needed actions, including any needed changes in law, to successfully implement the Regional Shoreline Adaptation Plan and better link sea level rise adaptation planning to the Commission's regulatory program.

~~The Commission, in collaboration with the Joint Policy Committee, other regional, state and federal agencies, local governments, and the general public, should formulate a regional sea level rise adaptation strategy for protecting critical developed shoreline areas and natural ecosystems, enhancing the resilience of Bay and shoreline systems and increasing their adaptive capacity.~~

~~The Commission recommends that: (1) the strategy incorporate an adaptive management approach; (2) the strategy be consistent with the goals of SB 375 and the principles of the California Climate Adaptation Strategy; (3) the strategy be updated regularly to reflect changing conditions and scientific information and include maps of shoreline areas that are vulnerable to flooding based on projections of future sea level rise and shoreline flooding; (4) the maps be prepared under the direction of a qualified engineer and regularly updated in consultation with government agencies with authority over flood protection; and (5) particular attention be given to identifying and encouraging the development of long-term regional flood protection strategies that may be beyond the fiscal resources of individual local agencies.~~

~~Ideally, the regional strategy will determine where and how existing development should be protected and infill development encouraged, where new development should be permitted, and where existing development should eventually be removed to allow the Bay to migrate inland.~~

~~The entities that formulate the regional strategy are encouraged to consider the following strategies and goals:~~

- a. ~~advance regional public safety and economic prosperity by protecting: (i) existing development that provides regionally significant benefits; (ii) new shoreline development that is consistent with other Bay Plan policies; and (iii) infrastructure that is crucial to public health or the region's economy, such as airports, ports, regional transportation, wastewater treatment facilities, major parks, recreational areas and trails;~~
- b. ~~enhance the Bay ecosystem by identifying areas where tidal wetlands and tidal flats can migrate landward; assuring adequate volumes of sediment for marsh accretion; identifying conservation areas that should be considered for acquisition, preservation or enhancement; developing and planning for flood protection; and maintaining sufficient transitional habitat and upland buffer areas around tidal wetlands;~~
- e. ~~integrate the protection of existing and future shoreline development with the enhancement of the Bay ecosystem, such as by using feasible shoreline protection~~

- ~~measures that incorporate natural Bay habitat for flood control and erosion prevention;~~
- ~~d. encourage innovative approaches to sea level rise adaptation;~~
- ~~e. identify a framework for integrating the adaptation responses of multiple government agencies;~~
- ~~f. integrate regional mitigation measures designed to reduce greenhouse gas emissions with regional adaptation measures designed to address the unavoidable impacts of climate change;~~
- ~~g. address environmental justice and social equity issues;~~
- ~~h. integrate hazard mitigation and emergency preparedness planning with adaptation planning by developing techniques for reducing contamination releases, structural damage and toxic mold growth associated with flooding of buildings, and establishing emergency assistance centers in neighborhoods at risk from flooding;~~
- ~~i. advance regional sustainability, encourage infill development and job creation, provide diverse housing served by transit, and protect historical and cultural resources;~~
- ~~j. encourage the remediation of shoreline areas with existing environmental degradation and contamination in order to reduce risks to the Bay's water quality in the event of flooding;~~
- ~~k. support research that provides information useful for planning and policy development on the impacts of climate change on the Bay, particularly those related to shoreline flooding;~~
- ~~l. identify actions to prepare and implement the strategy, including any needed changes in law; and~~
- ~~m. identify mechanisms to provide information, tools, and financial resources so local governments can integrate regional climate change adaptation planning into local community design processes.~~

## **Policy 7**

The existing Climate Change Policy 7 states that until a regional shoreline strategy can be completed, projects must be evaluated on an individual basis. It goes on to encourage certain types of shoreline adaptation projects that have regional benefits. Through this policy, the Commission can consider the benefits of these types of projects for the region when reviewing such a project for consistency with the Climate Change policies. Staff recommends a revision to this policy to note that the Commission may also use the RSAP and any Subregional Shoreline Adaptation Plans that have been approved, albeit in an advisory capacity, when it reviews individual projects that require a permit through its Regulatory Program. As provided in Policy 6, when the Commission evaluates how to align its permitting authority with the scope of the RSAP, Policy 7 should be more extensively revised. Staff recommends the following changes:

7. ~~Until a regional sea level rise adaptation strategy can be completed~~ The Commission should evaluate each project proposed in vulnerable areas on a case-by-case basis to determine the project's public benefits, resilience to flooding, and capacity to adapt to climate change impacts. The Commission may consult the Regional Shoreline Adaptation Plan and consider any approved Subregional Shoreline Adaptation Plan as advisory in its review of projects and activities associated with those plans by the Commission's Regulatory Program. The following specific types of projects have regional benefits, advance regional goals, and should be encouraged, if their regional benefits and their advancement of regional goals outweigh the risk from flooding:
- a. remediation of existing environmental degradation or contamination, particularly on a closed military base;
  - b. a transportation facility, public utility or other critical infrastructure that is necessary for existing development or to serve planned development;
  - c. a project that will concentrate employment or housing near existing or committed transit service (whether by public or private funds or as part of a project), particularly within those Priority Development Areas that are established by the Association of Bay Area Governments and endorsed by the Commission, and that includes a financial strategy for flood protection that will minimize the burdens on the public and a sea level rise adaptation strategy that will adequately provide for the resilience and sustainability of the project over its designed lifespan; and
  - d. a natural resource restoration or environmental enhancement project.
- The following specific types of projects should be encouraged if they do not negatively impact the Bay and do not increase risks to public safety:
- e. repairs of an existing facility;
  - f. a small project;
  - g. a use that is interim in nature and either can be easily removed or relocated to higher ground or can be amortized within a period before removal or relocation of the proposed use would be necessary; and
  - h. a public park.

#### **IV. Effect of BPA 1-24 on the Bay Plan**

14 CCR § 11003(b)(3) requires the staff planning report to include, "a statement describing the effect the proposed change would have on any existing finding, policy, or map designation contained in the San Francisco Bay Plan, a Commission special area plan, the San Francisco Bay Area Seaport Plan, the Suisun Marsh Protection Plan, or any other plan administered by the Commission."

As described in the Preliminary Staff Recommendation, if adopted, BPA 1-24 would 1) establish the RSAP as a plan addressing special needs incorporated by reference within the *San Francisco Bay Plan*, and 2) amend several *Bay Plan* Climate Change Findings and Policies.

The scope of the RSAP is broader than the scope of the Commission’s authority to review and approve projects under its Regulatory Program, including the McAteer-Petris Act and Suisun Marsh Preservation Act. However, as described in more detail below, wherever the RSAP pertains to areas within the Commission’s existing jurisdiction under the McAteer-Petris Act or other authority, staff ensured consistency between the RSAP and other existing laws and policies (particularly as those requirements may apply to development-level projects subject to BCDC’s permit authority under the McAteer-Petris Act). As previously stated, the Commission’s adoption of BPA 1-24 will not alter the Commission’s jurisdiction or permitting authority or processes for individual projects under the McAteer-Petris Act or the Suisun Marsh Preservation Act.

As a result, adoption of the RSAP and the proposed amendments to the Bay Plan Climate Change Findings and Policies will not affect any other finding, policy, or map designation contained in the Bay Plan, Suisun Marsh Protection Plan, Seaport Plan, Special Area Plan or any other plan administered by the Commission, aside from the specific changes to the Bay Plan Climate Change Findings and Policies as described above.

## **V. Consistency with the McAteer-Petris Act**

14 CCR § 11003(b)(4) requires the staff planning report to include “a statement describing the consistency of the proposed change with the findings and declarations of policy in the McAteer-Petris Act (California Government Code Sections 66600 through 66694) if an amendment to the San Francisco Bay Plan is proposed.”<sup>3</sup> Section 66652 of the McAteer-Petris Act also states:

The commission at any time may amend, or repeal and adopt a new form of, all or any part of the San Francisco Bay Plan but such changes shall be consistent with the findings and declarations of policy contained in this title.

This section analyzes the consistency of the RSAP and Amendments to the Bay Plan with relevant findings and declarations of policy in the McAteer-Petris Act, which are found in Chapter 1 of the law.

Section 66651 of the McAteer-Petris Act describes the contents that must be included in the San Francisco Bay Plan and, further provides that, “[t]he plan may contain or incorporate by reference special area plans with more specific findings and policies for portions of the bay and its shoreline and *other plans addressing special needs, such as seaports*” (emphasis added). This Bay Plan Amendment incorporates elements of the RSAP into the *Bay Plan* as a plan addressing special needs. The *Bay Plan* Climate Change findings and policies have been modified to incorporate the RSAP and other elements by reference into the *Bay Plan*, embedding the requirements of SB 272 as an integrated part of the Commission’s body of authority.

The RSAP is the result of a process provided for in Section 66646.2 of the McAteer-Petris Act, which states:

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<sup>3</sup> Although 14 CCR § 11003(b)(4) references the entirety of the McAteer-Petris Act (Government Code sections 66600 through 66694), the “findings and declarations of policy in the McAteer-Petris Act” are specifically codified in Chapter 1 of the Act (Government Code §§ 66600-07).

The San Francisco Bay Conservation and Development Commission, in coordination with local governments, regional councils of government, and other agencies and interested parties, may develop regional strategies, as needed, for addressing the impacts of, and adapting to, the effects of sea level rise and other impacts of global climate change on the San Francisco Bay and affected shoreline areas. These regional strategies may include, but are not limited to, the following:

- (a) Identification of areas that may be subject to erosion, inundation, or other impacts from sea level rise and climate change.
- (b) Economic and environmental analyses of the benefits and costs of protecting the areas likely to be impacted.
- (c) A plan that describes how to mitigate and adapt to projected sea level rise and other climate-change impacts on the bay and shoreline, including protecting resources from erosion and inundation, and maintaining, restoring, or enhancing the productivity of bay and shoreline environments.

As such, the McAteer-Petris Act (in addition to SB 272) provides the Commission with the authority to prepare the RSAP, which is a regional strategy for the Bay Area that aligns with the criteria described in Section 66646.2.

SB 272 does not provide the Commission with any new regulatory authority to review permit applications for projects for consistency with SB 272, the RSAP, or Subregional Shoreline Adaptation Plans, and does not otherwise amend the McAteer-Petris Act. As a result, the proposed amendments to the *Bay Plan* are limited to providing new findings and policies that support the Commission's review and approval of Subregional Shoreline Adaptation Plan as required by SB 272, and do not currently have any effect on the Commission's jurisdiction or permitting authority or processes for individual projects under the McAteer-Petris Act or the Suisun Marsh Preservation Act.

As provided in the RSAP, Commission approval of a local government Subregional Shoreline Adaptation Plan pursuant to the RSAP Guidelines and SB 272 does not represent a finding that the projects identified within the Subregional Shoreline Adaptation Plan are consistent with the Commission's other laws and policies, including consistency with McAteer-Petris Act or the San Francisco Bay Plan, and does not exempt those projects from any requirement to obtain a permit from the Commission under the McAteer-Petris Act or the Suisun Marsh Preservation Act. However, proposed revisions of Policy 7 of the Bay Plan Climate Change policies provide that the RSAP and any approved local government Subregional Shoreline Adaptation Plan may be treated as advisory by the Commission when considering the benefits of a project under Policy 7 when otherwise reviewing a project for consistency with the Climate Change policies.

The RSAP has been written specifically to ensure consistency with the Findings and Declarations of Policy in Chapter 1 of the McAteer-Petris Act and align with the goals of the McAteer-Petris Act. For example, the standards provided in the Guidelines direct local governments to minimize fill in the Bay, prioritize water-dependent uses along the shoreline (including upland areas)— which is consistent and compatible with the McAteer-Petris requirements for water-oriented uses in the Bay (Government Code section 66605(a)). Furthermore, the standards in

the Guidelines prioritize restoration of habitat where appropriate and provide for standards for appropriate use of bay fill shoreline protection such as prioritizing nature-based protection. These standards are consistent with Section 66601, which describes the threat of uncoordinated, haphazard filling in San Francisco Bay and the need for a governmental mechanism to evaluate the effect of individual projects on the bay along with the requirements set forth in Section 66605 which establishes standards related to Bay fill. In addition, the standards set forth in the Guidelines require that local government Subregional Shoreline Adaptation Plans preserve and expand public access consistent with Section 66602, which provides requirements that maximum feasible public access, consistent with a proposed project, should be provided along the shoreline. Standards are also provided to improve and expand public access.

Based on BCDC staff's preliminary analysis, BPA No. 1-24 is consistent with the findings and declarations of policy of the McAteer-Petris Act.

## **VI. Environmental Assessment**

BCDC's regulations (14 CCR section 11003(b)(6)) requires that this staff planning report contain:

an environmental assessment, which shall either (i) state that the proposed amendment will have no significant adverse environmental impacts or (ii) shall describe any possible significant adverse effects that the proposed amendment would have on the environment and shall describe any public benefits of the proposed amendment, any feasible mitigation measures that would lessen the significant adverse environmental impact(s) and shall evaluate any feasible alternatives to the change.

In turn, 14 CCR section 11521 specifies that the contents of an Environmental Assessment (EA) should contain a summary of the following:

- (a) a brief description of the proposed activity;
- (b) all substantial, adverse environmental impacts that the proposed activity may cause;
- (c) all irreversible environmental impacts that the proposed activity may cause;
- (d) any feasible mitigation measures that would reduce such substantial adverse environmental impacts;
- (e) any feasible alternatives, including design alternatives, to the proposed project that would reduce such substantial adverse environmental impacts; and
- (f) such other information that the Executive Director believes appropriate.

14 CCR sections 11003(b)(6) and 11521 are part of the regulations that BCDC has promulgated to implement its certified regulatory program under the California Environmental Quality Act ("CEQA"). These regulations specify the required contents of environmental assessments



generally when BCDC acts as CEQA lead agency – as it always does in the Bay Plan amendment context.<sup>4</sup>

More generally under the CEQA regime, CEQA only applies to “projects” (potentially inclusive of planning-level actions) that may cause a direct or physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. (Public Resources Code § 21065.) The Commission’s adoption of the RSAP will not cause a direct physical change in the environment because the RSAP only requires local governments subject to SB 272 to develop Subregional Shoreline Adaptation Plans for review and approval by BCDC for consistency with the RSAP. Therefore, the Commission’s adoption of the RSAP does not have the potential to cause a direct physical change in the environment, because the only possible direct consequence of the Commission’s adoption of the RSAP is that local governments within BCDC’s jurisdiction will be expected to submit a planning-level document (*i.e.*, the Subregional Shoreline Adaptation Plans) for BCDC’s review and approval in response to the requirements of the RSAP.

Furthermore, the RSAP will not cause a reasonably foreseeable indirect physical change in the environment either. SB 272 requires that BCDC establish the RSAP for the preparation of the Subregional Shoreline Adaptation Plans, which must include, among other things, “sea level rise adaptation strategies and recommended projects.” (Reference Public Resources Code §§ 30985(a)(2), (b)(3) and 30985.2(b).) However, any causal connection between the RSAP and any reasonably foreseeable environmental change is speculative because the required Subregional Shoreline Adaptation Plans– including any proposed sea level rise adaptation strategies and recommended projects – have not and cannot be identified or developed by relevant local governments until after BCDC has adopted the RSAP.

Finally, the contents of these Subregional Shoreline Adaptation Plans, including any proposed sea level rise adaptation strategies and recommended projects, cannot be known at this time because the RSAP does not dictate a singular or particular outcome for all Subregional Shoreline Adaptation Plans to be in compliance with the RSAP such that project-level impacts to the physical environment for any given subregional sea level rise plan can be ascertained with any certainty at this time. Instead, the contents of required Subregional Shoreline Adaptation Plans, including any proposed sea level rise adaptation strategies and recommended projects, will have to be developed within a localized context, as expressly recognized the RSAP.<sup>5</sup>

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<sup>4</sup> The significance of BCDC’s certified regulatory program is that environmental assessments prepared under BCDC’s own regulations are used instead of the documents that would normally be required by CEQA (*e.g.*, environmental impact reports; mitigated negative declarations; negative declarations). (Public Resources Code § 21080.5(a); 14 CCR § 15250.) Certification of BCDC’s regulatory program amounts to a determination that BCDC’s program includes procedures for environmental review and public comment that are “functionally equivalent” to CEQA compliance.

<sup>5</sup> By contrast, upon a local government’s approval of a Subregional Shoreline Adaptation Plans which identifies proposed sea level rise adaptation strategies and recommended projects, the Commission’s view is that such local

In summary, as required by BCDC's regulations regarding environmental assessments, the RSAP will have no significant adverse or irreversible environmental impacts (14 CCR §§ 11003(b)(6), 11521(b)-(c)), and so no mitigation measures or alternatives are required to be considered in order to reduce any substantial adverse environmental impacts (14 CCR §§ 11521(d)-(e)).

## **VII. Summary of Written Comments Received Following Distribution of Descriptive Notice**

Section 11003(b)(7) of the Commission's Regulations requires this staff report to contain "a summary of and responses to written comments received following distribution of the descriptive notice up to the time the staff planning report is mailed." Below is a summary of and responses to written comments received by the Commission between August 26, 2024, when the descriptive notice for BPA No. 1-24 was distributed, and September 13, 2024, the date of mailing of this staff report.

**Date Received: August - September 2024**

**Subject: Public Comment - RSAP**

BCDC received nearly identical letters from 15 members of the public that stated some of the many services the Bay provides and their vulnerability to climate change impacts, and acknowledged the RSAP as an opportunity for coordinated regional actions to improve the Bay Area's resilience to those impacts. The letters show support for an RSAP that prioritizes nature-based adaptation strategies, promotes environmental justice, equity, and community wellbeing, and requires phased approaches to sea level rise adaptation.

*The Commission thanks members of the public for their comments. The RSAP builds upon the Bay Adapt Guiding Principles, which include putting nature first whenever possible, supporting vulnerable communities, and picking the right strategy for the right place at the right time. As outlined in the RSAP, Subregional Shoreline Adaptation Plans must use nature-based adaptation strategies where feasible, document meaningful and robust community engagement efforts (including socially vulnerable communities, indigenous people, and Tribal governments), and consider timing and phasing of vulnerabilities and strategies.*

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government approval would constitute an essential step culminating in action which may affect the environment for purposes of constituting a project under CEQA for which the direct and reasonably foreseeable indirect physical changes on the environment resulting from implementation of the Subregional Shoreline Adaptation Plans can and should be analyzed. Based on this view, the RSAP specifies that the Commission expects local governments developing and adopting subregional sea level rise plans in the first instance to satisfy CEQA compliance as CEQA lead agencies, and the Guidelines further require evidence of such compliance as part of the requirements for a local government's submittal of a subregional sea level rise plan for review and approval by BCDC consistent with these Guidelines.