

San Francisco Bay Conservation and Development Commission

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

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Lawrence J. Goldzband

DEPUTY ATTORNEY GENERAL

Shari Posner

Agenda

1:00 P.M.

April 6, 2023

Metro Center, 375 Beale Street, San Francisco, CA 94105, (415) 352-3600

This Commission meeting will be conducted in a hybrid format in accordance with SB 189 (2022). To maximize public safety while maintaining transparency and public access, members of the public can choose to participate either virtually via Zoom, by phone, or in person at the location listed above. Physical attendance at Metro Center requires that all individuals adhere to the site's health guidelines including, if required, wearing masks, health screening, and social distancing.

BCDC strongly encourages participation virtually through the Zoom link below due to changing COVID conditions.

Click here to join the Commission Meeting Via Zoom:

<https://bcdc-ca-gov.zoom.us/j/83188598478?pwd=Ri9pQzJSVjYrb0ZBcXVERFQ0V2d4UT09>

Meeting ID: 831 8859 8478

Passcode: 173712

Teleconference Number: (866) 590-5055 Conference Code 374334

*If you call in by phone: Press *6 to unmute your phone, Press *9 to raise/lower your hand*

Click here to [See information on public participation](#)

1. Call to Order
2. Roll Call
3. Public Comment Period (Each speaker is limited to three minutes)

A maximum of 15 minutes is available for the public to address the Commission on any matter on which the Commission either has not held a public hearing or is not scheduled for a public hearing later in the meeting. Each speaker is generally limited to a maximum of three minutes. It is strongly recommended that public comments be submitted in writing, so they can be distributed to all Commission members for review. The Commission may provide more time to each speaker and can extend the public comment period beyond the normal 15-minute maximum if the Commission believes that it is necessary to allow a reasonable opportunity to hear from all members of the public who want to testify. No Commission action can be taken on any matter raised during the public comment period other than to schedule the matter for a future agenda or refer the matter to the staff for investigation, unless the matter is scheduled for action by the Commission later in the meeting.

(Steve Goldbeck) [415/352-3611; steve.goldbeck@bcdc.ca.gov]



4. Approval of Minutes for March 2, 2023 Meeting

(Peggy Atwell) [415/352-3638; peggy.atwell@bcdca.gov]

5. Report of the Chair**6. Report of the Executive Director****7. Commission Consideration of Administrative Matters**

(Steve Goldbeck) [415/352-3611; steve.goldbeck@bcdca.gov]

8. Closed Session on Possible Litigation

Pursuant to Government Code section 11126(e) the Commission will hold a closed session and confer with and receive advice from its legal counsel regarding possible litigation and the possible resolution of such possible litigation. Further identification of this matter might jeopardize the commission's ability to conclude existing settlement negotiations to its advantage.

(Greg Scharff) [415/352-3655; Greg.scharff@bcdca.gov]

9. Commission Consideration of a Contract with Resources Legacy Fund for Environmental Justice Advisors

The Commission will receive a briefing and consider authorizing the Executive Director to enter into a \$74,000 contract with the Resource Legacy Fund to administer funding to BCDC's Environmental Justice Advisors as payment for their services related to implementing Bay Plan Environmental Justice and Social Equity Policies, and Bay Adapt.

(Phoenix Armenta) [415/352-3604; phoenix.armenta@bcdca.gov]

10. Public Hearing and Possible Vote on the U.S. Army Corps of Engineers Strategic Shallow-Water Placement Pilot Project, in the City of Hayward, Alameda County; BCDC Federal Consistency Determination No. C2022.011.00

The Commission will hold a public hearing and possibly vote on a request from the U.S. Army Corps of Engineers for concurrence on its consistency determination for a proposal to take up to 100,000 cubic yards of sediment dredged from the Port of Redwood City, and place it in shallow Bay waters to test whether the tides and currents will transport the sediment to the marsh and adjacent mudflat, to assist them in adapting to sea level rise. The approximately 138-acre placement site is a subtidal area approximately two miles from Whales Tale Marsh lying offshore of the City of Hayward, in Alameda County.

(Brenda Goeden) [415/352-3623; brenda.goeden@bcdca.gov]

11. Public Hearing and Possible Vote on the Flow Equalization and Resource Recovery Facility (FERRF) Levee Improvement Project by West Bay Sanitary District in the City of Menlo Park, San Mateo County; Application for BCDC Permit 2022.001.00

The Commission will hold a public hearing and possible vote on an application for the West Bay Sanitary District to place approximately 3,700 linear feet of shoreline protection around the existing Flow Equalization and Resource Recovery Facility (FERRF). The proposed shoreline protection project involves installing sheetpile walls around the entire facility and raising the grade of the perimeter berms from the current elevation of +10 feet NAVD 88 (North American Vertical Datum 1988), to an elevation of +15 feet NAVD 88, in order to remove the site from the current 100-year flood zone and protect it against future sea level rise. In addition, the proposed project includes placing Bay fill for some nature-based shoreline protection elements, including (1) constructing an ecotone levee along the northern perimeter and over approximately 1.12 acres of existing tidal habitats, and (2) installing oyster reef structures on the mudflats near the northernmost point of the project site. To

offset impacts to existing habitats, the proposed project will also setback a portion of the northern perimeter levee to create 0.65 acres of new tidal marsh habitat. The ecotone levee is intended to provide migration space for the tidal marsh habitats as sea level rises. The project includes installation of new public access amenities —one bench and an interpretive sign — at the adjacent Bedwell Bayfront Park to create an overlook area of the Bay. (Anniken Lydon) [415/352-3624; anniken.lydon@bcdca.gov]

12. Briefing on Funding and Investment Framework

The Commission will receive a briefing on the Funding and Investment Framework, a joint initiative between BCDC and MTC/ABAG to (1) update and improve regional accounting of anticipated sea level rise adaptation projects, (2) study how revenues for sea level rise adaptation can be raised most equitably, and (3) explore how existing and future funding mechanisms can advance adaptation planning and implementation.

(Dana Brechwald) [415/352-3656; dana.brechwald@bcdca.gov]

13. Briefing on Enforcement Program

The Commission will receive a briefing on the Enforcement Program improvements and developments that will include an update on the first quarter, 2023 progress to resolve cases.

(Matthew Trujillo) [415/352-3633; matthew.trujillo@bcdca.gov]

14. Adjournment

How to Provide Comments and Comment Time Limits. Pursuant to state law, the Commission is currently conducting its public meetings in a “hybrid” fashion. Each meeting notice will specify both (1) where the meeting is being held physically and (2) the ZOOM virtual meeting link, as well as how to participate either in person or remotely. If you would like to comment at the beginning of the meeting or on an item scheduled for public discussion, you may do so in one of three ways: (1) being present at the physical meeting location; (2) emailing comments in advance to [public comment](#) until 10 a.m. on the day of the meeting; and (3) participating via ZOOM during the meeting.

If you plan to participate through ZOOM, please use your ZOOM-enabled device and click on the “raise your hand” button, and then wait to speak until called upon. If you are using a telephone to call into the meeting, select *6 to unmute your phone and you will then be able to speak. We ask that everyone use the mute button when not speaking. It is also important that you not put your phone on hold. Each speaker may be limited to a maximum of three minutes or less at the discretion of the Chair during the public comment period depending on the volume of persons intending to provide public comment. Any speakers who exceed the time limits or interfere with the meeting may be muted by the Chair. It is strongly recommended that public comments be submitted in writing so they can be distributed to all Commission members in advance of the meeting for review. You are encouraged to submit written comments of any length and detailed information to the staff prior to the meeting at the email address above, which will be distributed to the Commission members.

Internet Access to Commission Meeting Material. Public notices of Commission meetings and staff reports (as applicable) dealing with matters on the meeting agendas can be found on [BCDC's website](#). Simply access Commission Meetings under the “Public Meetings” tab on the website and select the date of the meeting.

Questions and Staff Reports. If you have any questions concerning an item on the agenda, would like to receive notice of future hearings, or access staff reports related to the item, please contact the staff member whose name, email address and direct phone number are indicated in parenthesis at the end of the agenda item.

Campaign Contributions. State law requires Commissioners to disqualify themselves from voting on any matter if they have received a campaign contribution from an interested party within the past 12 months. If you intend to speak on any hearing item, please indicate in your testimony if you have made campaign contributions in excess of \$250 to any Commissioner within the last year, and if so, to which Commissioner(s) you have contributed. Other legal requirements govern contributions by applicants and other interested parties and establish criteria for Commissioner conflicts of interest. Please consult with the staff counsel if you have any questions about the rules that pertain to campaign contributions or conflicts of interest.

Access to Meetings. Meetings are physically held in venues that are accessible to persons with disabilities. If you require special assistance or have technical questions, please contact staff at least three days prior to the meeting via email. We will attempt to make the virtual meeting accessible via [ZOOM accessibility capabilities](#), as well.

Bagley-Keene Open Meeting Act. As a state agency, the Commission is governed by the Bagley-Keene Open Meeting Act which requires the Commission to: (1) publish an agenda at least ten days in advance of any meeting; and (2) describe specifically in that agenda the items to be transacted or discussed.

Upcoming Meetings of Interest

The following meetings, which may be of interest, will be held over the next several weeks. All the meetings are open to the public. If you have any questions concerning one of the meetings or would like to receive a meeting notice, please contact the staff member whose name and direct phone number are indicated in parenthesis.

- **Enforcement Committee Meeting**

The BCDC's Enforcement Committee will hold a virtual public meeting on Thursday, April 13, 2023, from 9:30 a.m. to 12:00 p.m., accessible online by Zoom and by phone. Additional information and the full agenda will be available here: <https://www.bcdc.ca.gov/enforcement/meetings.html>
(Matthew Trujillo) [415/352-3655; matthew.trujillo@bcdc.ca.gov]