

Bay Conservation and Development Commission

Report to North Bay Cities¹

April 2022

EXECUTIVE SUMMARY:

- 1) **BCDC Adopts Revised Enforcement Procedures and Regulations:** On April 21, 2022, the Commission adopted revised enforcement procedures and regulations.
- 2) **State Agency Sea Level Rise Action Plan for California:** The Commission received a briefing on the principles and actions of the 17 different state agencies to address sea level rise in the State of California.
- 3) **BCDC briefed on proposed improvements for Highway 37:** CALTRANS and MTC briefed the Commission on the updated proposed interim and ultimate projects for Highway 37 between Highway 101 to Mare Island.

1) BCDC Adopts Revised Enforcement Procedures and Regulations: On April 21, 2022, the Commission adopted revised enforcement procedures and regulations that had been under review since 2020. BCDC initiated the revised regulations after the Auditor of the State of California issued a report in May 2019 that criticized the Commission for neglecting “its responsibility to protect the San Francisco Bay and the Suisun Marsh. The commission has consistently struggled to perform key responsibilities related to enforcement and has therefore allowed ongoing harm to the Bay”.

Many of the changes removed the permissive language, established clear procedures and rules for any and all activities within the jurisdiction of the Commission. The revised regulations also clarified the enforcement goals, procedures and prioritization of cases; and, clarified definitions of significant harm and implemented a revised fee schedule. Clear written policies and procedures were developed for delineating violations, penalties and the Supplemental Environmental Projects. Following is the link for more information about BCDC’s enforcement program: [Enforcement - BCDC \(ca.gov\)](#)

- 2) State Agency Sea Level Rise Action Plan for California:** The Commission received a briefing on the principles and actions of the 17 different state agencies to address sea level rise in the State of California.



The action plan is based on 7 principles and over 80 individual actions with expected outcomes, lead agencies and supporting agencies, and timelines. The Plan identifies the need for coast wide sea

level rise adaptation planning, nature-based solutions, and funding mechanisms.

¹ Pat Eklund, Councilmember, City of Novato is the BCDC representative for the North Bay 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.

The seven principles for aligned State action are: 1) Develop and utilize best available science; 2) Build coastal resiliency partnerships; 3) Improve coastal resilience communications; 4) Support local leadership and address local conditions; 5) Strengthen alignment around coastal resilience; 6) Implement and learn from coastal resilience projects; and, 7) Integrate and prioritize equity and social justice. Following is the link to the complete Plan: [Item-7 Exhibit-A SLR-Action-Plan-Final.pdf \(ca.gov\)](#)

3) BCDC briefing on Proposed Improvements for Highway 37: CALTRANS and MTC briefed the Commission on the updated proposed interim projects for Highway 37 between Sears Point to Mare Island and proposed flood reduction projects for Highway 37 between Highway 101 to State Route 121. The Commission also was presented with the proposed ultimate sea level rise adaptation project along with design alternatives for Highway 37. Following is the link to the presentation: [Resilient SR 37 corridor Phased implementation \(ca.gov\)](#)



Overview:

- Full range of alternatives between US 101 – SR 121
- Designed to sea level rise for year 2130 (per OPC 2018)
- Engineering requirements for bay mud to raise the roadway via:
 - Elevated causeway
 - Embankment/fill
- Assessed alternatives against 23 Criteria
- Gathered input from environmental technical specialists, stakeholder and resource agency input

Final Report is available at Resilient37.org
<https://scta.ca.gov/projects/highway37/#resources>



UPCOMING BCDC MEETINGS:

BCDC Commission meets at 1:00 pm on the following dates: May 5, 19; June 2 (all day Special Meeting – Howard Terminal); 16; June 30 (all day Special Meeting – Howard Terminal); July 7, 21; August 4, 18; September 1, 15; October 6, 20; November 3, 17; and December 1, 15, 2022.

BCDC Enforcement Committee meets at 9:30 am on the following dates: 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.

BCDC Design Review Board meets at 5:00 pm on the following dates: May 9; June 13; July 11; August 15; September 12; October 17; November 14; and, December 12, 2022.