

San Francisco Bay Conservation and Development Commission

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TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Peggy Atwell, Director, Administrative & Technology Services (415/352-3638; peggy.atwell@bcdc.ca.gov)

SUBJECT: Approved Minutes of January 19, 2023 Hybrid Commission Meeting

1. **Call to Order.** The hybrid meeting was called to order by Chair Wasserman at 1:06 p.m. The meeting was held with a principal physical location of 375 Beale Street, San Francisco, California, and online via Zoom and teleconference. Instructions for public participation were played.

Chair Wasserman stated: I am the Chair of BCDC. Several of us are here at the Metro Center, our headquarters building at 375 Beale Street. Other Commissioners are participating from other locations.

Chair Wasserman gave instructions to all attendees on procedures for participating in the meeting. He also noted that Agenda Item 10 would be postponed and it was expected to be discussed during the next BCDC Commission meeting. He asked Ms. Atwell to proceed with Agenda Item 2, Roll Call.

2. **Roll Call.** Present were: Chair Wasserman, Commissioners Addiego, Ahn, Arreguin, Beach, Brown (represented by Alternate Gilmore), Burt, Eckerle, Eklund, El-Tawansy (represented by Alternate Ambuehl), Gioia, Gorin, Gunther, Hasz, Lee (represented by Alternate Kishimoto), Lucchesi (represented by Alternate Pemberton), Mashburn (represented by Alternate Vasquez), Moulton-Peters, Peskin, Pine, Ramos, Ranchod, Randolph and Showalter (represented by Alternate Lefkovits). Senator Skinner, (represented by Alternate McCoy) was also present.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Department of Finance (Almy), U.S. Environmental Protection Agency (Blake) and Governor (Eisen)

3. **Public Comment Period.** Chair Wasserman called for public comment on subjects that were not on the agenda.

Chair Wasserman gave instructions for participating in the hybrid meeting. He emphasized the following: Commissioners must have their cameras on, instruction for public attendees was given, those in attendance at 375 Beale Street were socially distanced, comments must be focused and respectful and emails received were noted.

Mr. Brock de Lappe was recognized: Good afternoon, Commissioners. My name is Brock de Lappe. I wish today that I could congratulate the BCDC Commission for its leadership role in accomplishing a multi-agency cleanup project on the Oakland Estuary.

This would involve a substantial effort to coordinate the activities of the Oakland and Alameda Police Departments, the Alameda County Sheriff, the United States Coast Guard, the State Lands Commission, the Alameda County District Attorney's Office, the United States Environmental Protection Agency, the California Coastal Commission, the Port of Oakland and multiple San Francisco Bay harbormasters.

Like I said, I wish that I could; but the project I just described happened a decade ago in 2013. And yet the conditions on the Oakland Estuary today are in some ways even more dire than those present in 2013.

For the past several years there has been a near complete lack of on-the-water, law enforcement. To be clear, there is no legal anchorage anywhere on the Oakland Estuary. Nevertheless, a large and growing number of illegal anchor-outs populate the Oakland Waterfront.

During the past several weeks of winter storms several vessels have sunk and more have broken loose to drift freely as an extremely dangerous hazard to navigation.

Many have tied up on docks without permission and their trespass has not been addressed by authorities.

This is a travesty. And to put more simply, a complete dereliction of duty from those responsible for protecting this resource.

The public has a reasonable expectation that laws will be enforced. We know from our experience in 2013 that the necessary cleanup at the Oakland Estuary can be done. It is simply a matter of setting priorities.

All agencies seem to point the finger at the other, leaving the mess in beauracritic, jurisdictional limbo with growing costs that will eventually be paid by, once again, disappointed taxpayers.

The BCDC should again take a leadership role in its mission to protect San Francisco Bay and assure that the Estuary is cleared from these illegal anchor-outs.

Once cleared again, it is essential that there be rigorous on-the-matter enforcement to prevent reoccurrence of this criminal activity.

It is hard to imagine that at this time there is any greater threat to the San Francisco Bay environment.

Please take appropriate action. Thank you.

Mr. David Lewis spoke: Commissioners, this is David Lewis, the Executive Director of Save the Bay.

I am speaking to you today on an issue I've raised several times in recent months raising renewed concern about the urgency of addressing Cargill's bitterns storage ponds adjacent to the Bay, just south of the Dumbarton Bridge in Newark.

Your Engineering Criteria Review Board had a hearing in November with Cargill and staff presentations. And those Board members raised serious concerns about the integrity of the berms separating this highly-toxic bittern, six million tons of it, from the Bay.

They highlighted the threat to wildlife including endangered species and water quality. They raised concerns about the seismic integrity of these dirt berms and their resilience to high tides and flood events.

Well, we've seen in these last two months how much rain can fall in a short period which is adding to the volume of liquid in these ponds. And this weekend will bring more King Tides.

So if those high tides are combined with a storm, low-atmospheric pressure and high winds; it could pose even higher risks of over topping or seepage of this toxic material into the Bay.

In addition, you all should have seen press reports this week on a new study by the Estuary Institute mapping areas around the Bay that are at risk of increased groundwater rise because of climate change. And these bittern ponds are identified as one of the areas of elevated risk.

So the approach of BCDC staff to developing a new permit for Cargill's maintenance of these berms and levees has been, certainly been patient. It stretched out over two years now. But now especially with the recent storms and rains and new information that we have, that approach is much too slow and hands-off; given the clear and likely growing risk around these two bittern ponds.

So you should be asking staff along with the Regional Water Quality Board staff to directly inspect those berms on the edge of the Bay. BCDC also should be gathering its own photographic evidence during the upcoming King Tides to verify just how near the Bay waters are reaching to the top of those levees.

I hope you will pursue these issues with staff now to ensure that the risk of a devastating toxic release into the Bay is reduced or mitigated as soon as possible. Thanks very much.

Ms. Alison Madden addressed the Commission: Thank you BCDC Commissioners for your time and your service. I support both prior public comments.

I am right now representing people from Oyster Cove Marina and I have lived in live-aboard communities which actually clean the Creek and respond to emergency situations with as much skill and expertise as some of the emergency responders.

I am an advocate for floating communities. And right now I am speaking on behalf of the Oyster Cove folks because I want to bring to the attention of the Commissioners the very generous and outstanding, what I am calling the safe harbor that you approved on September 15 by a letter of intent.

It appears that the BCDC enforcement staff asked South City and the Harbor District to come up with a, quote/unquote, compliance plan and is doing so they actually set an initial expiration date of April 1 of what they are calling a temporary relocation initial term expiration and that's not even six months out from when you adopted the letter-of-intent approach.

And they have the year ending August 31. They have said that there was a deadline for people coming over and there are still some people at Oyster Cove that are insisting that the owner and operator of the Marina properly notice them under the Tenant Protection Act.

So there should be no deadline. The expiration date should be at least September 15 if not October 15 because that was deemed notice lease termination date for many of the people that did move over.

And I want to say Mel Sealander of South San Francisco has been engaging with me in a game of phone tag which is wonderful. She has responded and wants to talk to us.

And I have been speaking to the Harbor District in public comments and having extensive email communication with the general manager over there. And apparently the April 1 timeframe was his idea. And it has been stated as a very high standard that you had to make every possible effort to have moved by April 1.

And this has caused some people to take the first available slip sometimes in dangerous conditions. And it is just something that was such an amazing work out that kind of has gone sideways. And I would ask you to really communicate. Involve us, for one thing involve the people that are affected and maybe ask the Harbor District to reconsider this April 1 expiration date because apparently some people at the harbor, the harbormaster or the general manager or somebody has been repeatedly insistent that people observe this April 1.

And it's really feels harassing and people are panicked. And so it has not gone quite as everyone had hoped or expected. So thank you very much.

Ms. Gita Dev commented: Thank you, Commissioners, BCDC and staff. I would like to make two comments. My name is Gita Dev. I am a member and chair of the Sustainable Land Use Committee of the Loma Prieta Chapter of the Sierra Club which is on the peninsula.

One of the two items is, I have been sitting in on some of the Design Review meetings of BCDC. And there is a lot of new biotech development going up along the Bay edge.

And one of the things that is not being discussed is the bio-safety issues because the developers do not specify what level of wet labs they plan to use.

There are four levels of bio-safety which is set up by NIH. It is international. And bio-safety level one is very benign, you know; e. coli and so forth that do not cause infection. But bio-safety level four is so serious it is Ebola and other lethal diseases for which there is no known cures.

But it is levels two and three that we are concerned about. And we would like BCDC to think about bio-safety level three is infectious diseases that are airborne and can be transmitted.

And we are concerned for the wetlands. Bio-safety level two is infectious lethal diseases that are only transmitted by contact.

Our concern is mainly related to disastrous scenarios like the flooding we have been experiencing or if you think about we have a seismic zone along the entire edge of the Bay which is on fill and with a very high risk of liquefaction which entirely destroys any infrastructure.

So we would just like you to be aware that these facilities are going up. There is no specification about what level of bio-safety, what level of infectious agents are being utilized and what impact that might have on the ecology of the Bay and Bay water.

Some of these are going on top of landfills where there are toxic issues also.

So that is one element I would really like BCDC to be aware of. And we will be organizing a webinar on the second of March and we will definitely extend an invitation to you. Thank you very much.

Ms. Atwell noted: Chair, that is all our public comment.

Chair Wasserman continued: Thank you all very much. I think the speakers understand that because those issues raised by the public speakers are not agendaized we cannot respond or speak about them. But I will say that they are all topics of discussion between Commissioners and staff.

Chair Wasserman moved to Approval of the Minutes.

4. **Approval of Minutes of the December 15, 2022 Meeting.** Chair Wasserman asked for a motion and a second to adopt the Minutes of December 15, 2022.

MOTION: Commissioner Randolph moved approval of the Minutes, seconded by Commissioner Eklund.

The motion carried by a voice vote with no opposition and Commissioners Burt and Ramos voting "ABSTAIN."

5. **Report of the Chair.** Chair Wasserman reported on the following:

I have a number of introductions to make today. First, I would like to welcome Napa County Supervisor Belia Ramos to the Commission, replacing long-serving Commissioner Brad Wagenknecht who has retired.

Of course, Supervisor Ramos previously served as Napa County's Alternate, so perhaps this is more of a "welcome back." Commissioner Ramos would you like to say a few words upon your return?

Commissioner Ramos commented: Thank you so much, Chair Wasserman for the welcome. I am excited to work in this larger regional collaborative effort and I am familiar with some of you. I am the vice-president of ABAG and I also serve on BARC.

So this is an exciting opportunity for me for more integration as the San Francisco Bay Regional level, thank you.

Chair Wasserman continued: I also would like to welcome Berkeley Mayor Jesse Arreguin who has been appointed by ABAG to replace the also long-serving and retired former Richmond Mayor Tom Butt. Like Supervisor Ramos, Commissioner Arreguin previously served as an Alternate. Commissioner Arreguin, would you like to say a few words?

Commissioner Arreguin commented: As you know I served as the Alternate to BCDC for a number of years now. I have really been impressed with the work this agency does to not only protect our Bay but to adapt to the threat of climate change.

And I also serve as president of the Association of Bay Area Governments. We look forward to strengthening collaboration between ABAG and BCDC as we are not only developing our Regional Shoreline Adaptation Plan but working to implement Bay Adapt.

I also serve as the vice chair of BARC. So there is a lot of opportunity to strengthen the collaboration between all these different agencies so we can move forward with coordinated planning, coordinated policy making for our region. I look forward to working with you all, thank you.

Chair Wasserman continued: I think that level of increased cooperation is particularly important as we form and galvanize our local elected task force to deal with Bay Adapt and the future plans for our shoreline.

Solano County Supervisor Jim Sperring has also retired and his replacement to the Commission is Solano County Supervisor Mitch Mashburn. We welcome him to the Commission, but he will not be joining us today – Supervisor Vasquez will continue to represent Solano County in his usual outstanding fashion.

Finally, I want to recognize Commissioner Jenn Eckerle. During our brief meeting respite Commissioner Eckerle was named by Governor Newsom as Deputy Secretary for Oceans and Coastal Policy at the California Natural Resources Agency and Executive Director of the Ocean Protection Council (OPC) – two great State partners. Commissioner Eckerle, would you like to say a few words?

Commissioner Eckerle commented: I want to thank you for that, Chair Wasserman and the applause I was seeing across all of my fellow Commissioners. I appreciate that so much.

It is crazy to think that 22 years ago I started my career as a coastal program analyst with BCDC in the Enforcement Division.

What a journey it has been. I am so grateful to have the opportunity to continue to provide leadership to protect California's extraordinary coast and ocean and to continue being a part of this Commission to connect and align broader state policy and funding with the work of BCDC.

So, thank you so much.

Chair Wasserman acknowledged: Thank you. Since we have begun a New Year I want to announce two continuing appointments. I have appointed Commissioner Eddie Ahn to continue representing BCDC on the Metropolitan Transportation Commission. And, BCDC will continue to be represented on the Bay Area Regional Collaborative (BARC) by four Commissioners: Commissioner Gioia, Commissioner Pine, Vice-Chair Eisen (who will replace former Commissioner Wagenknecht), and me.

I would like to ask Commissioner Gunther to provide a brief report on the first meeting of the Sediment and Beneficial Reuse Commissioner Working Group that was held on January 6th.

Commissioner Gunter reported the following: Thank you Mr. Chairman. As we all know the world has crossed a physical tipping point with relation to sea level rise. And it is inevitable now for several generations and we really are not helpless in the face of this reality.

We have the power to shape our future and particularly the decisions we make regarding soil management in coming decades is going to really help determine resilience of the Bay Area to sea level rise in the middle of the century.

And so it is in this context that the Commission has established our Commissioner Working Group on Sediment and Beneficial Reuse.

We had 36 participants in the first meeting representing a wide range of stakeholders with a tremendous amount of expertise.

The staff shared a presentation that described the EPA Grant that is going to be supporting much of the work on these issues. They presented some key information on sediment supply and distribution around the Bay, much of that coming from the Sediment for Survival Report by the San Francisco Estuary Institute.

And they also gave a great background on beneficial reuse of dredged material. And they are also developing a key reading list of documents in case anybody wants to dive in much more than what I provide in this brief report.

We had excellent sessions among the attendees of the meeting which was encouraged and I was particularly pleased to hear Commissioner Beach's report that increasing the amount of beneficial reuse of dredged material is a really high priority for the Corps of Engineers.

We plan to meet at least every other month to develop our recommended changes of policy in a process that is probably going to take at least two to three years.

I also just wanted to take this opportunity to note that at a previous meeting Mr. Chairman you called our attention to an article in the *New York Times* about climate change and sea level rise authored by opinion writer, Brett Stevens which I had a chance to look at. I appreciate you calling my attention to it.

While I found the article worthy, I had to point out that Mr. Stevens self-characterization as some sort of quote, climate change agnostic, is really preposterous. He has been a terrible source of misinformation both at the *Wall Street Journal* and now at the *Times*.

And this recent article includes a mistake and then misleading arguments. For anyone who is interested I have detailed my view in a blog post on my website entitled, "Some People Never Learn". Thank you.

Chair Wasserman acknowledged: I don't know how much I want to debate that one. I will say two things; one, I think your comments about his past history are entirely accurate, two, I think we always need to be ready to welcome those whose eyes have been opened and are prepared to deal with the true reality. And I think he was actually crossing that line - we will see.

Commissioner Gunther replied: We can discuss at length if you want. I am sure it is great news that somebody who was a complete denier now suddenly has his eyes opened. But we simply cannot take every misinformer like Brett Stevens on their own private trip to Greenland in order to make this happen.

Chair Wasserman stated: I agree with that one too. What I think was another article in a couple of newspapers, not so much the local ones until they were sort of pushed into it, is one of the clear consequences of rising sea level does not come over the shore; it comes up from the ground.

And I would harken back to some remarks of our Executive Director based on a presentation he made to his son's school a couple of years ago that one of the ways people will start recognizing the dangers from rising sea level is when their toilet bowls overflow.

It is not happening yet or at least we have not read about it. It could have been in some of these floods. But it is one of the consequences. And the water coming up from the ground is coming from the same ultimate sources that the water coming over our curbs and our levees and our bridges are coming.

So it is out there. It is coming. And I will have some remarks touching on this when we get to the item today on the Strategic Plan.

a. **Next BCDC Meeting.** We will not need to hold our February 2nd Commission meeting. At our February 16th meeting we will probably:

(1) Consider a proposal for a pilot project to test-feed Bay marshes with dredged sediment;

(2) Consider an enforcement matter regarding the Family Gun Club in Solano County; and,

(3) Hold an update and a discussion on the implementation of the Richardson Bay anchor-out settlement agreements and potentially to hear Item 10 which was postponed.

b. **Ex Parte Communications.** That brings us to Ex Parte Communications. In case you have not provided a written report to the staff or to the website on written or oral ex parte communications that you have received regarding an adjudicatory matter, you may but you do not have to do it on policy matters, I invite Commissioners to make such reports now. I see no hands and Peggy is confirming that.

Executive Director Larry Goldzband will now present the Executive Director's Report.

6. **Report of the Executive Director.** Executive Director Goldzband reported: Thank you, Chair Wasserman.

I hope that the electricity in your home was not interrupted during the intense storms that we have experienced during the past few weeks.

It was on this day 140 years ago that the first electric lighting system that used overhead wires was constructed and started in Roselle, NJ by Thomas Edison – I wonder how they fared during major snowstorms back then?

I mention that because I hope that the Commission's discussions today on equity, the proposed Strategic Plan, and our planning and compliance plans will illuminate your own personal light bulbs. And, because today also is Dolly Parton's 76th birthday, I want you to know that your staff has been working more than "9 to 5" and it's a great way to make a living!

a. **Budget and Staffing.** Jessica Finkel has been selected as the new Shoreline Development Analyst on the Shoreline Development Team, taking the position vacated by recently promoted Shruti Sinha.

Jessica has previously worked as an aide to San Francisco Mayor London Breed and at the U.S. Department of Education in Washington, D.C. She holds a master's degree in City Planning from Cal and Bachelor of Arts in Psychology from the University of Virginia – so she's a Golden Bear with a Cavalier Wahoo attitude. She also holds a Diploma in French Studies from the Catholic University of Lyon, France.

We also have selected Maya McInerney as a new BCDC Environmental Scientist to work with the Long-Range Planning Team and Sediment Management Team to help fulfill the EPA- and OPC-funded Beneficial Reuse of Sediment Project. Maya joins us from the Regional Water Quality Board where she was worked in its Enforcement program. Maya is a Lady Don, as she earned a Master's degree in Environmental Management from the University of San Francisco and is a Banana Slug, as well, having earned her Bachelor's degree in Biology at UC Santa Cruz. Unless we hear otherwise from you, we look forward to both of these individuals starting almost immediately at BCDC along with Ashley Tomerlin.

Finally, our Bay Design Analyst, Andrea Gaffney, will be leaving BCDC at the end of the month to follow her passion of photography. While we shall miss her active and thoughtful approach to public access issues, we are very fortunate to be able to offer a promotion to Ashley Tomerlin.

Ashley has worked as BCDC's Associate Bay Development Design Analyst for the last three years – she actually started two weeks before we were sent home to shelter in place. Simply put, we couldn't ask for a better replacement. Ashley has worked on permits and pre-applications around the Bay, co-hosted the Design Review Board, and managed the agency's response to the temporary use of public access areas to support restaurants during the pandemic.

Before BCDC, Ashley worked in consulting as a landscape architect and a disability access planner for public agencies. Ashley is a Triton from U.C. San Diego from which she earned her undergraduate degree in Urban Studies and Planning, and earned her Masters of Landscape Architecture from City College of New York – go Beavers!

b. **Policy.** Knowing that the liveboard issue would be raised during the public comment, I want to emphasize that your staff recognizes your continuing interest in issues surrounding authorized and unauthorized liveboards on the Bay – at Oyster Point, in the Oakland Estuary, in Richardson Bay, and elsewhere. While you will hear from Erik Buehmann today about the issues arising in our Long Range Planning unit, we think that the liveboard discussion deserves a richer and more complex and more full presentation and discussion than we could fit into today's agenda. Therefore, we plan to hold an informational briefing about liveboard boats in March. And, we shall ask you to keep in mind what you learn about Bay Plan amendments today as we discuss the liveboard issue then.

In addition, with regard to the Oakland Estuary issue the Enforcement Committee on February 22, 2023 will have a hearing on the progress that has been made by the cities of Alameda and Oakland on this issue. I urge all of you to listen in and Chair Gilmore and her colleagues will be asking very difficult questions.

You have probably read about how rising groundwater tables are likely at an all-time high due to the consecutive atmospheric rivers we just experienced, along with the threats that moving groundwater pose to the public along the shoreline. And, those tables may go even higher as water from the Bay Area hills continues to move into the shoreline's low-lying areas.

The report released on Tuesday developed by Pathways and SFEI and sponsored by the Bay Area Council highlights the complexity of rising groundwater and precipitation as we adapt to sea level rise and presents new shallow groundwater mapping to inform adaptation.

BCDC participated on the project team by contributing data from our permits, and the project team based its future water conditions on our Adapting to Rising Tides total water levels data. We hope to incorporate the team's data – now for four counties and, hopefully soon for all nine – into our Shoreline Flood Explorer. We are scheduling a full briefing for the Commission's first March meeting on this new research and how it may affect adaptation planning and shoreline development. Meanwhile, we're happy to answer any of your questions about the Report before then!

Finally, while the historic nature and impacts of this series of storms are still being calculated, we can expect that these extreme weather events will happen more often and with more ferocity. Our infrastructure – both our physical and social systems – are not adequately prepared for this increasing threat. And just when you thought it was safe to go walking along the Bay, please remember that the Bay Area will see a new set of King Tides starting tomorrow. Please be careful – there is still a huge amount of water making its way through the Delta into and out of the Bay, so take care when you observe the water sloshing onto the Bay Trail!

Finally, I want to let the Commissioners know that the Chair has approved during this month two emergency permits. On January 12 the San Francisco Marina East Harbor received an emergency permit to replace and somehow fix a steel guide pile on the fuel dock which snapped. And the fuel dock had to be shut down to reduce swing but there was potential for an oil spill if it had been unsecured. So that now has been taken care of.

In addition, no less than 80 minutes ago the Chair approved a second emergency permit. During the recent set of storms the Saint Francis Yacht Club experienced various types of damage and needed various kinds of repairs including damage to six heavily-damaged piles, twelve damaged piles that will be using fiberglass jackets and sleeves and damage to and somehow replacing a western section of the pier deck. And that emergency repair work is set to begin later today or early tomorrow.

That concludes my Report, Chair Wasserman, and I am happy to answer any questions.

Chair Wasserman asked: Any questions for the Executive Director? (No questions were voiced)

I have a couple of additional comments. I mentioned a local government task force and that we are having our first meeting of that group on the 24th. Commissioner John Gioia will chair that and we will have representatives from all of the counties.

And the purpose is to start communicating directly to make sure that local jurisdictions are informed and have input into Bay Adapt the resilient shoreline plans and the guidelines that we will be developing for cities, communities and other agencies along our coastline of the Bay.

It is where the rubber hits the road or the waves hit the shore to be slightly more accurate. It is going to be a very important part of our efforts.

Regarding UC Santa Cruz, I was a pioneer starting the school for the first four year class. And I am proudest of being the founding editor of the City on a Hill Press, the college newspaper which is still going strong today.

7. **Consideration of Administrative Matters.** Chair Wasserman stated Steve Goldbeck was available to answer questions regarding Administrative Matters. (No questions were voiced)

8. **Commission Consideration of Bay Adapt Regional Shoreline Adaptation Plan Planning Contract.** Chair Wasserman stated: That brings us to Item 8. This is Consideration of a Contract to Provide Planning, Communications and Outreach Support for the Bay Adapt Regional Shoreline Adaptation Plan. Dana Brechwald, our Assistant Planning Director for Climate Adaptation will present the Staff Recommendation.

Assistant Planning Director Brechwald presented the following: Thank you, Chair Wasserman. Good afternoon, Commissioners. Today I want to brief you on two consulting contracts we are asking you to consider for approval. These are two separate agenda items so I will go through them one by one. Actually, first I am going to give you just a little bit of a background and a reminder of why we are asking you to consider these contracts.

As you are familiar, there are 9 actions and 21 tasks outlined in Bay Adapt's Joint Platform which was adopted in October 2021; all designed to move us a region towards more equitable, faster and more coordinated sea level rise adaptation. We have spent the last year shoring up our resources to implement many of the tasks outlined here.

We identified our top four priorities to begin implementing which I have spoken to you about before based on many factors like what BCDC had existing expertise and capacity for, what was identified as urgent, and what our funders wanted to support.

Again - a big thank you to our funding partners. In October you as a Commission accepted two grants, over \$2 million from the Ocean Protection Council and over \$3 million from the State Coastal Conservancy. This funding is being used for six new hires, you have been hearing about many of them over the past few months. We currently have hired five out of the six of the new positions that are outlined in these grants.

We also released some RFPs for consultant support, including a planning and engagement consultant to support the Regional Shoreline Adaptation Plan, and a communications and graphics and facilitation support for all of our backbone tasks. Both RFPs were posted at the end of October. We held a Q&A session in early December and proposals were due in the beginning of January.

BCDC staff as well as a member of staff from the Ocean Protection Council read and scored each proposal and we posted our intent to award for both contracts last Friday, January 13.

I just want to note we received eight proposals for each RFP, many of which were very strong. We are really excited and honored to see that the Bay Area has such a strong community of professionals who are doing great work in this realm and who want to work with us.

I also wanted to mention two other contracts associated with Bay Adapt. The data and mapping contract, which Todd Hallenbeck brought you in December, which we have sole sourced to the San Francisco Estuary Institute; and a contract through Resources Legacy Fund to pay our EJ advisors for additional Bay Adapt related work, which Phoenix will bring for approval to you in February.

So first I will brief you on the Regional Shoreline Adaptation Plan contract and seek your approval for that.

The Regional Shoreline Adaptation Plan, as you have seen before, consists of the development of region-wide guidelines for sub-regional adaptation plans, technical assistance to help support the development of these sub-regional plans, and an expanded online platform to support the data layers and project tracking necessary to create these plans.

The consultant contract that we are seeking is really focused on the first part of this. We asked for a consultant that would help with many of the technical components of developing the guidelines like doing background research, helping us draft vision and goals, scoping appropriate topics, and helping us to identify the structures and incentives for these sub-regional plans, as well as evaluating and tracking application of the guidelines.

We also asked for support in developing and executing an extensive outreach and communications initiative as well as support for project management and developing a project-wide equity strategy.

The team that we selected is led by Mithun with support from ERG, ESA and Greenbelt Alliance. We selected this team because we felt like they had a really creative design-based approach to developing guidelines that are responsive and sensitive to the sub-regions of the Bay Area. A strong background in the design of nature-based shoreline projects, getting them permitted and built.

We want to make sure that the guidelines we create work backwards from actual projects on the ground. They developed a proposed equity framework that will balance the tradeoffs inherent in these issues. They demonstrated an understanding of governance and scales and the various decision-making that occurs at these levels. And they also provided strong examples of approachable, relatable communications in marketing materials to help a wide range of audiences understand and participate in engagement.

Zack, I will stop at this point and see if you would like to take comment or go straight to the recommendation?

Chair Wasserman asked: Any public comment?

Mr. Feinstein commented: Hi, Commissioners, Arthur Feinstein. I was just wondering. It wasn't clear from your introduction, Dana, for this team, whether there is biological expertise that helps drive, since you are doing planning for shoreline work, wetlands and habitats, et cetera. Is there expertise there in the team? I wasn't quite sure I was seeing that.

Ms. Brechwald answered: We believe this expertise is covered by the sub-consultant ERG.

Chair Wasserman asked: Do any Commissioners have comments or questions at this point? (No comments or questions were voiced)

Go ahead with the Staff Recommendation, Dana, please.

Ms. Brechwald read the following into the record: We now request that the Commission approve the following: Authorize the Executive Director to enter into an up to \$480,000 contract with Mithun to provide the Commission planning, communications and outreach support to support the Bay Adapt Regional Shoreline Adaptation Plan; and to amend the contract if the amendment does not involve substantial changes in scope or exceed 10% of the total amount of the contract.

Chair Wasserman continued: Seeing no comments or questions I would ask for a motion and second to approve.

MOTION: Commissioner Arreguin moved approval of the Staff Recommendation, seconded by Commissioner Burt.

VOTE: The motion carried with a vote of 21-0-1 with Commissioners Addiego, Ahn, Burt, Eckerle, Eklund, Gioia, Gorin, Gunther, Moulton-Peters, Peskin, Ramos, Ranchod, Randolph, Ambuehl, Kishimoto, Pemberton, Lefkovits, Arreguin, Gilmore, Vasquez and Chair Wasserman voting, "YES", no "NO" votes, and Commissioner Beach voting "ABSTAIN".

Chair Wasserman announced: The motion passes. Thank you very much.

9. Commission Consideration of By Adapt Implementation Strategy and Outreach Contract. Chair Wasserman stated: That brings us to Item 9, which is the next contract that you had talked about.

Ms. Brechwald continued: Yes. So the next contract that I will ask you to consider is support for Bay Adapt backbone tasks.

Bay Adapt Strategy as a backbone agency includes efforts like launching new and expanded Bay Adapt leadership groups, facilitating working groups to advance tasks on an as-needed basis, hosting annual or biannual regional forums to bring together a wide variety of stakeholders and viewpoints, developing a more robust equity strategy to ensure that it is built into every process and outcome, tracking progress via metrics, how Bay Adapt tasks are advancing but also what outcomes we are achieving, and lastly, maintaining strong communications, branding and continued public education so that Bay Adapt can continue to serve as an umbrella for a wide variety of tasks occurring throughout the region.

To this end, in our RFP we requested consultant support with overall program management; helping us to develop an implementation strategy for the long-term vision for Bay Adapt; helping to support and facilitate meetings such as our implementation group

working group and annual meeting; coordinating communications and outreach with the Regional Shoreline Adaptation Plan; developing long-term funded equity partnerships; and lastly, helping us to track the overall success of Bay Adapt.

We selected Greenbelt Alliance who is partnering with Connected to Place for this proposal to help support this work.

In addition to also being on the team for the Regional Shoreline Adaptation Plan which maintains continuity between both Bay Adapt and its biggest implementation project the Regional Shoreline Adaptation Plan, we felt that Greenbelt Alliance brought significant experience with elected officials, public and private sector and the environmental community, a relevant topical skill set in climate adaptation, stakeholder convening, project management and facilitation, excellent in-house marketing and communications team to oversee communications, branding and media.

And we especially liked that they proposed engaging in interactive field trips to connect leaders to on-the-ground communities dealing with climate change.

I will pause here for comments.

Chair Wasserman asked: Any public comments?

Ms. Dev commented: Thank you, Dana, for that presentation. This is Gita Dev with the Sierra Club, Loma Prieta Chapter.

The question I have for us to think about is, we did attend one public workshop and it was interesting because after the workshop I talked to various people and they expressed a great deal of frustration that it was extremely hurried and that it was only those who shouted the loudest who got heard. So it is very difficult, I agree, to have the public engagement.

I do think Mithun is a good firm and Greenbelt too. I just want to, and I am sure you all share this concern; this is an extremely important pivot at this point, not only for BCDC but for other agencies in really trying to look for a regional shoreline solution which includes nature and nature-based adaptation so that we don't end up with a bathtub in the Bay.

And I simply want to state right now that the outreach needs to be real so that we don't actually just have situations where staff is presenting and there is very little opportunity really to make a difference.

I know you will all relate to that. And I just want to state that as a member of the environmental community I really feel that sometimes we get so wrapped up in how to protect the infrastructure and how to protect the buildings that we lose track of the fact that if we didn't have a living, breathing, alive Bay, we wouldn't have a Bay Area.

So this is something that it's really important to, I heard a comment that we need a biologist on staff. It is a comment I have made in the past and it is just something we need to very much keep in mind as we do this outreach, that it be real, that it not be totally staff-driven. And I appreciate everything the staff does because they are wonderful. But how to engage the larger group is not easy and I just hope for all of us that we can make it really effective. Thank you so much for letting me speak on this.

Chair Wasserman continued: Comments or questions from Commissioners?

I will make one briefly and it is really a follow-up from the public speaker's comments. I think the points she makes are very important points. I think we are recognized, we being BCDC writ whole, that they are important.

Certainly when we talk and write about adapting to rising sea levels we talk about protecting the natural environment, the built environment and the people. I am not saying that is the order of importance necessarily but that is the order we typically use. So we are very aware of protecting the natural environment as well as our people and our infrastructure.

The point she makes about listening and interaction is also important and she is correct, it is hard and challenging. Part of it is the issues we are dealing with tend to be complex and detailed and a lot of the people who are affected by them don't have the luxury of time to spend a lot on studying.

We have made significant efforts, by no means enough, but significant efforts to include those who don't have that time, who don't have the resources and to provide that - we do that in a variety of ways through our community ambassadors, environmental justice ambassadors, through our own staff now focusing on that area.

Although it is in some respects still early on in our Bay Plan Amendment on Environmental Justice which requires a level and type of outreach that is not required by CEQA. I will repeat that; and I suspect there are not enough public agencies listening into this discussion. But part of our efforts are educating local planning departments. And we will emphasize this in the local government elected task force as well. That our requirements in many ways do go beyond CEQA so they need to think about what we are requiring when they go through their initial process. Because if they don't it is going to take longer to get things done and that that is not our goal, we want to get things done efficiently. But we want to make sure, to the extent we reasonably can, that those who are most affected and whose voices are least heard, are, in fact, heard and have the education and the opportunity to respond. So those are all important things.

I think these two contracts are important parts of getting that done. So thank you for your comments. We are listening, we are trying, we ain't perfect. And we will have some failures. Unfortunately, I can guarantee you that. But I think we will also have more successes.

So with that I would ask for the Staff Recommendation, please.

Ms. Brechwald continued: We request that the Commission approve the following Staff Recommendation to authorize the Executive Director to enter into an up to \$330,000 contract with the Greenbelt Alliance to provide the Commission strategic leadership, communication, tracking, convening, metrics, and organization to support Bay Adapt backbone functions; as well as amend the contract if the amendment does not involve substantial changes in scope or exceed 10% of the total amount of the contract.

Chair Wasserman acknowledged: Thank you. Now I will ask for a motion and a second.

MOTION: Commissioner Kishimoto moved approval of the Staff Recommendation, seconded by Commissioner Arreguin.

VOTE: The motion carried with a vote of 21-0-1 with Commissioners Addiego, Ahn, Burt, Eckerle, Eklund, Gioia, Gorin, Gunther, Hasz, Moulton-Peters, Peskin, Ramos, Ranchod, Randolph, Kishimoto, Pemberton, Arreguin, Gilmore, Vasquez, Pine and Chair Wasserman voting, "YES", no "NO" votes, and Commissioner Beach voting "ABSTAIN".

Chair Wasserman: Thank you, that is approved. We look forward to the carrying out of both these contracts.

Ms. Brechwald acknowledged: Thank you very much, Commissioners.

Chair Wasserman stated: Thank you, Dana.

10. Commission Consideration of a Contract with Resource Legacy Fund for Environmental Justice Advisors. Item 10 was postponed to a future meeting.

11. Briefing on the Racial Equity Workshop Held on October 6, 2022. Chair Wasserman stated: Item 11 is a Briefing on the Racial Equity Workshop that was held in October. Phoenix Armenta will provide the briefing. Take it away, Phoenix.

Senior Manager for Climate Equity Phoenix Armenta presented the following: Thank you, Chair Wasserman. Good afternoon, Commissioners. I am Phoenix Armenta and I am the Senior Manager of Climate Equity for BCDC and a member of our Racial Equity Team. We wanted to thank you all for your participation in our racial equity workshop held last October 6 at a Commission meeting. It was a big milestone in our planning process and we were really pleased to be able to talk through the main ideas of the plan with the Commission and the public together in that setting.

Our workshop consultants, Ferdman Consulting and Bridges Intergroup Relations have put together a report for us that shares the results of the various poll questions, key thematic takeaways from the discussions, and recommendations as we move forward.

You can find the report attached to today's Commission meeting notice and it has also been posted on our website. We have also reviewed these findings and gotten feedback from the EJ Commission Working Group.

First, let's talk a little about who attended the workshop. The overall count varied over the course of the online meeting but we know that we had 167 people registered and that 103 different people took part in at least one of the poll questions. The number of participants then dropped to 79 during the breakout room discussions.

At the beginning of the workshop we asked everyone a series of poll questions to see who was there and I will just quickly show the results of three of those.

Here we asked everyone in what capacity are you joining us today? Almost half of the participants were BCDC Commissioners or staff with large proportions of the other half being representatives of CBOs or nonprofits or other state agencies. Note that some of the respondents selected more than one capacity, which is why these percentages do not add up to 100.

We also asked everyone where they were joining the meeting from. Participants were located primarily in Alameda and San Francisco counties, although we did have representation from each of the nine Bay Area counties. We also had a few joining from other parts of California and from outside of the state.

We also asked participants about their racial and ethnic identity and respondents could select more than one response, which some did.

The consultants also looked specifically at the responses from participants who were not Commissioners or BCDC staff and found that the proportions of participants of color was higher in that group than in the overall set of attendees.

Now let's take a look at the key themes from the workshop's discussion. The consultant identified seven key themes which they summarized in their report.

First, they found that there was strong support among participants for racial equity as a principle as well as a desire to go further and be even more ambitious.

Many noted that this effort is sorely needed and overdue. Some were understandably skeptical of BCDC's ability to achieve racial equity. Many agree that doing so would require time, deep engagement and focus.

In general, there was a desire for BCDC to think more systematically and create goals and objectives that are more courageous and far reaching. As an example, there was a desire to aim for more concrete types of representation rather than general diversity, such as creating positions or seats for specific groups or communities and other similar targeted approaches to create avenues for representation. Instead of focusing on behavioral interventions or trainings there was a desire to think about broader systems and the resources BCDC utilizes.

Second, there was a general desire to identify the structural barriers to racial equity and work with higher levels of state government to address them directly. Many people talked about how achieving racial equity is difficult and that there is a need to clearly identify the roadblocks or impediments that limit true equity, including processes and systems at the state level.

Participants discussed working with the Governor's Office to help achieve many of the plan's objectives and in some cases were open to advocating for policy or regulatory changes to address our needs.

Third, participants generally requested that the goals be more specific and time-bound and that they have clear metrics of success. A lot of people suggested we use SMART goals or Specific, Measurable, Actionable, Realistic, and Time-bound, and also suggested we look to other examples of plans prepared by other agencies.

Participants were also interested in ongoing updates about the racial equity process and ways to continue evolving the plan as it moves forward.

Fourth, participants expressed a strong desire for BCDC to better integrate community voices into the decision-making processes and to actively create accessible pathways for community participation at all levels of BCDC.

Many shared that they would like to see community members who are experts in their own needs involved earlier in decision-making processes about racial equity and environmental justice. They want members of the public to have greater understanding of what BCDC does and how it relates to their community.

Participants would like to have multiple pathways and opportunities for public participation in these processes and for BCDC to make a concerted effort to include those who need child care or other support to participate.

Some participants also requested that BCDC meet community members where they are. For example, by having meetings in different locations and at different times based on the subject matter of the meetings, and by including community reports into BCDC agendas.

Others suggested targeting specific populations such as youth, perhaps through internships. Some also shared a desire to create a feedback loop where the community and BCDC are in regular and ongoing communication. Participants also shared that community input and involvement should be properly compensated.

Fifth, there were differences among participants about what language to use in the Plan and how they interpreted the existing language. Some participants raised questions about naming specific communities in the Plan. Concern that naming one community over another felt exclusive or unnecessarily hierarchical. On the other hand, participants also pointed out places where they felt specific communities should be named for a specific intention or result.

Participants also shared that there can be confusion between terms such as racial equity, inclusion and environmental justice and others, and felt it was important that BCDC define its terms and efforts clearly.

Participants also expressed the importance of considering the way the goals and objectives are ordered in the Plan. Many felt that community trust building increasing community representation should be a more prominent objective.

Sixth, participants described a desire to take part in and tap into larger networks and public movements towards racial equity. Many expressed this desire to be part of a larger movement across public agencies. This might involve addressing organizational practices, strategic planning and other work.

Lastly, participants described a desire for BCDC to focus more fully on the impacts of its policies and practices on people and communities, which in some cases require a broadening of BCDC's understanding of its own jurisdiction.

Many participants wanted to see community health outcomes to be a core consideration of BCDC decision-making. They also thought about health more broadly. Not just that BCDC should not harm people's physical wellbeing, but that it should consider ways to build up and invest in people and community vitality.

Some also discussed the need to invest more deeply in communities and building community relationships, such as relationships between community leaders and BCDC staff.

Next we will go over some observations and recommendations offered by Ferdman Consulting on how we should proceed with the information that we have gained from our workshop.

First, they noted that BCDC leadership and staff demonstrate strong commitment to an investment in fostering racial equity at BCDC, which are both critical in building a solid foundation for a strategic and impactful change initiative; and particularly pointed to the dedicated staff time given to this effort as an example of this commitment and pointed out the staff's demonstrated passion and dedication to the Plan.

Next, they suggested that the team and organization should more explicitly consider how the racial equity effort and initiative will be sustained. Noting that while the allocation of dedicated staff time to work on racial equity is admirable and important this by itself is unlikely to achieve the ambitious moves forward. BCDC leadership should consider the internal and external support it provides to the Racial Equity Team to both avoid overburdening staff and ensure the initiative's success.

Third, they pointed out that decisions will need to be made regarding prioritization, resource requirements and allocations, and feeds feasibility. The current plan is wide ranging and ambitious. They felt it should remain so. However, BCDC will also need to prioritize aspects of the plan for implementation.

They recommended that we consider conducting a SWOT and feasibility analysis of its different goals and not wait to address the lowest hanging fruit or easiest opportunities for change.

Fourth, the consultants advised that this work requires the awareness that BCDC continues to operate within structures that perpetuate inequity, even as it works towards equity. Given that reality there is a need to work towards a more explicit model of organizational change.

This means asking probing questions of the work as we proceed such as what is the vision of racial equity towards which the organization is moving and why? What are key steps along the way as seen developmentally? What are some of the inherent dilemmas in this process and how they might be managed and addressed? Asking and answering these questions will help to elucidate our model of organizational change.

The consultants suggest that as the Racial Equity Team moves forward it should continue to think about how to practice the values it promotes within the Plan and to work towards alignment between what is done now and the future goals.

This team should strive to be explicit about how its current choices align with the Plan, and how to the extent possible, aspects of the vision are brought to life in the present. To this end the consultants recommend that we deepen our relationships with the EJ advisors and tap into our networks with the intention of specifically addressing the issue of increasing representation and input over time.

The consultant also noted that there were inherent tensions and paradoxes in the process for racial equity and that naming such tensions and accepting that they are an inherent part of the process will be important in maintaining momentum, energy, morale and commitment.

BCDC cannot by itself address all the challenges it faces regarding racial equity. For example, issues of both external and internal equity emerged at the workshop and participants, including Commissioners, were very interested in both.

In both cases there appear to be structural and systemic barriers to fostering both internal and external equity that are not fully within BCDC's control.

By taking account of and working to address dependencies BCDC and its leadership, including the Commissioners, may be able to actively engage with partner agencies, state leaders and others to further identify and address structural challenges as an integral part of our work towards racial equity.

Finally, the consultants encouraged us to stay the course, noting that the work of fostering racial equity requires clear-eyed and steadfastness and commitment. They encouraged us to celebrate successes along the way while keeping a focus on the overall goals and work ahead.

So we are switching gears so that we can see where we fall in the larger scheme of things now that the workshop has taken place and where this conversation fits into things.

If you recall, last summer along with the draft goals and objectives we developed a big suite of potential actions to consider for the plan. Now that we have some more input from the Commissioners and the public and BCDC staff about their values, how they understand and interpret the goals and objectives we shared and their own goals around racial equity, we are revisiting everything and summarizing it in a strategic framework, which is a framework or structure that lays out our main strategic approaches, key actions and priorities.

Think about it as a summary of the Plan contents. We will be looking for some feedback on that to make sure it is still going in the right direction and then we will expand it into the draft Racial Equity Action Plan. We are aiming to have the draft available for public comment at the end of February and hope to have the final Plan adopted by the BCDC Commission in April.

We would also like to note that the recommendations in this report are being integrated in all aspects of our work and can be seen reflected in BCDC's Strategic Plan, as you will see in the next presentation.

I wanted to thank you all again on behalf of the Racial Equity Team for your contributions to this process and welcome any comments or questions.

Chair Wasserman acknowledged: Thank you, Phoenix. Peggy, do we have any public comments?

Ms. Atwell stated: We have no hands raised, Chair.

Chair Wasserman continued: Comments or questions from Commissioners?

Commissioner Ahn chimed in: As chair of the EJ Working Group I want to compliment again, Phoenix, for their hard work on all this. And also maybe as just a follow-up comment, making sure that we are connecting again to environmental justice organizations throughout the Bay Area to provide continuing feedback on this Racial Equity Plan will be really important as we have tried to solicit input up front, making sure they are continuously involved, Phoenix, I think would be great.

Ms. Armenta acknowledged: Definitely. Thank you.

Commissioner Pemberton commented: Thank you. I also just wanted to thank Phoenix for the presentation and also for providing this update to BCDC on the status and the work that has been done thus far and work to come in developing the Racial Equity Plan and looking forward to finalizing it.

I did attend the workshop and found it to be really beneficial and well attended. I just wanted to thank you, Phoenix, for the presentation and keeping us informed on this important issue.

Ms. Armenta replied: Thank you.

Commissioner Moulton-Peters was recognized: Yes, I want to echo the thoughts expressed, Phoenix. This was an excellent report. The workshop was excellent, had a lot to it, and so it is great to have all the substance in one place now.

I am going to share it with our Marin County Racial Equity Team. I agree with Commissioner Ahn that keeping in touch. This is, I would assume, a living document and keeping in touch with our EJ organizations in the Bay Area will be important. We are glad really glad to have this effort in Marin County. Thank you.

Commissioner Kishimoto commented: Yes, I thought there was a lot of thoughtfulness that went into there, a lot packed in there. I really appreciate all the thought.

I was just reflecting that really over the last 30 years our Bay Area and California has changed a lot in an incredible amount actually. But it is a good reminder that we still have a ways to go and all the guidelines and kind of the scaffolding that you are giving us is very helpful.

Ms. Armenta replied: Thank you.

Commissioner Kishimoto acknowledged: Thank you.

Chair Wasserman: Anybody else? Oh yes, the Executive Director.

Executive Director Goldzband commented: Thank you, Chair Wasserman. So I want to say a couple of things. First of all, I really appreciate the Commission's support for Phoenix and the job they are doing. I think all of us on senior staff have not only just a tremendous amount of respect for Phoenix and that work but Phoenix has demonstrated her, I think, longstanding ability to, I will say it the way my father used to tell me to stand up straight as you work and go forward and recognize all that is around you. Phoenix does that incredibly well and we are very happy that they are here with us.

I am going to now do a little bit of a teaser, which is something that Phoenix did not do, which is fine, which is that the next item on your Agenda is the Strategic Plan.

I am sure all of you have read it thoroughly, if not memorized it, and that Goal 3 deals exclusively with environmental justice. And the reason we wanted Phoenix to talk about the results of the workshop now is so that you can see during the next agenda item how that can flow into the Strategic Plan.

Because I think it is really, really important to recognize that the work that the Equity Team at BCDC has done, which they will continue to do thankfully, needs to be folded in here and measured, and that is what you will end up seeing as part of the Strategic Plan.

Ms. Armenta acknowledged: Absolutely, thank you. Thank you so much for that.

Chair Wasserman continued: Certainly echo all of the comments and very much appreciate the tradition that Phoenix brings to us that I was certainly taught a long time ago, which is to speak truth to power and to help, to teach us to be, particularly in this area of social equity and environmental justice, upstanders and not bystanders. So we look forward to the next presentation on this and the continued evolution to actually produce the Plan; but even more importantly then, to implement the Plan. Thank you.

Ms. Armenta acknowledged: Thank you so much.

12. Strategic Plan Adoption. Chair Wasserman stated: That brings us to the next item, Item 12, which is the adoption of our Strategic Plan. I am going to make a few introductory remarks and then turn it over to Mindy Craig of BluePoint Planning, our consultant on this.

I am sure all of us at some level have been through strategic planning and helped to adopt and then occasionally look back at strategic plans. What is most important about that, from my perspective, is the process. It is both the process of adopting the Strategic Plan. It is not the document that gets put on the shelf. It is the talking and the discussion, sometimes even the wordsmithing that can be important, and then also the monitoring of it, the review of it.

I think our previous Strategic Plans had been pretty decent. I think our monitoring efforts have been not quite so decent. I think there are two or three very important things about this one that is a bit different.

One, it more clearly than the previous ones recognizes that this agency has pivoted and needs to and will continue to pivot in a variety of ways. Most significantly, from our fundamental mission of absolutely limiting to the extent necessary fill in the Bay, to recognizing that we are going to have to put some fill in the Bay to save the Bay.

And that was not an easy pivot. I think we have successfully made that. But in implementing it and figuring out how we can do that more effectively and efficiently, how we can be much better at beneficial reuse, how we can much better implement the environmental justice and social equity policies that we have adopted we need to continue to pivot.

And again, it is the process, it is the thought, it is the goals, it is the monitoring that is absolutely critical, despite my day job which is really being a wordsmith.

Now, Mindy, will you lead us through this Plan and hopefully to the adoption of the Plan?

Ms. Craig addressed the Commission: Absolutely. Thank you so much. I am going to go through a very brief presentation here for everybody. I believe all of you have already received the Strategic Plan and hopefully have been able to go through that.

Just a very high level reminder of where we have been and where we are going. I just think it is really exciting as hearing this meeting that some of the key things that are in the Strategic Plan are already being moved forward with the new consultants, the new hires and with the racial equity plans. The process and the actual work is being done as we speak, so that is very exciting.

You have seen this screen multiple times as we have gone through this process but just as a reminder, we have had a process. We have had a lot of iteration with you, with the stakeholders, with partners and with staff to get to where we are today.

Going with our Strategic Planning Working Group multiple times, which had a very robust and a great vetting of these efforts. Lots of small group meetings the very early part, partner surveys and in workshops with various levels of our partners to really understand what the issues were, what were the concerns, what are the things that BCDC needed to change and address in order to create that pivot that Chair Wasserman just mentioned.

We also have worked really closely, particularly in this last piece, with the staff and the staff working in groups by themselves to really own it and understand how we move this whole effort forward to get to this actual Commission presentation and to this final Strategic Plan.

There are two aspects that I am going to talk about. One is these forever, if you will, pieces, which is a redefinition of our Mission and the Core Values which were not there before.

So the Mission, we did a lot of discussion around and that we ended up going around and having a lot of conversation about what really is the mission of BCDC and landed here, which is:

“The San Francisco Bay Conservation and Development Commission protects and enhances San Francisco Bay and advances the Bay’s responsible, productive and equitable uses for this and future generations as we face a changing climate and rising sea levels.”

That expands some things and really crystallized some other elements that we heard from, again, folks here in the Commission as well as our partners, stakeholders and the staff.

These Core Values were added because they were also important as we think of growing the organization and having these key touch points that we can talk about and see where we are moving forward and as new people come on board, they really understand what BCDC stands for.

Equitable and Inclusive.

This idea of Science-Based and Data-Driven is a really important element of technical expertise and capabilities, which are deeply part of your culture.

That you are Agile and Proactive. This is something that really looking forward and using Bay Adapt as a model for a lot of the work, seeing how that works. And being, again, agile as we move into these uncertain times.

Being Collaborative and Service-Oriented.

And clearly Trusted and Accountable. That Trusted and Accountable is both an internal culture, but also externally. So how do our stakeholders, how does the development community, how does the environmental community see and interact with BCDC and make sure that that trust is supported so that the projects and the work that is going on can be effective and useful.

And then for the Strategic Plan itself. This is a lot to read on one single slide but again I know you have the hardcopy in front of you so I am just going to hit the highlights here. I am not going to try and do any wordsmithing today but want to highlight what we have talked about.

So we have a Vision now for this upcoming period of time.

“BCDC will be a proactive and responsive, equitable and collaborative organization that successfully addresses the regulatory and planning challenges facing the Bay, its shoreline, and the communities that it serves.”

Those things are really important pieces that came out a lot through this process. That there is a regulatory aspect of BCDC and a planning; and how we unite and marry those together to address this was really, really critical so that our goals actually support that.

So our Goal 1 is really around the planning piece. Leading regional planning efforts that result in successful and equitable adaptation, restoration, development, and public access projects for the Bay Area in light of rising sea levels.

And then taking on the regulatory piece is reviewing BCDC's regulatory and planning functions to create a more unified and consistent regional-scale approach to manage the Bay and shoreline in light of that uncertain future caused by rising sea levels.

Three, as has been mentioned, equity is clearly throughout this entire plan. It was very centered and part of the conversation as we went through this. And 3 really focuses on this is, implementing equity initiatives and practices throughout BCDC's policies, programs and processes to resolve historic inequities.

Number 4 is developing and implementing more effective methods to communicate more successfully externally with stakeholders and internally among divisions. This effort that the contract you just earlier today approved goes to this. It is about this idea of how we more transparently and accessibly engage in work with our communities.

And finally and certainly not least, is the need and desire for building and maintaining an adequately resourced and more responsive and diverse organization that can meet its growing challenges more effectively and sustainably. That is really around how we recruit, maintain the staff at that high level and keep them going effectively.

In the Strategic Plan you will now see that on each one of those goals we have dug down deeper; which is we have our goal, we have the anticipated outcome, and then we have a handful of strategies. I just want to highlight. It is really clear when we worked with staff that we wanted to keep those strategies to a manageable number because we want to see this actually implemented.

When we started this process some time ago we really wanted to say, hey, this is going to be implemented. So to the point of how do we monitor it, we want to make sure we can monitor it because it is reasonable and effective in terms of how we are taking this on. I am not going to go through each one of these strategies. Again, they are in your Strategic Plan that you have. But this does help you to understand that each one of these has more detail underneath it.

And what is more, is that even behind the Strategic Plan is an implementation tool that the staff are using to figure out how to actually do those strategies. Every single strategy has a whole bunch of actions. They have leads, they have timelines and they have mechanisms to actually track that. So this is part of what the staff will be doing. They have working groups and that might be talked about a little bit more. But this is a really key tool. It will make sure that the Strategic Plan actually comes to fruition even though it is already moving forward in that direction.

That is the entirety of our presentation today. I will pause and go to questions and back to you guys.

Chair Wasserman asked: Peggy, comments from the public? If anybody is listening in the public and wishes to comment please raise your hand.

Ms. Atwell replied: I have one hand raised.

Mr. Arthur Feinstein spoke: Hi, everybody, once again. I forgot to mention that I chair the Sierra Club's Sea Level Rise Committee for the Bay Area. And you may be surprised to know that I think you did a pretty good job here. I really appreciate the work that has gone into it.

Chair Wasserman stated: Make sure that's recorded, please. (Laughter)

Executive Director Goldzband added: Can you stop now, Arthur, please? (Laughter)

Mr. Feinstein continued (Laughter): I know, and I am surprised you did not faint from shock. But I agree with an awful lot of what you have put in. In fact, basically the issue I want to raise is simply something that we have felt through the Bay Adapt.

I have been going through the Adapting to Rising Tide Bay Adapt processes. I have taken part in those, in all of those. It has been work from our community to get an increased representation of the importance of the natural resources into these products. But thankfully you got them in there pretty well. Not as much as we would like and that is what I am going to talk about now.

When you talk about natural resources you don't see that until it is in the subset. It is not in the goals. It is not in the overarching mission. You talk about protecting and enhancing San Francisco Bay but what does that mean? It can mean a lot of different things. It can mean we just have a lot of body of water. It can mean we are cleaning it up so it is not poisonous. It does not really talk about the fact that this is an internationally important ecosystem.

We have over 72 percent of the wetlands in the entire state of California. California tidal wetlands are in San Francisco Bay, 72 percent or more. That is an amazingly staggering number - a very sad one.

Our tidal wetlands, well you know what they do. They do a whole ton of stuff. But one of the things they do is that they sequester carbon. Most of them are going to drown with sea level rise.

Which means, not only do we lose the values that wetlands provide to aquatic and even some land critters. But it means that all that CO2 that is going to be no longer sequestered but will be out in the atmosphere and we just make climate change progress even more rapidly.

Over 50 percent of some duck species require habitats in San Francisco Bay, millions of shorebirds.

As a habitat site it is incredibly productive and it would be, I think, beneficial to make that more clear in terms of what you are trying to achieve rather than just saying, protect San Francisco Bay.

Earlier your Chair talked about how you recognize how nature is important and it is there in most everything, but it quickly disappears and I don't think that many people understand just what that means when you say it. So I would like to see a little more expansion in your Strategic Plan about why you want to preserve San Francisco Bay. It is not just to preserve the Bay but all the living things that live in it and those of us who surround it also depend upon.

Ms. Gita Dev commented: I want to thank you for letting me speak once again. That is only because I think BCDC's charge is so critically important to all of us, to the economy of the Bay Area.

But what I wanted to add on to what Arthur Feinstein said is something that escapes a lot of us, which is, if the wetlands, we have lost 90 percent of the wetlands around the Bay historically and we have a goal of getting 100,000 acres. This was done scientifically in order to get the Bay healthy again. We have not reached anywhere near that goal at this point.

And if in fact a lot of the wetlands do drown and the sediment plans do not keep raising them to keep up with the water, in any case, even now, we need more. We need more land where wetlands can migrate onto. And as the water rises we are looking for, we all collectively need to be looking for where this water needs to go where the tides need to wash into. And somehow that is not very clear because it is a very touchy situation too. Because you take a town like Foster City and it is protecting itself by just raising the levees, it does not have any more land, very little actually, that can become tidal wetlands. So when they raise their levee someone else takes their water.

And the question is, where should we find this place in order to keep the Bay alive to the level it is today, leave alone to where we needed it to go to get it to be really healthy? So somehow that aspect of it, the whole, the land use aspect of it is a very troubling problem. And it is a sticky issue. And it is a touchy issue. And it is politically sensitive, I recognize. So anyway, I wanted to bring that up. And in the Strategic Plan it is not very clear how we may want to even try to tackle that. So that's all my comment is, thank you.

Mr. Charles Schafer was recognized: Thank you very much for taking public comments on this. I am also with the Loma Prieta Chapter of the Sierra Club and I want to echo Arthur and Gita and maybe do a little bit of elaboration.

To me, I like the tone of the Strategic Plan. I just wish that it had something more specific in it that talked about natural adaptation. It is too easy to just sort of slide over the fact that the ecosystems around the Bay are extremely important if we are to maintain a Bay that it is alive.

If we just build cement levees all around the Bay, essentially what we are going to do is drown what wetlands are left and away go the critters that the birds feed on and we lose our significance as an estuary of significance.

We definitely have to be very aware of where we can go with the rising tide marshes. I think one of the things it is very hard for the public to understand is that we do need places where marshes can retreat as sea level rises. There has got to be a way of putting in slopes. People see bare land next to the Bay and they immediately think of developing something there which is probably the worst thing that could be done.

If we are going to keep an estuary of significance, we absolutely have to specifically somewhere say that we are promoting the ecosystems around the Bay in order to keep it alive. Thus the name, by the way, of the Sierra Club's campaign, which is Bay Alive. We don't want the Bay to die. Thank you for letting me speak.

Ms. Atwell noted: Thank you. Chair, no more public comment.

Chair Wasserman continued: I will open it up to comments and questions from Commissioners. I would urge you as you make your comments, to the extent possible, to focus them on fundamental issues and directions in this draft as opposed to wordsmithing.

If there are wordsmithing concerns that you have I would ask you to send them to me and the Executive Director, or the Executive Director and we will get to that.

At the end I am going to exercise the Chair's prerogative, frankly, and make the motion for approval myself. But in that motion I am going to be clear that, one, no Strategic Plan is written in stone, so this is an evolving document. But number two, that what we ultimately issue Larry and I may edit and wordsmith some based on your input as well as some second looks that we have done.

So hopefully you can focus your comments on the major thrusts and issues here. But if you have specific wording issues please send them to us. With that, Commissioner Pemberton.

Commissioner Pemberton spoke: Yes, thank you, Chair Wasserman. I just had a question following one of your recent remarks. You said that no Strategic Plan is written in stone and it is an evolving document and I was curious if you could elaborate on that?

I was curious about this set in stone language because once it is adopted and finalized it seems like that is the guiding document. How or what are the ways that it would evolve over time after it is adopted?

Chair Wasserman explained: Two primary ways. One is a product of when you do the next one. Typically strategic plans are three to five years. I would call this one at most a three year plan. But it may be less than that because both needs and resources are shifting very quickly.

Second, it is a strategic plan. As we monitor it, as we implement it and we monitor it, we are going to shape it. So it is not the final thing. This goes a little bit to some of the public comments about looking for more specificity. This is a fairly general plan. Strategic plans are fairly general. So it really gets refined and cleared and at some level, chiseled, as you do the implementation and the monitoring.

Commissioner Pemberton acknowledged: Thank you.

Commissioner Eckerle was recognized: Thank you so much. I just want to thank everyone who was involved in getting us to where we are today; Mindy, thank you so much for the presentation.

Quick question and forgive me if I missed this. I just wanted to make sure we shared this publicly. On the last page of the Strategic Plan it talks about our accountability and reporting and there it says that we will be receiving reports three times annually; I just wanted to make sure that that was shared out loud.

And then also wanted to get a sense on the implementation templates that really help us understand how we are going to operationalize our goals. Are those going to be publicly available or shared with the Commission or that is more of an internal staff template?

Executive Director Goldzband fielded this question: I will take this one, Chair Wasserman. Just so you know, this was put up on the website more than ten days ago so it has been available.

I want to actually grow on something that Chair Wasserman said about Commissioner Pemberton's question, which is that I think the way this Plan evolves, candidly, is through the implementation. This is one of these times where I wish we were all in one room.

I am going to do my Joe McCarthy thing here and say, I have in my hand a draft action plan for Goal 1. I also have in my computer a couple others for other goals. And it is actually pretty simple, which is why I think I and other members of the senior staff are pretty excited about it, because it is not a hard thing to track. It is simply something that we need to make sure we are doing on a regular basis.

And so you will see implementation reports, probably verbally, far more than long written things, three times a year, starting this April. And we are going to regularly schedule them for April, September and January. I think quarterly is too much but semiannually is too little. So we said, or I said, four months.

That first time you more than likely we will see all five of these, just so you can see what we are following and how we are handling this. And then what we will do, I think, but this is not chiseled in stone, is to select every four months the most, what we think, timely, topical, interesting issues that we want you to know that we are working on. But certainly we will be more than happy to share with you what we are doing. Does that help?

Commissioner Eckerle answered: Thank you very much.

Commissioner Eklund commented: Thank you very much, Chair Wasserman, really appreciate the opportunity.

First of all, I was not on the Committee but I did attend, I believe, a couple of meetings and just really am impressed with some of the changes that they made to incorporate some of the comments that were made. So really appreciate that and this is exciting.

I have two questions. One is, what is the relationship of the Strategic Plan to the long-range planning effort that we are going to be talking about in the next item?

Executive Director Goldzband answered: Commissioner Eklund, I am going to ask you to hold that question until after the next item. Because you will see that Erik actually talks about how they plan to move forward and I think you will be able to see the connection and we will go from there.

Commissioner Eklund replied: Well, in a way my question was a setup for that. But I wanted to also call to your attention Goal 2, which I think is one of the more important ones, at least for some of the needs to press to create more wetlands in order to keep the Bay in good condition.

This question is about really expanding our planning efforts in light of the fact that we may be a regulatory agency as well, some of the planning efforts that we might be involved.

My concern about Goal 2 is that because San Francisco Bay is so multifaceted and all areas are very, very different, we may not be able to create a more unified and consistent regional scale approach and we may not want to.

The approach may be totally different in different parts of San Francisco Bay, like the North Bay, Highway 37. What we are being confronted with there is probably not similar to other places in the Bay and so we may not want to have a unified and consistent approach on that particular issue. I am not sure hard fast those words are, I am not going to wordsmith it. I am just going to raise it as a concern because the Bay is very different.

I share the environmental group's concerns. I think all of us do, especially after what we have been experiencing the last, what, three weeks or a month or however long it has been raining as bad as it has.

You know, sea level is rising and it is rising probably faster than what we had anticipated, especially in San Francisco Bay, and we are going to have to do something.

Anyway, I just wanted to flag that a little bit for us to sort of take a look at it but I am not going to wordsmith it, it is just a concern that I wanted to raise. But anyway, I will bring more up in the long-range planning. Thank you.

Commissioner Lefkovits chimed in: Thank you, Chair Wasserman. I spent about five years on the Regional Water Board as the public member where I had the self-appointed job of being the dumb person in the room when it came to talking about things like this because I do not have a science background and I am not a water person. But from that perspective a couple of things jumped out at me with the Plan.

One is the urgency. I think, inside the Commission we understand the urgency of the Strategic Plan. But I do not think that the report highlights the urgency of the Plan. The question that goes into every strategy plan, why now, I think probably could be expanded on beneficially to help the public understand the mission, to help the many different constituencies that will be a part of implementing a plan, understand and to help generate support.

Which goes to my second observation which is, we talk a lot about the Bay in the abstract but I think that we all know that both the beneficial uses of the Bay are a primary function that we want to protect and, of course, the beneficial users of the Bay.

As we think about moving into operationalizing and with the communications plan I think that we might benefit from expanding the report to actually outline the extreme diversity of the beneficial uses and the users.

Because I think it would make it a lot easier to enlist support if we know that we have a common goal among environmentalists and employers on the Bay and fishermen and hunters in the Delta and go right down the list.

I think that we take a lot for granted and I think it makes it really easy for the people who are not a part of this process day in and day out to see themselves. We actually call them out and say, hey, you have a place. You have a role. You have a benefit and a responsibility. I think that we can make this more than an internal document. I think we can make it the basis of something that is a long-term, large-scale planning effort with some relatively small tweaks. So that is my comment.

Commissioner Ranchod was recognized: Thanks. I wanted to say I think the document is significantly improved from the draft that we reviewed during the Strategic Planning workshop in early November.

In particular I think the Mission and the Vision are much better focused and tighter; they read less like they were assembled by Committee. I know that all the work on this required significant time and effort by the Committee and by others who are involved. So I just want to express my appreciation for all the time that was put into this and the process.

We can take issue with particular details but I think overall it is quite strong and that is important so that not just all of us but other members of the public have more clarity about what we are doing and how we are spending the agency's resources for the next three years.

A couple of comments. I do agree with Commissioner Lefkovits' comment just now to try to better reflect the urgency of our work in the words in the Plan.

I think it was noteworthy in Goal 3 to implement equity initiatives and practices throughout our policies, programs and processes to resolve historic inequities. The word resolve is very strong. That is not typically a word you see in a goal like that. I am more used to seeing "address", for example. I assume that is quite intentional. This is a goal and so we should have a strong statement. And I appreciate connecting the work that the Racial Equity Group has been doing too, to one of the five goals that is being stated in the Strategic Plan. I wanted to note that.

Similarly with respect to Goal 2, I thought we could have a little bit stronger formulation of that one. For example, instead of using the word "review" our regulatory planning functions to say we are going to utilize them to actually create a more unified and consistent regional scale approach.

I have some other comments that are more detailed that I have sent by email.

I did want to say I support the periodic review that you have proposed of the Plan a couple times a year to ensure that the implementation is tracking the Plan; that is important.

I look forward to continuing the work on this. This is for the next three years. As was remarked, it is a living, evolving document and I know it will be helpful in continuing to shape the day-to-day work. Thanks.

Commissioner Gioia commented: First, thanks. I want to acknowledge as a member of the Strategic Plan Committee, I was really impressed. Also want to appreciate the very strong involvement by so many individuals from around the Bay, so many stakeholders, really a diverse set of stakeholders. This is not just the work of a committee, right? It is really the input of so many constituencies who care about the Bay. So I really want to emphasize that.

I also want to just say I agree with Commissioners Lefkovits and Ranchod's comment about urgency. I think we all know that. We heard that from the public. And want to make sure that the Plan conveys that.

I do agree also with Commissioner Ranchod's comment looking at Goal 2, a more active verb than "review". We want to be active here. Some active verb that we were using our regulatory and planning functions; we are "activating" our regulatory and planning functions to create this more unified and consistent regional scale approach.

And let me address this use of "regional scale". We heard, again, from the broad constituencies, that regional scale approach is scientifically needed, and policy wide needed. But that does not mean that there are not going to be sub-regional types of projects and I think that is reflected under the anticipated outcomes.

If you look at Goal 2, the anticipated outcome uses the term, enlarge the focus of BCDC's regulatory program to permit larger scale and more complex sub-regional projects that are aligned with the Regional Shoreline Adaptation Plan. So I do not think it is a conflict to say we have a regional scale approach, which is absolutely needed, with sub-regional projects that take into consideration the uniqueness of issues on our shoreline.

Because ultimately what happens in one part of the Bay, and you all know this, we all know this, that what happens in one part of the Bay affects another. That is why we heard so consistently the importance of regional scale approach with sub-regional sub-strategies and projects. So I just wanted to add that.

Commissioner Kishimoto commented: Yes, I want to recognize all the work that has gone into this and I will be supporting it. I know it is a living document. But if you are taking input for tweaking if you would consider, for example in your Vision Statement, having a vision of the Bay. The San Francisco Bay is a globally and locally critical ecosystem. So that would be my two cents. Thank you.

Commissioner Burt chimed in: Thank you. I also want to echo appreciation for the really strong work that has been done. I did want to follow up on two of the comments.

Mr. Feinstein's comment about the degree to which our vanishing wetlands will constitute a diminishment of carbon capture and how we might, if we have already attempted an approximate quantification or within bandwidths, of how we might quantify that impact and how we might mitigate it?

And then Commissioner Lefkovits' discussion about the urgency. I appreciate that the Plan is itself going to drive the whole range of programs to implement it. But I wonder whether we would want to consider as a baseline where we are between the disconnect, basically, between present programs that are established and the anticipated pace of sea level rise to accentuate the urgency by just laying those two things out there side-by-side if those aren't already well laid out. Thank you.

Commissioner Pine spoke: Thank you. I think this is really a nice piece of work. It really reflects the way BCDC has focused its efforts more and more on sea level rise.

I wonder, though, if we have left out a little bit about our core work and our issuance of permits and providing access to the Bay and limiting Bay fill. If you just read through our five goals I am not quite sure where you are going to find that work. But I like the emphasis on sea level rise, I must say.

Chair Wasserman asked: Any others? (No other Commissioners commented) I think what you are about to see is a little bit of dialogue between me and the Executive Director, but I will start.

One of the challenges, and we are going to discuss this again in the next item. In retrospect, I almost would have rescheduled the next item before this one. We have a number of different plans, all of them important, which is not to say there is not some hierarchy amongst them.

One, and this one is certainly significant. Bay Adapt, and the ultimate plan for a resilient shoreline strategy is another. The Seaport Plan which we are going to get to is another. And precisely how they all relate and how much they are all integrated into one is a significant challenge.

When we started out with the Strategic Plan there was some internal discussion about how much it really needed to bring in Bay Adapt into the Strategic Plan.

I am by no means saying this is perfect. I will acknowledge it is not perfect, period. But I think it is a decent job if you recognize that comprehensive set of plans of doing that balance.

Perhaps there should have been some expressed recognition of our efforts on adapting to rising sea level and our historical core efforts in terms of permitting and some different kinds of planning. I think it is embodied here. I am not sure it is expressed entirely and that may be a little bit of what we can talk about because I do not think it is substantial, it is really setting context. I think in substance the balance is pretty good. I am going to stop there for a moment and see what either response or different comments Larry wants to make.

Executive Director Goldzband added: Thank you, Chair Wasserman, a couple of things. Before I answer Chair Wasserman I want to let you know that we actually did think a little bit about the Agenda today. We started thinking about it, I am looking at Jessica, probably six weeks ago, eight weeks ago, when we figured that the Strategic Plan would happen today. We wanted Erik Buehmann's long-range planning to somehow be associated with that. We certainly wanted the equity piece to be associated with that.

Because today is a pretty exciting day for BCDC in its history because as far as we know never in our history have we actually or are going to execute two contracts totaling somewhere like \$900,000 much less talk to you about equity in a way that you participated in.

Actually have for the first time since I have been associated with BCDC an actual plan about how we are going to deal with planning over the long term, and how we are going to start a compliance program. That is a pretty hefty agenda.

Perhaps you are right, Chair Wasserman, we should have put Strategic Planning last because it all flows into that in some way and it is all recognized in this in some way. So I will not quite apologize but say we maybe should have thought about it a little bit more and done something a little differently.

With regard specifically to what the Chair said, I have an idea, candidly, maybe not for the Strategic Plan but something that we can certainly come up with and it goes directly to what Commissioner Burt said. I am sort of combining, Commissioner Burt, what you said, with the Chair. My thought is that maybe what we ought to do, and to some extent Erik is really doing this - is to list out every plan that we have. Describe how rising sea level to some extent affects that, and vice versa. And then demonstrate how on the regulatory side we implement. I am wondering if that would enable us and enable the Commissioners to think a little more clearly with regard to how this all ties together.

And it goes, candidly, to something that Commissioner Eklund talked about, right? This unified approach to making sure that when we start with a plan and a policy it does not, candidly, end up in enforcement. Because that is what happens and that is what has happened over the 50 years of BCDC. So that is why compliance is really important.

So I am going to suggest that you let staff take a whack at that and see if that can help move this. And it can certainly become an adjunct to the Plan itself. Or you can say no because that is your prerogative and we go from there.

Chair Wasserman opined: Well, I think the ultimate decision is actually the Commission's. I think overall that makes sense. I am going to open it up for a moment for any other comments before I make a comment and then, as I indicated before, I will make a motion. Who knows, it could fail for lack of a second.

Commissioner Vasquez was recognized: Thank you. I do agree with Commissioner Pine. With all these other plans, I think we need to have an overarching, what is our legal responsibility? To remind us what the Act says and what we are responsible for and how does all of this fit underneath that? That would be my comment. Because I think it is kind of lost if we are not careful. Getting back to what does the law say that we have to do and how does all this fit in with that? Those are just my thoughts.

Chair Wasserman noted: You touch on both very important, from my perspective, very important and in some ways very sensitive area. Because going back to the Act, and to some extent my comments about pivot, the Act talks about allowing only necessary fill. And what this Commission has basically done, we have not per se articulated this way, although we have been very conscious of it, is to redefine what is necessary under the Trust Doctrine, under the fundamental purposes of the McAteer-Petris Act. So I actually think that that is there.

My suggestion is the following. In a moment I am going to make a motion. And I would like us, I hope we will adopt this with some leeway for wordsmithing, as we have said. And perhaps including in the wordsmithing is also improving the setting of the context. Recognizing this is going to come back to us in a review in the not very distant future. And that will be after both we have a discussion in a moment on the long-range plan as well as reports on the status of some of the other plans and we have the amendment of the Seaport Plan coming up. All of that is an ongoing iterative process.

And I think if we accept that that is so that, again, despite the dialogue between Commissioner Pemberton and I about how set in stone or what that means is, I think it is an evolving process, plain and simple. Particularly given the context that we have set forth here of both monitoring and reporting on that to this Commission I think that can work.

So in that context I will make the following motion. On behalf of the Strategic Planning Commissioner Working Group I move adoption of the draft Strategic Plan, with the provision that the Chair and the Executive Director have authority to edit the document further in ways that may set it better in context and do not materially change the proposal that is before you.

Commissioner Ranchod chimed in: Second.

Chair Wasserman acknowledged: Commissioner Ranchod, second. Thank you. Bless you, sir. Any questions or comments on the motion?

Commissioner Pemberton had a question: I just have one clarifying question on that motion. If there are immaterial edits that the Chair or Executive Director make to the Strategic Plan how will the public be informed or aware? Would that be before it is posted on the website or would it be posted on the website and then updated and tracked changes? I am just curious regarding the transparency on that front?

Chair Wasserman responded: We have not discussed that. Although conceivably there has been an internal discussion but I have to say I doubt it. Good question.

My inclination is to say we will certainly do a tracking version so that we know and that will be available. I am a little hesitant to say we will put it out there because what we want is the document for people to look at. If people are concerned about the process we can put out an announcement that it is available. But I am a little disinclined to put a tracking document on but we will do it and make it available would be my answer.

Commissioner Gunther chimed in: Yes, Mr. Chairman, I just wanted to check that in this process you are describing, I have submitted some written comments, maybe others have as well, those will be considered as you move forward.

Chair Wasserman stated: Absolutely. Several of you have submitted some written comments. If any of you wish to do so please do so quickly. We absolutely will consider those and implement or include them as much as we possibly can.

Commissioner Gunther acknowledged: Thank you.

Chair Wasserman continued: Seeing no other hands, roll call please.

MOTION: Chair Wasserman, on behalf of the Strategic Planning Commissioner Working Group, moved adoption of the draft Strategic Plan, with the provision that the Chair and the Executive Director have authority to edit the document further in ways that may set it better in context and do not materially change the proposal before the Commission, seconded by Commissioner Ranchod.

VOTE: The motion carried with a vote of 22-0-1 with Commissioners Addiego, Ahn, Burt, Eckerle, Eklund, Gioia, Gorin, Gunther, Hasz, Moulton-Peters, Peskin, Pine, Ramos, Ranchod, Randolph, Kishimoto, Pemberton, Lefkovits, Arreguin, Gilmore, Vasquez, and Chair Wasserman voting, "YES", no "NO" votes, and Commissioner Beach voting "ABSTAIN".

Chair Wasserman announced: Thank you for the approval. Larry would like to make a couple comments of before we move on to the next item.

Executive Director Goldzband gave kudos: Thank you, Chair Wasserman. I want to thank the Commissioner Working Group. This is why Chair Wasserman, when we started on this road together a little over ten years ago, immediately decided we had to have Commissioner working groups because he wanted to make sure that Commissioners were involved in setting policy, and I want to thank them for continuing to do so.

I want to thank our staff, many of whom really did some yeomen's work in pushing this along. I really want to thank the coordination team, Daisy, Elsa, Jackie, Yuri, Ethan and Rowan for hanging in there and really helping us out and being part of this.

And I just want to give a shout out to our consultants. We have now had three different consulting groups help us with the three Strategic Plans that you and I have gone through with this Commission, Chair Wasserman. I think that whoever made the comment early on that this is different I think is totally correct. Mindy, Lauren and Haley did just an incredibly great job keeping us going, keeping us as much as they could in line. And really I think doing a super job in helping us get to where we are today.

Yes, there is a little more to do but I think it is eminently doable. We will come back at you with this as well as with, in April, the beginning of the action plan. Thank you.

Chair Wasserman continued: Ditto, thank you all.

13. Briefing on Long-Range Planning. Chair Wasserman stated: That brings us to Item 13, a Briefing on our Long-Range Planning. Erik Buehmann will make the presentation.

Long Range Planning Manager Buehmann presented the following: Thank you, Chair Wasserman and Commissioners. I am Erik Buehmann, the Long Range Planning Manager for BCDC. Today I am going to give you an overview of the Long-Range Planning Team in the Planning Division. What we do, the projects we are working on, and start a discussion about our focus in the future.

I always like to start at the beginning of time, like a James Michener novel, and lucky for you I am not starting with the formation of the Bay. I am going to start in 1965 when the McAteer-Petris Act created BCDC as a temporary agency for setting the issue of fill in the Bay and to prepare a plan for the Bay.

BCDC was given permitting authority over fill while it prepared the plan.

In 1969 the San Francisco Bay Plan was completed and BCDC was made a permanent agency and the Bay Plan was made part of state law.

Under the McAteer-Petris Act BCDC may amend the Bay Plan over time to address regional needs. Unlike some other types of plans, the Bay Plan is incorporated into the McAteer-Petris Act requirements. It is the law of the state of California. When I talk about policy I am talking about laws and regulations.

BCDC cannot approve a permit for a project that is not consistent with the Bay Plan.

Amending the Bay Plan is a quasi-legislative action. It is in a sense a change to the law and BCDC.

You will recall, during the Howard Terminal Bay Plan Amendment here, the ex parte rules did not apply, for example, because the process was quasi-legislative rather than a quasi-judicial action, like making a decision on a permit.

Amending the Plan is so significant that the McAteer-Petris Act requires a two-thirds vote of the Commission, except for less significant map changes.

BCDC has other types of plans that guide its activities other than the Bay Plan. BCDC regulates in the Suisun Marsh using the Suisun Marsh Protection Plan. BCDC also uses Special Area Plans which are more specific applications of the Bay Plan. They are part of the Bay Plan to provide more specific rules for discrete geographical areas.

In this slide you can see BCDC has adopted Special Area Plans for the San Francisco Waterfront, Richardson Bay, South Richmond Shoreline, the city of Benicia, as well as an oddball Specific Area Plan for White Slough in Vallejo. There is also a Seaport Plan which guides development of the five Bay Area ports.

The planning team's job is to amend these plans. The Planning Division at BCDC has four main teams and I thought it would be useful to talk about how we work together.

The Adapting to Rising Tides Team managed by Dana Brechwald leads the Bay Adapt Project to develop the Regional Shoreline Adaptation Plan, which we talked about today. Their work is to provide regional planning and guidance but is not necessarily regulatory.

The Long-range Planning team however, as I said, maintains and updates the Bay Plan and commissions other plans.

The GIS Team led by Todd Hallenbeck provides mapping support to all the aspects of the agency.

While the EJ Team led by Phoenix Armenta organizes the EJ advisors and provides guidance and support to ensure BCDC's activities are consistent with the environmental justice and equity policies in the Bay Plan.

But how does the work of our team intersect with the work of the ART Team and the Regulatory Team?

The Regional Planning led by the ART Team informs the long-range planning priorities for the Commission. As the ART Team proceeds with developing the Regional Shoreline Adaptation Plan as part of Bay Adapt, implementation of that Plan will require amendments to the Bay Plan and other plans.

And we will talk a little bit more about that in the future. But as the result, the ART Team's work results in direct policy changes by identifying the key regional priorities when it comes to climate change resilience and adaptation.

The Regulatory Team uses the Commission's plans, the Bay Plan, the Special Area Plans, et cetera, in their work to issue permits and enforce the McAteer-Petris Act.

When the permitting team reviews an application for a BCDC permit they are evaluating whether the project is consistent with the requirements of the McAteer-Petris Act and the Bay Plan or other applicable plans. As a result, whenever we engage in an update to a plan we must work closely with the regulatory teams to ensure the policy that results can actually be used by them to make decisions.

Here is our team. Yuri Jewett and I moved over from the Regulatory Division to lead the Long-Range Planning Team in early 2021. In January 2022 our team combined with the Maritime and Oil Spill Team, another Planning Division Unit, upon the retirement of Linda Scourtis and Cody Aichele-Rothman and Cory Mann moved over to our team.

Pending Commission approval today, which we got today, we have hired Maya McInerney to join our team. We also work with Brenda Goeden's Sediment Management Team in the Regulatory Division to lead the Beneficial Reuse Project, which I will talk about in a minute. We also have a vacancy, which is open right now, so apply today.

BCDC's planning work to amend its plans is guided by a number of different sources. As part of maintaining certification of our federal Coastal Zone Management Program under the Coastal Zone Management Act, for which we receive funding from NOAA, every five years the Commission reviews and submits an assessment and strategy.

The assessment reviews the policy work we have done over the previous five years, assesses regional needs and trends and guides future regulatory and planning work. It was last updated in 2020. We receive grants from NOAA for our work guided by the assessment strategy.

Of course, there is also the Strategic Plan. This most recent Strategic Plan, which you just adopted, has two goals that direct staff. Goals 1 and 2 have objectives within each that have implications for long-range planning work.

Finally, and this is kind of involved in all of these and we will talk about it more, is Bay Adapt, which we will talk about.

Also, this slide shows some of the most common types of amendments with some recently approved examples. But some other sources of long-range planning priorities, the Commission itself or the Commission staff can propose amendments.

For example, the Fill for Habitat Amendment and Environmental Justice and Equity Amendments, the most recent major policy amendments, were amendments introduced by staff at the direction of the Commission.

Amendments can also be applied for by the public, local governments and project proponents. When an applicant applies for a Bay Plan Amendment the applicant must enter into a contract with BCDC for the work involved in the amendment. Sometimes these applications are hard to predict when they will come in so they can have an impact on the Commission's priorities and the staff workload. Some are more complex than others, require more resources and more process.

For example, most applicant-driven amendments are relatively straightforward modifications to Bay Plan Priority Use Area maps or policies of a particular plan to facilitate a specific project that needs a BCDC permit. So for example, the India Basin Priority Use Area Amendment in 2020 involved carving out a small area of waterfront park beach priority use area along the San Francisco Waterfront to allow residential development.

But still there are exceptions. Think of the Howard Terminal Priority Use Area Amendment approved last year as an example. That amendment was applied for by the Oakland Athletics and was extremely complex and controversial and required significant resources and process. So there's a spectrum.

Before I go through the projects we are currently working on here is a high-level overview of the process for a Bay Plan Amendment. However, as I said before, not all amendments are the same.

Some minor map changes, for example, would certainly require less process than something with far reaching impacts like a new section of Bay Plan or a substantial revision to a Special Area Plan. More complex Bay Plan amendments take between two to four years, while map changes can take six months to a year. In fact, because of the pandemic and staffing, most of the more complex projects we will discuss today have taken over four years.

We learn from each process that we complete and in our experience from such projects as the Fill for Habitat Amendment, the EJ Amendment, as well as the Howard Terminal Bay Plan Amendment that the Commission approved last year, it takes a team of between two to four staff members to work on a more complex Bay Plan Amendment.

The process begins in the scope and organize phase, where staff create a detailed work plan and budget for the process. We conduct background research, interviewing experts and stakeholders and compiling the best-available science and data. We work collaboratively internally to incorporate the regulatory staff in our process to ensure that the process results in policies that can actually be implemented in the permitting process.

The formal process for a Bay Plan Amendment is driven by our regulations and ideally that begins after we have completed the scope, organize and background research. The Commission will vote to initiate a Bay Plan Amendment and then the Commission issues what is called a Brief Descriptive Notice, which provides notice for when we anticipate a hearing to be held on the amendment. We must provide for a formal public comment period in response to this. We also must prepare environmental documentation equivalent to CEQA when preparing an amendment.

When we worked through the past few amendment processes we found that it is critical to involve the Commission in the process at the outset of a project.

For large-scale amendments to the Bay Plan the Commission has convened working groups made up of Commission Members to provide staff with guidance throughout the process outlined in the slide.

The working groups meet at public meetings and it is an opportunity for the Commission to hear from stakeholders, become experts in the subject matter and ensure that the staff is moving in the right direction.

Since the adoption of the environmental justice and equity policies we have been considering what meaningful engagement means for our processes to update the Bay Plan and other plans.

And consistent with those policies and good planning practice we ideally will incorporate a robust public process with outreach, public comment and public workshops. This requires resources, time and staff.

Now we are going to talk about how we got to today. Why we are here and where we are going in the future.

As I said earlier, the Commission can erect Bay Plan Amendments. In 2016 the Commission held a series of workshops reviewing the climate change policies adopted in 2012 and identified some priorities for BCDC's planning work moving forward. Guidance on the Bay Plan, guidance on implementing policy and other planning work.

In 2019 we completed the first of these priority amendments, the Bay Fill for Habitat Amendment, which revised policies in the Bay Plan to remove obstacles to placing fill and restore habitat; and the amendment to include new policies on environmental justice and equity.

The Commission also subsequently adopted climate change policy guidance and as another key priority, encouraging the beneficial reuse of sediment. That is a project we are starting now and we will discuss that in a moment.

As development along the Bay has boomed in the past five years so has the number of applicant-driven amendments for specific projects.

So applicant-driven amendments are right here. Over the past few years we have spent a considerable amount of time and resources reviewing those applicant-driven amendments, in particular the Howard Terminal Priority Use Area Bay Plan Amendment which is here. It required a full team effort, not just in the Long-Range Planning Team but also with the legal staff and senior staff and we had to drop all the other projects while we worked through the timeline determined by the Howard Terminal.

Since 2016's climate change workshops, BCDC has completed ART Bay Area and adopted the Bay Adapt Joint Platform.

As part of Bay Adapt the ART Team is beginning development of the Regional Shoreline Adaptation Plan this year. BCDC staff knows that the Regional Shoreline Adaptation Plan will require us all to take a hard look at BCDC's procedures, its plans, even its authority. As a result we are working to complete a number of projects this year to prepare ourselves for the Bay Plan Amendments that we know will be required in the coming years.

Here is a work plan showing the projects we intend to work on this year and in the future. We will go through some of these projects briefly to give you kind of a teaser. Each of these will clearly come back before you either for briefings, workshops or in some other manner before you even know it. The Long-Range Planning Team's projects are almost entirely funded by grants and contracts or by the Greenhouse Gas Reduction Fund where that fund applies. Very little of the staff work is funded by General Fund.

This slide also shows the Regional Shoreline Adaptation Guidance, which is an ART Team Project and part of the Bay Adapt effort and we will talk about how that work will inform our future work. But first let's walk through some of these projects that we are currently working on.

We thought we were done with the Seaport Plan when the Howard Terminal Bay Plan Amendment was approved last year but no. In 2019 BCDC initiated a larger process to update the San Francisco Bay Area Seaport Plan. The Bay Plan itself reserves shoreline areas for water-related uses called Priority Use Areas. The Seaport Plan guides BCDC's regulatory decisions on developments within Port Priority Use Areas using a 30-year cargo forecast to anticipate cargo needs at the ports to ensure adequate port land is reserved to reduce pressures to fill the Bay.

The previous forecast has expired and the Plan needs an overhaul. This Plan update will include consideration of environmental justice and rising sea level for the first time. Work on this project was delayed as the Commission considered the Howard Terminal Bay Plan Amendment which was approved in June last year. But we are working in earnest to bring a streamlined plan back to the Commission in the first half of this year.

In 2016 during the climate change workshops there was a lot of discussion around how mitigation practices by regulatory agencies throughout the Bay Area will need to change to accommodate climate change, and how the region should work toward a regional approach to mitigation as we likely need to fill to adapt to sea level rise with a corresponding need for mitigation.

The Mitigation Policy Bay Plan Amendment is part of the Environmental Justice and Equity Bay Plan Amendment to ensure that community outreach is incorporated into proposals for fill.

However, the work did not stop there. BCDC staff conducted additional background research on mitigation policies. And while BCDC staff has concluded that a Bay Plan Amendment for the mitigation policies is not needed at this time, we identified the need for guidance for BCDC's regulatory staff.

As a result we will be presenting to you in the coming months an interactive training tool that can be used by BCDC staff to work with applicants for mitigation proposals and permit projects with mitigation requirements. We hope this tool might be able to be made public also so it can provide guidance to project applicants.

The Commission regulates in the Primary Management Area of the Suisun Marsh using the Suisun Marsh Protection Plan. Over the past five years BCDC staff has worked to improve BCDC's planning in the Marsh and build relationships with our stakeholders.

BCDC delegates responsibility for management of some aspects of the Suisun Marsh Protection Plan to local agencies through what is called a Local Protection Plan. In the past few years BCDC has certified updates to the Solano County and Suisun Resource Conservation District Improvement Plan in the Marsh.

In early 2020 right before the pandemic hit BCDC held a stakeholder workshop in the Marsh to review the Suisun Marsh Protection Plan to identify issues and prioritize areas for updates. The pandemic, staff turnover and other planning work delayed some of this work but we have conducted background research and continued our engagement with stakeholders and our agency partners and will continue that engagement more this spring in collaboration with the Delta Stewardship Council's efforts on Delta Adapts and in partnership with the Suisun Resource Conservation District. We will report back to the Commission on how we can prioritize updates to the Suisun Marsh Protection Plan.

We have mentioned the beneficial reuse of sediment project a few times. It is a unique, cross-divisional collaboration between our Sediment Management Team managed by Brenda Goeden and the Long-Range Planning Team.

There is a severe shortage of sediment and more will be required in the Bay to restore and sustain the Bay's wetlands in the face of rising seas through 2100. To address this issue the Commission received a wetlands development grant from the US Environmental Protection Agency and funding from the state of California Ocean Protection Council to conduct a three-phase project to facilitate beneficial reuse of sediment for adaptation and habitat restoration.

We will conduct a public workshop process with regional stakeholders to create a regional beneficial reuse strategy.

We will explore a potential San Francisco Bay Plan Amendment based on that stakeholder process.

Finally, we will develop a financing strategy.

We recently hired Maya McInerney to lead this project in collaboration with the Sediment Team and held our first Commissioner Working Group meeting chaired by Commissioner Gunther and vice-chaired by Commissioner Showalter on January 6. We will give you more updates as we launch this project.

As we mentioned earlier, BCDC not only initiates updates to the Bay Plan and its other plans on its own, but external applicants such as project proponents or local governments can propose Bay Plan Amendments.

In 2017 the Port of San Francisco submitted an application to amend the San Francisco Waterfront Special Area Plan. The Commission initiated the amendment in 2019. This amendment would be the first major revision to the San Francisco Waterfront Special Area Plan in nearly 20 years. The SAP, as it is called, applies to the Port of San Francisco's jurisdiction from Fisherman's Wharf to India Basin near Hunters Point.

As I mentioned, the pandemic led to delays in every one of our projects, in particular the Port was hit hard by the pandemic and had some issues of funding and staffing.

However, early last year we reengaged our partnership with the Port to move this forward and we should be providing more updates soon as we work with the Port to fund this project, engage in outreach and continue policy development. We have hopes to seek approval for this revision sometime later this year.

Finally, we are collaborating with the Planning Division's GIS Program to make our Priority Use Area maps more accessible and usable to the public and applicants by providing more detailed GIS data.

As I mentioned, Priority Use Areas are identified in the Bay Plan to reserve waterfront areas for water-oriented uses such as ports, waterfront parks and water-related industry.

The GIS Team led by Todd Hallenbeck is conducting a larger effort to update the accuracy of our existing GIS data representing Priority Use Areas. We hope to use this information in both our existing Bay Plan maps and by making this boundary data available to the public through interactive online maps. It will help our staff and the public better identify when projects are within Priority Use Areas in both the planning and permitting contexts.

One of the first steps to achieve this is some housekeeping. The boundaries within the Commission's jurisdiction of these Priority Use Areas are described in detail in the Commission Resolution called Resolution 16. We found that Resolution 16 has not received a comprehensive update in many years. With the help of the mapping and research expertise from our GIS Team we plan to update Resolution 16 sometime early this year to make sure that descriptions are accurate with respect to things like current parcel numbers and the names of wildlife refuges.

So those are the main projects we have slated for this year. Many of these projects started pre-pandemic. But to make use of the great planning work and stakeholder engagement done over the years we believe it is important to finish these projects to move the Commission's program.

We do this knowing that we have work to do in the very near future. The Bay Adapt Regional Shoreline Adaptation Plan, including the guidance developed over this next year, will force us to look at our plans and procedures in a new way. And that is an opportunity too to reexamine and refine the Commission's priorities.

In the future the long-range planning staff will work even more closely with the ART Team and the regulatory staff on Bay Adapt implementation.

Since we know that this monumental look at our policies is coming and will take considerable time and resources, we have determined to try to start now. One area that we identified that can help support the Regional Shoreline Adaptation Guidance and future Bay Adapt efforts is by reviewing our public-access policies.

Public access required by BCDC's permits is generally at the frontline of risk to flooding from sea level rise. Adaptation projects could impact the public's ability to access the Bay. Furthermore, we heard from stakeholders that sometimes there are conflicts with requiring public access and habitat restoration projects, which are projects that we know we need to encourage to adapt to rising seas.

We have received NOAA funding for this year to review our policies, review the best-available science and interview experts and stakeholders, and we hope to use this information to inform Bay Adapt work and our planning under the Bay Plan.

Projects this year. We will be working closely with the Bay Adapt effort to ensure that we are ready for the work that is yet to come as it defined by the Commission; knowing that we could have applicant-driven amendments at any time, which could result in adjusting our plans.

The Long-Range Planning Team also engages in some important ongoing work not necessarily connected to amendments to the Plans. Importantly, we receive funding from the California Department of Fish and Wildlife Oil Spill Response Program to participate in interagency efforts to monitor oil spill across the region.

Cody Aichele-Rothman is our point person for oil spill response. She monitors any events, participates in drills, and regional collaboration on oil spill response and navigational safety. And she assists the interagency process to update the Harbor Safety Plan as a member of the Harbor Safety Committee.

The Long-Range Planning Team also supports regulatory staff in its work interpreting and implementing policy. We also shepherd CEQA review for planning, reviewing and commenting on CEQA documents for planning projects like updates and the occasional large-scale project.

I know that was a lot of detail and I hope it was informative. Thanks for your time. That concludes my presentation. Happy to take any questions.

Chair Wasserman asked: Peggy, any comments from the public?

Ms. Atwell replied: I see no hands raised for public comment, Chair.

Chair Wasserman continued: Commissioners? I see Commissioner Gunther with a hand up.

Commissioner Gunther commented: Thank you, Mr. Chairman. Erik, this is really helpful, thanks. As somebody who is working on one of those projects it is good for me to know everything else you are doing and you are free to remind me of that as we go forward.

I was struck by the Gantt chart which shows - you know you said basically this stuff is all contracts and grants. So you are in the midst, I assume, also of writing new grants based on projects. It seems like you have showed us what is already loaded into the pipeline, right? But there is another step here, right, where you are looking at what needs to be loaded into the pipeline and thinking about grants with the 25 percent of your 125 percent time, right? Or is the grant opportunities, is that a little more opportunistic?

Mr. Buehmann elaborated: A little bit of both. Right now we have so many projects going on that I have not been looking for grants too much. But what we do have is ongoing funding from NOAA that supports a lot of the work in different ways. So right now it is going to the Suisun Marsh Protection Plan Update and then we are hoping to move some of it over to the public access stuff.

And that is something that goes in like a year and a half cycle and we reevaluate what we want to use that for and check in with NOAA and apply for that, that way.

And then there are other projects, like the beneficial reuse projects is a good example, that Brenda Goeden's team really took the lead on getting that grant. And that was an opportunity, they saw an opportunity to fund that work that we had always wanted to do since it was identified in 2016 and took advantage of that. So it is a little bit of both.

Commissioner Gunther continued: In some of these grants you actually have a relationship with the granting agency that allows you to expect a renewal with some kind of adjustment, so it is not like it all drops off.

I look at it like as a consultant. Oh, look, I got a grant and then suddenly you don't and it is gone. But you have some ongoing turnover here that is expected, renewal, I mean, that is expected.

Mr. Buehmann stated: To a certain extent, yes.

Commissioner Gunther acknowledged: Okay.

Commissioner Eklund was recognized: Thank you very much, Chair. Erik, I have a couple of questions. One is first on the Port Priority Use Designation. When we agreed to remove the Howard Terminal from the Port Priority Use for Port of Oakland I know I raised the issue of us looking at the Port and seeing if there were any additional acreage that was within their jurisdiction or their ownership that should be part of the Port Priority Use and I think the Port had expressed some interest in that.

You indicated that you are going to be doing a streamlined version of that. But is the Port of Oakland going to be participating in re-designating property so that they can continue to be competitive in this port development, I guess?

Mr. Buehmann replied: The Plan itself will be streamlined. That is like the policies related to the Plan, not necessarily the maps or the Port Priority Use Area, although those are also being updated.

We are talking to the Port, the Port of Oakland and the other ports about many of them identified changes that they want to make to those maps. A lot of them are removing area. The Port of Oakland might be modifying area. We are trying to still work out where that is and talking to them and getting more additional information from them about that. But the new Plan will have updated maps and it will have updated policies.

And then what will happen is that we have something called the Seaport Planning Advisory Committee, which is made up of the ports and other stakeholders like Save the Bay and the Marine Exchange and Commissioners chair that Committee.

They will review the Plan before we take it to the Commission. It is a process where we work collaboratively with the ports, especially where mapping is concerned, to have accurate maps.

Commissioner Eklund reiterated: Thank you. Just remember that I was concerned about whether they were going to have adequate property to be able to keep that Port competitive. Because the last thing we want to do is have the goods be transported down to Southern California and then either trucked or railed back up to the Bay Area. It just would increase the cost of the goods and that is something that would not be good for our economic development around San Francisco Bay.

My other question is that how do we incorporate Goal 2 from the Strategic Plan into the long-range planning effort?

Because we had a briefing last month about Highway 37 and as the Commission knows there's two competing proposals. One is to have a totally-elevated Highway 37, which I believe is Jared Huffman's proposal as well as a lot of the environmental organizations. And then the other is a hybrid approach to do some interim fill until the long-range, development of Highway 37 is done.

The city of Novato, we had a big hearing on it and we sent a letter to the state as well as transportation authority of Marin and others that we preferred the totally- elevated Highway 37 because we have an opportunity, we meaning us and North Bay, to have one of the largest wetland restoration projects probably in the country, if we were to do a totally-elevated Highway 37, and with a lot of use of dredged material.

So how do we get that as part of a long-range planning project so that we can start looking at the regulatory and the planning functions that we are going to have as part of that effort?

We need to be involved now as a Commission and staff. I know staff is involved but the Commission also I believe needs to be engaged too. Because this is a real opportunity to achieve one of the strategies 2.1 which reads determined whether and more importantly how BCDC's regulatory and planning authority and jurisdiction can be expanded to foster larger-scale adaptation efforts, which is clearly Highway 37 written all over it, in my opinion.

So how do we get that as a long-range project for us to start looking at it because it is happening now? Staff is spending time on it. But we need to get it acknowledged and into the planning efforts so that the Commission can also start getting our input as well.

Mr. Buehmann stated: Well, that is a complex question and it has a complex answer. Let me try it and maybe if Larry and Jessica want to hop in.

Commissioner Eklund added: Also very political, I recognize that.

Mr. Buehmann continued: Highway 37 is a great example because we are now seeing, after a long time of not seeing them, big, large-scale adaptation projects starting to be planned. And we are going to have to look at our permitting process, which is the Regulatory Division of plans, and also overarching all of this is Bay Adapt and the Regional Shoreline Adaptation Plan. How these all fit together and how we can move the whole program forward, right? The solution is going to be an interconnected, interagency and all agencies together kind of effort.

I am part of the Highway 37 Team that reviews and comments on the Plan and we are always looking at ways of how we are going to be permitting these projects and what are the policy problems that arise from them that need to be addressed?

I think the Fill for Habitat Amendment is a good example of looking at big adaptation projects. We know we are going to need to do fill for habitat restoration and how do we address that? Well, we knew that there were issues, impediments in the existing policy, and we had to go and remove those. I think whenever you are looking at a big project like that you always have to be looking at it not just, is it consistent or not consistent with the Bay Plan but is the Bay Plan outdated in some ways? Does it need to be updated in some ways because of this new problem? We have never seen something like Highway 37 before. That is my answer. I do not know if that is great.

Executive Director Goldzband chimed in: I think Erik's answer actually is a great beginning to the answer. The Planning Unit, as I look at Jessica across the way, looks at the Bay as a whole and looks at sub-regions as a whole, as it were. The authority that it has can look holistically at the Bay.

The issue that we are bringing up in Goal 2 is that permitting is done on a parcel-by-parcel, development-by-development process. It makes sense to us that the Commission should look at that process and determine whether that actually is going to work well throughout the remainder of the century, much less the next 20 or 30 years, as these larger-scale projects are actually brought to the fore; and as a Regional Shoreline Adaptation Plan moves forward with sub-regional plans within it created in great part by cities and counties. So should the regulatory side of the house change the way it works so that it can respond to larger-scale issues rather than parcel-by-parcel issues?

So to help move that along what we have done through the grace of the Ocean Protection Council and the State Coastal Conservancy is through their largesse be able to hire Dana Brechwald and Ethan Lavine, who are very experienced in these issues, to actually start figuring out how that regulatory structure and how that planning structure can either be adapted or changed and bring those kinds of recommendations to the Commission so that we can look at things from a regulatory basis in a more holistic way.

That may well, that may well involve and likely will involve working with counties and cities, who by their very nature have authority and jurisdiction, and special districts, to determine how BCDC as the only agency, the only organization with that jurisdiction, brings the Bay Area into the 21st Century with regard to how we actually regulate.

And that can very well involve incentives for local governments. It might involve different ways that BCDC looks at projects. But that will be based in large part as well on how the Regional Shoreline Adaptation Plan is developed and how cities work together and work with us to start developing their own plans, and in ways in which their plans over here do not mess up somebody else's plans over there.

So when you take a look at Erik's very simple Gantt chart you will notice that there is this blank space after 2023, 2024 because we do not know exactly how the Regional Shoreline Adaptation Plan is going to actually work. Nobody does yet. But we know that that is going to force the regulatory and planning departments to work even more closely together because we are probably going to have to modify the Bay Plan. We are probably going to have to deal with local area plans in ways that we have not even thought of.

Commissioner Eklund stated: I guess that is why I raised the Highway 37 example because that is coming up really fast.

Executive Director Goldzband acknowledged: It is a great example. It is a great example.

Commissioner Eklund continued: It is. I think that we as a Commission need to recognize that and actually put that out there for us to start having some discussion about it because this is an opportunity. And the ultimate decision has not really been made, at least that is what I am aware of, anyway. I could be wrong. But I know that there is a lot of effort where people are putting in. Why can't this be an elevated causeway all the way across? I guess I am seeking some sort of surety that we are going to be discussing this as a Commission.

Executive Director Goldzband stated: Again and again and again.

Commissioner Eklund acknowledged: Okay. (Laughter)

Executive Director Goldzband continued: We have already scheduled it once. I have no doubt we are going to schedule it within the next two months again. My bet is that you are probably going to see it probably toward the end of the year as well. That is because everybody and their brother and sister and in-laws know that BCDC is going to have a big role in how that is permitted.

Commissioner Eklund stated: Yes, it is the regulatory part.

Executive Director Goldzband added: It is the regulatory side that is going to be very much affected by how we look at this holistically.

Commissioner Eklund continued: But we also have to have the planning side more engaged, in my opinion, as well. Because this is an opportunity for us to really have a stronger adaptation to sea level rise by using a geographic area that really lends itself to it, in my personal opinion.

Anyway, so thank you very much, Erik and Larry, for answering that very complex and touchy issue, appreciate it.

Chair Wasserman asked: Any other questions or comments? (No further questions or comments were offered)

Okay, this does not require action so we are moving on. Thank you very much, Erik.

Mr. Buehmann acknowledged: Thank you.

14. Initial Compliance Briefing. Chair Wasserman stated: We are moving on to Item 14, a Briefing on the Commission's Compliance Program. Our General Counsel, Greg Scharff will introduce the briefing.

Executive Director Goldzband chimed in: Although I would like to go in front of Greg for just a minute. Again, we only have one more briefing left, it is pretty short, but I really want you to pay attention to it. The reason I want you to pay attention to it is because if you were to think about what I talked about before, which is the how we start the whole deal - we start with plans. We move to policies. We go into permits and then we head to enforcement, right? That is how all of you in local government know that is how the process works.

Unfortunately, over many, many years, the enforcement side of the house at BCDC has been handed stuff on a platter. And that is because the permits that have been written, God bless the people who write them, do not necessarily, because they can't necessarily work that well within the policies because everything is venue-based, right?

So what Greg is now going to discuss is a new piece of that line that starts from planning and policy and ends to enforcement and how we are going to try to bridge that gap. So Greg, I apologize. I just wanted to throw that in there given what people had talked about earlier in the meeting.

General Counsel Scharff acknowledged: Thanks, Larry, I appreciate that. Good afternoon, Commissioners and members of the public. As most of you know I am Greg Scharff, General Counsel for BCDC, and as part of that role the Compliance Team reports to me, as does Enforcement.

The purpose of the Compliance Team is to be a bridge for the agency between the Planning and Regulatory staff and the Enforcement Team. Compliance provides the regulated community dedicated BCDC staff members who will help them stay in compliance with their permits or get back into compliance with their permits without the need for formal enforcement. That is the purpose of the Compliance Team.

The Compliance Team officially started on November 1, 2022 and consists of John Creech who came to us from Enforcement and Tony Daysog who came from Permitting.

Tony has been with BCDC for two years in Permitting and has issued major, minor and region-wide permits. He has an extensive knowledge of permits and other regulatory matters within BCDC.

John has been in Enforcement for the past two years and has a strong understanding of how the Enforcement Program works and what a permittee can expect if they are sent to Enforcement.

Between the two of them they have a firm understanding of both regulatory and enforcement matters. They therefore can provide a strong bridge between the two and be a resource to keep the regulated community who want to comply with their permits out of the enforcement process.

Even though Compliance started in November, we thought it best to have a transition period out of their previous roles as we create the Compliance Program. They have ended up splitting their time between Compliance and their previous roles for the last few months. However, we are happy to report that they are quickly wrapping up those lingering responsibilities so they can focus their full attention on compliance.

I will now turn the presentation over to John and to Tony who will tell you more about the nuts and bolts of the program. Thank you. John.

Mr. Creech addressed the Commission: Thank you very much, Greg. Thank you very much, Commissioners, for giving us the opportunity to present to you this evening, we appreciate it.

As Greg mentioned, Tony and I were hired by BCDC about two years ago and began working as compliance officers starting in November 2022. We have been fortunate to gain a bit of regulatory experience, and we have been able to forge great relationships with other BCDC staffers.

To get underway Tony and I have had several meetings and conversations with different BCDC staff members to try and understand their compliance needs. We are analyzing them and working to implement those suggestions into this brand new Compliance Program.

Mr. Daysog continued: Great, thank you, John. In collaborating with BCDC staff members we have talked with them extensively about what we in Compliance are or will be doing. In talking about what we are doing we have also had conversation about how we in Compliance might go about doing our work.

We have gotten great input from Shoreline Development and Technical Team managers on the hows, such as how we might borrow from existing documents and refashion these documents to suit the needs of Compliance, or how we might manage and track the projects that that we are reviewing.

In other things, our BCDC colleagues also mentioned how we might approach new permittees. We should possibly on a proactive basis approach permittees by congratulating them early on when they receive their new permits. Letting them know, hey, we in Compliance are here.

Mr. Creech continued: Within BCDC's organization there are many activities that fall under this Compliance umbrella. These include tracking certain permit deliverables such as monitoring reports, notices of completion, various construction documents, construction work windows and construction deadlines.

We are also helping with administrative plan review; working with permittees to remain in compliance to prevent enforcement cases; and tracking enforcement cases that have made their way into the compliance monitoring phase. By taking this approach across many BCDC disciplines we are striving to save time and resources for both staff and the public.

Mr. Daysog continued: Great. Well, thanks, John. The bullet points John just talked about are examples of what we in Compliance are doing.

Just for example, in mid-December we received a request from the Port of San Francisco asking if a holiday tent layout and project description that they submitted met our approval. This was actually a relatively easy compliance project as the permit authorizing the temporary holiday tent laid out a straightforward, four-step process for evaluating whether or not temporary special-event tents meet the terms of the permit. In this case we just reviewed those four steps and we simply said, yes, the holiday tent complies.

Mr. Creech continued: We are using available Microsoft Teams technology to compile and track our ongoing compliance work. We are calendaring dates that we can track deliverables as well as other deadlines. We are working closely with the Design, the Permitting and Enforcement teams to collaborate and stay in the loop as compliance tasks arise.

Here is an example of a task that the Compliance Team can handle to prevent an enforcement case. In Benicia this permittee is required to maintain all public-access improvements, including all signage. As you can see here, this sign obviously needs to be replaced. The Compliance Team reached out to the permittee, informed them of the sign that is in disrepair and reminded them of their obligation to replace it. They will replace the sign and provide photos to document that the area is back in compliance.

If Compliance had not stepped in here the permittee could have been referred to the Enforcement Team to resolve this issue. It is our opinion that one sign being defaced does not rise to the level of requiring formal enforcement proceedings. Instead, Compliance can work with the permittee to resolve this issue quickly and in a positive way.

For a BCDC permit in Oakland, a certain number of special events are authorized or allowed but not necessarily required to occur in Jack London Square. In order to continue utilizing this authorization, though, the permittees are required to provide a list of special events that are scheduled for the upcoming calendar year. The permittee provided this list and the Compliance Team is taking on the responsibility of tracking it over time and ensuring that the list remains consistent with the parameters of their permit moving forward. The information they provided could be approved at the administrative level by the Compliance Team and did not require the expertise of BCDC's Bay Design Development Team.

Without the Compliance Team taking on such responsibilities your Permitting or Design staff would be required to track and verify such documentation. By having the Compliance Team track and review such ministerial documentation, other staff members are freed up to pursue their primary tasks, thus saving them time and effort.

In this example, the Exploratorium had outdoor interactive free exhibits approved via the plan review process. This plan review approval authorized the Exploratorium to request a time extension for these exhibits provided certain parameters were met. The Exploratorium provided proof that all requirements were fulfilled and requested an extension of time for these outdoor exhibits.

Because your Bay Development Design Analysts already provided the necessary analysis to approve these exhibits and the required public-access spaces, and because the time extensions were considered in the initial authorization, this particular time extension request could be approved by your Compliance Officers without further analysis required by your Design Team.

We were able to extend this authorization because the permittee met all required criteria. By having the Compliance Team complete this task we saved time and resources for both staff and the permittee because we were able to quickly grant this time extension request at the administrative level without having to go into the Design Analysts' busy queue.

Mr. Daysog continued: Thanks, John. This slide is for that earlier mentioned mid-December holiday tent at the Hi Dive Restaurant. I think the only thing I will add right now is that because the holiday tent might be a recurring project at the Hi Dive, as well as an activity at other restaurants along the waterfront, when I approved and closed out the Hi Dive Compliance Project I made sure to create an automatic reminder in Microsoft Outlook that will remind me in October 2023 to get in touch with the Port of San Francisco so I can inquire on a proactive basis as to whether any restaurants along the waterfront plan on having temporary special event tents during the 2023 November-December holiday season. And if that is the case, if we can review these as early as possible.

You might be interested in knowing, if Compliance was not here what would have happened is that, as John had indicated earlier, what would have happened is that one of our design experts would have reviewed the holiday tent, an activity that really does not require the expertise of one of our design experts, something that we in Compliance can handle. So this is an example of how we are solving problems not just for permittees but also carefully marshaling BCDC staff time resources.

This is another example of how the Compliance Unit works with permittees to help them comply with the terms of their permit. In this project the basic challenge faced by Union Pacific, the permittee, and Caltrans, had to do with addressing the fact that Union Pacific would not grant an aerial easement that was a condition of the permit.

Caltrans is involved because they are handling the permitting. So Caltrans came to us saying, in effect, does what we are proposing to do as an alternative comply with the permit terms?

So by way of background, in 2016, Union Pacific obtained a permit to remove and replace a railroad bridge over the Lake Merritt Channel. Special Condition II.B required Union Pacific to grant an aerial easement that would cross the new railroad bridge. Caltrans would purchase the aerial easement and the city of Oakland would then construct a pedestrian and bicycle public-access path on and through the easement.

However, the city of Oakland has made little to no progress with respect to the larger Lake Merritt to Bay Trail Project that the public-access path is a part of, or would be a part of, and the city of Oakland has yet to present any plans for the public-access path over the railroad bridge.

As the railroad bridge is slated to be constructed later this year, with completion no later than the end of 2024, Union Pacific indicated that they could not grant an aerial easement to the city of Oakland because for safety reasons Union Pacific needed to know the exact location of the easement and Union Pacific also needed plans for the proposed structure.

Furthermore, once the railroad replacement bridge was completed, Caltrans would close out the project, including funding. Meaning Caltrans would not be in a position to purchase the aerial easement on behalf of the city of Oakland nor fund any possible alternative public-access projects.

So to achieve the public-access aims of the permit Caltrans came to us inquiring if an in-lieu public-access contribution of \$175,000 to be deposited with the State Coastal Conservancy Fund would comply with the permit.

Now, it is important to note that the special condition requiring the aerial easement in the first place also contemplated the possibility that Union Pacific might not grant the aerial easement. In which case, the same special condition providing Caltrans with the ability to develop and propose a comparable public-access improvement within the project area for review by staff on behalf of the Commission.

So my role in this project, my role as the Compliance Officer, was to provide that review and to memorialize the transaction that would occur involving BCDC, Caltrans, Union Pacific and the State Coastal Conservancy Fund.

Interestingly, however, in this project, while the permit allowed us to finalize the in-lieu contribution ministerially. In December Caltrans informed us that rather than pursue a ministerial action, they are instead going to try to go back and to amend the permit, amend the permit with respect to the aerial easement.

But the language and the basic understanding that we arrived at with regard to the in-lieu contribution will still be a part of the proposed amendment that is forthcoming.

So this is an example, hopefully, of how we in Compliance not only worked with the permittee and their agents, in this case Caltrans, but hopefully also an example of how we tried to make the life a little bit easier for our colleagues in Shoreline Development when they ultimately get this matter back to them.

That concludes our presentation. If you have any questions Greg, John and I are here to try to answer them. Thank you.

Chair Wasserman acknowledged and asked: Thank you. Peggy, any people raising their hands from the public?

Ms. Atwell replied: No public comment, Chair.

Chair Wasserman noted: Two hands thus far from Commissioners. Commissioner Gilmore.

Commissioner Gilmore offered a hypothetical: Thank you. I think you knew I would have a question. So a hypothetical. Let's say a member of the public sends us an email saying that a portion of the Bay Trail which is supposed to be maintained by a permittee is either inaccessible or the picnic tables are not there, the waste baskets are not there. Anyway, the permittee is in violation of the permit. So the email comes in. Now that we have Compliance staff, would Compliance staff take the first crack at that or would it go to Enforcement?

Mr. Scharff answered: That is a really good question, Commissioner Gilmore, and I think we are still working out the mechanics and details of that, to be honest.

If it seems egregious it goes to Enforcement, frankly. If it is like a sign or a picnic bench or those kinds of things, I think it is more in Compliance. I think the answer is we do not really have a bright line yet, it sort of depends on how egregious it is, and what is going on. If illegal Bay fill has been placed then I would say it is definitely Enforcement. If it is picnic benches, signs, parking, I think it falls more in Compliance. But it depends, as I said, on how egregious it is.

Commissioner Gilmore concurred: I would tend to agree with that because I think what we find a lot is that the permit holders are either not aware that they have a responsibility, or if they are aware that they have a responsibility, they just have not checked that portion of their property in a very long time. So it is kind of hard to judge whether it is willful neglect or just absent-minded neglect and I think there is a difference between the two.

I think absent-minded neglect should probably go to Compliance first maybe, and willful neglect Enforcement. But that is just my two cents. But I look forward to working with you and the Compliance Team as we all figure this out together, thank you.

Mr. Scharff acknowledged: Commissioner Gilmore, I would follow up and say we wholeheartedly agree with that assessment.

Commissioner Moulton-Peters was recognized: Thank you, Greg, Larry, Tony and John. I want to applaud you for getting this new unit going. I worked in compliance for a major utility for a decade and this will be so helpful to the permittees and to the agency. We will save time. We will save staff resources. The permittees will get to compliance sooner. My experience is most people want to do the right thing. But as Commissioner Gilmore said, sometimes they are unaware or there is confusion, they do not know how to implement. Anyway, this is a really positive step that will be a benefit for everyone so congratulations on getting that going.

Chair Wasserman continued: Thank you. Other questions or comments from Commissioners? (No questions or comments were voiced)

I have one, Greg. And I agree with the comments. I think this is a very, very important step forward. I am glad it is actually moving. But speaking of moving and related to some extent to compliance, where do we stand on evaluating whether and how we can get our permits recorded so that purchasers actually have notice that their property is subject to a BCDC permit?

Mr. Scharff replied: That is a good question. I do not think we have made a lot of movement on that. I do think that is something in 2023 we have got to try and figure out how we get that done. But we have not traditionally done that. It is a big undertaking and I do not think we are there yet. But I note that and I think we will figure out a way to try and get that done by the end of 2023. We will have a process or I will report back to you it is not possible, one or the other.

Chair Wasserman acknowledged: I very much appreciate that. I understand it can be complex. And it may well require a legislative change, I am not sure. But seems to me it is very, very important because we have seen too many cases. I suspect there are a lot out there that we have not seen where purchasers of property are out of compliance because they just did not know. And one could argue that they should have known. But if it ain't recorded you do not necessarily have knowledge that BCDC has a permit on the property.

Executive Director Goldzband asked: Chair Wasserman, may I add two quick things to this?

Chair Wasserman replied: You may.

Executive Director Goldzband continued: First, I want to add, I am looking at Chair Gilmore as in Chair of the Enforcement Committee, I want to add one more variable to the tipping point question about what whether something goes to Compliance versus Enforcement, which is the history of the permittee. If the permittee has a history of flaunting or disregarding a permit requirement then my basic thought is we give them all the help we can the first time. If they continue to do the same thing the second time you have probably run out the string.

But we do not know that for sure. John and Tony have been doing this now for ten weeks for heaven's sake. So we need to give them a little more time to try to figure that one out.

The second thing is that, and John and Tony know this, as part of their job descriptions, something like 20 percent of their time to 25 percent of their time is outreach. That is why Tony mentioned the idea of going out to permittees and the like.

I have one more thing that we are going to add to what they are going to do, which is to create a one-pager or two-pager that we are going to give to every planning department in each county and each city describing BCDC's authority and jurisdiction.

I want the banner headline on top of that piece of paper in red to read, if you are touching the Bay or are going to be within 100 feet of the Bay read this carefully. We have never done that before because quite candidly, we have never had the ability to do that with anybody. I am hoping that within six months or so we can develop that and have enough of an outreach program going whereby, candidly, John and Tony are going to be cold-calling planning departments and saying, hey, we want to talk with you for just a half hour or an hour and get this to you so that your planning, what they call the front desks of every planning department, have this literally taped to the desk so that people understand it. So that is the other thing that I want to make sure happens. Thank you.

Chair Wasserman stated: Which is a wonderful idea. And oh by the way, here is the outreach you need to do to meet BCDC's equity requirements. Yes.

I do not see any other comments or questions. Thank you very much for your presentation. Thank you even more for the work that you have done and the work you are going to do. I think this is a very important part of making this a better and more effective agency for everybody.

15. Adjournment. Upon motion by Commissioner Burt, seconded by Commissioner Randolph, the Commission meeting was adjourned at 4:29 p.m.