

Bay Conservation and Development Commission (BCDC) Quarterly Report (Oct through Dec 2021) to North Bay Cities¹

January 2022

EXECUTIVE SUMMARY:

- 1) Bay Adapt: Regional Strategy for a Rising Bay:** In October 2021, BCDC approved 'Bay Adapt: Regional Strategy for a Rising Bay' which identifies nine priority actions and 21 tasks that will enable the region to adapt to a rising Bay due to sea level rise. This was a two year effort which will be followed by identification of priority projects for future funding opportunities. On December 16, 2021, the ABAG Executive Board adopted Resolution No. 15-2021 supporting the findings and recommendations identified in the report. BCDC is seeking support from cities and counties in the SF Bay Area and will brief the Marin County Council of Mayors and Councilmembers on the Plan on February 23, 2022 at 6:00 pm. To find out more, go to: [Bay Adapt – Regional Strategy for a Rising Bay](#)
- 2) BCDC's Climate Change Policy Guidance:** In July 2021, the Commission adopted updates to the SF Bay Plan Amendment 1-08 incorporating changes to the climate change policies in the SF Bay Plan. To find out more, go to: [San Francisco Bay Plan Climate Change Policy Guidance \(ca.gov\)](#)
- 3) BCDC's Enforcement for 2021:** BCDC closed 247 cases, opened 139 cases, issued twelve enforcement-related permits and/or permit amendments, issued one Executive Director Order, issued two cease and desist orders and approved seven settlement agreements. The Commission collected \$182,979 in civil penalties. As of December 31, 2021, there were 94 unresolved enforcement cases.

Bay Adapt: Regional Strategy for a Rising Bay: In October 2021, the Commission adopted 'Bay Adapt: A Regional Strategy for a Rising Bay' which identifies nine priority actions and 21 tasks that will enable the region to adapt to a rising Bay due to sea level rise. On December 16, 2021, the ABAG Executive Board adopted Resolution No. 15-2021 supporting the findings and recommendations identified in the report.

For the last two years, BCDC has led this regional initiative to develop a consensus-driven strategy to protect people, the built and natural environments from a rising Bay. BCDC, in collaboration with a Leadership

Advisory Group (LAG) comprised of 35 Bay Area public, private, and non-profit leaders, embarked on developing "Bay Adapt," a consensus-driven strategy for regional sea level rise adaptation. The LAG included members from ABAG, MTC, the Regional Water Quality Control Board, State Coastal Conservancy, BART, East Bay Regional Parks, Army Corps of Engineers and Bay Restoration Authority as well as business, environmental justice, scientific and civic organizations, local government and academia.

The Bay Adapt Joint Platform is a consensus-based strategy that enables the region, particularly local governments, to adapt to a rising San Francisco Bay. Its implementation would, among other things, reduce flood risks, increase technical assistance for local governments, recognize and support low income, frontline communities and integrate adaptation into community-focused local plans. To find out more, go to: [Bay Adapt – Regional Strategy for a Rising Bay](#)

BCDC's Bay Plan Climate Change Policy Guidance: In October 2011, BCDC amended the SF Bay Plan to update the 22 year-old sea level rise findings and policies after almost a 3 year effort of study, analysis and outreach. This SF Bay

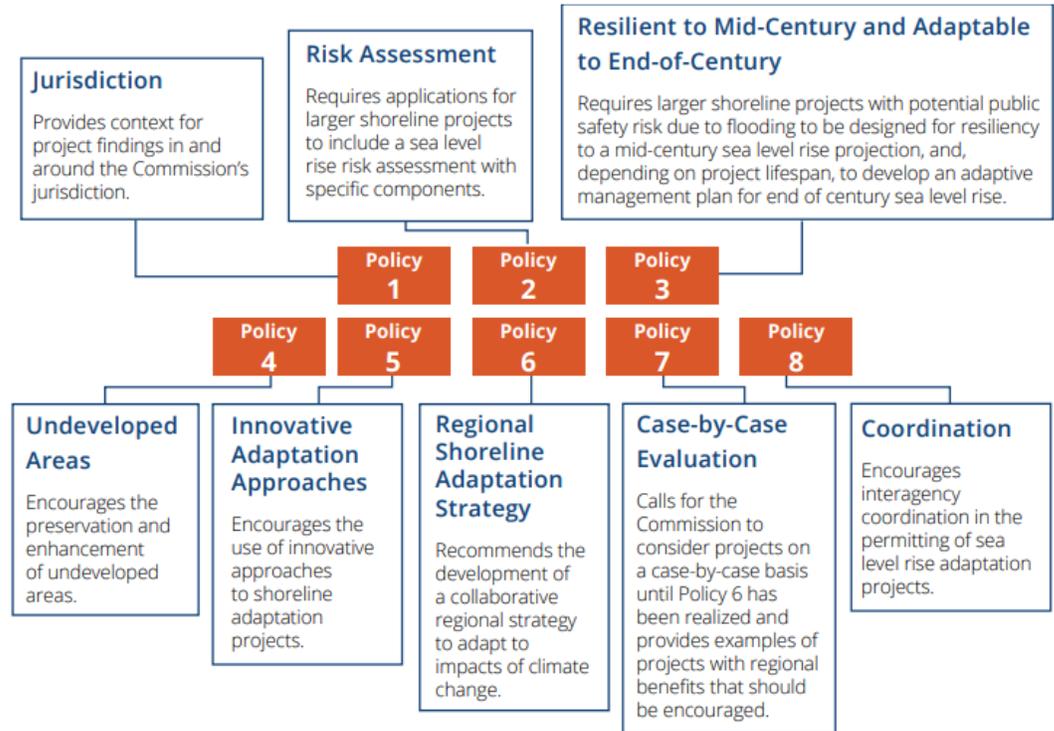


¹ Pat Eklund, Councilmember, City of Novato is the BCDC representative for the North Bay which includes cities in Marin, Napa, Solano and Sonoma Counties. If you have questions, contact Pat Eklund at 415-883-9116 or via email at: pateklund@comcast.net.

Plan Amendment 1-08, also created a new section dealing more broadly with climate change and adapting to sea level rise. After using the 2011 guidance for almost a decade, BCDC decided to update the climate change policies in the SF Bay Plan to include past permitting decisions and planning program efforts. In July 2021, the Commission adopted updates to the SF Bay Plan Amendment 1-08 incorporating changes to the climate change policies in the SF Bay Plan. To find out more, go to: [San Francisco Bay Plan Climate Change Policy Guidance \(ca.gov\)](https://www.ca.gov) These updates include the following:

NEED TO PLAN AND PREPARE FOR SEA LEVEL RISE: Sea level rise threatens the Bay’s unique and critical ecosystems,

public access to the shore and water, and developed areas including homes, ports, businesses, and other uses. These 8 policies addresses the need for resilience and adaptation on the San Francisco Bay and its shoreline through BCDC’s permitting and planning authorities.



OTHER POLICIES RELEVANT TO SEA LEVEL RISE ADAPTATION: In addition to the Climate Change section (above), other sections of the Bay Plan contain findings and policies related to sea level rise, flooding, and storms that may apply to projects in addition to the Climate Change Policies. Specifically, this section includes guidance on:

- a. Shoreline protection and resilience,
- b. Safety of fill, public access and habitat projects,
- c. Example permit conditions for small and larger shoreline projects and,
- d. Assess flood impact shoreline protection and other Bay Plan policies in past permitting decisions and planning program efforts, including references to specific examples from past projects.

BCDC’S ENFORCEMENT PROGRAM: In 2021, BCDC closed 247 cases, opened 139 cases, issued twelve enforcement- related permits and/or permit amendments, and issued one Executive Director Order. The Commission issued two cease and desist orders and approved seven settlement agreements. The Commission collected \$182,979 in civil penalties. As of December 31, 2021, there were 94 unresolved enforcement cases.

UPCOMING BCDC MEETINGS:

The BCDC Commission meets at 1:00 pm on the following dates: February 3, 17; March 3, 17; April 7, 21; May 5, 19; June 2, 16; July 7, 21; August 4, 18; September 1, 15; October 6, 20; November 3, 17; and December 1, 15, 2022.

The BCDC Enforcement Committee meets at 9:30 am on the following dates: February 10, 23; March 10, 23; April 14, 27; May 12, 25; June 9, 22; July 14, 27; August 11, 24; September 8, 21; October 13, 26; November 3, 16; and December 8, 21, 2022.