

San Francisco Bay Conservation and Development Commission

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May 26, 2023

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Reylina Ruiz, Director, Administrative & Technology Services (415/352-3638; reylina.ruiz@bcdc.ca.gov)

SUBJECT: Approved Minutes of May 18, 2023 Hybrid Commission Meeting

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

Chair Wasserman stated: My name is Zack Wasserman, and I am the Chair of BCDC. Before we get started, I want to inform everyone that Item 10 on today's agenda regarding a proposed project at 777 Airport Boulevard in Burlingame has been postponed, perhaps to the June 15 meeting. We are also moving Item 8 regarding legislation to the end of today's agenda.

Chair Wasserman asked Ms. Ruiz to proceed with Agenda Item 2, Roll Call.

2. **Roll Call.** Present were: Chair Wasserman, Commissioners Addiego, Arreguin, Eklund, El-Tawansy (represented by Alternate Ambuehl), Gioia, Gorin, Gunther, Hasz, Lee (represented by Alternate Kishimoto), Lucchesi (represented by Alternate Pemberton), Mashburn (represented by Alternate Vasquez), Moulton-Peters, Pine, Ramos, Ranchod (represented by Alternate Nelson), Showalter and Tam (represented by Alternate Gilmore).

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Speaker of the Assembly (Ahn), Department of Finance (Almy), USACE (Beach), U.S. Environmental Protection Agency (Blake), Association of Bay Area Governments (Burt), Department of Natural Resources (Eckerle), Governor (Eisen, Randolph), City and County of San Francisco (Peskin)

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.

(No members of the public addressed the Commission.)

Chair Wasserman moved to Approval of the Minutes.

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

MOTION: Commissioner Addiego moved approval of the Minutes, seconded by Commissioner Kishimoto.

The motion carried by a voice vote with Commissioner Gilmore voting "ABSTAIN".

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

The Commission's approval last year of our updated regulations establishes term limits for Design Review Board Members and enables greater flexibility in appointing Board Alternates. As a result, three DRB Members and Alternates have stepped down from service and one Board Member requested to shift to an Alternate position. The DRB began a recruitment process in February for the open positions. Jacinta McCann, Chair of the Board, and Gary Strang, Vice Chair of the Board, operated as the Selection Committee. BCDC received 17 sets of qualifications and the Selection Committee interviewed 10 candidates for the 4 openings.

The DRB Selection Committee has identified the following candidates to be appointed to the DRB, by me as Chair. They are:

Leo Chow for the Architect Board Member. He is a Fellow of the American Institute of Architects and Design Partner at Skidmore, Owings, Merrill, with 28 years of experience working on projects like Treasure Island Master Plan and India Basin. He has served on the San Francisco Arts Commission and with San Francisco Heritage.

Patricia Fonseca Flores for the Landscape Architect Alternate. She is a Senior Development Manager at LendLease and former principal at AECOM. She has led, managed, and designed a number of resilient open-space projects such as Crane Cove Park, Treasure Island Community Development spaces and Islais Creek Southeast Mobility Adaptation Strategy.

Guneet Anand for the Urban Designer Alternate. Guneet is a Senior Associate at Sitalab and has worked on projects such as Pier 70 Waterfront Redevelopment, Resilient by Design, and the Waterfront Resilience Program.

Cody Anderson for the Engineer Alternate. Cody is a principal at Sherwood Design Engineers. He has worked on projects such as Pier 70, the San Francisco Ferry Building, and Genentech South San Francisco.

Unless I hear any concerns, I will appoint these highly qualified candidates and thank them in advance for their service on this very important board. I hear and see no objections; thank you.

I have two requests for our Commissioners today.

First, Senator John Laird's bill SB 272 is scheduled for a hearing today in the Senate Appropriations Committee. I think that we all agree on the need for this legislation to be approved and moved to the Assembly and then the governor's desk and then signed.

I would ask that each of our county supervisors and city council members request that their appointing bodies formally support SB 272 and send a letter with that information to Senator Laird's office. Our staff will be happy to provide you with what information you would like to include in the letter and the address if you need it.

This is truly important. Nobody quite knows why the governor vetoed it last time. There is speculation about funding. There is speculation about other things. But one thing we do know is there was no real campaign to get it approved. We do not want that to happen this time. And if there are other associations that you are a member of, and think would be interested in endorsing it please get that as well.

Second, as our outreach on behalf of the Bay Adapt Program gets traction this spring and summer, I am going to ask each of our county supervisors to arrange for our staff and members of our Local Elected Task Force to be invited to your countywide mayors' meetings that I believe occur at generally on a monthly basis.

It is vital that we educate the local mayors and their staffs as quickly as possible about Bay Adapt and our work to create guidelines for local governments to use as they analyze projects proposed in their jurisdictions.

Our next BCDC meeting will be held on June 1, two weeks from today, and will be a regular hybrid meeting. Again, I encourage people to attend in person.

I expect that we will consider a legislative position on SB 273 that I will address later in this agenda.

There will also be a closed session on an enforcement matter at that meeting.

Possible consideration of a permit application for a project at 557 East Bayshore Avenue in Redwood City.

A briefing on our staff's work with Cargill on issues relating to their saltwater ponds.

I do want to give you a heads-up, you will be getting more information about this over the next several weeks. After June 30, the requirements of Bagley-Keene that had been in place during the pandemic will revert to regular requirements under Bagley-Keene, which will affect the manner in which people can participate remotely. It will be possible to continue to participate remotely but there will be noticing and access issues and you will get information from Reylina, from Larry and quite possibly from our counsel.

Commissioner Gioia chimed in: I think BCDC ought to do what the Air District and some of the other regional agencies are doing, including the San Francisco Bay Restoration Authority. And that is, under similar provisions of the Brown Act, we have created regional locations for meetings.

I know my office is a location. There is a location in Santa Rosa, Palo Alto, Alameda County. The agenda lists the locations of where you can participate remotely. It is posted on the agenda. It is posted at the remote location. It is accessible to the public and there is good technology for hybrid.

I think there is no reason BCDC does not work with the Air District on this and that gives the option for BCDC Commissioners in various parts of the Bay to choose whether they wish to participate remotely.

Now under the Brown Act, I do not know if this is the case under the Bagley-Keene, I think it is, that if those remote locations are published and the public is allowed, the quorum is established by the number of people at all of those collective locations that's within the Bay Area.

So, if we could get further guidance, Zack, from our counsel, from Greg. Again, those other agencies operate under the Brown Act, but that provision allows that noticing. It is something that regional agencies have all agreed, is something that is good to do, so everyone does not have to all come into San Francisco every meeting; we can occasionally, or not.

Chair Wasserman replied: In process and I will let our Executive Director address it.

Executive Director Goldzband commented: Thank you, Chair Wasserman. You are channeling me, Commissioner Gioia. Yesterday, we had a meeting between Andy Fremier from MTC, Dr. Phil Fine from the Air District and yours truly in which we talked about this already. So MTC, the Air District and BCDC will be cooperating on this and hoping to get something going.

Now I will say one thing. It is our understanding as of today, that under Bagley-Keene as we see it, although we have not had a counsel look at it, nobody is going to have to come in or use one of those spaces. As long as it is noticed where the Commissioner is and it is publicly accessible that can work, we think.

But it so happens that tomorrow there will be a discussion about this within the Natural Resources Agency and we expect to be able to get more direction next week on what is allowable and what is not allowable under Bagley-Keene and we will update everybody.

Commissioner Gioia acknowledged: Thank you.

Chair Wasserman continued: Thank you.

That brings us to ex parte communications. If anybody has had discussions outside of this meeting on adjudicative matters that are going to come before us, now is the time if you wish to do it orally. You need to do it in writing under any circumstances. Does anyone have an ex parte communication to report? I see none. And I welcome Commissioner Gunther.

That brings us to Item 6, the Report of the Executive Director.

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

During one of my first assignments in the US Capitol Building when I was a very young legislative assistant to a member of the House of Representatives, I noticed that there was a statue of a woman representing the state of Montana in the Capitol. That was notable because I am not sure whether there were any other women who represented the 50 states in Statuary Hall.

The statue was of Jeannette Rankin. While she is probably best known for opposing the declaration of war on Germany in 1917 and was the sole member of Congress to vote against the Declaration of War against Japan following the attack on Pearl Harbor, it is important also to note that she was the first woman to hold federal office.

Representative Rankin was elected to the House as a Republican from Montana in 1916 and was elected again in 1940. She began her political career as a suffragette and worked in both San Francisco and New York City before she moved back to Montana, where she was born into a notable political family. Representative Rankin died on this day in 1973 in her apartment down in Carmel on the Monterey Peninsula.

With regard to staffing: Unless we hear otherwise, we plan to hire Katie Fallon for a position on the Adapting to Rising Tides Team. She will be supervised by our new ART Science and Data Manager Cory Copeland, who is not here right now. I was going to have Cory stand up. He is upstairs, okay. She will focus on analyzing and sharing adaptation-focused data for the region.

Katie just received her Master of Urban Planning from UC Berkeley a few weeks ago and earned her undergraduate degree in urban studies and geography from Vassar. So, she is both a Golden Bear and a Brewer. Prior to earning her graduate degree, she was an AmeriCorps member working on measuring the health impacts of affordable housing developments in New York City and was also a New York City Urban Fellow.

Her graduate studies focused on bay-shore urbanism and coastal land loss due to sea level rise. Katie will join BCDC in August, but not until she completes her climb of Mount Whitney this summer.

As many of you know, one of my goals since I joined BCDC has been to break down various silos within staff and between staff and the Commission. One of the ways that we will soon attempt to do that is to ask our volunteer members of the Design Review Board and the Engineering Criteria Review Board to meet with our staff to learn about how we are moving forward with Bay Adapt and be asked whether and how they would like to become involved in our progress.

As staff and Commissioners work together to move our strategic and adaptation planning programs forward, which include a charge to review and improve our regulatory processes, it seems to me that DRB and ECRB members likely will develop some great ideas about how their work as designers, architects and engineers can help inform our progress. We will have an initial meeting early next month and I will keep you informed of any developments.

We received some very good news last week regarding the Commission's enforcement case regarding Mr. Lee Greenberg's property near Goodyear Slough that you heard and decided last July. The Superior Court in which Mr. Greenberg filed his challenge to the Commission's decision upheld both the Commission's decision and the process the Commission used to make that decision.

I am especially pleased that the Court highlighted the Commission's enforcement processes, including the penalty calculation. This is an example of some great work by our Enforcement Team, and you will hear more about this case during the closed session scheduled for the Commission's meeting in two weeks.

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

No questions were posed to the Executive Director.

7. Consideration of Administrative Matters. Chair Wasserman stated: That brings us to Item 7, Consideration of Administrative Matters. Pascale Soumoy of our Sediment Management Team is here if you have any questions on the Administrative Listing that was mailed out on May 12.

(No questions were posed by Commissioners.)

(No members of the public addressed the Commission.)

9. Commission Consideration of Document Translations and Interpreter Contract. Chair Wasserman stated: That brings us to Item 9, Consideration of a Contract for Document Translation and Interpreter Services. Our outgoing Director of Administrative and Technology Services, Peggy Atwell, will make the presentation.

Director of Administrative and Technology Services Atwell addressed the Commission: Thank you, Chair Wasserman, and Commissioners. Last Friday you received the Staff Recommendation and Summary as part of your Commission package requesting approval for a third-party contractor for document translations and interpreter services.

BCDC has been working on increasing our communications with public and external partners as part of outreach and other projects. The need for multilingual document translations as well as interpretations as part of outreach, and when requested, Commission and other public meetings are necessary.

BCDC has never had a contract to provide document translations, interpretations, including ASL, if requested.

In anticipation of these requests and the necessity to provide these services we are requesting the Commission authorize the Executive Director to enter into a contract for the amount of \$90,000 for up to three years to contract with Focus Interpretation to provide these services as needed.

If there are any questions from the Commission or public, I am happy to answer them.

(No members of the public addressed the Commission.)

Chair Wasserman asked: Questions from Commissioners?

Commissioner Pemberton commented: Thank you, Chair Wasserman, and thank you for the presentation. I just had a question regarding this figure, the \$90,000. I was just curious where that number arose from; and then also if that is coming out of BCDC's General Fund funding.

Ms. Atwell answered: Commissioner Pemberton, it is coming out of General Fund and it is the result of salary savings from vacant positions that we have had to endure this year. That is how it was established, based on budget.

Chair Wasserman interjected: Are you also asking what is the basis for establishing the amount, aside from where it is coming from?

Commissioner Pemberton affirmed: Yes, correct. I was interested in knowing the rationale for the \$90,000 figure in addition to where it is coming from.

Ms. Atwell stated: It is based on our budget. Because we have had vacant makeup positions, we have realized salary savings as a result of that and that is what we can afford, to be honest.

Commissioner Pemberton acknowledged: Thank you.

Chair Wasserman added: We do not truly know what it is going to cost us; we know we are not going to pay more than \$90,000.

Ms. Atwell chimed in: I do have a recommendation to ask, once we get there, to add funds to that. But we do not know what it is going to cost us because internally we need to have a discussion as far as what will be translated.

Chair Wasserman acknowledged: Got it. To be determined.

Ms. Atwell continued: It would be nice to have an unlimited budget but, unfortunately, we do not have that.

Chair Wasserman agreed: It would be nice to have an unlimited budget for a number of things.

Ms. Atwell replied: Yes, yes.

Chair Wasserman stated: We do not have it, is right.

Commissioner Kishimoto chimed in: Yes, thank you. It sounds good. It is just a question whether you are planning to use Google Translate and such first just to save funding?

Ms. Atwell replied: Yes, on the website, of course, but when you are out doing outreach and such necessarily that would not be the best option. It is going to be on a case-by-case basis.

Commissioner Kishimoto acknowledged: A case-by-case basis but using computer translation is on your docket it sounds like.

Ms. Atwell agreed: Yes, definitely.

Commissioner Kishimoto acknowledged: Yes. Okay, thank you.

Ms. Atwell replied: Thank you.

Chair Wasserman continued: All right. Seeing no other questions may I have the Staff Recommendation.

Ms. Atwell read the following into the record: The staff recommends that the Commission authorize the Executive Director to enter into a contract for the amount of \$90,000 for up to a three-year period for services to translate documentation and provide interpreter/ASL services in multiple languages as needed.

The staff further recommends that the Commission authorize the Executive Director to (1) amend the contract as necessary, including revising the amount or duration of the agreement, so long as the amendment does not involve substantial changes in the services provided; and (2) enter into similar contracts in the future, subject to availability of funds, given that the Commission has an ongoing need for document translations and interpretation.

Chair Wasserman asked: Peggy, would you accept a friendly amendment to say, one or more contracts?

Ms. Atwell affirmed: Sure.

Chair Wasserman asked for a motion: Thank you. Is there a motion and a second?

MOTION: Commissioner Arreguin moved approval of the Staff Recommendation as amended, seconded by Commissioner Pine.

VOTE: The motion carried with a vote of 17-0-0 with Commissioners Addiego, Arreguin, Eklund, Gioia, Gorin, Gunther, Hasz, Moulton-Peters, Pine, Ramos, Showalter, Ambuehl, Kishimoto, Pemberton, Nelson, Gilmore, and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

Chair Wasserman announced: Thank you. The motion passes. Thank you all.

10. Public Hearing and Possible Vote on 777 Airport Boulevard in the City of Burlingame, San Mateo County; BCDC Permit Application No. 2022.004.00.

Item 10 was postponed to a future Commission meeting.

11. Commission Consideration of BCDC's 2021 and 2022 Annual Reports. Chair Wasserman stated: We will take up Item 11, Consideration of the 2021 and 2022 Annual Reports. The presentation will be made by Todd Hallenbeck, our Lead GIS Specialist.

Lead GIS Specialist Hallenbeck addressed the Commission: Hi, Chair; filling in for Steve Goldbeck this afternoon. As you mentioned, my name is Todd Hallenbeck and I serve as your Lead GIS Specialist. When I am not doing mapping and data analysis, I also support the Agencies graphics needs.

Today you have before you not one, but two Annual Reports. We are covering both of these years now due to the fact that we had some staff shortages and other pressing needs. One of these is coming to a little bit delayed. So before you are the 2021 and 2022 Annual Reports.

Despite the ongoing pandemic, these reports show how BCDC has hit our stride regarding these new working conditions and continue to expand our work, our capacity and our accomplishments. While I am not going to recount all of those for you, I did want to highlight a few from each of the two reports.

In 2021, our EJ Advisor Program launched to help our Agency best implement our social justice/environmental justice policies.

The Bay Adapt Joint Platform was approved and received widespread support.

The Commission approved six major shoreline development, tidal restoration, and shoreline protection projects as well as over 140 minor permits, amendments and regionwide permits; and the projects authorized there resulted in over 600 new acres of tidal marsh restoration and three miles of new shoreline trails.

The Enforcement Team closed a whopping 247 cases.

And finally, our HR and Admin teams worked with the Coastal Commission to implement an online Coastal Program Analyst Exam for the first time, expanding the access of those classifications to a wider and more diverse audience or applicant pool.

In 2022, BCDC received over \$5 million in funding to implement the Next Steps with Bay Adapt including the Regional Shoreline Adaptation Plan.

We also received a Wetlands Development Grant to begin a beneficial reuse of sediment planning process.

BCDC's Compliance Program was launched with two new positions.

BCDC's EJ and GIS programs launched the pilot of the Community-Based Organization Directory Map to help our staff and our stakeholders support early outreach engagement for shoreline development projects.

And finally, the Commission approved five major projects as well as over 150 minor permits, amendments and regionwides, resulting in over four new miles of public access shoreline trails.

All of this is to suggest the Commission can rightfully be proud of how you and your staff have responded in 2021 and 2022 and I am happy to answer any questions about these Annual Reports you might have.

Executive Director Goldzband chimed in: I am going to apologize on behalf of staff that we are a year late on one.

You are going to receive a briefing next month from our HR Team, which consists of one person, on the human resources challenges that BCDC faces.

And one of the greatest challenges over the last two years has been the churn that has happened at BCDC; and the churn is caused by a couple things. It is caused by, in the immortal words of Ethan Lavine, how BCDC has turned into a two- or three-year postgraduate fellowship program for a number of staff who then get really high-paying jobs outside of BCDC.

But also the fact that we have had a tremendous number of promotions, and you have to backfill. And we are late on that.

I will, however, say that this is probably the last time you are going to see this type of Annual Report in exactly this format.

I am really excited about the Strategic Plan and the Action Plan that has been devised. And we are going to have to figure out, certainly with Todd's help and how graphics work, how we can somehow integrate that Action Plan and those accomplishments into the Annual Report in a way that allows it to be able to, and I am using my hands, go like this, and be integrated. I do not know how that is going to happen but that is a challenge that we are going to try to meet.

Chair Wasserman asked: Do we have any public comment?

(No members of the public addressed the Commission.)

Chair Wasserman asked: Questions from Commissioners?

Commissioner Showalter was recognized: I was really glad that you brought that up, Larry, because I was wondering about this churn having kind of observed it with the staff that we have worked on, particularly on the policy development processes.

I wondered if you could share a little bit about the numbers. How big is BCDC's staff and what is the percentage of the churn? Do we have those figures?

Executive Director Goldzband replied: I am not going to give you a preview of what you will hear in June, with the exception of saying that we have 53 people on staff, and we have 8 vacancies.

All you have to do is do the math. Our vacancy rate is actually probably right now because you just accepted Katie, we just accepted Katie, a little lower than it was this morning, is probably just a little bit lower than the Coastal Commission's, which has, I think the last time I checked a couple of weeks ago, something like a 17 or 18 percent vacancy rate. It is hard to hire. You will hear all about this in June.

Commissioner Showalter stated: Okay, thank you. I would just also say that this vacancy problem is also a really big problem in local governments.

Executive Director Goldzband agreed: In local and regional and state and federal. I was going to say everywhere, basically, governments are having difficulty.

Commissioner Showalter acknowledged: Okay, thanks so much.

Chair Wasserman asked: Any other questions? (No other questions were voiced)

Todd, will you make the Staff Recommendation, please?

Mr. Hallenbeck read the following into the record: Happy to do so. The staff recommends that the Commission adopt the 2021 and 2022 Annual Reports and authorize the staff to make any editorial revisions needed for accuracy, clarity, or improved presentation; and also direct the staff to submit the 2021 and 2022 Annual Reports to the governor, the legislature and the public.

Chair Wasserman asked for a motion: I would entertain a motion.

MOTION: Commissioner Moulton-Peters moved approval of the Staff Recommendation, seconded by Commissioner Showalter.

VOTE: The motion carried with a vote of 18-0-0 with Commissioners Addiego, Arreguin, Eklund, Gioia, Gorin, Gunther, Hasz, Moulton-Peters, Pine, Ramos, Showalter, Ambuehl, Kishimoto, Pemberton, Vasquez, Nelson, Gilmore, and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

Chair Wasserman announced: Those are approved. Thank you very much. Thank you for the work on them.

Mr. Hallenbeck replied: Thank you.

8. A Discussion of, and Possible Votes Concerning Legislative Activity in Sacramento, including SB 273. Chair Wasserman stated: That brings us to Item 8, on our agenda, Discussion and Possible Vote on Legislative Action in Sacramento, which I think is only a report on the status on SB 273.

SB 273 was approved by the Senate without amendments last week. It now goes to the Assembly. As I have reported to you before and as we have discussed, we have been in continuing talks with the Senator's office, Senator Wiener, as well as the sponsors, the Port of San Francisco, and the developers.

We have reached agreement with the bill's sponsors on three very important amendments to include a study to be done by BCDC and State Lands to update the guidance policy on public trust affecting our permits as well as State Lands to address rising sea level and funding for rising sea level and the interaction that has led to SB 273.

The second item is ensuring that the bill does not change BCDC's permitting authority except for the specified issues, to wit, that the project which we heard described to us previously is consistent with the public trust, and that we should not apply or cannot apply the McAteer-Petris requirements of no upland alternative and maritime uses. And that there be no residential use as part of the project.

The fourth item that was in there was directed at the San Francisco Port being in compliance with the Waterfront Special Area Plan. We have had a series of discussions and two meetings with Port staff, and I am happy to report that those have gone very well. We expect to bring it back to you at our next meeting, the specific results of that, but the general outline is that we will enter into an MOU with the Port to address some specific issues regarding the Special Area Plan that are either very clear or coming up very quickly, specifically the 50% fill requirement for the Fisherman's Wharf area and a potential very significant change to the requirement for the Exploratorium permit, which we have discussed in the past, to change the public benefit that was required for removing fill, to raising funds for and carrying out an educational program on rising sea level.

None of that is specifically before us today and we do not expect that we will have to have language in the bill itself to address that, based on the progress to date and the progress we expect to happen as the staffs are working hard and closely over the next two weeks.

We do expect to recommend to you taking a position that we expect would be neutral on the bill as amended. We have kept the senator's office informed and we will be working with the assembly sponsors to get that language in, hopefully from the very beginning of the assembly process.

I am happy to answer any questions. Are there any public speakers?

(No members of the public addressed the Commission.)

Chair Wasserman recognized Commissioner Nelson: Go ahead, Commissioner Nelson.

Commissioner Nelson spoke: Just a quick comment. This is not before us for action today. I am concerned about we have the Port asking us to support or at least go neutral on waiving our longstanding approach to uses approvable on fill. At the same time, we have an outstanding enforcement action with regard to the Exploratorium, or at least the potential for an enforcement action.

I am troubled that those two things are not linked. I am troubled by the lack of clarity on the future of SB 272. I want to thank the Chair for his work and the progress we have made here but I am still troubled by this package. That said, we are not taking action today.

Chair Wasserman acknowledged: Thank you. Any others?

Commissioner Eklund added: I too, am perplexed. I am not sure I quite understand. It seems like there are a lot of unanswered questions from our last discussion about this. It is not really clear.

I am hoping we are not going to be taking any action on this because I am very perplexed on what discussions have been going on and so I am not very comfortable at this point. I am hoping we are not going to take action on the legislation or anything because I think that we need to get some of the specific issues that we talked about the last time, answered.

The outdoor recreation and some of the other things like that and are we tying our hands on our regulatory requirements? I guess I am maybe trying to understand it, but I am not clear. I wanted to echo Commissioner Nelson's questions as well. Thank you.

Chair Wasserman acknowledged and explained: Certainly. First, we are not asking for any action today. I expect that we will be suggesting action at the next meeting; and as part of the packet, you will have the specific language and more details addressing the bill.

Fundamentally, not addressing the details of the project. Because although there are details about the project in the bill, the language that we have agreed upon with the Port and that you will see clearly does not bind our hand in making our decision whether or not to issue a permit. And if we are issuing a permit, what conditions would be attached to the permit?

The legislation will not bind our hands as we have negotiated and assuming the Assembly accepts the amendments that we have agreed upon with the Port and the sponsors and that the Senate confirms that when it comes back to them. But you will have the details before you are asked to vote on anything.

Executive Director Goldzband interjected: I almost forgot something, Chair Wasserman. Late-breaking news courtesy of Planning Director Fain and Long-Term Manager Buehmann. SB 272 was approved today by the Appropriations Committee. The Laird bill was approved by Appropriations, which means it will end up going to the Senate floor. So, your request to have the counties and the cities send letters of support is certainly timely.

Chair Wasserman added: Just to emphasize that, when, notice I said “when,” not “if,” your jurisdiction approves or if it has already approved SB 272, please let our staff know that.

12. Adjournment. Upon motion by Commissioner Arreguin, seconded by Commissioner Nelson, the Commission meeting was adjourned at 1:51 p.m.