

COASTAL CONSERVANCY

Staff Recommendation
September 22, 2022

BAY CONSERVATION AND DEVELOPMENT COMMISSION JOINT PLATFORM IMPLEMENTATION

Project No. 22-022-01
Project Manager: Eryan Borgnis Sloane

RECOMMENDED ACTION: Authorization to disburse up to \$3,570,000 to the San Francisco Bay Conservation and Development Commission to implement Bay Adapt Joint Platform tasks and actions related to: (1) development of Regional Sea Level Rise Adaptation Guidance; (2) regulatory improvements; and (3) continued coordination with stakeholders and communities.

LOCATION: Nine-County San Francisco Bay Area

EXHIBITS

- Exhibit 1: [Project Location Map](#)
 - Exhibit 2: [Letter of Support – Bay Adapt Joint Platform](#)
 - Exhibit 3: [OPC Staff Recommendation, June 14, 2022](#)
 - Exhibit 4: [Conservancy Staff Recommendation, September 6, 2018](#)
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RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed three million five hundred seventy thousand dollars (\$3,570,000) to the San Francisco Bay Conservation and Development Commission (“the grantee”) to implement the Bay Adapt Joint Platform tasks and actions related to: (1) development of Regional Sea Level Rise Adaptation Guidance; (2) regulatory improvements; and (3) continued coordination with stakeholders and communities.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
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2. Names and qualifications of any contractors to be retained in carrying out the project.

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 3 of Division 21 of the Public Resources Code, regarding the Climate Ready Program.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize disbursement of up to three million five hundred seventy thousand dollars to the San Francisco Bay Conservation and Development Commission (BCDC) to implement the Bay Adapt Joint Platform tasks and actions related to: (1) development of Regional Sea Level Rise Adaptation Guidance; (2) regulatory improvements; and (3) continued coordination with stakeholders and communities in the nine-county Bay Area (see Exhibit 1). Since 2019 BCDC has led Bay Adapt, a regional strategy to protect people and the natural and built environments from rising sea levels. Actions to implement the principles, goals, actions, and tasks in Bay Adapt are described in the Bay Adapt Joint Platform, which was developed collaboratively by over 30 regional executive leaders (see letter of support from the Conservancy's Executive Officer in Exhibit 2).

The San Francisco Bay shoreline constitutes a third of California's coast and because of historical development, is particularly vulnerable to sea level rise. According to the [Bay Adapt Joint Platform](#), the Bay could incur two thirds of the economic repercussions caused by the impacts of rising sea levels, threatening communities, ecosystem health, and one of the largest economies in the world. The Bay Area represents a complicated and broad array of jurisdictions, regulatory agencies, community organizations, and special interests, many of which have begun independent, sea level rise adaptation planning efforts with varying levels of regional coordination. This results in a lack of consistency with unequal implications across the Bay, with consequences for the Bay's diverse communities, biodiversity, public access, and critical infrastructure.

The Bay Adapt Joint Platform lays out guiding principles, region-wide actions, and specific tasks to achieve faster, better, and more equitable adaptation that will result in:

- Protection of natural areas and wildlife.
- Reduced flood risk for communities, businesses, infrastructure, and habitats.
- Robust integration of adaptation into community-focused local plans.
- Recognition and equitable support for low-income communities.
- Accelerated permitting and project construction.
- Technical assistance for local governments.

The proposed project is to implement the Joint Platform tasks and actions related to: (1) development of Regional Sea Level Rise Adaptation Guidance; (2) regulatory improvements; and (3) continued coordination with stakeholders and communities. The tasks and actions to be carried out with the recommended funding are described below.

Regional Sea Level Rise Adaptation Guidance: BCDC will prepare regional sea level rise adaptation guidance by establishing and working with a task force that will include elected officials and representatives from local jurisdictions and community organizations to help. The guidance will determine criteria and minimum standards for county and sub-regional sea level rise implementation plans. Of particular importance to the Conservancy's ability to evaluate future project proposals, the guidance will also include clear approaches and methods to determine and address potential cross-jurisdictional impacts when developing projects of varying types and scales. The process will specify how projects and planning at various stages (some starting now) will be incorporated and/or integrated into the regional framework. Conservancy funds will augment the California Ocean Protection Council's (OPC's) June 14, 2022 authorization of funds to BCDC for this task (see Exhibit 3).

Regulatory Improvements: BCDC will analyze on-going studies on permitting efficiencies throughout the region as well as analyze their own internal laws, policies, structures, and regulatory processes for inefficiencies and barriers. With this information, BCDC will develop a list of permitting challenges, conflicting regulations, redundant regulations, and regulatory "gaps" as well as create potential processes, regulations, and/or policy changes to address the challenges identified.

BCDC will also develop support tools and trainings for applicants working on adaptation projects to navigate the BCDC permitting processes. This will go beyond BCDC's Climate Change Policy Guidance (released in 2021) to include an overview of their entire permitting process (not just climate change policies) and provide guidance on project design best practices for accelerated permitting. BCDC Bay Adapt planning staff will also provide BCDC permit analysts additional support in analyzing climate adaptation permit applications internally.

BCDC will develop a conceptual recommendation for how to increase multi-agency and applicant collaboration for climate adaptation projects, including potential funding sources and an action plan for implementing the recommendations. Potential recommendations include creating a working group of regulatory agency staff that meets quarterly as an "Adaptive Management" clearinghouse or expanding the Bay Restoration Regulatory Integration Team (BRRIT) to cover additional green or "hybrid" (green-grey) shoreline protection projects.

Last, BCDC will continue to participate in the Bay Restoration Regulatory Integration Team (BRRIT) with staff on the permit analyst team as well as a manager on the Policy Management Committee. The BRRIT was formed to improve the permitting process for multi-benefit habitat restoration projects and associated flood management and public access infrastructure in the San Francisco Bay and along the shoreline of the nine Bay Area counties. On September 6, 2018 the Conservancy authorized disbursement of \$250,000 annually to support staff at the state and federal agencies participating in the BRRIT (Exhibit 4), to leverage the \$650,000 of annual

funding authorized by the San Francisco Bay Restoration Authority. The proposed project will fully fund the BRRIT permit analyst staff at BCDC for the fourth and fifth year of BRRIT implementation. While the BRRIT is fully funded for at least five years, additional state funds are needed due to San Francisco Bay Restoration Authority contracting issues with two of the state regulatory agencies.

Continued Coordination with Stakeholders and Communities to Implement Bay Adapt Joint Platform: BCDC will serve the role of the “backbone agency” to continue to support the advancement of Bay Adapt for approximately 3 years. This will result in ongoing planning, communication, tracking, convening, metrics, and funding for implementing Bay Adapt. For instance, BCDC will develop a long-term equity strategy with stakeholders and communities for the Bay Adapt program. They will also develop success metrics and transparently measure and report progress on the strategic advancement of the Joint Platform tasks. BCDC will continue to engage and involve Bay Adapt partners by maintaining an accessible and engaging website and host community events, listening sessions, public forums, or other feedback opportunities to ensure the needs of the region are continually considered in Bay Adapt.

Site Description: San Francisco Bay’s shoreline constitutes about 1/3 of the entire California coastline, but the Bay Area will incur 2/3 of the harmful economic impacts caused by rising sea level — threatening the most ecologically significant estuary on the West Coast, one of the largest economies in the world, and hundreds of culturally and socially diverse communities that call the Bay Area home.

Grant Applicant Qualifications: Established in 1965, BCDC’s mission is to protect and enhance San Francisco Bay and encourage the Bay’s responsible and productive use for this and future generations. Over the past decade, BCDC has embraced climate adaptation work, earning the reputation of being a trusted partner and strategic facilitator to catalyze local and regional action. This has occurred primarily through its nationally recognized Adapting to Rising Tides (ART) program. BCDC and the Bay Adapt program’s diverse community engagement and visioning has set the precedent that this agency is well-suited to receive funding for the implementation the Bay Adapt Joint Platform by developing the Guidance. To aid BCDC in developing the Regional Sea Level Rise Adaptation Guidance, they will form a Task Force composed of local elected officials, climate champions, and climate scientists/experts and a Steering Committee of community-based organizations and local agencies.

CONSISTENCY WITH CONSERVANCY’S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy’s Project Selection Criteria, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. Extent to which the project helps the Conservancy accomplishes the objectives in the Strategic Plan.

See the “Consistency with Conservancy’s Strategic Plan” section below.

2. Project is a good investment of state resources.

Implementing the Bay Adapt Joint Platform is a good investment of state resources given the extensive community engagement and visioning that has already occurred to develop the project's priority initiatives. These initiatives have existing momentum and advance existing goals of funding, regulatory, and local agencies. The proposed project tasks of developing the Regional Sea Level Rise Adaptation Guidance, improving regulatory processes, and coordination with stakeholders and communities represent the initiatives that BCDC is uniquely suited to lead, participate in, or advise on. Given the previous work to develop the Bay Adapt program and BCDC's history of implementing the Adapting to Rising Tides Program, the proposed project is feasible with a reasonable budget that is based on similar, prior work.

3. Project includes a serious effort to engage tribes. Examples of tribal engagement include good faith, documented efforts to work with tribes traditionally and culturally affiliated to the project area.

On July 13, 2022 the State Coastal Conservancy notified local tribes throughout the nine counties of the Bay Area of the project details. The 29 tribes contacted included:

- Amah Mutsun Tribal Band of Mission San Juan Bautista
- Cachil DeHe Band of Wintun Indians of the Colusa Indian Community
- Chicken Ranch Rancheria of Me-Wuk Indians
- Cloverdale Rancheria of Pomo Indians of CA
- Cortina Rancheria - Kletsel Dehe Band of Wintun Indians
- Costanoan Rumsen Carmel Tribe
- Dry Creek Rancheria Band of Pomo Indians
- Federated Indians of Graton Rancheria
- Guidiville Rancheria of California
- Indian Canyon Mutsun Band of Costanoan (San Jose)
- Indian Canyon Mutsun Band of Costanoan
- Kashia Band of Pomo Indians of the Stewarts Point Rancheria
- Koi Nation of Northern California (Lower Lake Rancheria)
- Lytton Rancheria of California
- Mishewal-Wapo Tribe of Alexander Valley
- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
- Nashville Enterprise Miwok-Maidu-Nishinam Tribe
- North Valley Yokuts Tribe
- Pinoleville Pomo Nation
- Robinson Rancheria Band of Pomo Indians
- Rumsen Ama Turataj
- Tamien Nation
- The Association of Ramaytush Ohlone
- The Confederated Villages of Lisjan
- The Ohlone Indian Tribe
- Tule River Indian River Tribe

- Wilton Rancheria
- Wuksache Indian Tribe Eshom Valley Band
- Yocha Dehe Wintun Nation

4. Project benefits will be sustainable or resilient over the project lifespan.

In less than 30 years, the Bay Area could face significant flooding impacts to 13,000 existing housing units and 70,000 planned housing units, 28,000 socially vulnerable residents, 104,000 existing jobs and 85,000 planned jobs, and 20,000 acres of wetlands. The adaptation plans and projects already occurring within the Bay Area are isolated and inconsistent due to limited local planning lacking regional support and integration. Adapting to a rising Bay requires a coordinated and collaborative approach across the region's array of jurisdictions, regulatory agencies, communities, and special interests. After two years of complex analysis and stakeholder engagement, BCDC's Bay Adapt initiative has created the Joint Platform to lay out how to do exactly this. Rather than identifying specific projects, the Bay Adapt Joint Platform lays out guiding principles, region-wide actions, and specific tasks to achieve faster, better, and more equitable adaptation. This proposed project will implement the Bay Adapt Joint Platform tasks and actions related to: (1) development of Regional Sea Level Rise Adaptation Guidance; (2) regulatory improvements; and (3) continued coordination with stakeholders and communities.

5. Project delivers multiple benefits and significant positive impact.

Implementing the Bay Adapt Joint Platform will result in the region-wide collaboration that is needed to address climate impacts to frontline communities, create a mosaic of complimentary protective actions across the shoreline (instead of an incomplete patchwork with varying degrees of protection), provide consistent interpretation and application of the best statewide science, collaborate among local agencies and communities for limited funding, restore shoreline habitat function and resilience, and collectively measure progress. For instance, the Regional Sea Level Rise (SLR) Adaptation Guidance for San Francisco Bay will develop criteria and minimum standards for resilience planning based on the best available, regional science, and provide a framework for Bay Area jurisdictions to create SLR adaptation implementation plans. It will also help align community priorities to address shoreline resilience and support further community outreach, progress tracking, and capacity building.

6. Project planned with meaningful community engagement and broad community support.

Development of the Bay Adapt program and Joint Platform was informed by dozens of stakeholders work group meetings, one public forum, 10 community and stakeholder focus groups, over 50 presentations to boards and groups around the region, and an environmental justice caucus convened regularly throughout the process. BCDC Bay Adapt staff also made dozens of presentations to interested groups, local government staff, and elected officials all around the Bay.

PROJECT FINANCING

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|-------------------------------------|--------------------|
| Coastal Conservancy | \$3,570,000 |
| California Ocean Protection Council | \$2,084,437 |
| Project Total | \$5,654,437 |

Conservancy funding for all portions of this project except the BRRIT is anticipated to come from a Fiscal Year 2022/23 appropriation from the General Fund to the Conservancy for the purpose of climate resilience. (The Budget Act of 2022, SB 154.) The proposed project is consistent with this funding source because it is a Climate Ready project that will help implement a regional strategy to protect people and the natural and built environments from rising sea levels.

Conservancy funding for the BRRIT portion of the project is anticipated to come from the fiscal year 2018/19 appropriation to the Conservancy from the “California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018,” Public Resources Code Section 80000, et seq. (Proposition 68) for purposes of Chapter 8, Section 80110(b)(10), which allocates funds for projects that are eligible for grants under the San Francisco Bay Restoration Authority Act, Government Code Section 66700, et seq (Restoration Authority Act). Projects eligible for grants under the Restoration Authority Act are those that protect, restore, or enhance tidal wetlands, managed ponds or natural habitats on the shoreline in the San Francisco Bay area (resource protection projects) or that provide flood protection or public access as part of a resource protection project. Government Code Section 66704.5. Funding the BRRIT is an appropriate use of Proposition 68 Chapter 8 funds because the BRRIT will expedite the permitting of projects that are eligible for Restoration Authority Act grants. Section 80110(b)(10) requires a matching grant for Conservancy grants under this subsection, which is met by the San Francisco Bay Restoration Authority’s previous contributions for the BRRIT.

At its June 14, 2022 meeting, the OPC authorized funds in the amount of \$2,084,437 that are anticipated to come from the OPC’s Fiscal Year 2018/19 appropriation of California Environmental License Plate Funds (ELPF).

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The recommended project would be undertaken pursuant to Section 31113 of Chapter 3 of Division 21 of the Public Resources Code, which authorizes the Conservancy to address the impacts and potential impacts of climate change on resources within the Conservancy’s jurisdiction (Section 31113(a)). The recommended project will plan for addressing the impacts of sea level rise on resources within the Conservancy’s nine-county San Francisco Bay Area jurisdiction (Chapter 4.5 of Division 21 of the Public Resources Code).

Pursuant to Section 31113, subsections (b) and (c), the Conservancy is authorized to award grants to nonprofit organizations and public agencies to undertake projects that include reducing greenhouse gas emissions, and addressing extreme weather events, sea level rise, flooding, and other coastal hazards that threaten coastal communities, infrastructure, and

natural resources. Furthermore, the Conservancy must prioritize grants for projects that maximize public benefits and have one of several purposes, including reducing flood risk, enhancing coastal wetlands and natural lands, and providing recreational opportunities. The proposed project meets these criteria because it will grant funds to a public agency (BCDC) to develop guidance for plans to protect infrastructure from sea level rise; reduce flood risk; and enhance recreational opportunities on the shoreline, likely including segments of the San Francisco Bay Trail.

CONSISTENCY WITH CONSERVANCY'S [2018-2022 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 8, Objective A** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will underpin development of adaptation plans that will address sea level rise.

CEQA COMPLIANCE:

The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines at California Code of Regulations, Title 14, Sections 15262, which exempts feasibility and planning studies for possible future actions from the requirement to prepare an Environmental Impact Report or negative declaration, and 15306, which exempts from CEQA basic data collection, research, and resource evaluation activities that will not disturb environmental resources. The proposed project consists of planning activities, preparation of designs, and review of environmental effects, none of which will disturb environmental resources and all of which will be undertaken for possible future actions that the Conservancy has not yet approved, adopted, or funded. Staff will file a Notice of Exemption upon approval of this project