

COASTAL CONSERVANCY

Staff Recommendation

June 6, 2024

To: Members of the State Coastal Conservancy

From: Amy Hutzler, Executive Officer

Jessica Davenport, Acting San Francisco Bay Area Regional Manager

Re: **San Francisco Bay Sea Level Rise Adaptation Memorandum of Understanding**

RECOMMENDED ACTION: Authorization to enter into a Memorandum of Understanding (MOU) regarding regional agency coordination on sea level rise adaptation in the nine-county San Francisco Bay Area.

EXHIBITS

Exhibit 1: [Draft San Francisco Bay Sea Level Rise Adaptation MOU](#)

RESOLUTION

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000-31414 of the Public Resources Code:

The State Coastal Conservancy hereby agrees to enter into a Memorandum of Understanding (“MOU”) with other state and regional public entities that provides for regional agency coordination on sea level rise adaptation in San Francisco Bay. The Conservancy authorizes the Executive Officer to execute an MOU in substantial conformance with the version attached to the accompanying staff recommendation as Exhibit A and to execute amendments to the MOU to the extent such amendments do not significantly change the Conservancy’s role in the MOU and are consistent with the Conservancy’s enabling legislation and strategic plan.

SUMMARY:

The Conservancy has funded habitat restoration and public access projects on the shoreline of San Francisco Bay for several decades. Sea level rise threatens to severely impact natural and built infrastructure around the Bay. The Conservancy participates in several regional efforts to plan for and adapt to sea level rise in the Bay Area, including the Bay Area Regional Collaborative (BARC). Other participating agencies in BARC are the Association of Bay Area Governments, also host of San Francisco Estuary Partnership; the Bay Area Air Quality Management District; the California Department of Transportation, District 4; the Metropolitan Transportation Commission; the San Francisco Bay Conservation and Development Commission; and the San

Francisco Bay Regional Water Quality Control Board.

Conservancy staff recommends the Conservancy enter into the MOU shown in Exhibit 1 with these regional and state agencies in order to align efforts, expertise, and core functions to support the accelerated delivery of priority, multi-benefit, coastal flood risk management projects across the Bay Area. The MOU will memorialize and enhance the coordination work occurring among regional and state agencies in the Bay Area regarding sea level rise, improve the region's competitiveness for funding, help local governments address sea level rise impacts, and support coordinated regional planning. Section 1 of the MOU more fully describes the intended purposes and objectives.

The MOU identifies essential functions and activities needed to help address the threats of flooding and sea level rise, and identifies the agencies best positioned to serve as the lead on each of these activities: planning, fund management, technical assistance, regulatory alignment, and collaborative decision-making. The Conservancy is identified as a lead in seeking and managing grant funding, including federal grants, which aligns with work we are currently doing in the region and will increase our competitiveness for funding.

The MOU does not create binding obligations on, or commitments for funding from, the Conservancy and does not alter any of the Conservancy's existing powers and authorities.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed authorization is undertaken pursuant to and is consistent with the Conservancy's enabling legislation, Division 21 of the Public Resources Code, specifically Section 31113 of Chapter 3. Section 31113 authorizes the Conservancy to undertake projects that address the impacts and potential impacts of climate change on resources within the Conservancy's jurisdiction. Pursuant to Section 31113(b), the Conservancy is authorized to award grants to public agencies and nonprofit organizations for projects, "including, but not limited to, those that reduce greenhouse gas emissions, address extreme weather events, sea level rise, storm surge, beach and bluff erosion, saltwater intrusion, flooding, and other coastal hazards that threaten coastal communities, infrastructure, and natural resources." Pursuant to Section 31113(d), the Conservancy must prioritize projects that use natural infrastructure in coastal communities to help adapt to climate change and projects that provide multiple public benefits, including, but not limited to, protection of communities, natural resources, and recreational opportunities.

CONSISTENCY WITH CONSERVANCY'S [2023-2027 STRATEGIC PLAN](#):

Consistent with **Goal 4.1, Sea Level Rise Adaptation**, the MOU will support adaptation planning and projects to protect coastal resources and increase the resiliency of the natural and built environments to the impacts of sea level rise.

CEQA COMPLIANCE:

Under the California Environmental Quality Act (CEQA), a "project" consists of an action that can cause either a direct physical change or a reasonably foreseeable indirect change in the environment; and that is an activity directly undertaken or funded by a public agency, or an activity that involves the issuance of a permit or other entitlement. (Public Resources Code Section 21065). The CEQA Guidelines further define the term "project" and confirm that it does not include administrative activities of government that will not result in direct or indirect

physical changes in the environment. (14 Cal Code Regs. Section 15378(b)(5)). Execution of a MOU regarding coordination among agencies on sea level rise adaptation in San Francisco Bay is an administrative activity that will not result in physical changes to the environment. Accordingly, authorization to execute the MOU does not constitute a project for purposes of CEQA.