

San Francisco Bay Conservation and Development Commission

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March 30, 2023

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 March 2, 2023 Hybrid Commission Meeting

1. **Call to Order.** The hybrid meeting was called to order by Chair Wasserman at 1:04 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 advised Item 8 was postponed to the next meeting and gave instructions to all attendees on procedures for participating in the meeting. He asked Ms. Atwell to proceed with Agenda Item 2, Roll Call.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Eisen, Commissioners Addiego, Ahn, Arreguin (joined at 2:26 p.m.), Burt, Eckerle (joined at 1:53 p.m.), Eklund, El-Tawansy (represented by Alternate Ambuehl), Gioia, Gorin, Gunther (represented by Alternate Belin), Hasz, Lee (represented by Alternate Kishimoto), Lucchesi (represented by Alternate Pemberton), Mashburn (represented by Alternate Vasquez), Peskin, Ramos, Ranchod (represented by Alternate Nelson), Randolph (joined at 1:13 p.m.), Showalter and Vacant (represented by Alternate Gilmore).

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Department of Finance (Almy), USACE (Beach), U.S. Environmental Protection Agency (Blake), Marin County (Moulton-Peters), San Mateo County (Pine)

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. David Lewis was recognized: Good afternoon, Commissioners. David Lewis, the Executive Director at Save the Bay. We have been raising concerns with you in these public comment periods for about six months about the urgency of addressing Cargill's bittern storage ponds adjacent to the Bay just south of the Dumbarton Bridge in Newark and I am concerned BCDC is not responding with the urgency that is merited.

Again, this is toxic byproduct of Cargill's salt evaporation. There are six million tons of solid and liquid bittern in these open ponds that are only separated from the Bay by shallow berms.

Your Engineering Criteria Review Board had a hearing in November with Cargill and had presentations and afterwards the staff wrote to Cargill asking for more information about the threat to wildlife including endangered species and water quality that this bittern poses, and also concerns about the seismic integrity and resilience of those berms to high tides and flood events.

But even though we have seen massive rainfall in the last three months that is adding to the volume of material in those ponds because they are open and king tides that are lapping at the berms from the Bay side, no staff from BCDC or the Regional Water Board have personally inspected those berms to see just how much room, if any, remains in the ponds that contain this bittern, how close the ponds are to overtopping, or if there is any evidence of bittern seeping into the Bay through the shallow berms.

BCDC also had an opportunity to gather evidence, including during the last round of king tides, to verify how near the Bay waters reached to the top of those levees during those extreme king tides.

And I note that you are scheduled to discuss groundwater and the impact of sea level rise. The SFEI's recent mapping of areas at risk of increased groundwater rise because of climate change show these same salt ponds, including these bittern ponds, are identified as an area of elevated risk.

So the approach that staff has taken to developing a new permit for maintenance of those levees is stretched out over two years. The staff has been very patient about that. But now it is too slow and hands-off given the clear and likely growing risk around these bittern ponds.

So I would be greatly encouraged if any Commissioner would indicate that they would like the staff to move more quickly on this and move with partner agencies to directly inspect those berms and those ponds. I hope that you will pursue these issues with staff now.

I know there's a lot of issues on BCDC's plate. But this is a present and clear danger to the Bay on the shoreline and we want to prevent, do everything we can to prevent the risk of a devastating, toxic release into the Bay. Thanks very much.

Ms. Atwell informed the Chair: We have no more hands raised, Chair Wasserman.

Chair Wasserman acknowledged: Thank you. For the listening public and for Mr. Lewis, I think most of you know that under the state rules of governance we cannot really respond to matters that are raised in public comment that are not on the Agenda. I will say, however, that I know that staff is in contact with Cargill and is working actively on the issue.

Chair Wasserman moved to Approval of the Minutes.

4. **Approval of Minutes of the February 16, 2023 Meeting.** Chair Wasserman asked for a motion and a second to adopt the minutes of the meeting of February 16, 2023.

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

The motion carried by a voice vote with no abstentions or opposition.

5. **Report of the Chair.** Chair Wasserman reported on the following: Our General Counsel, Greg Scharff, is towards the end of his fact-finding project regarding the allegations made by BCDC's former Environmental Justice Advisors and I expect that he will make his report at our next Commission meeting.

For the April 6th Commission meeting I want to remind all of you to mark your calendars because that is going to be a very important meeting for us and it is our goal to have everybody here at the Metro Center in-person.

That morning we will hold a combined in-person meeting of the Financing the Future and the Rising Sea Level Commissioner Working Groups to discuss key findings and next steps to make each of part of our region more resilient to rising sea levels. I certainly invite all of you who may be listening to attend.

Today's meeting will be fairly brief and we are not having the second meeting in March. So April 6 will be our next meeting. But understand that staff continues to be very busy on our regulatory, permitting and planning matters. We continue to move forward to try and improve all of those and to further develop our planning in particular, which will be the subject of our April 6 morning meeting.

At the April 6 meeting we will have a full agenda which may include the following items. I do not think it will include all of them but it may include any number of them.

- a. A contract to provide funding for our Environmental Justice Advisors that we postponed today, along with an update on that program;
- b. Also a proposal for a pilot project to test feeding Bay marshes with sediment;
- c. A proposal for work at the West Bay Sanitary District in San Mateo County;
- d. An enforcement matter regarding the Seaplane Adventures LLC, in Marin County;
- e. Consideration of updating the resolution that sets the priority use areas in the Bay Plan;
- f. A briefing on funding and investment framework for adaptation;
- g. A briefing on compliance at Oyster Point Marina in San Mateo County; and,
- h. A briefing on the status of BCDC's hiring and organizational issues.

Now is the time if any Commissioner wishes to report on any ex parte communications in writing or orally which you have received outside of the meetings itself. This is required on adjudicatory matters, not on policy matters. And it does not replace the requirement that you make these in writing. If anybody wishes to report an ex parte communication, please raise your hand.

(No reports were made.)

Chair Wasserman noted: I don't see any.

That brings us to the sixth item on our Agenda today, the Report of the Executive Director.

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

This is one of those meetings in which our Enforcement Team is taking front and center in many ways. Our Enforcement Program has moved light years ahead of where it was just ten years ago when many permit violators were hardly concerned about the ramifications of their actions.

As we have grown the program we have tried to create an environment in which we work with violators to recognize that compliance benefits them and the entire Bay Area.

We attempt to avoid litigation by trying to understand permit violators' motivations, which usually does not result in closed sessions such as the one that we shall hold today.

When I think about unsuccessful enforcement programs I remember the greatest misunderstood and martyred character of 20th-Century cinema, King Kong.

The movie bearing his name premiered on this day 90 years ago on March 2, 1933. Kong was a misunderstood giant whose enemies knew only how to use giant clubs, both literally and figuratively. He loved Fay Wray's character, Ann Darrow; after all, he saved her from the sacrificial intent of the island's natives. And you will remember that Kong looked lovingly at Darrow as he fell from the Empire State Building.

As our Enforcement Program gains more traction on a monthly basis our team does not want to become the misunderstood King Kong of the San Francisco Bay regulatory world; that is, simply being viewed as dangerous and callous to our permittees all around us. Instead, we want BCDC's enforcement and compliance staffs to be seen as willing to work with those who genuinely want to become compliant and to be feared by those who would recklessly harm the Bay or restrict public access.

With regard to staffing I am pleased to announce that subject to your concurrence we will hire Jennifer Hyman as our senior engineer.

Ms. Hyman is a civil engineer with over 30 years of experience in water-resources planning, design, project management and construction management. She earned her undergraduate and master's degrees from MIT. So she is both an engineer with a lower case "e" and an Engineer with an upper case "E". She has worked at a range of engineering firms in the private sector and for public agencies. She specializes in restoration and water infrastructure and her engineering experience from a range of perspectives uniquely qualifies her to be BCDC's senior engineer.

Speaking of enforcement, last week's Enforcement Committee meeting included a robust discussion with much public comment regarding what progress has been made to rid the Oakland Estuary of the live-aboards and abandoned boats, specifically targeting actions by the cities of Oakland and Alameda during the past year.

As a result of that discussion the Committee asked the staff to move the issue from our Enforcement Team to our new compliance staff. The Committee also asked that the compliance staff brief the Enforcement Committee quarterly on future progress prior to any decision on the part of staff and the Enforcement Committee to initiate a formal enforcement process on the estuary issue, per se.

Greg Scharff's Compliance Team will begin working on that issue ASAP. This is another example of how we are using this early period of our Compliance Program to explore how best to use the team to protect the Bay and improve public access.

I am also pleased to let you know that Andy Fremier, who has been a great collaborator with BCDC in his post as MTC's Chief Deputy Director, has been named the new Executive Director of MTC.

Andy is a big proponent of the Bay Trail, was instrumental in putting together the six-party SR 37 Partnership Agreement that integrates the need for environmental and transportation improvements in that corridor, and continues to demonstrate a willingness to push ahead smartly in ways that benefit the Bay.

We are looking forward to continuing to build on Andy's already great work. As part of that we will be scheduling another Highway 37 briefing for this spring.

The Air District has appointed Dr. Philip Fine as its new Air Pollution Control Officer. Dr. Fine is an internationally-recognized expert in air-quality science and policy. He comes to the District from the U.S. EPA where among other duties he served as EPA's Environmental Justice Officer. Before his stint at U.S. EPA, Dr. Fine served for 15 years at the South Coast Air Quality Management District, the last five years in the position of Deputy Executive Officer for Planning, Rule Development and Area Sources Division. We look forward to welcoming him to the Bay Area Regional Collaborative.

Finally, Chair Wasserman, because I know that you and all the Commissioners eagerly await my annual announcement, your FPPC Financial Disclosure Form 700s must be filed by April 3 of this year. As we will not have a Commission meeting on March 16 this is your only reminder before we start compiling a list of noncompliant Commissioners, so please be warned.

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

Chair Wasserman asked: Are there any questions for the Executive Director? (No questions were voiced.)

Uncharacteristically, I have two corrections or additions to the Executive Director's Report. The first one is, we will send you an email reminder about the Form 700.

The second, and I am quite amazed at this one, is that he left out that the mascot of our new engineer's school is appropriately the beaver.

Executive Director Goldzband stated: They are known as the Engineers.

Chair Wasserman replied: But their mascot is the Beaver, who is an engineer. We need to watch out for each. Thank you very much.

Executive Director Goldzband noted: I have been appropriately put in my place.

Chair Wasserman added: No, it's just we cooperate with each other.

7. **Consideration of Administrative Matters.** There were no administrative listings.

8. **Commission Consideration of a Contract with Resources Legacy Fund for Environmental Justice Advisors.** Item 8 was postponed.

9. **Public Hearing and Vote on Proposed Stipulated Cease and Desist Order and Civil Penalty Order Number 2023.001.00 (BCDC Enforcement Case ER2020.021.00).** Chair Wasserman stated: That brings us to Item 9, which is a Public Hearing and Vote on Proposed Stipulated Cease and Desist Order and Civil Penalty Order regarding the Family Gun Club in Solano County.

I request as a beginning matter if there was anybody attending virtually, because you are not attending in-person, who is here to speak on behalf of the Respondent, will you raise your hand so that we can identify you by name and your affiliation with the Family Gun Club for our records.

While that is occurring, BCDC's enforcement staff and the Respondent have agreed to a Stipulated Order that was approved by the BCDC Enforcement Committee on January 25 of this year. I will ask Commissioner and Chair of the Enforcement Committee, Marie Gilmore, to introduce the matter to the Commission and facilitate the discussion on this item. Commissioner Gilmore, the microphone if not the floor, is yours.

Commissioner Gilmore addressed the Commission: Thank you, Chair Wasserman. On January 25 the BCDC Enforcement Committee voted to approve the Executive Director's Recommendation that the Commission accept and issue a Stipulated Cease and Desist Civil Penalty Order to resolve the enforcement case against Duck Club Number 423, the Family Gun Club, located in the Primary Management Area of Suisun Marsh.

This order addresses unauthorized development activities that have occurred at the site and imposes an administrative penalty of \$215,630.00 consistent with BCDC's laws and regulations. As this order is stipulated, Respondent has agreed in advance to abide by all of its terms and conditions and pay the penalty as ordered.

I will now ask enforcement attorney Brent Plater to brief the Commission on the nature of the violations at issue and the terms and conditions of the proposed order. After Mr. Plater's remarks, Respondent will be invited to present their remarks.

After all the presentations have been given, the public comment period will be opened. Public comments will be limited to three minutes per person.

After the public comment period has been closed, members of the Commission will be able to ask follow-up questions of staff and Respondent and deliberate on the matter.

All presenters must limit their remarks to the evidence already made part of the enforcement record that has been published online with this meeting's agenda and the policy implications of such evidence. No oral testimony will be allowed.

Mr. Plater, please proceed.

Mr. Plater presented the following: Thank you, Chair Gilmore. Good afternoon Commissioners. I am pleased to present for your consideration a proposed stipulated order addressing several violations at Family Gun Club, which is a duck club in the Primary Management Area of Suisun Marsh.

The violations include the illegal development of a seasonal wetland that Family Gun Club was ordered to restore and preserve by a prior Commission Order, the unauthorized filling of a perimeter ditch that resulted in the loss of approximately one acre of managed wetlands, and the unauthorized construction of five structures within the Gun Club's clubhouse area. It also addresses the unauthorized development and operation of a commercial clay shooting course.

With the benefit of three hearings before the Enforcement Committee, BCDC staff negotiated this Order with Respondents Barto and Donna Price, the owners of Family Gun Club, to restore the seasonal wetland on site pursuant to a BCDC-approved plan by the end of this year. They will also provide mitigation for the lost acre of managed wetlands pursuant to the Bay Plan's mitigation policies, also by the end of this year. They will also remove the unauthorized structures unless after-the-fact authorization is obtained from BCDC by the end of this year. And they will cease operating the commercial clay shooting course and remove all structures associated with it by June 30, 2023.

Some of this work has already been completed. For example, one structure has already been removed from the site and an after-the-fact permit has been submitted for those that remain. The commercial clay shooting course has also already ceased operating.

While we do not expect significant delays in implementing the rest of the Order's requirements, the Order does authorize the Executive Director to extend deadlines for good cause without the need to return to the Commission should the need arise.

The Order also requires the Respondents to pay \$215,630.00 in administrative civil liability. The penalty was calculated pursuant to the penalty factors enumerated in the McAteer-Petris Act and the respondents have agreed to pay this amount within 30 days of the Order's issuance.

Staff recommends that the Commission concur with the Enforcement Committee's recommended enforcement decision and authorize the Executive Director to issue the Proposed Cease and Desist and Civil Penalty Order, which will be the first issued by the Commission in this calendar year.

As Commissioner Gilmore mentioned, representatives from the Family Gun Club have indicated that they will be present to let the Commission know they have agreed to the stipulated order. I am happy to turn it over to them and then of course answer any questions the Commission may have about this enforcement proceeding or this proposed stipulated order. Thank you very much for your time.

Commissioner Gilmore continued: Thank you, Mr. Plater.

Are there representatives from the Respondent here and do they agree to the terms of this proposed stipulated order?

Mr. Cummins stated: Yes. I am Donal Cummins; I am an attorney representing the owners, Bart and Donna Price.

I have trouble with the phrase Stipulated Order. And I mean this only respectfully but respect. It is more like the terms of surrender here. When this started out there were a number of charges and I am talking about into July and the summer. The proposed fine at that point in time was \$308,000.00 for the various violations.

Those were changed because of other negotiations, other actions taken by the Enforcement Committee. They kind of have moved all over the place. It went from \$308,000.00. We did have a settlement that got it to \$285,000.00. But then the sporting clays thing raised its head again. The July 27 went away and now we are left with a \$215,000.00 fine.

On November 11, and you have this document before you but it is lengthy and no doubt you have not seen it or read it, but it was my response on behalf of the Prices for the December 8 hearing. It was our hope that the Enforcement Committee would take that into consideration and not pursue all of those violations and fines.

In part, the Committee sort of did that, because at that hearing they directed the staff to relook at what they had submitted. There was one particular allegation concerning a footbridge that the Committee directed be dropped from the violations. And reconsider; and that language is in the documents before you, and reconsider the fine structure.

Our position, the Owners' position was, as I submitted on the Nov 11 document which I summarized in an email to Mr. Plater and ultimately I got an email back from Mr. Plater. We really had no discussions or anything else about the final resolution. But it was the Order that you have before you today and which was previously before the Enforcement Committee in January that has the fine of \$215,000.00 in it.

At the January hearing we agreed to all of the things that had to be done. As Mr. Plater has correctly stated in his opening remarks, many of those things have already been complied with. The fine we had no say over. There we are. We either are trying to get this thing to trial and who knows, before you, the Enforcement Committee who knows where that goes. The Prices just needed to get this resolved so they said, reluctantly, okay to it and here we are today.

But I do understand that you have the authority to accept or reject in whole or in part what is before you or do whatever. You are the ultimate authority in this particular case. And that would be in respect to the fines too.

We are asking that the total fine of \$215,000.00 be reduced to \$90,000.00 and within the time limits I have, here is why.

One of the areas that is penalized is destroying a seasonal wetland. In 1999 there was a violation on this property by the previous owners. Our owners do not come along until 2008. But ten years before that there was a violation in the administrative area of this duck club, which is approximately 25 acres of the 200. There was a field. The field was dug out considerably and it was filled with trash of all kinds that you can imagine. Not garbage but trash; tires, concrete, old broken out equipment and so forth. That was part of the 1999 violation. The then-owners had to get rid of all of that stuff, had to fill up the hole, replant it with native plants and so forth.

In 2008 our owners bought the property. What did they find in that place? There was a hole. A big hole and it was full of trash again. It was many, many truckloads to get that out of there. And not knowing anything about a previous problem ten years ago with BCDC that was resolved, converted it into a pond. And what more likely scenario for a duck club than to have a pond. They did not know that it was supposed to be an open field and planted. The pond exists there now. It supports marine life. It supports all sorts of bird life of all kinds you can imagine and would see in the Marsh. And it is not an eyesore either. It is nicely done.

We are asking that no fine be assessed for that and that would relieve \$30,000.00 from the \$215,000.00.

There is another issue. Many of you on the Commission are probably familiar with the acronym NAWQA but that is a public grant. It was a program; this particular NAWQA program was put together by the Corps of Engineers and BCDC and no doubt other agencies as well. This particular program was to encourage landowners to drill agricultural wells, not for purposes of agriculture but for purposes of bringing sweet water up from the depths to help dilute the salinity in that side of the Marsh.

On a cost-share program with NAWQA the Prices put in a well. They did it pursuant to County permit. They did not know they had to do it with a BCDC permit as well. The fellow, or the company rather, who drilled the well did not say anything about a BCDC permit. But they were the developers of the program along with the Army Corps of Engineers so there was no thought given to BCDC.

So the well exists. It pumps sweet water. It does what it is supposed to do. The production cost is paid by the Prices and the electrical cost to operate the pump is quite significant. It is housed in an about 150-square-foot little building. It was much smaller than that to which 100-square feet was added. The County did not require a permit to add 100-square feet to a building but apparently BCDC does.

So the combined fine is \$30,000.00 for that freshwater well that aids the Marsh, has no other purpose on their property, it does not provide water to the house or the administrative area or anything else, it is strictly to pump onto the ground to cut down the salinity. And to add 100- square feet to the building to house the well a \$30,000.00 fine on top of that just seems incredibly excessive. So we are asking that that be eliminated from the \$215,000.00 fine as well.

Then, in times past, and I do not know when, but a long time ago, to strengthen the main levee that holds back Goodyear Slough from the property, previous owners took dirt, soil from the interior base of the levee, approximately 7500 feet of the levee. That left a ditch down in the pond of about two-feet deep and maybe four or five-feet wide it buries along.

But you can imagine an excavator on top of the levee, reaching down, grabbing the dirt, bringing it up and then putting it on the exterior part of the levee to strengthen the levee. That ditch has remained and that ditch is technically called a borrow ditch. We borrowed dirt to put it from one place to another.

So the Prices took over the property in 2008 and that borrow ditch provided no benefit to the interior of the property and was actually a detriment to the health of the levee itself and we submitted engineering documents about that.

A borrow ditch as is, at the depth where it is, at the very foot of the interior levee weakens the whole levee. So not bringing in dirt from the outside but using soil that is already in the pond they filled up 7500 feet of that useless ditch, if you will.

They did not do it with a BCDC permit. They were doing it with the Marsh permit that the Corps of Engineers together with BCDC issues. That agency feels that they did not need a BCDC permit and BCDC disagrees and there we are with another \$30,000.00 fine for doing what I think is a service to the Marsh as a whole of strengthening 7500 feet of the Goodyear Slough levee. So we are asking the \$30,000.00 fine there be eliminated as well.

The last one is sporting clays. That was not an issue for July but it became an issue after July and that is why BCDC staff took it back and redid this and here we are. There was a shooting clays course that they put up. Shooting clays, clay pigeons as they are also called, is not uncommon in duck club areas. Any of you out there, Commissioners that hunt ducks would know that.

The question was whether it was open to the public or not and that is a controversy. We say no. BCDC says yes. What is for sure is that the Prices allowed local, some local charities, a few particularly associated with the Valero Refinery nearby, to put on charitable events to fund charitable activities within the County. Significant amounts of money were raised in those charitable events, all of which went to various County recognized charities.

There's a total fine of about \$35,000.00 for setting up the course and for allegedly allowing people of the public to come in which we have adamantly denied that was the case. It was a members-only situation. So we are asking that fine be eliminated as well.

The last thing to consider: Part of what has to be done is mitigation on the present order, mitigation. The Prices have put together their experts, their engineers and so forth to figure out the program that they need to submit and they are up to \$175,000.00 in costs now if this has to go forward in that.

So we are asking that that \$35,000.00 be eliminated. That would make the total fine \$90,650.00 which is a substantial sum, and whatever mitigation work they are going to have to do, which is all part of the Order, that is somewhere between \$150,000.00 to \$175,000.00 just as I am speaking to you this afternoon. Thank you.

Commissioner Gilmore acknowledged: Thank you. We can go into this a little bit later but just so I am clear on the record, sir, you are in agreement with what the Order requests the Respondents to do but you are asking for a reduction of the fines?

Mr. Cummins replied: That is correct, Madam.

Commissioner Gilmore continued: Okay. Thank you.

So at this point in time, Peggy, do we have any members of the public who would like to comment on this?

Chair Wasserman interjected: Before we do that, the public hearing is opened.

Ms. Atwell noted: We have no hands raised with the public for comment.

Commissioner Gilmore acknowledged: Thank you, Peggy.

Chair Wasserman stated: We would entertain a motion to close the public hearing.

MOTION: Vice Chair Eisen moved to close the public hearing, seconded by Commissioner Gilmore. The motion carried by a voice vote with no abstentions or objections.

Commissioner Gilmore continued: Now we are going to have some Commission discussion on this but I think it might be helpful to remind the Commission what the options are here. The respondent has asked for a reduction of the fines. Under our regulations, BCDC regulations, we have five options so I am going to read them.

The first option is the Commission may adopt the recommended enforcement decision without any changes. This is the Enforcement Committee's Recommendation.

Two, the Commission may dismiss the entire matter by voting not to issue any proposed cease and desist order and civil penalty order.

Three, the Commission may adopt the recommended enforcement decision and either the proposed cease and desist order or the proposed civil penalty order and reject the other order.

Four, the Commission may remand the matter back to the Enforcement Committee or staff for further action as the Commission directs.

Or five, the Commission may reject the recommended enforcement decision and decide to consider the entire matter de novo. In this event, the Commission shall continue the public hearing to the next available Commission meeting when it shall proceed in accordance with the same procedural requirements as the Commission must follow under Regulation Section 11327.

So those are the options before us today and I invite Commission discussion.

Chair Wasserman weighed in on the matter: Before Commissioner Eklund is recognized I am going to exercise the Chair's prerogative. I just want to be clear about something so that all of us are clear.

One of the alternatives is that we could adopt either the proposed cease and desist order and reject the civil penalty proposed, or accept the civil penalty and reject the proposed cease and desist order. I assume if we chose to do either of those that is the end of it, it is not that it goes back to renegotiation. Brent, do you want to give an answer to that?

Mr. Plater responded: Well, I just want to say that the regulations do offer the opportunity for the enforcement staff to present bifurcated or distinct civil penalty orders, which you could essentially choose from. But in this matter, particularly because at the Enforcement Committee in all three of the hearings that we have had on this matter the Family Gun Club until this moment agreed to stipulate to the order before you, we only presented a single combined order to the Commission. So there is just one order.

Chair Wasserman replied: So we do not have the choice. Because of their stipulation to the entire order and your appropriate presentation to us of one, we really do not have the alternative to do one and not the other.

Mr. Plater concurred: That is correct. That is the way we have written this particular stipulated order. It is one document to be adopted or rejected by the Commission with your further instruction.

Chair Wasserman acknowledged: Got it. I will now turn it back to Committee Chair Gilmore to recognize Commissioner Eklund and any others who wish to talk.

Commissioner Gilmore called on Ms. Posner of the Attorney General's Office: Thank you, Chair Wasserman. But before I do that, I thought I saw Shari Posner with her hand up. So, Shari.

Ms. Posner commented: Yes. Shari Posner from the Attorney General's Office. I believe that what Mr. Plater said is correct, particularly in the context of this being a stipulated order.

If it had not come as stipulated it might be slightly different. In that context, Chair Wasserman, I think that you are correct that if you were to split those two pieces that would be the end of it. So if the thought process is wanting to deal with some sort of change to the penalty order I believe that would all have to go back to the Enforcement Committee.

Chair Wasserman acknowledged: Thank you.

Commissioner Gilmore continued: Thank you. Now, Commissioner Eklund.

Commissioner Eklund spoke: Thank you very much for the opportunity to ask a question. Can we get staff's response to the request to lower the penalties for those specific items? If he could go through it one by one and then total up that would be very helpful. I may have a follow-up question afterwards.

Mr. Plater responded: I would be happy to do that. Thank you for the question. Most of the violations that are addressed in this case are very longstanding. They go back to as early as 2008 when the current respondents purchased Family Gun Club. So even at the lowest penalty amount authorized by the McAteer-Petris Act, \$10.00 per day, we hit our maximum penalty amount on these violations long, long ago.

But the violations that we are discussing here are very significant violations. The first one addresses the destruction of the seasonal wetland that the Commission ordered the previous owners of Family Gun Club to restore on the property. Despite the fact that that order was in place and we have evidence in our records that the restoration work was completed--and no evidence at all that the junkyard-like conditions that Mr. Cummins suggested to you today ever existed on the site after that restoration work occurred--they without permits from BCDC, without even requesting any authorization from us, just redeveloped that entire site into a sidewalk, some sort of fishing pond and ancillary developments including a lawn, where the seasonal wetland once existed.

The second violation that also totals up to a \$30,000.00 violation was the massive development that occurred when they filled a ditch along the perimeter of Family Gun Club's property to shore up the levee, the exterior levee on the site.

Family Gun Club has suggested that that work was authorized by a regional permit issued by the Army Corps of Engineers. But we contacted the Army Corps about this particular application and they informed us that they do not review the individual applications that are submitted for work under that permit. They just look to see if the overall amount of development in the Marsh exceeds their overall maximum limits, and so they were unaware of the actual work that was conducted under that application.

The work that was conducted under that application was not accurately described in the application, and is not able to be authorized by the Army Corps or by BCDC through any of the permitting exceptions that exist in the Suisun Marsh Preservation Act.

Even if the project was a good idea, which we do not necessarily agree is the case, it simply required a permit from BCDC before it could move forward. No permit was ever applied for or received. Family Gun Club has received two other permits from BCDC in the past to address their exterior levee and strengthen it. So from what we can tell the Respondents did know that they had permit requirements from BCDC for that work.

The third violation, the category of violations that we are addressing are these unauthorized structures that were built without BCDC permits. There were originally five structures identified, each of which had been there for many years. So even at very low daily-penalty limits they very quickly reached the maximum penalty violations authorized by the McAteer-Petris Act.

One of those structures they voluntarily removed and we eliminated the penalty for that structure, which was this footbridge that they have removed from the site. So we did provide a reduction in the penalty amount for that structure. But the other four, all of which have been longstanding, none of which had permits from us or from the County, they all exceed the requirements for the McAteer-Petris Act for the violations that we have calculated.

The final violation that we have addressed was the operation and development of this commercial shooting range that they were operating since at least 2018 or 2019. We agree that shooting ranges are a normal part of duck club operations but this was something characteristically different from the things that we normally see in the Marsh. This was a commercial shooting operation that was open to members of the public.

There were multiple events hosted there with people from all around the country invited to attend and did attend; all which constitutes development under the Suisun Marsh Preservation Act and none of which was authorized by BCDC. It required a permit before they could implement those events and run that course.

Pursuant to this stipulated order Family Gun Club had agreed to close that commercial operation and remove the sites, remove the structures that were associated with that shooting course, and I believe that that work has already been completed. We did reduce the penalties for those violations from the previous order significantly, which is why the total penalty amount has been reduced from the statutory maximum of \$308,000.00 to the \$215,630.00 proposed today.

Commissioner Eklund acknowledged and asked: Thank you very much for that explanation. So you are not recommending that we support any of their requested reductions in the penalties?

Mr. Plater answered: Commissioner, no, we are not. We think that the proposal that we put before you at \$215,630.00 is, first of all, was stipulated by Family Gun Club at our previous hearings, and is a very generous reduction in penalties compared to the amount that the statutory authorization permits.

Commissioner Eklund had a final question: Thank you. The last question is, is this something that they could pay over time if it is hard for them to make the payment all at once? Can we set up like a first payment and a second payment kind of a program? I do not know if BCDC does that or not?

Mr. Plater responded: It is possible for them to set something like that up with our staff.

Commissioner Eklund stated: Okay. So that is something staff can do by itself and not with the Commission.

Mr. Plater agreed: That's correct, Commissioner.

Commissioner Eklund added: Okay, great. Thank you, that answers all my questions. I think normally the Chair of the Enforcement makes the motion but if she needs a second I'll be glad to second the motion.

Commissioner Gilmore stated: Thank you, Commissioner Eklund.

Are there any other Commissioners who have questions or comments?

Commissioner Vasquez was recognized: Thank you, Marie. Having sat on the Enforcement Committee and heard this three times, I struggle with, of course, my position as the individual Commissioner sitting on the Enforcement Committee is a different hat as opposed to the hat I am now wearing.

I did raise some concerns about the work that was done and the rate of the amount of the penalties. Well, let me just start out, buyers should beware and the landowners should know. I am not saying that they didn't know or they did know. But what comes into conflict and what I have seen is that there are the permits you get from the County and now permits you have to get from BCDC. There is the Marsh Plan for individual duck clubs that you have. So I can see where there can be confusion from time to time as to who I have to go to get certain, to do certain things.

I did speak with Steve Chappell about some of the work that was done, the filling in of the ditch itself which was a borrow pit to help increase the safety of the levee itself, which then created a wetland. But what they did in filling it was to create an upper land for habitat itself.

I guess what I am trying to say is it gets awfully confusing if you are operating in the Marsh itself. I do not know that there is always a clear path for an older owner or a new owner as to what is allowed and not allowed and where do I need to go for that.

I think if anything we should be looking at how do we streamline that process and notice property owners that here's the things you have to do and here's the thing you can't do. But if I am relying on one single source, I think that is where we start to get into problems. Again, it is a buyer beware and landowners should know kind of situation.

I can see where the owner would have stipulated and then come to the full Commission to ask for some forgiveness of the fees themselves. So I will leave it with that. I just think that I in particular struggled with it. But I knew that wearing that one hat as sitting on the Enforcement Committee, as that Commissioner, I act in one way. Now as a Commissioner addressing the full board I can speak in a different way.

Just knowing how people can get in trouble with permitting just with one entity, but with two or three; looking to those and saying, well, here is what's done before.

And the event part was troublesome to me. The fact that it is a Family Gun Club indicates that there is shooting that occurs there. Whether there was a commercial operation or an operation for a fundraiser, I cannot say to that, or whether it was just a private operation for the Club itself. I know the Club is gated and you have to have a code to get in. Obviously, I could let other people in if I knew the code number.

Again, I struggled with this one because to me it was not completely clear, were they truly violating or just accidents that occurred because they did not go to the right entity and asked the right questions. Anyway, those are just my thoughts.

Commissioner Eklund chimed in: It appears that Mr. Vasquez is saying that the applicant may not have been aware of the requirement for BCDC permitting requirements. From what I understood from reading the information is that they did have some knowledge but they had relied on others to obtain the permits. I could have that wrong.

But doesn't BCDC also have an agreement with the other regulatory agencies, whether it be the Army Corps of Engineers, or the County and/or even the City, that if they are within BCDC jurisdiction they should be seeking those permits. I know in our city our city staff does advise them of other entities that should be checked with when they are seeking a permit, especially when they are near any form of water, whether it is the Bay or a creek or river or whatever, or a lake. Can staff answer that? Do we have some sort of an agreement with the County or other regulatory agencies to encourage folks to check with BCDC on potential jurisdictional issues?

Mr. Plater explained: Thank you for that question. We do everything we can to allow landowners within our jurisdiction to know when a BCDC permit is required.

There is legislation that requires property owners to get a disclosure from the seller when their properties may be within BCDC jurisdiction. So that should have been in the disclosure packet when the Family Gun Club was purchased.

We do work very closely with the County and with the Suisun Resource Conservation District to identify where permitting obligations lie.

I do agree with Supervisor Vasquez that it can be very confusing. The Suisun Marsh Preservation Act is a complex document that splits jurisdiction between many entities in regulating the Marsh. But we do everything that we can to try and make that clear.

I think also with the benefit of the three hearings we have had in front of the Enforcement Committee we were able to take some of the insights and the wisdom that has been gained by members such as Commissioner Vasquez over the years, while some of us were relatively new, coming at this for the first time that helped us shape and think about how we approached these violations over the past several years and brought us to this stipulated penalty, which was a significant reduction from the penalties proposed of \$308,000.00 down to \$215,630.00.

So I recognize, I think both of you are making very, very important points. We can always do a little bit more to try and articulate the permit requirements. Having said that, Family Gun Club, the Prices in particular, are well-known individuals at BCDC.

There have been enforcement actions against the previous owners of Family Gun Club. There was a previous enforcement action in 2009 against the Prices. The Prices themselves have received permits from BCDC to strengthen other portions of their exterior levee. So we have no reason to believe that they did not have actual knowledge of the requirements to come and seek permits from BCDC.

Commissioner Eklund acknowledged: Thank you. That's all I needed to know. Thank you.

Vice Chair Eisen was recognized: Thank you. More a comment than a question. I wanted to thank Commissioner Vasquez for sort of describing the difficulty that the Enforcement Committee had in trying to understand all of the facts, getting to the bottom, weighing the various equities. It was one of the more complicated matters we have ever dealt with, at least during my tenure.

I wanted to really thank Enforcement Committee Chair Gilmore for persevering in getting to the conclusion that we have now reached, and especially staff for being so responsive to the issues and the questions that the Committee had in trying to find the right result here. I think everybody has worked really hard. I just wanted to thank Commissioner Vasquez for pointing out that the work that had been done and the comments that he made that got us, helped us to get to this place.

Executive Director Goldzband chimed in: Thank you. I want to add one thing to what Brent said. You will remember when John Creech and Tony Daysog gave you a briefing. It was last month I believe or maybe it was in December, actually, on the Compliance Program and how that is starting up.

You may remember, I think I said this, I know I have said it before, that 20 to 25 percent of their time is going to be outreach time.

One of the things that Greg Scharff as our General Counsel and to whom Compliance reports will be doing is working with them as well as our Permitting and Planning Divisions to create essentially a one-pager or two-pager that can be given to every planning department in our jurisdiction, city and county, that can be available when somebody comes in for a permit.

The Goldzband version of this has a big headline that says, "Are you in BCDC's jurisdiction?" That will, I hope, help folks recognize what they need to do if indeed they are within BCDC's jurisdiction. We will update you on that through the year as the Compliance Program grows.

Commissioner Hasz commented: Thank you. If I heard correctly, the Gun Club previous to the sale to the current property owner had previous violations on it.

Commissioner Gilmore answered: Correct.

Mr. Plater also replied: That's correct.

Commissioner Hasz continued: So for all I know the new property owner was a previous member of the Gun Club but there was definitely a continuation of the same members at that Gun Club through the years. I do not think that they just canceled everybody's membership and got all new members. So that means that there were plenty of members that knew about previous violations when they were moving forward with their renovations so I am I am not a fan of lowering any of the fees.

Commissioner Gilmore acknowledged and asked: Thank you. Any other Commissioner comments?

Ms. Atwell stated: I do not see any hands raised, Chair Gilmore.

Commissioner Gilmore continued: Okay. I would just like to make one comment. I appreciate both Commissioner Vasquez and Rebecca's comments as being members of the Enforcement Committee. I just want to remind the rest of the Commission that this matter has been before the Enforcement Committee three times. Because it was a very complex matter to understand what was going on. But we heard it three times. So that is point number one.

Point number two is this is a stipulated order. Before this order even got before the Commission the Respondents had agreed to not only the actions that they needed to take but to the penalty that was being assessed.

So therefore the stipulated order came to us in this manner. If at any point in time before then they had challenged the amount of the penalty this matter would have come to us in a different form and we may have had different options as to what to do with it.

But I just want to reiterate, the Enforcement Committee has seen this three times and the Respondents did before it got this far agree to the amount of the penalty fines.

Now, they are always I guess, since it is a stipulated order, I am going to ask our attorneys; are they bound by their agreement? I guess at the last minute they can decide to change their minds. But we are still bound by what we can do in terms of what is presented in front of us. Is that correct?

General Counsel Scharff spoke: I will answer that. Yes, my belief is that they could rescind their approval, at which point it would then become a contested matter. Have they signed the Order? I was not at the Enforcement Committee meeting. Did they sign the Order? Did they sign it or anything that says that they are bound by it or anything like that? We could just ask them, do they want to rescind their approval, their stipulation?

Chair Wasserman chimed in: That is what we need to do.

Mr. Scharff reiterated: We should just ask them.

Commissioner Gilmore called out: Mr. Cummins.

Mr. Scharff interjected: Let me tell Mr. Cummins something first so he understands. This is sort of like a settlement. My understanding is it was at 300,000-something. If you rescind it you would go back to the Enforcement Committee, is what would happen. They would hear it a fourth time. My sense is that staff at BCDC would be advocating for the full penalty of 300 and some thousand dollars. Then it would be up to the Enforcement Committee to choose what that penalty would be. Then we would come back here after hearing it a fourth time. So I guess the question is; do you want to say that you did not settle this matter? Or have you settled this matter, basically?

Mr. Cummins replied: That is a fair question. We did settle the matter, there is no doubt about that. I phrased it at the beginning that the stipulated order, it might otherwise be expressed as terms of surrender. I mean, there is not much of a limit to a government pocketbook but there sure is to the guy that owns the field in that background of your picture there, Mr. Scharff.

This has cost a small fortune and still will, whether you keep the fine at 215 or if you reduce it hopefully down to the 90 or reduce it anywhere. There's hidden costs in this thing because things that are in here that do not have a cost associated with them in terms of a fine,

but the estimates are to move the dirt to do the remediation work that is going to have to be done, which is largely down in the in the large pond area in the 175-acre area. Those costs are coming in between \$150-\$175,000.00. That certainly, certainly was not on the owner's mind when we agreed to \$215,000.00 of fines, my goodness.

So yes, did we accept the 215 and did we accept to do all of the things in this two-part order. And it is a two-part order. Paragraph I is the cease and desist part, paragraph II is the stipulated civil penalty order. The hope is, as Chair Gilmore pointed out early, one of the options is you can look at these two separate but Mr. Plater says that they are not separate. Well, they are separate on the piece of paper I have.

Yes, Mr. Scharff, we did accept the \$215,000.00 fine and we did accept all of the cease and desist order and not quibbling about the cease and desist order.

But to put a well on the property to benefit the land, to benefit the land, benefit the Marsh, not to benefit them. And then to get dinged \$30,000.00 for doing it because they did not get a BCDC permit to put the well, even though BCDC was one of the participants that put the program together. It just seems bloody unfair, it really does. I do think that you have the authority to chip away at the fines.

Chair Wasserman chimed in: Mr. Cummins, I am going to exercise Chair's prerogative once again. I appreciate that good lawyers can disagree. We are going to follow the advice of our lawyer. We have two, fundamentally two choices today. It could go in in a range of ways. But the foundational question is, do you accept this stipulation in total, both parts? If you do, we can act. If you do not, then we have to return this to the Enforcement Committee. So we need to hear from you on behalf of your clients directly. Do you accept the full stipulation or not? It is a yes or no question.

Mr. Cummins replied: Yes.

Chair Wasserman repeated Mr. Cummins reply: Yes. Thank you.

Commissioner Gilmore continued: Then I will make the motion. The Enforcement Committee recommends that the Commission adopt Proposed Enforcement Decision and Cease and Desist and Civil Penalty Order CCD2023.001.00 to resolve this enforcement matter. I move that the Commission adopt the recommended enforcement decision without any change to the proposed Order.

Chair Wasserman stated for the record: I will recognize Commissioner Eklund to second.

Commissioner Eklund reiterated: I will second the motion, thank you.

Chair Wasserman asked for a roll-call vote: Unless any Commissioner has a comment or a question I will ask Peggy to call the roll.

MOTION: Commissioner Gilmore moved approval of the Staff Recommendation, seconded by Commissioner Eklund.

VOTE: The motion carried with a vote of 21-0-0 with Commissioners Addiego, Ahn, Burt, Eckerle, Eklund, Gioia, Gorin, Hasz, Peskin, Ramos, Randolph, Showalter, Ambuehl, Belin, Kishimoto, Pemberton, Vasquez, Nelson, Gilmore, Vice Chair Eisen and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

Chair Wasserman announced: The motion passes and the Cease and Desist Order and the Civil Penalty are adopted. Thank you all very much.

Commissioner Vasquez added: I want to thank my fellow Commissioners and also my Commissioners that serve on the Enforcement Committee for allowing me the opportunity to speak about my concerns. I know in the end we will become a better Enforcement Committee and a better Commission itself in looking out and reaching out in making sure that people understand what they need to do. Anyway, I want to say thank you to everyone.

Chair Wasserman agreed with the kudos: I want to thank you and echo some of your comments. There is a range of things that you have raised that I believe that we need to do. Some of them are moderately easy to do, such as the one that Executive Director Goldzband suggested in terms of preparing a one or two-sheeter to distribute to all of the various planning agencies, both city, county and regional.

I also think there are legislative things we need to pursue in making sure that permits are recorded. And it may be - I don't know - that there are circumstances in which we need to go farther in terms of some of our actions. I just think we need to explore that with staff, along with all of the other things that our staff are doing, to move on this with some due speed and deliberation. I thank you all.

10. Briefing on Shallow Groundwater Rise Mapping and Adaptation. Chair Wasserman stated: That brings us to Item 10, A Briefing on the Shallow Groundwater Rise Mapping and Adaptation. Todd Hallenbeck, our Lead Geographic Information System staff member will introduce the briefing.

Geographic Information System Specialist Lead Hallenbeck presented the following: Good afternoon, Commissioners. My name is Todd Hallenbeck; I serve as your GIS Specialist Lead. Today we are going to hear about recently completed shallow groundwater rise mapping for several the San Francisco Bay counties.

BCDC is excited about the publication of this work as we are as a member of the Technical Committee and helped to integrate data from our regulatory and planning programs, including the ARTS sea level rise and flood maps.

This is the second in a series of briefings on the topic of groundwater rise. The last being a presentation from Dr. Kristina Hill in October about the science of groundwater rise and its potential impact on shoreline contamination. With this mapping and research you will hear about today, vulnerabilities to groundwater rise are more documented than ever, highlighting the scale of this issue in our region.

In response to our growing awareness of this threat BCDC staff is developing a guidance memo that synthesizes the latest science and provides options for incorporating more proactive considerations of groundwater into our permitting process.

For example, an increased focus on groundwater rise and the sea level rise risk assessments that are required of all larger shoreline projects.

This memo is a first step in assessing how our existing policies can be applied to better protect the Bay and shoreline from groundwater-related impacts.

We will be bringing the findings and analysis contained in that memo to the Commission for discussion this spring or summer. As you can tell, we are eager to get this information into the hands of our staff and the work presented today is a big step forward towards that goal.

So without further ado I want to introduce our presenters. Ellen Plane is an environmental scientist in the Resilient Landscapes Program at SFEI focusing on sea level rise adaptation and tidal habitat restoration.

Her work supports landscape planning efforts that aim to enhance shoreline resilience using nature-based solutions. Ellen also specializes and has been a leader in expanding knowledge about this emerging climate hazard in the San Francisco Bay area.

Joining Ellen is Dr. Kris May, the CEO and founder of Pathways Climate Institute. She is a coastal engineer and a climate scientist providing leadership and technical expertise to support climate change resilience and adaptation strategy development.

Pathways' mission is to create equitable pathways to climate resilience that respect nature and integrate science, engineering and policy to adapt to today's climate hazards and tomorrow's uncertainties.

In addition to her work on the groundwater rise mapping, Kris was instrumental in development of the Adapting to Rising Tides sea level rise flood maps that we publish through the Bay Shoreline Flood Explorer.

So I want to sincerely thank them both for spending the afternoon with us and I will hand it over to them to share their work.

Ms. Plane addressed the Commission: Thank you very much, Todd, for that introduction. We are going to be presenting today on this project that Todd mentioned, mapping shallow groundwater in four Bay Area counties, Alameda, Marin, San Francisco and San Mateo counties.

First I will go ahead and start by introducing our project team. Pathways Climate Institute did much of the mapping work on this project. Kris is the technical lead over there as well as Abby Mohan and several other members of their staff.

From SFEI I was joined by Tony Hale, our Environmental Informatics Director. And Kristina Hill, who Todd mentioned recently gave you all a briefing on the science of groundwater rise, has really been instrumental in bringing more awareness about this topic to the Bay Area in general and also kick-starting the research as well. Kristina has served as a key technical advisor for us throughout this work.

As we are starting to develop more detailed adaptation plans for many areas around the San Francisco Bay Shoreline it is becoming more and more clear that we need to be planning for water coming from multiple directions. In addition to thinking about water coming in from the Bay shoreline inland, we also need to be thinking about the fact that we are dealing with more extreme storm events, more precipitation coming in more intense and short periods like we have seen during some of the atmospheric rivers, and bomb cyclone storms this winter. We have water coming down from watersheds. And we also have water coming up from below as sea level rise pushes farther inland and causes overlying groundwater to rise.

Just to give you a bit of a history on some of this research. Kris and Kristina Hill and I started collaborating on this research back in 2017. We also were collaborating with folks through the Resilient by Design Challenge when conversations really started to get going about adaptation to this emerging climate threat in the Bay Area.

In 2019 we published what we deemed a rapid assessment method to identify groundwater flooding hotspots in the Bay Area and we really were building on the methods that we developed from that initial rapid assessment for this work that we are presenting on today.

That was really a valuable first pass in identifying areas that are at risk. However, we had a lot of data gaps that we wanted to fill based on the data that we had been working with in that initial effort.

There was a workshop back in 2019 that was co-hosted by BCDC. Kris, it looks like you are on now, do you want to take over for a bit?

Dr. May continued the presentation: Sure. Thank you for your patience. I tried to turn on my camera and I had to reboot.

But yes, the workshop really brought together people from throughout the region just a few months before the pandemic shut us all down. But it identified the need that looking at the shallow groundwater layer and how it would respond to sea level rise was really a critical data gap with respect to adaptation.

We submitted for a California Resilience Challenge grant to do the work in four counties and we were thankful to win that grant and help move the work forward with a lot of work and a lot of help from people across four counties.

We just finished our report. It was released on January 17, 2023. The primary data source that we used is from monitoring wells. That is data that is submitted to GeoTracker with the State Water Resources Control Board.

These are located at sites with potential contamination. But these wells also measure the depth to water, which is how far the water is below the ground surface. All the dots on the map are showing places where there are wells. There are a lot of them. This graph shows the change in the water level elevation below the ground.

In the next slide we can see it a little more clearly. The water table, it rises and falls quite often in response to precipitation events. That water table is generally at its highest after a lot of rain.

In January we had nine back-to-back storm events and the water table throughout the low-lying areas is extremely high. That is representative of what you see here in 2017, that highest water level elevation on this graph. That is what we call Wet Winter Conditions.

That is usually going to occur in the late spring; whereas in the dry summer conditions or periods of extensive drought the water table can be quite low.

At this well it is ranging about five feet up and down but there are wells that will vary less or vary more. We were really looking at Wet Winter Condition, that highest groundwater elevation, because that is what generally informs design, design of roadways, foundations and underground infrastructure.

In addition to looking at all of the GeoTracker well locations filtered to look at that Wet Winter Highest elevation, there were a lot of areas where we had data gaps. This is where the counties came in and they did a lot of work to collect geotechnical data reports for us. These contained boring logs, often in areas of development where we could look through the soil boring and identify where the water table was in areas that we had data gaps. These are commonly collected for transportation, roadway improvement and new development projects.

Palo Alto is having every homeowner that does improvements, they need to do a boring log and check where the groundwater table is.

We also used data on all of the streams. The streams and drainage canals, they provide a drainage mechanism for that shallow groundwater layer.

And then we also connected it to the Bay tides.

So this final data compilation map, that shows you all of the data points that we used to develop a map of that portion of San Mateo County.

Once we have all of those data points we do an interpolation to develop an estimate of the water table throughout an entire area. So it is not perfect because we are not mapping it at every meter of resolution but it allows us to get a really good picture of the depth to groundwater below the ground.

If you look at it in a total elevation like NAVD88, the groundwater table is fairly smooth, whereas the ground elevation might be changing quite a bit above.

What we really want to look at is that depth to groundwater. How far is that groundwater below the ground throughout? The four counties we looked at were Marin, San Francisco, San Mateo and Alameda County.

We are often asked why we selected these four counties. After that workshop in 2019 these were the counties that really committed to help us collect those geotechnical borings and also provide in-kind services to help us ground-truth this data.

We reviewed these county by county in ground-truthing meetings to help make sure that areas where we were seeing emergent groundwater today, which means the groundwater table is actually coming above the surface today, which is the areas you can see in purple, that those were areas where that was true. These were areas where the county had seen flooding, had seen swampy lands, had seen emergent groundwater.

This provided our baseline for existing conditions that we then used to project how that groundwater layer would rise with sea level rise.

We also developed a separate layer that helps the communities understand when the groundwater table is within 6 feet of the ground surface.

This 6 feet is important because this is the zone that contains the most of our subgrade infrastructure such as residential and commercial basements, buried utilities, our roadway and rail subgrades.

If your water table is not within 6 feet of the surface today, but it will be in 6 feet of the groundwater surface in the future with sea level rise, then your infrastructure may not have been designed for a high groundwater table and you have more potential consequences of degradation of that infrastructure as the groundwater table rises.

We looked at ten sea level rise scenarios aiming to align with the BCDC data that is already available in the ART Bay Shoreline Flood Explorer with the hope that once we complete this data for all nine counties we can get the groundwater data embedded in that viewer as well.

This gives you a picture. All the purple areas. There are web viewers that you can zoom on this a lot closer online. But this just shows you. All those areas of purple that you see in these four counties, those are areas where we could see emergent groundwater with 36 inches of sea level rise. If there are wetlands we are having emergent groundwater today.

But these are the areas when you are going to first get ponding on the surface, swampy conditions during Wet Winter, so during the storm season. The amount of emergent groundwater is just going to expand as sea level rises.

But I want to note that our analysis was done using data between 2000 and 2020 looking at how high the groundwater table could be based on the storms that occurred between 2000 and 2020.

The December 2022 and January 2023 storms, that series of nine back-to-back storms were significantly larger than any storm that we used during our analysis period.

Throughout the Bay Area, I would say areas that show emergent groundwater on our 24 to 36 inch layer, these were the areas that had significant flooding problems during that storm. We drove around and took a lot of pictures of flooding in these areas to help validate our map.

I would caution on the map that really these maps can also help us identify the areas that are going to flood during these large storms that we did not expect to see flooding as these storms continue to intensify.

With that I will turn it back over to Ellen.

Ms. Plane continued: Great. Thank you, Kris. As Kris mentioned, the scenarios that we mapped for rising and emergent groundwater align with the scenarios that are included in BCDC's Bay Shoreline Flood Explorer.

One of the products that we developed as part of this work was an overlay of the extent of inundation from coastal flooding from the Bay with the extent of flooding from emerging groundwater. What these maps really reveal is how much farther inland we expect to see impacts of flooding from emergent groundwater compared to direct flooding from the Bay.

So looking at this screenshot from one of our web maps, here you can see the darkest indigo color is where we expect to see flooding with 36 inches of sea level rise from both direct inundation from the Bay and emergent groundwater. Whereas this lighter purple color is where we expect to see inundation from emergent groundwater. The orange here is that within 6 feet of the surface layer that Kris was showing.

Those overlays can help identify areas where planning may have already been done or been thought about for direct inundation from the Bay but folks may not have thought about emerging groundwater ponding in inland low-lying areas.

We have also included a number of other overlay layers in this web tool including jurisdictional layers like counties, cities, operational landscape units, transportation systems, some more geomorphic focus layers like historical Baylands and artificial fill.

I will just note that looking at our mapping we are able to see that pretty much all of the areas that are built on artificial fill over historical Baylands are vulnerable to rising and emergent groundwater. We have also included some planning layers like disadvantaged communities and priority development areas so that may be a useful tool for some of those folks here on the call.

Just going over what some products are available that you may want to take a look at. These are all available through SFEI's website.

The first is a report that goes into much more detail than this presentation about the methods as well as the results and some planning guidance.

We have also developed a story map that goes through, for more of a general audience, the basics of rising groundwater and links to some of these other materials as well.

We also have GIS data available for download.

We have developed two web maps, one for existing conditions and one for future conditions. I was showing that future conditions one just a minute ago.

As Kris mentioned, we would eventually like to move away from these temporary web maps where we are hosting layers so people can zoom around for now and move everything into the Bay Shoreline Flood Explorer so everything can be accessed more from one central portal.

Now I would like to move into a bit of a discussion about adaptation. With this grant we were also able to host an adaptation workshop to get some conversations going with representatives from local governments. This workshop was back in the summer of last year.

We also had some guest presentations from folks outside the Bay Area. The Bay is by no means the only region that is facing this issue of adaptation for rising groundwater. In fact, many urban coastlines around the country and around the world are dealing with this.

We had presentations from folks at the University of Hawaii who are researching this issue and developing adaptation strategies as well as presentations from USGS who have been doing a lot of work thinking about the intersection of rising groundwater and liquefaction. And I will touch more on that in a minute.

We had about 100 attendees at this workshop, primarily local government representatives, as I mentioned.

We focused the conversation on four topics.

The first of those was liquefaction. You will see on each of these slides we have just included a snapshot of our interactive whiteboard from the workshop where we collected all of these ideas.

Liquefaction can occur during an earthquake when soil starts to behave more as a liquid than as a solid. One of the factors that contributes to liquefaction risk is groundwater saturation, soil saturation. So with rising groundwater we expect the area that saturated to expand and so areas that historically were not as at as high of liquefaction risk may be facing increased liquefaction risk in the future.

In this room some of the adaptation strategies that were discussed were updating building codes and design guidance to account for this higher groundwater table, specifically thinking about seismic risk. Some engineering strategies do already exist, soil densification and other types of seismic upgrades can be done. But those may need to be applied in new areas.

Participants in the workshop identified the need for more outreach and education about this risk as well as the need for some model policies and strategies for new development and for existing development that needs to be upgraded that folks can use.

Another factor was infiltration and corrosion. Kris mentioned when she was showing that within 6 feet of the ground surface map that a lot of our infrastructure that is buried below the ground can be subject to more infiltration and corrosion as groundwater rises.

Some example adaptation strategies we talked about with this group were using alternative pipe materials that are more resistant to cracking that can reduce the amount of water that is getting into those pipes and affecting our ability to convey stormwater and wastewater, for instance, which can really cause issues with backups and so forth.

Another issue is that as sea level rises and intrudes farther inland, groundwater can become more salty and cause more corrosion. Another adaptation strategy may be the need to replace or upgrade underground pipes with anti-corrosion materials; for instance, sacrificial metals to prevent the pipes themselves from becoming corroded.

Participants identified the need for better data on utility locations, conditions and depths to be able to know where these things are a problem and also the need for more funding for capital improvements.

Another room was focused on policies and building codes.

As Kris mentioned, we typically design our underground infrastructure based on that historical maximum groundwater level. But we know we are not living in a static condition anymore and that maximum groundwater level is rising and so to anticipate that we may want to set policies that require building to a higher standard above that historical groundwater maximum.

In some places that are deemed particularly high risk the idea of banning new underground structures came up.

A need for new foundation design guidelines. Also the need for more monitoring of foundations to ensure building safety considering groundwater rise.

We also had some more expansive conversations about what the future of the urban landscape might look like considering all the water that we are dealing with in the urban landscape. So there may be places for more floodable parks, raising homes, ponds and green infrastructure in our urban areas.

Still needed, again this came up in many of the groups, it is much easier to regulate new development. But what to do about the existing buildings and how to upgrade those.

And then, again, the ideas of having some model policies and more communication and outreach came up as well.

In the last room we talked about green infrastructure.

As many of you may know, green infrastructure is being used in many places for runoff reduction as well as pollution reduction.

But historically, rising groundwater may not have been incorporated into the planning for green infrastructure and so there is a need to reconcile the fact that groundwater is rising with these plans for infiltration.

Some adaptation strategies were talked about where, again, ensuring these green infrastructure installations are above the maximum groundwater levels that we anticipate in the future if they are expecting to do infiltration.

Also thinking about how to make them more multifunctional to serve flooding benefits as well as habitat and remediation.

The potential to reuse water in the dry season. We have a need for water in many places during the summer and then often too much water in the winter so thinking about ways to integrate those goals.

And then also acknowledging the fact that sea level rise and rising groundwater means that we are losing space along the shoreline for coastal wetlands and may need to think about how to convert green infrastructure to allow migration of coastal wetlands inland in the future.

Still needed are ideas to address many of these challenges like buoyancy, salinity, and the fact that there is limited space currently for installations like this in many of our cities.

We will not go into too much detail today about contaminated sites. I know Kristina Hill came and talked to you a bit about this last time. But we do want to acknowledge that this is a major adaptation challenge with rising groundwater because it can change groundwater flow directions and cause some chemicals to volatilize and move into the air through cracks in pipes.

And the fact that remediation plants have not historically considered climate change impacts. Sites may be considered closed and remediated and now conditions are changing due to rising groundwater and so we may need to start considering how we can change and update those remediation plans to account for that.

I do want to note here that the San Francisco Bay Regional Water Quality Control Board has been making some big moves on this and they are in the process of reprioritizing cleanup sites and identifying and implementing new regulatory requirements, vulnerability assessments and adaptation plans for many of these sites considering this research.

So just to give you a sense of what our next steps are. We have mapped four counties now. We would really like to have a complete map for the full nine-county Bay Area.

We have secured funding to complete mapping for Contra Costa County so that will be in progress.

We would like to find funding to complete mapping for the remaining counties.

As I mentioned, the Flood Explorer integration along with that process bringing in more coordination and outreach with community-based organizations to bring folks in on the planning for this.

We also have identified the need to do more local-scale dynamic modeling. The modeling that we have done is based on these empirical measurements from monitoring wells and soil borings that we have stitched together but it does not account for that changing directions of flow. That is why we really want to do this different type of modeling at the site scale. That will help us really understand better the impacts on contaminant plumes and also do more adaptation planning at the local scale.

I am going to stop presenting now and I will open it up for any questions for me and Kris. Thanks so much for taking the time today.

Chair Wasserman acknowledged and asked: Thank you very much for the presentation. Do we have questions from Commissioners?

Commissioner Vasquez chimed in: I am pretty talkative today. Ellen, I want to thank you for the work and hopefully you get up to Solano County.

My question is, the Sustainable Groundwater Management Act of 2014 required that we address these basins. There are 140 basins in California covering 58 counties and there are like 260 what they call GSA, which is Groundwater Sustainability Agencies, in the state. It is based on low priority, high priority and medium priority.

Solano County, one of the basins we had to address on the east side of the County itself, which is a medium basin. We have a lot of monitoring wells already. But that the uptake of groundwater does leave a void allowing other waters to intrude, whether it is water from the Delta or water from the Bay. Had you started to look at those groundwater sustainability plans?

Dr. May replied: I was just going to say that most of those sustainability plans are really focused on the deeper aquifers that can be used for potable water.

What we are focused on is the shallow, unconfined aquifer that can actually rise up above the ground surface. It is usually located within 30 feet of the ground surface and it will be separated from the deeper aquifer by a layer of clay.

Commissioner Vasquez added: I was just speaking for Solano County and Solano County Water Agency. We do have those different wells at different depths to make sure that water is not being impacted.

Dr. May acknowledged: Yes.

Commissioner Vasquez continued: There is like a shallow depth, that one clay layer, and then the 500-800 feet and then the big one down 2,000 feet below, which is the Tehama Aquifer. We are looking at that stuff.

On the west side of the County obviously we have the Marsh and I know that there have been some wells that have started to pick up saltwater that are in the Marsh itself. There is some agriculture that occurs in the Marsh. We just heard about a gun club that had a well and got financing for it to bring a little cleaner water, sweeter water as they indicated.

We are concerned about the up and coming wine industry in the Suisun Valley, which is again on the west side of the County, in a different basin that has not had to address it yet but we do believe that there you are going to start to get that intrusion as water is being pumped

out of the ground at different elevations, as you indicated. Those lower ones can be very shallow wells that an individual could pick up to use for their home or farming operation if they need to use a little bit of water, not a terrible amount of water. Anyway, just my thoughts, thank you.

Dr. May stated: Yes, thank you for those thoughts. Definitely a pumping out of the shallow groundwater layer as well as the sea level rise and the salinity intrusion, those could all impact the water quality.

I also wanted to mention one thing. We have been in lockstep with the Regional Water Quality Control Board who has been a great partner and they are working on changing regulations to address this issue.

But DTSC/EPA has now finally gotten into this as well and they do have their new draft guidance out for comment on how they are beginning to want to consider sea level rise and rising groundwater and remediation actions. So this is definitely an area I think for everyone to keep our eye on.

Commissioner Eklund commented: Thank you very much for this great presentation. When I was at EPA I was in charge of the groundwater program for three years and that was more regional level than local. Anyway, in looking at your map it looks like Novato is a lot of purple, which I would imagine that that is going to have a lot of groundwater rising, I guess, and also sea level rising. Is that correct?

Ms. Plane answered: Yes. Yes, thanks for that question. Many of the diked Baylands that we have, for example, along Novato Creek, are seasonal wetlands already today. If you drive on SR37 through the Novato Baylands you will see water after the storms. And that is really what we mean by emergent groundwater today is a seasonal wetland. So that is what you are seeing in the mapping there.

So any of those places that are showing up as purple, if you are to go out and visit them after a storm you will see some ponded groundwater likely. So really what you want to look at when you are looking at these maps is, as we click through the sea level rise scenarios you will see that area of emergent groundwater expanding over time. Did that address your question?

Commissioner Eklund explained: Well, I guess I am more concerned with Hamilton because part of Hamilton was developed with housing. On the south end of Hamilton is where we did build houses but that is seven feet below sea level. We do have a levee that is protecting that neighborhood.

But my concern is, if we are going to see 36 inches, which I guess your report was talking about a 36-inch rise in groundwater level, how could that affect to some of the residential communities that are adjacent to the Bay like Hamilton and what should we be working on now to help protect those homes and the infrastructure that has already been developed in that area?

Ms. Plane replied: Yes. Many of the places that have already been developed and built below sea level are already pumping. Thinking about places like Bel Marin Keys or Alameda or Redwood City, places with lagoons that are built on historical Baylands.

Those lagoon water levels are actually impacting groundwater levels; and pumping out of those lagoons to maintain a certain water level affects groundwater levels. That is something that we are already influencing the water table but will become more and more of a challenge with sea level rise to manage that type of system. Kris, I would invite you to add to that answer as well, if you would like.

Dr. May spoke: Yes, I would love to. One of the challenges we do have is the levees, depending on the type of levee; although it may help keep the Bay out and address sea-level-rise-driven, coastal flooding, they are not constructed in a way that is going to help you deal with the rising groundwater.

So we can invest a lot of money in levees and flood protection structures that still leave communities in low-lying areas with a significant flood hazard in the rising groundwater.

This is newer, newer information. We have been tackling sea level rise for a long time. But we are going to have to really look at strategies that can address all of the hazards together. Looking at sea level rise, looking at the rise in the groundwater table, and also considering the extreme precipitation events and how those are increasing with sea level rise. Because just building a levee, we know now that that is not a sufficient solution all on its own.

The solution that is most common right now in dealing with groundwater is pumping. But if we think about all of the low-lying areas around the Bay; that would require a lot of pump stations that would be very energy intensive.

So we are looking to try and develop more innovative, adaptive solutions that will help communities be able to stay near the Bay without dealing with all these hazards. But definitely there is a lot of research and work that needs to be done.

Commissioner Eklund mentioned: I would certainly like to have more discussion offline about Novato because I know that depth to groundwater in the Hamilton area is like inches. In fact, probably vegetation that homeowners have planted had died because the groundwater had an increase in salinity, obviously, because of the migration of the Bay water into the groundwater underneath the houses.

But if we are going to have in addition groundwater rise, some of these backyards may end up being pretty soft. Anyway, so I guess I would like to have more conversation. Maybe have our public works department also get engaged a little bit because it looks like Novato and the Novato areas, so it would be the county as well as the city of Novato that we would probably want to get together with you guys. Thank you very much. Great presentation and thank you all for your hard work, it is really good information for us to have.

Commissioner Showalter was recognized: Well, thanks very much for this information. It is very important. I began my career many, many years ago, as a geo-hydrologist but over the years I have worked up to the surface and done a lot of restoration work and now helping with policy. Anyway, so I know enough about this to be dangerous.

But a couple of things I would like to share that I think we should all be really aware of. That is, this is going to be very important for foundation designs and so we want to make sure that our public works people are very aware of this. There is a lot of work being done on it but my understanding is that a lot more is needed.

Then another thing I wanted to mention is the vital importance of sealing wells properly. Before about 100 years ago a lot of the water supply in the Bay Area was just local people's wells. Since that time we have pretty much all gone on to imported water or surface water that we collect in our reservoirs. But we found, particularly in Santa Clara County, we have confined aquifers. Every once in a while we will have a really, really heavy water year and there will be these artesian wells that come back that nobody knew were there for quite a while. That will be made worse with this sea level rise problem so I just would like you to be on the lookout for that. And if you hear of these wells, they need to be sealed properly. It is just one of those important legacy jobs.

And then another thing I wanted to mention is that we have a lot of Superfund sites in Santa Clara County so volatile organics coming off of the groundwater are an issue, have been a big issue.

So we, not just us, but we have used a lot of vapor- barrier technology to protect buildings that are built over Superfund sites or sites where there are plumes. I want to share that those vapor barriers are very inexpensive if you put them in right at the beginning and they are cost prohibitive if you do not. So I would just like to share that that is another thing as well as sealing wells that you should be on the lookout for, is putting in vapor barriers maybe more places than we would have in the past.

And then the other thing I wanted to say is, could you share the link with us to your report? You said it came out in January. That would be wonderful.

Ms. Plane stated: Yes. I will put that in the Chat right now.

Executive Director Goldzband added: And we will post it as well.

Commissioner Eckerle commented: Thank you. I can see myself twice on the screen so hopefully, it does not look so crazy for everyone else. I do not have a question. I just wanted to really say thank you to Ellen and Kris. The presentation was really incredible and very helpful.

As the Director of the Ocean Protection Council and helping lead some of the state's efforts to build resilience in the face of climate change I think this is a really, really critical piece of information and scientific foundation and framework for the work that we are doing across the state.

It is certainly a huge priority for us to understand all of the impacts that are being caused by climate change on the coast and how we build resilience. So having a better comprehensive picture of what is happening will help inform the solutions.

And this idea about how we better target investments so that we are building resilience and directing resources to communities who are most vulnerable and then in these places where you have got flooding from sea level rise and groundwater rise overlapping with contaminated sites it is a huge deal. So just saying thank you very much for the work and we look forward to seeing it continue to be built out.

Commissioner Randolph had questions: Very interesting, thank you very much. Two questions. One is, so Marin County you have looked at. There are two points, one at the base of the Richardson Bay Bridge in Marin and the other being at the base near that of the Waldo Grade where in storms with very high tides it tends to flood, sometimes a lot. So is what we are seeing there now saltwater intrusion or is that groundwater actually being pushed up?

The other question is, you mentioned levees and really levees being inadequate to protect against this because the water will go underneath. Typically, how deep is the water that would go underneath the levee to push up groundwater?

What I am wondering is, in some areas levees or barriers have been built, say, using steel panels. Would it be a design option among others to create levees with steel panels going to a certain depth underground that would prevent the water from going up through or that is just not going to work? It is going to go underneath no matter how deep you go. So I am wondering how deep below the groundwater typically are we talking about here of the ground level?

Dr. May answered: This is Kris, I can take this one. For your first question you are probably seeing a bit of both of sea level rise during flooding as well as groundwater-driven flooding. One of our staff lives in Marin and has taken a great series of pictures that show how both are definitely a factor in a lot of the low-lying areas in Marin.

As far as how deep that shallow groundwater layer is varies throughout the Bay. Some areas it might be 30 feet, some areas 50 feet, some areas may be more shallow until you hit that clay layer.

The challenge is, if you build in a cutoff wall, a sheet pile wall, something that is going to try and block that connection between the Bay and the inland groundwater, you can prevent that inland groundwater table rising due to sea level rise. But I showed you that plot that showed you how variable that water table is due to precipitation. In some areas it can vary up to 10 feet. That water needs to have a flow path out to the Bay.

So if you block that flow path you could actually be backing up an extensive amount of precipitation, rainfall after the rain, and actually making flooding worse for an inland community. So if you do put in cutoff walls, then you are definitely going to need a solution to deal with getting that groundwater out. That is definitely one of the challenges. Right now the first line of defense has been pumping and we really need to develop some solutions beyond pumping to help with this issue.

Commissioner Nelson commented: Thank you, Chair. A question both for our presenters and for staff. Really helpful presentation. I think it is going to be enormously helpful in things like the ART program where we are working with local governments and stakeholders on local adaptation plans. But I am wondering if either staff or our presenters have thoughts about what how this presentation might inform and help us think about modifying our regulatory and public access programs?

Mr. Hallenbeck fielded Commissioner Nelson's question: Thank you, Commissioner. I will take a first crack at that. With respect to the guidance memo that the staff are developing, one of the things that we are able to do for the first time is actually just point both our own staff as well as the folks that are coming to us for shoreline permits to the maps and resources that better show where this may be more of an issue.

With that information we are also empowered a little bit more to lean on existing policies that we have that may allow us to request additional information, particularly in things like risk assessments, about the hazards that flood risk pose and how that might be incorporated into a project's adaptation plan or design. So those are a couple of the ways that we are at least initially thinking about how regulatory staff will be able to use this.

I think in particular there is also going to be a tremendous focus on how maybe our Engineering Criteria Review Board is able to incorporate some of the concepts here in terms of the review that they do in shoreline protection and fill projects. At a couple different stages in that permitting process, but at least initially, some of it is asking more specific questions about how projects are designed to accommodate this hazard.

Commissioner Nelson acknowledged: Thanks, Todd.

Chair Wasserman continued: I do not see any other Commissioner questions. I think we have a public comment.

Ms. Kreeger commented: It is actually not a public comment, I am just saying. My name is Martha Kreeger and I am the district representative for Senator Aisha Wahab. I wanted to thank you for your work on this. I wanted to thank the BCDC and also the San Francisco Estuary Institute and ask two questions if that is possible.

I see that you are not taking those questions but wanted to say that these particular areas, I hope that you have noted that these are unincorporated areas in Alameda County. They also include communities that may not have the kind of economic resilience that other communities do have.

I wanted to know if you were using any of the equity maps that Stanford University had brought out to look at families in that area? I know that you said that the maps went from 2000 to 2020. But I just wanted to make sure or find out if that is part of the research that has been done on that area? And I would really appreciate it, again, this is such a critical conversation. Just really, really, really grateful that you have made it possible for us to hear it. Thank you very much.

Ms. Atwell acknowledged and noted: Thank you. No more public comment.

Chair Wasserman continued: That brings us to the end of this item which does not require action. I join in everybody's thanks for the study and the work you have done, this is very, very important.

11. Closed Session on Pending Litigation. Chair Wasserman announced: We now come to the last item on our Agenda which is a closed session on pending litigation regarding the Dhillon Case in Solano County.

Chair Wasserman gave the instructions for Commissioners' participation in the closed session.

(The Commission was in closed session from 3:13 p.m. to 3:49 p.m.)

Chair Wasserman reconvened the meeting: We have completed our closed session and did not take any reportable action.

Peggy, do we have any virtual people who wish to make a public comment on this item?

Ms. Atwell stated: I see no hands raised, Chair.

Chair Wasserman noted: And there is no one in the audience.

12. Adjournment. Upon motion by Commissioner Peskin, seconded by Commissioner Ahn, the Commission meeting was adjourned at 3:48 p.m.