

San Francisco Bay Conservation and Development Commission

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TO: Commissioners and Alternates

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SUBJECT: **Staff Recommendation for 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 December 5, 2024)

Staff Recommendation

The staff recommends that the Commission adopt the attached Resolution No. 2024.05 (Appendix A) that would:

1. Adopt the Regional Shoreline Adaptation Plan as a plan addressing special needs incorporated by reference within the San Francisco Bay Plan.
2. 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.
3. Amend San Francisco Bay Plan Climate Change Policies 1, 6, and 7.
4. 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.
5. 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)*.



Executive Summary

The Commission voted to initiate Bay Plan Amendment No. 1-24 (BPA 1-24) on August 15, 2024. If adopted, BPA 1-24 would establish the Regional Shoreline Adaptation Plan (RSAP), which has been made available as Appendix B. 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 (Subregional Plans) in order to be prioritized for funding for the implementation of sea level rise adaptation strategies and recommended projects contained within the Subregional Plans per Senate Bill (SB) 272 (Laird, 2023). Adoption of these components 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 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 includes, or has attached:

- The Staff Recommendation;
- Summary of Response to Public Comments
- The Final Environmental Assessment, which is unchanged from the draft Environmental Assessment;
- Draft Commission Resolution No. 2024.05, including proposed changes to the *Bay Plan* Climate Change Findings and Policies (Appendix A);
- The revised Regional Shoreline Adaptation Plan (Appendix B);
- Public Comments (Appendix C) and a Response to Public Comments (Appendix D);
- Text of SB 272 (Appendix E).

This Staff Planning Recommendation incorporates by reference the analysis and recommendations contained in the September 16, 2024 Staff Report and Preliminary Recommendation for BPA 1-24, which was considered by the Commission at a public hearing on October 17, 2024.

Summary of Response to Public Comments

Section 11005(b)(1) of the Commission’s regulations requires this staff recommendation to contain “a summary of comments and responses to all comments on the proposed amendment received either in writing prior to the close of the public comment period or at the public hearing which the staff planning report did not already summarize and respond to.” On September 16, 2024, Commission staff circulated a Staff Report and Preliminary Staff Recommendation, opening a 30-day public comment period. On October 17, 2024, the



Commission held a Public Hearing on BPA 1-24 to receive public comments. The Commission extended the deadline for written public comments to October 18, 2024. The Commission received 277 written public comments and 27 oral public comments during the public comment period (September 16 – October 18, 2024), for a total of 304 public comments. Public comments and the response to public comments are available in Appendix C and Appendix D. Any public comments received after the public comment period were not responded to but have been circulated to the Commission.

Furthermore, responding to a public comment letter and oral comment from the Confederate Villages of Lisjan, after the October 17, 2024 Public Hearing, BCDC staff conducted a tribal consultation on Wednesday, November 6th with the Confederate Villages of Lisjan to address modifications to the RSAP to strengthen Guidelines related to government-to-government consultation with tribes, incorporating tribal knowledge, and to develop ongoing collaboration.

Revisions to the Draft Regional Shoreline Adaptation Plan

The following sections summarize revisions made to the draft Regional Shoreline Adaptation Plan in response to public comments and feedback from Commissioners and other Bay Area stakeholders received during the public comment period and at the Commission Meeting on October 17, 2024. It is organized into five comment areas and responses: (I) RSAP Guidelines requirements and planning process, (II) RSAP policy topics, (III) RSAP technical topics and formatting, (IV) Bay Plan Climate Change findings and policies, and (V) Future Commission actions. Staff reviewed all comments and evaluated them based on scope, goal and policy alignment, and feasibility.

On the whole, the comment letters expressed gratitude and support that BCDC was taking on this important regional issue. Commenters in general offered targeted suggestions for strategic improvements rather than wholesale changes. The result is that the final draft RSAP is not fundamentally different than the draft dated September 16, 2024, nor were its goals changed, but comments provided many salient and helpful points that have guided staff to develop a draft that is sharpened and more attuned to the needs of the commenters. Staff believes the changes made in the final draft will continue to lead to the same policy outcomes as the previous draft, while adding in greater clarity, usability, and flexibility – both for cities and the Commission – to develop plans that meet the needs of San Francisco Bay’s diverse shoreline communities. Therefore, the revisions do not substantially alter the analysis provided by the Staff Report and Preliminary Recommendation dated September 16, 2024 as considered by the Commission at its public hearing of October 17, 2024.

I. **RSAP Guidelines Requirements and Planning Process**

A. **Streamlining of Requirements and Simplification of Planning Steps**

Several comments – primarily from representatives from cities and Commissioners – requested a streamlining and simplification in the RSAP Guidelines requirements, particularly in terms of processes outlined in the Subregional Plan Element requirements (3.2) that can be seen as overly prescriptive. Comments cited the level of detail in

analysis steps, planning processes steps, and submittal requirements as being overly burdensome. The overarching concern was that the number of requirements and level of detail required will result in a substantial and costly effort for local staff, taking resources away from implementing projects and achieving adaptation goals.

Sea level rise planning is extraordinarily complex. The RSAP has been developed, as required by SB 272, to provide local governments with a flexible guide to navigate this complexity in a comprehensive way, while ensuring consistency across the region. Planning for sea level rise is and should be a concerted and thorough effort, as it intersects with multiple critical issues (e.g., housing, environmental protection, flood control and emergency management, environmental justice, transportation, and more). Failing to address sea level rise and coastal hazards in a timely and comprehensive manner will undermine any other efforts to ensure a high quality of life for residents in the future.

Staff acknowledges the level of effort that these plans will require and understands that many local governments may not have the current capacity to take on significant new planning. As such, staff revised the draft RSAP to streamline planning efforts for local governments while still maintaining requirements that would result in a comprehensive Subregional Plan. Overall, 10 plan requirements – out of 59 requirements in the previous draft – are now suggested “planning tips.”

Staff believe that these modifications are responsive to concerns raised by commenters while still creating a balanced framework for planning that leads to achieving the outcomes intended by SB 272 as well as the RSAP Purpose and Goals (See RSAP Section 1.2) and One Bay Vision (RSAP Section 2). Additional streamlining of requirements beyond those recommended by staff could result in inconsistency across the region, maladaptation, adverse impacts across communities, and/or a failure to act as intended under SB 272. Furthermore, too much simplification for planning would not address the complex nature of rising sea levels, leaving communities unprepared. For more information on the changes related to this topic, please see Common Response #3 in the Response to Public Comments (Appendix D).

B. Use of Existing Plans, Studies and/or Providing Alternative Paths to Comply with the RSAP Guidelines

Several comments and Commissioners asked for clarification on how existing sea level rise assessments, plans, studies and projects could be considered or counted towards Subregional Adaptation Plan requirements and/or requested that existing work be accepted as-is. Some comments inquired specifically about content for Element B: Existing Conditions, Element C: Vulnerability Assessments, and adaptation projects already in the planning, design, or construction phase. Many comments expressed concerns that existing work will not likely meet exact plan requirements due to differing data, planning assumptions, planning processes, or conflicting design standards.

It is not the intent of the RSAP to make plan requirements overly burdensome or force jurisdictions to repeat expensive and time-consuming planning work. However, one of the aims of the RSAP is to ensure Bay-wide consistency and to meet minimum standards within all Subregional Shoreline Adaptation Plans. There is wide variation across local jurisdictions with respect to their level of sea level rise preparedness and the methodologies they have used to do adaptation planning to date, so staff must assess existing work to see if it fits the aims and outcomes identified in the Guidelines.

Staff made several changes to the RSAP Guidelines to clarify how and where existing work or alternative paths to comply with requirements may be acceptable, including new text on flexibility in the Executive Summary and Introduction. A new section at the beginning of Section 3 (3.1.2) is entitled “Flexibility in Meeting Plan Requirements.” It describes how to use existing content as well as how to use alternative data sources. New text was added at the beginning of each Plan Element (Section 3.2) clarifying the intended outcome of the Element and pointing out how and where existing content may be used. The RSAP Guidelines also now make clear that BCDC will accept alternative submittals provided they meet the intended outcomes.

Finally, the process for submission and review of Subregional Shoreline Adaptation Plans by a local jurisdiction includes three required consultations with BCDC staff (Section 3.5.1). An initial consultation between BCDC and local staff can be used to collaborate with BCDC staff to identify where existing content exists, how close it is to meeting the RSAP plan requirements and identifying a reasonable compromise to meet plan requirements. For more information on the changes related to this topic, please see Common Response #1 in the Response to Public Comments (Appendix D).

C. Guidance for CEQA/Environmental Review

Multiple comments and Commissioners requested clarity on whether environmental analysis would be required for Subregional Shoreline Adaptation Plans and who would be the lead agency for purposes of the California Environmental Quality Act (CEQA).

In response, staff included a sidebar in Section 3.5.1 that clarifies that the appropriate level of environmental analysis required under CEQA (if any) is a determination that will need to be made by the local government and may vary depending on the specific circumstances of each local government’s plan development. Additionally, adopting a plan will be a local discretionary action, so BCDC anticipates that the local government in question would be the lead agency for environmental review to comply with CEQA, should the local government determine that such a review is required. For more information on the changes related to this topic, please see Common Response #4 in the Response to Public Comments (Appendix D).

D. Expectations for Coordinating with Neighboring Jurisdictions, Special Districts and other Entities

Comments and Commissioners requested clarity on expectations around working with neighboring jurisdictions, special districts, private landowners, or state or federal



agencies that own, operate, maintain, or regulate land or assets within the local government's boundaries that may be included in a Subregional Plan. Commentors expressed concern about identifying and implementing strategies that are outside of the local government's control, especially if other entities do not agree, are uncooperative, or do not want to engage in a collaborative planning process.

Many aspects of planning and implementing sea level rise adaptation are outside the control or authority of a singular local governmental entity. While comprehensive shoreline adaptation planning ideally involves all affected parties, such cooperation may not be realistic or achievable in the planning timeframe of a Subregional Plan. In Section 3.1.1, staff have clarified that BCDC expects jurisdictions to make their best efforts to involve all affected parties. However, in the case of absent or non-cooperative parties, privately held data, or other limitations, local governments should indicate these barriers, their attempts to remedy them, and what may be needed to overcome them in the future. For more information on the changes related to this topic, please see Common Response #7 in the Response to Public Comments (Appendix D).

E. Hierarchy of Authorities

Several comments expressed concern about conflicting requirements and authorities in relationship to the Subregional Plans. Concerns included questions about whether a Subregional Plan supersedes housing opportunity sites as identified in local Certified Housing Elements, whether the Adaptation Strategy Standards supersede design standards set forth by funding agencies, and whether land use changes identified in Element E supersede local general plans and zoning codes.

Staff added a sidebar in Section 3.1.2 clarifying the expectations of the RSAP in regard to local land use decisions and in consideration of other legal requirements such as general plans, housing elements, Local Hazard Mitigation Plans, seaport plans, and more. The intent of the RSAP Guidelines is not to dictate or otherwise establish regulatory oversight or approval of local land use or policy decisions that supersede decisions made in alignment with other planning requirements nor to compel local governments to make any particular land use or policy decisions. Local governments will need to consider actions that effectively implement adaptation strategies as identified in Subregional Plans, which may include the need to make land use and policy changes at the local level and that require amendment or updating existing plans and policies. BCDC staff is committed to working with local governments to identify a path to plan approval that balances competing priorities or requirements while meeting the state-identified purposes of SB 272. For more information on the changes related to this topic, please see Common Response #8 in the Response to Public Comments (Appendix D).

F. Refinements of the Plan Consultation, Submittal, Approval, and Updates Process

Various comments sought clarity on engagement with BCDC during plan development, including plan consultations and the submittal and approval process. Multiple comments asked for consideration of a phased approach to submittal to ensure that plans are on track for approval by BCDC before they commit resources to undergoing environmental

review and local approval. Others asked for clarification or changes to the timeline for plan updates, citing that overly burdensome plan updates may take resources away from implementing adaptation strategies and result in continual planning exercises.

Commenters also cited that the requirement for a minor plan update every 5 years and a comprehensive update every 10 years went beyond the requirements of SB 272.

Staff have modified the process for submittal and review of Subregional Plans to clarify that consultations with BCDC staff can be used to review interim plan content to provide a “phased” approach to plan review. However, elements of an adaptation plan are interrelated and iterative. Subregional Plan Elements will not be approved separately, as decisions made in certain elements link to decisions made elsewhere. Approving one element individually does not represent a holistic planning approach as set forth in the RSAP Guidelines.

Additionally, the required timeline for updates was changed to be more flexible and locally driven. SB 272 states that, sea level rise plans must include, at a minimum, “...a timeline for updates, as needed, based on conditions and projections and as determined by the local government in agreement with the California Coastal Commission or the San Francisco Bay Conservation and Development Commission, as applicable.” As such, staff added clarification to plan requirement F4-a to include a locally proposed timeline for updates and revised Section 3.5.2 to better reflect the legislative intent. Instead of a five-year limited update, this section now calls for jurisdictions to provide an interim progress report at a midway point between plan updates, and a comprehensive plan update no less frequently than every 10 years. For more information on the changes related to this topic, please see Common Response #11 in the Response to Public Comments (Appendix D).

G. Adaptation Pathways and Guidance on Selecting Pathways in 2100

Some comments raised concerns that the identification of “preferred” adaptation strategies in 2100, as required in the initial draft RSAP, was asking for too much detail and, given the uncertainty associated with climate projections, may be premature for decision making. The comments further noted that selecting a preferred approach in 2100 was not in line with the concept of adaptation pathways, which is an approach to identify one or more options (or pathways) that can support flexibility for future adaptation options. Other comments emphasized the importance of creating phased adaptation and utilizing an adaptation pathways approach, particularly in relation to Baylands habitats and facilitating transitions between strategies. Some comments also noted that adaptation pathways can be a challenging approach as longer-term strategies may not be possible if early adaptation actions (such of property ownership, rights-of-way, etc.) do not properly lay the groundwork for later changes.

The concept of adaptation pathways has been embedded in the RSAP since the beginning of this process and is described and utilized across both the Introduction and Subregional Plan Elements in the initial draft RSAP. In light of the comments, staff have made key revisions in Element D: Adaptation Strategies and Pathways to better reflect and

incorporate the use of adaptation pathways as a tool for considering adaptation strategies options at longer time horizons and water levels (i.e., 2100). Adaptation strategies are now required to be “selected” at the 0.8 ft (2050) sea level rise scenario, and adaptation strategy options (e.g., pathways) are required to be described that show one or more options towards flood risk reduction in the 3.1 ft (2100 Intermediate) sea level rise scenario. This approach still requires local governments to consider adaptation alternatives at the 2100 water levels, but no longer requires a “preferred” approach for that time horizon. Additional descriptions and a diagram of the adaptation pathways concept have been added to the revised RSAP and one of the Adaptation Strategy Standards now more clearly articulates the utilization of phased adaptation approaches. For more information on the changes related to this topic, please see Common Response #12 in the Response to Public Comments (Appendix D).

H. **Project List Requirements**

Multiple comments were focused on Element G: Project List, which requires that local jurisdictions submit a list of projects closer to design and construction with its Subregional Shoreline Adaptation Plan. Comments included concern that developing projects to the required level of detail would rush project decisions, concern that the limitation of short-term projects (within the next 10 years) would leave out critical projects with a longer timeline, requests that the project lists would quickly become outdated, and requests that the projects submitted be integrated into the EcoAtlas platform.

Inclusion of recommended projects in Subregional Plans is a requirement of SB 272, and an important component of both local and regional sea level rise adaptation planning and funding. Identifying and vetting locally-identified projects and their consistency with regional goals supports a regional funding strategy, as called for in the Bay Adapt Joint Platform, the BARC cross-agency Sea Level Rise Adaptation MOU, and the proposed Climate Change Policy 6 revisions. It provides a mechanism to communicate Bay-Area priorities for State funding prioritization, pursuant to SB 272 (30985.5). The project list is intended to capture only projects that have been developed to the level of detail that they should be included in a regional projects database. BCDC and MTC/ABAG have already established a regional database of adaptation plans and projects, and projects submitted as part of Subregional Shoreline Adaptation Plans will continue to build out this database. This database uses EcoAtlas as the underlying platform, so projects in this database are automatically included in EcoAtlas and will be identified as advancing habitat goals if they meet the criteria for doing so.

Staff have modified this section to clarify expectations for project list submittals, describing the intent of the regional project database that submittals in this section will help populate, and clarifying how these projects will be linked to the EcoAtlas platform. For more information on the changes related to this topic, please see Common Response #15 in the Response to Public Comments (Appendix D).

II. RSAP Topic Areas

A. Strengthening Requirements Regarding Contamination

Many comments sought to elevate the criticality of addressing mitigation and remediation of contaminated sites that will be impacted by sea level rise and groundwater rise, as well as additional specific guidance on mitigation actions and standards. Commentors also requested that BCDC play a leadership role in coordinating regularly with agencies with primary responsibilities, such as the Department of Toxic Substances Control and the California State Water Resources Control Board, to align their internal work with the updated priorities that cities will identify. This theme was supported by several Commissioners.

Staff acknowledges how important this issue is to the health, safety and quality of life for residents and habitats, and that there is a long history of environmental injustice that disproportionately impacts socioeconomically vulnerable shoreline communities.

Staff added a new Adaptation Strategy Standard to ensure contamination outside of Strategic Regional Priority areas (e.g., contaminated sites within Environmental Justice communities) is identified in Subregional Plans. Staff further strengthened the existing Strategic Regional Priority to add language on greater transparency and engagement with communities during contaminated site remediation. Additional language on contamination was also added to existing Adaptation Strategy Standards, including standards related to improving Baylands habitats, promoting growth areas, and incorporating climate-responsive standards and codes. Lastly, language in the One Bay Vision was revised to list Tribes as additional collaborators in advancing remediation and integrating Indigenous Ecological Traditional Knowledge (ITEK) in support of furthering emerging science on shallow groundwater rise.

Staff is also aware that there are limitations in how the RSAP and Subregional Shoreline Adaptation Plans can address this issue. First, the local governments who have been tasked with developing Subregional Plans may not have the authority or ability to perform site cleanup and/or mandate and enforce site cleanup by private landowners. Second, site cleanup standards in light of sea level rise and rising groundwater levels are primarily managed and regulated by agencies other than BCDC (Regional Water Quality Control Board, Department of Toxic Substances Control, US EPA). The new standard added to the RSAP does not change previous requirements, as the initial RSAP already required all local governments to evaluate contaminated sites, identify sites of local concern and priority, and incorporate them into adaptation planning. The new standard elevates this existing process by asking local governments to transparently disclose how locally identified contaminated sites are incorporated into identified adaptation strategies.

As part of its Technical Assistance program and next steps, staff will also evaluate ways to coordinate more closely and regularly with other agencies on this topic (see “Future

Commission Actions” below). For more information on the changes related to this topic, please see Common Response #2 in the Response to Public Comments (Appendix D).

B. More Robust Requirements for Nature-based Solutions and Habitat Protections

Many letters came from Sierra Club members and other stakeholders in the manner of form letters emphasizing the value of the San Francisco Bay’s shoreline habitats and their invaluable ecosystem services. The comments urged the final RSAP to make the most of nature’s resiliency tools and prioritize restoration of habitats and nature-based adaptation, a theme that was echoed by several Commissioners. Comments also expressed the need to more fully explain the value of natural and nature-based solutions in the Introduction and recognize ecosystem health across all Plan Elements and Strategic Regional Priorities. Lastly, many of the comments noted that local governments may not be aware of the benefits of natural habitats for their contributions to community benefits and services, including climate resilience such as flood risk reduction and carbon storage.

Staff acknowledges how important healthy Baylands ecosystems are in providing essential benefits and services to communities today and into the future. The initial draft RSAP elevated the critical importance of Baylands ecosystems in various ways, such as by including the spectrum of natural and nature-based adaptation and conventional adaptation, discussing the benefits and services of ecosystems in the introduction, creating a One Bay Vision topic area and Strategic Regional Priority on Ecosystem Health and Resilience, integrating ecosystem health across all topic areas, and creating Adaptation Strategy Standards for the following: improving Baylands habitats and facilitating their long-term survival, creating complete and connected ecosystems, and using nature-based adaptation where feasible. To further emphasize these principles, additional edits have been made across the revised RSAP. This includes additional language early and throughout the document on the value of habitats, a new call-out for examples of ecosystem services, inclusion of nature-based suitability in the Minimum Categories and Assets Standard and to be included in Element B: Existing Conditions, and linking habitat protection, restoration, and/or enhancement with regional habitat goals. The revised RSAP combined two of the previous Adaptation Strategy Standards related to Baylands habitats to better integrate and elevate all Baylands habitats – both within and across jurisdictions – as part of the Strategic Regional Priority. The revised and combined Strategic Regional Priority for Complete and Connected Ecosystems further links all Baylands habitats to defined regional habitat goals (see below) to improve clarity for how Subregional Plans can best meet these goals. Lastly, language for using natural and nature-based adaptation has been adjusted to “prioritize natural and nature-based adaptation where feasible” instead of “use” to clarify the importance of natural and nature-based adaptation in Subregional Plans. For more information on the changes related to this topic, please see Common Response #5 in the Response to Public Comments (Appendix D).

C. **Linking to Measurable Metrics and Outcomes**

Several comments, largely commenting on how habitat protection/preservation was incorporated within the RSAP (see above), shared concerns about the lack of metrics or measurable goals to evaluate the degree to which region-wide habitat goals are being met in Subregional Plans and the RSAP overall. There were requests to define regional habitat goals using specific habitat targets, and a request to include the full table from the San Francisco Bay Joint Venture's Restoring the Estuary report (2022), which sets regional habitat goals for Baylands habitats. Additionally, there were comments requesting that information about projects be added to the San Francisco Estuary Institute's (SFEI)/SPUR's EcoAtlas database and naming it explicitly. There were also questions about tracking plans and progress overall and updates to the RSAP Guidelines.

Staff included an additional sentence in the Strategic Regional Priority on Complete and Connected Ecosystems to define regional habitat goals and reference the San Francisco Bay Joint Venture's Restoring the Estuary report (2022) as being the source of regional habitat goals Subregional Plans should strive to achieve. The additional sentence states, "Regional habitat goals include protecting or restoring over 130,000 acres of tidal and non-tidal wetlands, protecting 16,500 acres of estuarine-uplands transition zone habitat, and restoring 8,000 acres of eelgrass beds, among many other goals as identified by the 2022 San Francisco Bay Joint Venture's Restoring the Estuary report¹ (best available science at the time of publication)." The term "regional habitat goals" was also added to the Glossary. Staff included specific reference to how project data will be incorporated into EcoAtlas in Element G: Project List. BCDC will be developing a technical assistance program following the adoption of the RSAP and explore tools and/or programs to support communication of Subregional Plan status. The RSAP also states that the Guidelines will be updated on a regular update schedule to reflect new or revised sea level rise science and other information as necessary.

While not directly related to any plan requirements, BCDC will be launching Bay Adapt Currents, a Bay Adapt metrics dashboard in early 2025. This platform is tied to the guiding principles in the Bay Adapt Joint Platform (2021) which includes the principle of "putting nature first whenever possible." This platform will make information related to Subregional Plan development and outcomes available to provide transparency on adaptation in the region. Learnings from the Subregional Plan development process will be taken into account in any future revision of the guidelines. For more information on the changes related to this topic, please see Common Response #6 in the Response to Public Comments (Appendix D).

¹ San Francisco Bay Joint Venture. 2022. Restoring the Estuary - A Framework for the Restoration of Wetlands and Wildlife in the San Francisco Bay Area. Richmond, CA

D. Adding More Robust Inclusion of Tribal Engagement and Knowledge

Several comments pointed out that the Guidelines did not adequately address tribal engagement, formal government-to-government Tribal consultation, and inclusion of Indigenous Traditional Ecological Knowledge (ITEK). Commissioners also noted the importance of including Tribal engagement. In response to the Confederate Villages of Lisjan’s submitted comment letter prior to the October 17, 2024 Public Hearing, BCDC scheduled and conducted a Tribal consultation on Wednesday, November 6th with the Confederate Villages of Lisjan. During the Tribal consultation BCDC gave a presentation on the Regional Shoreline Adaptation Plan and responded to the three main points in the Tribe’s comment letter. The three points were: 1) the Regional Shoreline Adaptation Plan as drafted establishes no requirement or protocol for local governments to conduct government-to-government consultation with California Tribal Nations; 2) a request that Tribal Nations have the opportunity to engage in formal consultation on the RSAP before it is finalized; 3) concern that there is no discussion of Tribal Knowledge in the draft RSAP. Based on this consultation, BCDC have modified the RSAP, and invited the Confederate Villages of Lisjan to be ongoing thought partners in the development and implementation of the RSAP. BCDC and the members of the Confederate Villages of Lisjan agreed to monthly meetings for consultation going forward.

As a result of this consultation and other public comments, staff added a requirement for government-to-government Tribal consultation during the development of Subregional Plans (see Section 3.2.1). In addition, staff made several additional modifications to include Tribes as key stakeholders, clarify how and where to include Tribal lands and Tribal and cultural resources as critical assets, and how and where to include Indigenous Traditional Ecological Knowledge alongside traditional scientific data. For more information on the changes related to this topic, please see Common Response #9 in the Response to Public Comments (Appendix D).

E. Clarifying How to Handle Tradeoffs in Adaptation Decisions

Comments pointed out that Adaptation Strategy Standards may be in conflict with one another and that it isn’t always possible or feasible to apply every Adaptation Strategy Standard to every location. In particular, there may be tradeoffs between development and housing along the shoreline and habitat restoration, recreation, critical infrastructure, or water-oriented uses. Some comments requested more guidance in evaluating tradeoffs. The previous draft of the RSAP stated that strategies “must” apply every Standard, which commenters felt was not feasible. Several Commissioners pointed out the need for flexibility and balance.

Staff have modified the RSAP in various places to clarify that the Adaptation Strategy Standards are designed to provide guidance and support for local jurisdictions when evaluating challenging tradeoffs and how to use them as such. The Adaptation Strategy Standards were re-worded to be outcome-oriented, rather than starting with the term “must,” and include language that will allow local planners to apply them to a range of shoreline conditions, by including language such as “to the greatest extent feasible,”

“where possible,” or “as applicable.” These terms are applied intentionally to make the intended outcomes of the Standard clear and encourage local governments to identify appropriate adaptation strategies to achieve them to the greatest degree possible given local conditions. The extent to which these outcomes are reached in any given location is likely to look different based on differences in local conditions, risks, barriers, and opportunities. BCDC will review Subregional Plans with an eye towards balancing tradeoffs and achieving the broad outcomes of the Adaptation Strategy Standards. For more information on the changes related to this topic, please see Common Response #10 in the Response to Public Comments (Appendix D).

F. Clarifying the Expected Approach to Economic Analysis

Comments requested clarification or more guidance on plan requirements related to cost of inaction and cost of adaptation and expressed concerns that this type of economic analysis is costly to do.

While an economic impact analysis is not required for the initial Subregional Plan, SB 272 does require an economic impact analysis in future updates to Subregional Plans. Given this, staff removed language requiring an economic impact analysis and adjusted the requirement to “provide the potential costs of damages from inaction” (C1-c) and clarifying that this is a high-level, order-of-magnitude assessment. A sidebar in 3.5.2 describes that an economic impact analysis will be expected in future plan updates. For more information on the changes related to this topic, please see Common Response #16 in the Response to Public Comments (Appendix D).

G. Regional Housing Needs and the Role of Private Development in Funding Adaptation

Comments spoke to the importance of balancing sea level rise adaptation with other critical regional needs, such as meeting housing and affordable housing requirements. In addition, commentors pointed out the important role that private development can play in funding adaptation through development incentives that lead to a more resilient shoreline design. Comments included recommendations for how the Adaptation Strategy Standards and corresponding “Strategy options to achieve this” could be modified. Commissioners stated that the final RSAP should pay careful attention to the final wording so that the guidelines are not inflexible or overly prescriptive as to the type of development (such as housing versus retreat).

In response, staff adjusted language in Section 2.3.1 and 2.3.3 clarifying that certain Strategic Regional Priorities can and should be integrated with local housing elements and Regional Housing Needs Allocations requirements. Additionally, staff included much more language on tradeoffs in selecting appropriate Adaptation Strategy Standards (see Section II, Subsection E above) to reflect local pressures and added more targeted language in both Adaptation Strategy Standards as well as the “strategy options to achieve this” that reflect requests from the comments. For more information on the changes related to this topic, please see Common Response #10 in the Response to Public Comments (Appendix D).

H. **Additional Topical Edits**

Various other individual comments led to targeted updates to specific Strategic Regional Priorities and Adaptation Strategy Standards. The previous two Public Access standards were combined into one to increase clarity on the outcomes. Additional language was also added to incorporate the San Francisco Bay Area Water trail as part of this Standard, which is now incorporated with the Strategic Regional Priority on Connected Regional Shoreline Access. A new standard was added to “Integrate coastal flood protection with stormwater and riverine flood management” to better recognize compounded flood risks and ensure adaptation strategies appropriately consider how strategies for coastal flood hazards interact with, and minimize unintentional risks from other flood sources, such as stormwater and riverine. The Reduced Involuntary Displacement Risk Strategic Regional Priority was updated to include a wider variety of sources for existing displacement analysis and policies.

III. **Technical and Formatting Changes**

A. **Clarifying/Correcting Data and Science**

Public comments asked for clarification on the selection of models and sea level rise scenarios. In some cases, commenters requested additional details on methodology, clarification on how more localized models might be incorporated, or explanations for why certain sea level rise scenarios were not selected. Several commenters wanted to understand why the RSAP Guidelines did not require novel modeling and instead rely on existing data. Lastly, some commenters wanted to know if sea level rise selections in the RSAP were consistent with federal scenarios.

The RSAP Guidelines require the use of best available science in Subregional Plans. The sea level rise scenarios in the RSAP reflect the current best available science from the Ocean Protection Council’s California Sea Level Rise Guidance (2024). To support that, BCDC staff have assembled high-quality sea level rise and groundwater rise model outputs and assembled them into regionwide data layers. However, BCDC does not require the use of BCDC’s hazard layer and encourages local governments to bring knowledge of local projects to their planning process. To clarify the science models used in the plan, staff updated, and refined text and added additional explanatory figures, tables, maps, and text in Section 3.3.1. For more information on the changes related to this topic, please see Common Response #13 in the Response to Public Comments (Appendix D).

B. **Local Jurisdictions Subject to SB 272**

Only local governments within BCDC’s jurisdiction are subject to SB 272 and therefore required to create Subregional Plans. Table 3-1 (3-8 in the previous draft) summarizes local governments within BCDC’s jurisdiction and others not within BCDC’s jurisdiction but impacted by short-term coastal hazards and therefore encouraged, but not required, to develop Subregional Plans (as indicated by an asterisk). Staff reviewed and confirmed the list of cities and counties in BCDC’s McAteer-Petris jurisdiction. This review utilized

updated draft jurisdictional screening maps and coastal flood hazard maps and resulted in changes to table included in the previous draft. Specifically, the review indicated that portions of American Canyon’s shoreline was in BCDC’s jurisdiction and will therefore be required to prepare a Subregional Plan pursuant to SB 272. An asterisk was added to Milpitas and San Bruno, meaning that they are encouraged but not required to develop Subregional Plans, as these local governments were confirmed to not be in BCDC’s McAteer-Petris jurisdiction but impacted by short-term coastal flood hazards.

C. RSAP Grammatical, Editorial, and Graphics

Staff made several changes to correct grammatical errors, streamline and refine text, and add additional clarifying text not included in the categories above. This is most prominent in the Executive Summary and Introduction sections, reorganization of the Section 3 (Guidelines) subsections, as well as graphic refinement of the overall layout and design of several sections. This draft also includes a “Letter from the Chair” introducing the RSAP from BCDC Chair Zack Wasserman. These changes were not in response to comments, but improvements that staff identified as a priority.

IV. Bay Plan Findings and Policy Changes

There were few comments or suggested changes related to the proposed amendments to San Francisco Bay Plan (Bay Plan) Climate Change Findings C, E, O, P, R, U, and W, new Climate Change Findings X, Y, and Z and proposed amendments to Bay Plan Climate Change Policies 1, 6, and 7. BCDC staff have not made any changes to these proposed findings and policies, and recommends the Commission adopt the proposed amendment to the Findings and Policies of the San Francisco Bay Plan consistent with the analysis provided by the Staff Report and Preliminary Staff Recommendation dated September 16, 2024 as considered by the Commission at its public hearing of October 17, 2024 and consistent with the attached Resolution. The full text of the amendments to the Bay Plan Climate Change Findings and Policies is incorporated in Resolution 2024.05 (Appendix A).

V. Future Commission Actions

A. Technical Assistance

Several comments recommended additional resources, clarification, or additional information that, for various reasons, staff did not deem appropriate to include in the RSAP itself but can develop and share in the BCDC RSAP Technical Assistance (TA) Program. Requests include, but are not limited to, guidance on best practices for collaboration, BCDC facilitation of engagement with special districts, jurisdictions, and agencies, increased outreach to cities and counties to raise awareness of the new mandate, and support with funding, and creating draft scopes of work, templates, budgets, or cost estimates.

Staff acknowledges that there is still a lot of information, examples, case studies, and tools that are not included in the Guidelines that can be helpful and useful for interpreting and applying the Guidelines. In some cases, these tools have not been developed yet and so were not able to be included in the RSAP. Staff also did not want to



include case studies or examples that may soon be outdated in a published document but want to make these resources available in a nimbler and more easily updateable way. Staff is currently working with a consultant team to develop a work plan for a TA program for RSAP support and is conducting interviews and surveys to determine highest TA needs as well as reviewing the public comments for TA requests. It is anticipated that elements of the TA program will be available for access by plan preparers by spring 2025. It may include, but is not limited to, TA tools such as worksheets, templates, examples, case studies, workshops, and one-on-one consultations.

B. Future Updates to the RSAP

Staff acknowledges that, as a first-of-its-kind plan, the RSAP will necessarily need to be updated in the future as conditions change, science and technical understanding evolves, and the region learns more about how the planning process works. The need for future updates to the RSAP is acknowledged throughout the document as well as in the proposed Bay Plan Climate Change Policy 6. The new letter from Chair Wasserman and the Executive Summary explicitly acknowledges this need to continually refine this planning process and other approaches that go into creating a more resilient, equitable and thriving Bay Area in light of climate change.

C. Regional Leadership on Sea Level Rise Adaptation

Several comments were received regarding regional adaptation topics that go beyond the scope of the RSAP, such as the need for a region-wide funding approach to ensure that there is adequate access to funding for both plans and project development, as well as identifying regional priorities for funding and the need for region-wide and city-wide education programs on sea level rise, especially for youth.

The Bay Adapt Joint Platform, adopted by the Commission in 2021, lays out a suite of region-wide actions, which include “Figure out how to fund adaptation” (Action 6)” and “Broaden public understanding of climate change since and impacts” (Action 3). BCDC, in collaboration with partner agencies at MTC/ABAG, Coastal Conservancy, BARC and others, are working together to advance various approaches to coordinating, prioritizing and expanding funding opportunities for adaptation. For example, BCDC, with MTC/ABAG, developed a regional sea level rise needs and revenue assessment, and the agencies are actively working together to seek major federal and state funding. BCDC, with MTC/ABAG, will also be developing a Funding and Investment Strategy that is complimentary to the RSAP and identifies, evaluates, and communicates funding priorities for adaptation. This work is only beginning and will continue into the future. Likewise, while BCDC is not an educational institution, it is partnering with and looking for ways to expand public education around sea level rise. BCDC’s forthcoming Shoreline Leadership Academy is an example of how BCDC can provide capacity building and education to future leaders to be able to actively participate in decisions-making that impacts their shoreline. The first Shoreline Leadership Academy is slated to begin in January 2025 for youth in San Francisco and will be carried out in partnership with the Port of San Francisco, Exploratorium and others.

D. RSAP Enforceability and BCDC Authority and Jurisdiction

Additionally, there have been ongoing calls for BCDC, both in comment letters and from Commissioners, to reconsider its authority in light of new responsibilities and authorities under SB 272. In particular, BCDC’s ability to prepare the RSAP Guidelines and review and approve the Subregional Plans pursuant to its authority under SB 272 is not linked to BCDC’s permitting authority under the McAteer-Petris Act or the Suisun Marsh Preservation Act, meaning that staff may approve plans containing project concepts that may then not result in projects that align with BCDC permitting policies. Project proponents may bring permit applications to the Commission that are not included in their Subregional Plans, or that projects may be eligible for permits that do not conform to the goals for adaptation projects as outlined in the Guidelines.

Lastly, BCDC has no regulatory authority to enforce compliance with the RSAP. SB 272 outlines a link to prioritized funding if local governments successfully compete a Subregional Plan and have it approved by BCDC.

BCDC’s 2023- 2025 Strategic Plan includes a strategic objective related to this topic: “Determine whether and how BCDC’s regulatory and planning authority and jurisdiction should be expanded to foster larger scale adaptation efforts.” Staff and the Rising Sea Level Commission Working Group will begin to evaluate this topic soon. The Commission should expect ongoing discussion and possible action on these topics in the upcoming months and years.

Changes to the Environmental Assessment

While BCDC received a number of comments on the draft Guidelines concerning the future potential requirements of local governments with respect to the need to comply with the California Environmental Quality Act (CEQA) as part of their development and approval of Subregional Plans in the first instance as CEQA lead agencies (as described above), no comments were received in regards to the draft environmental assessment published as part of the initial staff planning report dated September 17, 2024, or the adequacy of its environmental impacts analysis of the RSAP. Accordingly, no revisions to the initial environmental assessment, which is incorporated herein by reference, are proposed, and staff recommends that the Commission approve the final environmental assessment as part of its approval of BPA No. 2-14. (Reference 14 CCR §§ 11005(b)(2), 11524)