

# San Francisco Bay Conservation and Development Commission

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State of California | Gavin Newsom – Governor | [info@bcdca.gov](mailto:info@bcdca.gov) | [www.bcdca.gov](http://www.bcdca.gov)

## Agenda

1:00 P.M.

September 15, 2022

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://bcdca.gov.zoom.us/j/84517443869?pwd=OHk4S2ZRek95Nks1cm1GR28yT3R0UT09>

**Teleconference Number: 1 (866) 590-5055      Conference Code 374334**

**Meeting ID: 845 1744 3869      Passcode: 144270**

***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@bcdca.gov](mailto:steve.goldbeck@bcdca.gov)]



#### COMMISSION MEMBERS

Zack Wasserman, Chair

Rebecca Eisen, Vice Chair

Mark Addiego

Eddie Ahn

Matt Almy

Gayle Miller, Alternate

Dr. Tessa Beach

Tommy Williams, Alternate

David Brown

Marie Gilmore, Alternate

Pat Burt

Larry Klein, Alternate

Thomas Butt

Jesse Arreguin, Alternate

Jenn Eckerle

Pat Eklund

Dina El-Tawansy

David Ambuehl, Alternate

John Gioia

Federal D. Glover, Alternate

Susan Gorin

David Rabbitt, Alternate

Andy Gunther

Karl Hasz

Otto Lee

Yoriko Kishimoto, Alternate

Jennifer Lucchesi

Sheri L. Pemberton, Alternate

Stephanie Moulton-Peters

Damon Connolly, Alternate

Aaron Peskin

Catherine Stefani, Alternate

Dave Pine

David Canepa, Alternate

Sanjay M. Ranchod

Barry Nelson, Alternate

R. Sean Randolph

Lenny Mendonca, Alternate

Pat Showalter

Stephen Lefkovits, Alternate

Jim Spering

John Vasquez, Alternate

Brad Wagenknecht

Belia Ramos, Alternate

Ellen Blake

Jason Brush, Alternate

#### LEGISLATIVE APPOINTEES

##### Senator

Nancy Skinner

Sherry McCoy, Alternate

##### Assemblymember

Philip Ting

Michael Sweet, Alternate

#### EXECUTIVE DIRECTOR

Lawrence J. Goldzband

#### DEPUTY ATTORNEY GENERAL

Shari Posner

**4. Approval of Minutes for August 18, 2022 Meeting**

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

**8. Briefing, Public Hearing, and Possible Vote on Liveboards**

The Commission will receive a briefing by Commission staff and consider taking potential actions regarding liveboard boaters that may be displaced by the impending closure of the Oyster Cove Marina in San Mateo County. The briefing will address how BCDC manages liveboards in the Bay and, potential actions the Commission may take to address those liveboards that may be displaced by the marina closure. The briefing will provide the background and context for a Commission discussion and potential Commission action regarding the issue.

(Anniken Lydon) [415/352-3654; anniken.lydon@bcdcc.ca.gov]

**9. Briefing from the U.S Army Corps of Engineers Regarding Proposed Pilot Project Supplying Sediment to Marshes Using an in Bay Placement Technique**

Ms. Julie Begale, Environmental Planning Section Chief, of the US Army Corps of Engineers, will brief the Commission on the Water Resources and Development Act of 2016, Section 1122 Beneficial Use of Dredged Material Pilot Project. The Resilient San Francisco Bay Proposal submitted by the State Coastal Conservancy and BCDC proposed a \$54 million project that included direct placement of sediment from four federal navigation channels at four Bay Area wetland restoration projects, and a pilot project feeding adjacent marshes with sediment placed in the Bay. This technique is being considered for adaptation of drowning wetlands to rising seas. Only the in-Bay sediment placement pilot project has received funding to date. Ms. Begale will present the in-Bay sediment placement pilot project and progress that has been made to date. The Commission will likely receive consistency determination concurrence request later this year for this project and will have a public hearing and vote at that time. No action is anticipated at this Commission meeting.

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

**10. Briefing on Enforcement Program**

The Commission will receive a briefing on the Enforcement Program improvements and developments that will include an update of the year-to-date progress on resolving cases.

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

**11. Closed Session on Possible Litigation: Commission Cease and Desist and Civil Penalty Order CCD2022.001, PSG Mortgage Lending Corp. & PSG Capital Partners Inc., Respondents**

Pursuant to Government Code section 11126(e)(2)(C)(i), the Commission will hold a closed session to confer with and receive advice from its legal counsel regarding compliance with the above-named Commission Cease and Desist and Civil Penalty Order.

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

**12. Closed Session on Pending Litigation: East Oakland Stadium Alliance, et al. v. Bay Conservation and Development Commission, Alameda County Superior Court Case No. 22CV015323**

Pursuant to Government Code section 11126(e)(1), the Commission will hold a closed session to confer with and receive advice from its legal counsel regarding the named pending litigation.

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

**13. Closed Session on Pending Litigation: The State of California, ex rel. The San Francisco Bay Conservation and Development Commission v. John D. Sweeney, as an individual and Principal of Point Buckler Club, LLC, a California Limited Liability Company, Solano County Superior Court Case No. FCS057728**

Pursuant to Government Code section 11126(e)(1), the Commission will hold a closed session to confer with and receive advice from its legal counsel regarding the named pending litigation.

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

**14. Adjournment**

**How to Provide Comments and Comment Time Limits.** The full Commission is conducting its public meetings in a hybrid fashion. Each meeting notice will specify where a meeting is being held physically and 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 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. 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.

**Website Access to Commission Meeting Material.** Public notices of Commission meetings and staff reports dealing with most 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 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 at [helpdesk@bcdc.ca.gov](mailto:helpdesk@bcdc.ca.gov). We will attempt to make the 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; (2) describe specifically in that agenda the items to be transacted or discussed; and (3) refuse to add an item subsequent to the published agenda.