

# Bay Conservation and Development Commission (BCDC) Report to MCCMC<sup>1</sup>

May 2025

**EXECUTIVE SUMMARY:** BCDC adopted updates to the SF Bay Plan Climate Change Policy Guidance; received a briefing on the State Route Hwy 37 Near-Term Sears Point to Mare Island Project; and, received a briefing on the proposed amendments to BCDC's permitting regulations.

## **BCDC ADOPTS UPDATES TO THE SAN FRANCISCO BAY PLAN CLIMATE CHANGE POLICY GUIDANCE:**

On May 1, 2025, BCDC Commission adopted updates to the San Francisco Bay Plan Climate Change Policy Guidance to reflect the 2024 State of California Sea Level Rise Guidance updated by the Ocean Protection Council (OPC) and incorporates changes to the climate change policies included in Bay Plan Amendment No. 1-24 (the Regional Shoreline Adaptation Plan), and includes analyses and guidance based on permits granted since the Commission adopted its existing guidance document several years ago.

Back in 2021, BCDC had adopted the San Francisco Bay Plan Climate Change Policy Guidance (Bay Plan Climate Change Guidance), which drew significantly from the State of California Sea Level Rise Guidance, published in 2018 by the Ocean Protection Council (OPC). This document provided non-binding guidance to permit applicants and BCDC staff to assist in the development and review of sea level rise risk assessments and adaptation plans required under BCDC laws and policies.

The 2024 State of California Sea Level Rise Guidance update provides: (1) A synthesis of the current science on sea level rise and other coastal hazards (e.g., flooding and erosion) within the state; (2) Pragmatic and practical approaches for using this new scientific information; and (3) Policy recommendations for incorporating this information into decision-making. To support decision-making amidst the uncertainty of future emissions, the 2024 update includes scenario-based projections of sea level rise, where the projections are given a relative likelihood associated with future warming scenarios.

In summary, the updated Guidance:

- Reflects and incorporates the IPPC 6th Assessment, Global and Regional Sea Level Rise Scenarios for the United States, and the 2024 OPC Guidance.
- Includes the recent amendments to the Bay Plan Climate Change Policies as part of the Regional Shoreline Adaptation Plan adoption (BPA 1-24).
- Adds references to relevant permits approved since the previous iteration.

As part of this process, BCDC also updated the Guidance to support permit applicants in suggesting potential appropriate sea level rise projections and adaptation considerations as part of their permit applications. This includes information on selecting appropriate time horizons and levels of risk aversion for their projects. This stepwise process provides non-binding recommendations to applicants to better understand how to apply the Climate Change Policies. However, the Bay Plan Climate Change Policies should be consulted directly to determine legal requirements.

For more information, please refer to the April 2025 BCDC report to MCCMC.

## **RESILIENT STATE ROUTE 37 NEAR-TERM SEARS POINT TO MARE ISLAND PROJECT:**

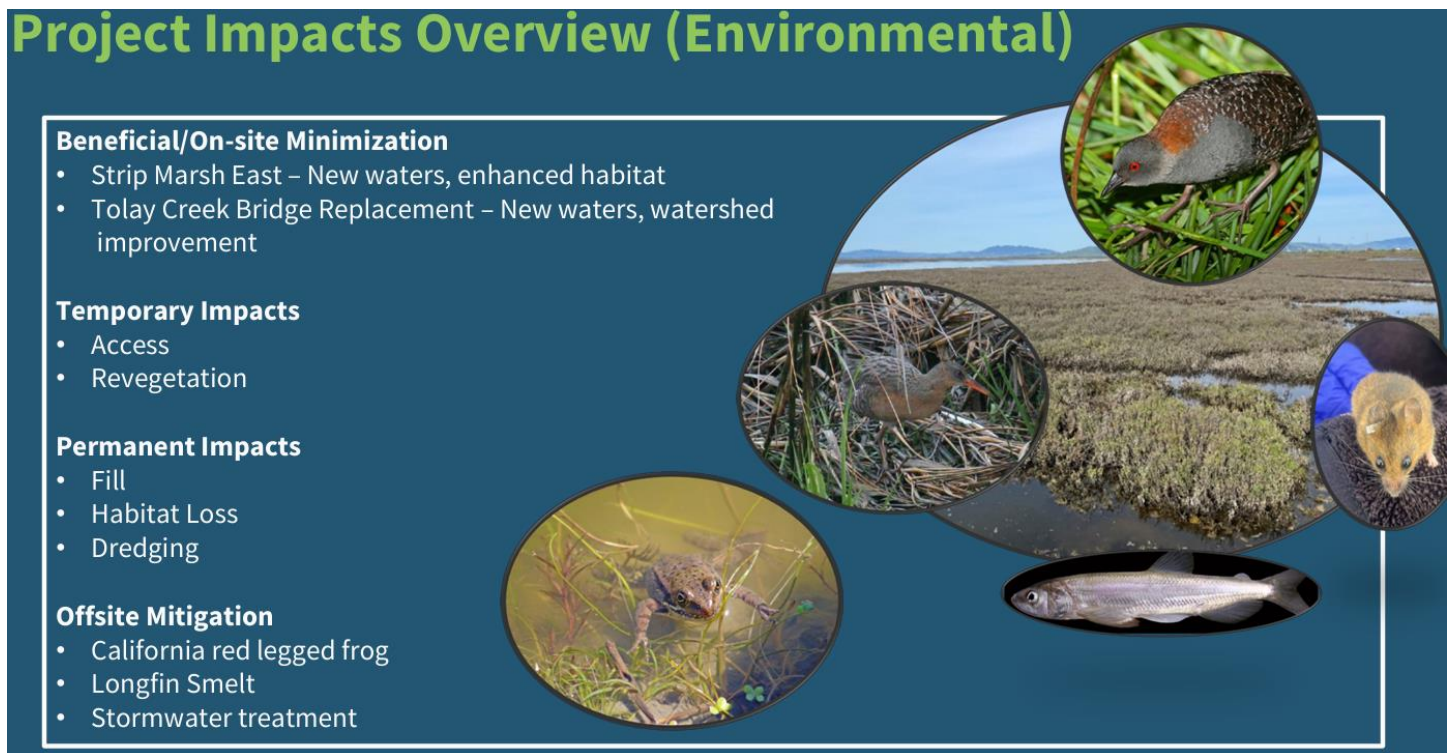
On May 15, 2025, the BCDC Commission was briefed on the proposed Resilient SR37 Near-Term Sears Point to Mare Island Project that is currently in preapplication. The proposed improvements include replacing the Tolay Creek Bridge with a longer wider bridge that facilitates large scale tidal marsh restoration north of the

---

<sup>1</sup> Marin County Council of Mayors and Councilmembers (MCCMC). For questions, contact Councilmember Pat Eklund; City of Novato at: [pateklund@comcast.net](mailto:pateklund@comcast.net); and/or 415-336-9913 (cell).

bridge, widening the highway to add an additional lane in each direction, adding transit and HOV prioritization, and implementing habitat enhancement at Strip Marsh East, by Mare Island which will serve as a nature-based solution to storm surge. The project impacts were summarized in the following slide:

## Project Impacts Overview (Environmental)



**Beneficial/On-site Minimization**

- Strip Marsh East – New waters, enhanced habitat
- Tolay Creek Bridge Replacement – New waters, watershed improvement

**Temporary Impacts**

- Access
- Revegetation

**Permanent Impacts**

- Fill
- Habitat Loss
- Dredging

**Offsite Mitigation**

- California red legged frog
- Longfin Smelt
- Stormwater treatment

This was a preliminary overview of the project. The Commission will be engaged in several more briefings before the application is formally brought forward for a vote.

### **PROPOSED AMENDMENTS TO BCDC'S PERMITTING REGULATIONS:**

BCDC received a briefing on proposed amendments to BCDC's permitting regulations which would:

- Streamline and improve the regionwide permit program
- Expand use of administrative permits for habitat projects
- Reduce permitting burdens for straightforward and routine activities
- Make other updates to clarify and improve permitting rules

After staff finalizes the proposed amendments, BCDC will initiate the formal rulemaking process under California's Administrative Procedure Act by issuing a Notice of Proposed Rulemaking, which would start a 45-day public review and comment period and provide notice of a public hearing to be held on the proposed amendments at a future Commission meeting prior to the close of the comment period. Staff would also submit the Notice of Proposed Rulemaking and supporting materials, including an Initial Statement of Reasons, to the Office of Administrative Law. Following the comment period, staff would collect and review the public input and prepare a Final Statement of Reasons, which includes responses to public comments. If substantive changes are made to the proposed amendments based on public feedback, an additional 15-day public review period is required. The Commission would then vote on whether to adopt the proposed amendments. If the Commission adopts the amendments, staff would then submit the rulemaking package to the Office of Administrative Law for its review. The process will take approximately 6 to 9 months, depending on the level of public input received and the scope of changes that may be made to this proposal.