

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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October 1, 2009

TO: Commissioners and Alternates

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**SUBJECT: Public Workshops on Proposed San Francisco Bay Plan Amendment No. 1-08
Addressing Climate Change
(For Commission information only)**

Staff Report

Introduction. Three workshops were held in the San Francisco Bay Area on September 15 (Vallejo), 16 (Palo Alto), and 17 (San Francisco) to provide local decision-makers and officials with additional opportunities to comment on proposed revisions to the San Francisco Bay Plan regarding climate change and sea level rise. The staff contacted all local government elected officials, local planning and public works directors and flood control officials to notify them of the workshops. BCDC staff presented its preliminary recommended Bay Plan changes, including the addition of a new climate change section to the Bay Plan, as well as updates to the policies and findings in the Tidal Marshes, Tidal Flats, Safety of Fills, Protection of the Shoreline, and Public Access sections of the Bay Plan, based on the vulnerability analysis in the background report. Staff also presented possible revisions to its preliminary recommendation that had been developed at that point.

Workshops Summary. This report is not a verbatim transcript of participant comments; it summarizes the over-arching themes discussed at all three workshops and highlights the issues that require further staff consideration. In general, the comments at the workshops paralleled quite closely the comments the Commission has received thus far through its public hearings in spoken and written comments. Participants primarily asked questions rather than providing specific comments or proposed changes to staff's proposed Bay Plan changes. The workshops were attended by local elected officials, local government professional staff, non-governmental organization staff, and interested citizens.

Changes in BCDC Jurisdiction. Workshop participants raised concern over the sufficiency of the proposed policies to address a longer-term planning horizon.

Example Comments/Questions:

- Will BCDC make development recommendations or have any permitting authority within the areas projected to be vulnerable to sea level rise in the future?
- Can BCDC enforce and/or require public access areas into the future in areas not currently within the agency's jurisdiction?
- How do the proposed changes affect projects in the Suisun Marsh?
- Are these policies guidelines or regulations?



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Financing Adaptation. The policies in the proposed Bay Plan amendment would apply to development projects within BCDC's current jurisdiction. However, it is not clear who will be responsible for funding the future decommissioning, moving, or protecting existing development, or development that will be built in the next few years in areas that are currently outside of the agency's jurisdiction, but could eventually be within BCDC's jurisdiction due to sea level rise.

Example Comments/Questions:

- Who will cover the costs of decommissioning, moving, or protecting a project that was not permitted under BCDC's jurisdiction but will be within the agency's future jurisdiction as a result of sea level rise?
- Will individual communities or developers have the economic means to responsibly carry out these future tasks?
- How will retreat be accomplished on private land?

Minor Repairs and Small Projects. Workshop participants raised concern over permitting of projects of differing sizes. Clarification is needed to determine the scale of projects upon which these new policies will be enforced. Sea level rise will affect projects of various spatial and temporal scales differently, and BCDC must consider this in permitting protocols.

Example Comments/Questions:

- At what scale will sea level rise concerns need to be considered for permitting purposes?
- Will small-scale projects and minor repairs be as tightly regulated as larger projects with regards to permitting and climate change?

Criteria for Development. Questions were raised regarding criteria for current and future development based on the proposed policy amendments. Participants recommended that BCDC draft and/or update guidelines for shoreline development, habitat restoration and public access projects to help applicants appropriately address sea level rise impacts.

Example Comments/Questions:

- In lieu of applicable biological, physical, or climate change science in a project area, what can applicants do in the interim to obtain a permit?
- How do BCDC development criteria reconcile with USACE and FEMA criteria?
- How will low-lying areas be developed while allowing for the persistence of wetlands?
- Soft shoreline protection should be pursued wherever possible
- The policy guiding development in low lying areas is too broad. We need a more fine-grained approach to address the varying conditions that exist or will occur around the Bay.
- The development policies seem politically derived, rather than risk-based, and they are not discouraging enough of development in low-lying areas.
- How do we address uncertainty and imperfect or incomplete scientific information when making development decisions?
- Will there be a levee assessment done throughout the Bay Area to provide accurate information on levee height, condition, seismic stability and materials?

Agency Coordination. Workshop participants emphasized the challenges posed by overlapping regulatory jurisdictions to permitting along the Bay shoreline. In the near-term, the proposed Bay Plan policy changes are meant to direct Bay development that is within BCDC's jurisdiction until a regional adaptation strategy can be formed. The long-term goals of this regional adaptation strategy must prioritize regional agency coordination and account for jurisdictional overlap.

Example Comments/Questions:

- A detailed timeline and specific agency roles should be delineated for developing the regional adaptation strategy so as to prioritize this task.
- Consider recommending local jurisdictions avoid building in low-lying areas.
- Land use decisions should be guided by policies developed by a Baywide agency that plans at a regional scale.
- How do BCDC development criteria reconcile with USACE and FEMA with regards to sea level rise?
- If BCDC jurisdiction is unclear, who will decide if a project is appropriate, or where its jurisdiction lies? Will it be settled in the courts?
- For areas within the 100-year floodplain currently within a city or county jurisdiction, how will development/permitting be encouraged or discouraged?
- Is BCDC coordinating with the Regional Water Quality Control Board?

Authority. Future Bay planning will require a regional approach to management that accounts for areas that may be affected by sea level rise within the foreseeable planning horizon. Workshop participants expressed concerns that there is currently no regional agency with jurisdictional oversight sufficient to adequately plan for the future development of the bay at this scale. The future regional plan should delegate regional authority that can adequately address the future planning issues the bay area will face with an expanding bay.

Example Comments/Questions:

- How will BCDC's jurisdiction migrate with sea level rise?
- With regards to the JPC section (pg. 7), language should be added to develop regulation and implementing authority.
- BCDC needs further authority because it will be difficult to simply get cities/counties to work with BCDC voluntarily.
- May create a situation where BCDC's jurisdiction is simply inching along behind the development of risk prone areas.