

ABAG Report to MCCMC¹

February 2022

EXECUTIVE SUMMARY:

- 1) **ABAG Brown Act Hybrid Meetings:** ABAG will be testing the hybrid environment in March 2022, so that any issues encountered can be corrected before the ABAG Brown Act hybrid meeting environment is launched in April 2022. On March 17, 2022, the ABAG Executive Board will 'test' the ability to conduct 'hybrid' meetings where some Board members will be participating in-person and others will be attending virtually. It is anticipated that Governor Newsom will allow AB 361 to sunset on March 31, 2022. AB 1944 and AB 1733 have been introduced to change aspects of the Brown Act (local agencies) and the Open Meeting Act (state agencies) to make it easier to conduct virtual meetings.
 - 2) **San Francisco Estuary Partnership:** In February, the ABAG Executive Board accepted \$950,000 from the U.S. Environmental Protection Agency to implement the San Francisco Estuary Blueprint under the National Estuary Program. Meanwhile, the 2022 update of the Blueprint has been under development for the past two years should be finalized by the summer. It maintains the overall structure of the 2016 plan of actions to be carried out over five years, connected to longer-term goals and objectives with a target of 2050 for a healthy, resilient Estuary. It includes 25 immediate priorities for achieving a healthier Estuary and makes the findings on how healthy is the estuary; and, can we improve the health of the estuary?
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ABAG Brown Act Hybrid Meetings: In March 2020, Governor Newsom signed an Executive Order that allowed public agencies to meet virtually due to COVID-19 for one year. On September 2021, Governor Newsom signed AB 361 that extended the flexibilities provided in the prior executive order enabling public agencies to meet remotely and waives noticing requirements during the COVID-19 emergency through March 31, 2022.

Beginning at the expiration of the current emergency order (March 31, 2022), the agency will implement hybrid Board and Committee meetings. Hybrid Brown Act meetings will allow for both virtual and in-person attendance, so the increased public participation achieved in virtual meetings continues. Board members who opt to join hybrid meetings virtually will need to comply with the original Brown Act requirements including the noticing of the remote location from which they will participate. Beginning at the expiration of the emergency order (March 31, 2022) Board Members that choose to attend virtually or via phone will be required to provide a public notice of their remote location so the public can access those locations. Staff is requesting that Board Members provide their public office locations to the Board Clerk so those addresses can be noticed. Those locations need to be made available to the public during the noticed meeting to allow the public to attend/view the meeting from that location, even if the Board Member chooses to attend the meeting in person. This will provide the Board Member with maximum flexibility and satellite locations for the public to attend and view hybrid Brown Act meetings.

Meanwhile, on February 10, 2022, AB 1944 and AB 1733 have been introduced with proposed changes to the Brown Act (applies to local agencies/commissions) and Bagley-Keene Open Meeting Act (applies to state agencies/commissions), respectively to make it easier to conduct Hybrid meetings by changing the notice requirements for virtual attendance. The draft changes are SMALL STEPS to make it easier for hybrid meetings. The ABAG Executive Board will be discussing these bills in March 2022.

San Francisco Estuary Partnership: In February, the ABAG Executive Board accepted up to \$950,000 from the U.S. Environmental Protection Agency to implement the San Francisco Estuary Blueprint under the National Estuary Program. These funds, along with others, will assist in sustaining a healthy Estuary while addressing the impacts of climate change, including prolonged drought and rising seas. This will require collaboration, adaptation, flexibility, and resilience among all engaged communities and agencies.

The San Francisco Estuary Partnership (SFEP) is one of 28 programs mandated under Section 320 of the Clean Water Act, the National Estuary Program (NEP). The Bipartisan Infrastructure Investment and Jobs Act passed by Congress in November 2021 included \$132 million for the National Estuary Program over five years. The funding will be allocated

¹ Marin County Council of Mayors and Councilmembers (MCCMC)

through the US EPA to each of the 28 National Estuary Programs for implementation of Comprehensive Conservation and Management Plans, known as the Estuary Blueprint for the San Francisco Estuary.

The San Francisco Estuary Partnership's Blueprint is a collaborative agreement about what should be done to protect and restore the Estuary—a road map for restoring the Estuary's chemical, physical, biological, and social-ecological processes to health. The Estuary Blueprint does not hold regulatory authority but identifies consensus-based, collaboratively identified regional priorities, and tracks progress on achieving the Blueprint's actions via publicly available websites and documents.

The first Estuary Blueprint (then known as the CCMP) was produced in 1993 after several years of status assessments and policy discussions in which over 100 different stakeholder groups took part. It was the first plan to recognize that the Bay and the Delta should be managed as one Estuary and remains the only plan of such scope to date. After 14 years of implementation, the CCMP was updated in 2007 to include new and revised actions while maintaining many actions from the original.

In 2016, the CCMP was revised to reflect the changing context of Estuary management, with a new focus on the need to plan for and adapt to climate change. The 2016 CCMP created a closer alignment with the State of the Estuary Report, which tracks the health of the Estuary and is updated every four to six years. It also represented a major overhaul of earlier versions, reducing over 200 actions to 32 actions with a clear five-year timeframe for implementation of each action's tasks. The document was retitled the Estuary Blueprint to reflect this shift.

The **2022 Estuary Blueprint** which has been under development for the past two years should be finalized by the summer. It maintains the overall structure of the 2016 plan of actions to be carried out over five years, connected to longer-term goals and objectives with a target of 2050 for a healthy, resilient Estuary. It includes 25 immediate priorities for achieving a healthier Estuary and makes the following findings:

How Healthy is the Estuary?

- The upper Estuary (Suisun Bay and the Delta) is in fair to poor condition and getting worse, while the lower Estuary (San Francisco Bay) is in better health but jeopardized by climate change.
- Freshwater inflows and beneficial floods now exert such a small fraction of their former influence that they no longer build and maintain the physical structure of habitats in the Estuary, drive historical seasonal changes, or support critical ecological functions.
- Changes to the hydrology of the Estuary's watersheds and the diking of tidal areas have eliminated estuarine wetlands and deprived the remaining wetlands of the sediment they need to build up their elevation in relation to sea level rise.
- This impairment of critical physical processes is intertwined with habitat loss, degradation, and fragmentation.
- These losses of physical processes and habitats have reverberated throughout biological systems, contributing to unproductive food webs, smaller and declining native fish and wildlife populations, and the dominance of invasive species.
- Certain indicators of both human and ecological health, such as the amount of open green space, demonstrate an inequitable distribution across communities in the Estuary.
- Human activities have severely altered the physical processes that create and maintain estuarine habitats and the benefits they provide to people; however, estuary habitat restoration efforts have increased shoreline protection from sea level rise and storms, provided the public with access to nature and open space, supported endangered species, increased opportunities for carbon sequestration, and increased the aesthetic beauty of a highly populated area.

Can We Improve the Health of the Estuary? The State of the Estuary Reports suggests that we can restore some aspects of ecosystem health when we choose to make the investment.

- Water quality has improved over the last few decades due to better management and regulation, though some legacy contaminants remain a problem.
- Focused collaboration, along with significant funding, has resulted in large gains in tidal marsh restoration over the last two decades. Improvements in marsh-dependent wildlife populations are now detectable.

- Investments in water conservation and recycling in urban areas are reducing demand for potable water, even while population is increasing.
- Despite these gains, impacts from climate change jeopardize the health of all parts of the Estuary.

UPCOMING MEETINGS²

- **February 23, 2022 – Metropolitan Transportation Commission, 9:35 am**
MTC Bay Area Toll Authority, 9:40 am
MTC Bay Area Headquarters Authority, 9:45 am
MTC Bay Area Infrastructure Financing Authority, 9:50 am
- **February 28, 2022 -- MTC Fare Integration Task Force, 12:30 pm**
MTC Clipper Executive Board, 1:30 pm
- **March 9, 2022 -- MTC Bay Area Toll Authority Oversight Committee, 9:35 am**
MTC Administrative Committee, 9:40 am
MTC Programming and Allocation Committee, 9:45 am
MTC Policy Advisory Council, 1:30 pm
- **March 11, 2022 -- MTC Operations Committee, 9:35 am**
Joint MTC ABAG Legislation Committee, 9:40 am
Joint MTC Planning Committee and ABAG Administrative Committee, 9:45 am
ABAG ACFA Governing Board, 1:30 pm
ABAG Executive Board, 1:45 pm
- **March 17, 2022³ -- ABAG Power Executive Committee, 11:00 am**
ABAG Finance Committee, 5:00 pm
ABAG ACFA Governing Board, 5:15 pm
ABAG Executive Board, 5:30 pm
- **March 18, 2022 -- Bay Area Regional Collaborative, 10:05 am**
- **March 21, 2022 -- MTC Clipper Executive Board, 1:30 pm**
- **March 23, 2022 -- Metropolitan Transportation Commission, 9:35 am**
MTC Bay Area Toll Authority, 9:40 am
MTC Bay Area HQ Authority, 9:45 am
MTC Bay Area Infrastructure Financing Authority, 9:50 am
Special BA Toll Authority Oversight Committee Asset Management Group, 1:30 pm
- **March 24, 2022 -- ABAG San Francisco Bay Trail Steering Committee, 1:00 pm**
- **March 30, 2022 -- Bay Area Partnership Board, 1:00 pm**

² All meetings are conducted via Zoom, webcast, teleconference, unless noted otherwise. <https://mtc.legistar.com/> If you have questions, contact Pat Eklund, Councilmember, City of Novato at 415-883-9116 or via email at: pateklund@comcast.net.

³ Meetings will be “Hybrid” which means that some Board members will be in-person; and, others will be virtual as indicated on the agenda.