

San Francisco Bay Conservation and Development Commission

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State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

December 20, 2024

Mr. Wade Crowfoot
Secretary for Natural Resources
California Natural Resources Agency
715 P Street, 20th Floor
Sacramento, CA 95814

SUBJECT: Notice of Decision of the San Francisco Bay Conservation and Development Commission to Adopt San Francisco Bay Plan Amendment No.1-24 Amending the San Francisco Bay Plan and Adopting a *Regional Shoreline Adaptation Plan*

Dear Secretary Crowfoot:

Pursuant to the requirements of Public Resources Code section 21080.5(d)(2)(E) and Title 14 of the California Code of Regulations (“CCR”) section 11007(a), we hereby file notice with your office concurrently with the Governor’s Office of Planning and Research’s (“OPR”) CEQANet web portal that on December 5, 2024, the San Francisco Bay Conservation and Development Commission (“BCDC” or “the Commission”) voted 21-0-0 to adopt Bay Plan Amendment (“BPA”) No. 1-24 to its San Francisco Bay Plan (“Bay Plan”) via Resolution No. 2024.05 (attached).

BPA No. 1-24 makes the following changes to the Bay Plan:

- Adoption of a new *Regional Shoreline Adaptation Plan*, incorporated by reference into the Bay Plan as a plan addressing special needs pursuant to Government Code section 66651;
- Changes to the Bay Plan Climate Change Findings C, E, O, P, R, U, and W;
- Creation of new Bay Plan Climate Change Findings X, Y, and Z; and
- Changes to the Bay Plan Climate Change Policies 1, 6, and 7.

The Commission’s adoption of the *Regional Shoreline Adaptation Plan* as a plan addressing special needs incorporated by reference into the Bay Plan fulfills two objectives:

- (1) pursuant to Senate Bill (“SB”) 272 (Laird, 2023), the *Regional Shoreline Adaptation Plan* establishes guidelines for the preparation of sea level rise plans required of local governments within BCDC’s jurisdiction to prepare by January 1, 2034 subject to review and approval by BCDC; and
- (2) the *Regional Shoreline Adaptation Plan* fulfills existing Bay Plan Climate Change Policy 6 (i.e., as it exists at the time of the Commission’s adoption of BPA No. 1-24), which states in part that: “The Commission, in collaboration with the Joint Policy Committee, other regional, state and federal agencies, local governments, and the general public, should formulate a regional sea level rise adaptation strategy for protecting critical developed shoreline areas and natural ecosystems, enhancing the resilience of Bay and shoreline systems and increasing their adaptive capacity.”

The Commission prepared a Draft and a Final Environmental Assessment (“EA”)¹ for BPA No. 1-24 in accordance with its certified regulatory program for purposes of the California Environmental Quality Act (“CEQA”) for its planning program under the McAteer-Petris Act² and determined that BPA No. 1-24 would not have any direct or indirect significant adverse environmental impacts. In addition to filing this notice with your office and with OPR on CEQANet, public notice of the Commission’s action on BPA No. 1-24 will further be given to all known interested parties pursuant to Public Resources Code section 21080.5(d)(2)(F) and 14 CCR section 11007(b), as well as posted on BCDC’s website.³

BPA No. 1-24 will not have an effect on fish or wildlife. The Commission adopted the *Regional Shoreline Adaptation Plan* as a plan addressing special needs incorporated by

¹ The Draft EA prepared for the October 17, 2024 public hearing on BPA No. 1-24 can be found here: <https://bcdc.ca.gov/wp-content/uploads/sites/354/2024/09/Staff-Report-and-Preliminary-Recommendation.pdf> at section VI, pp. 32-34. There were no changes from the Draft EA to the Final EA, which was prepared for the December 5, 2024 Commission meeting at which the Commission adopted BPA No. 1-24. The Draft EA is incorporated by reference in the Final EA, which can be found here: <https://bcdc.ca.gov/wp-content/uploads/sites/354/2024/11/2024-12-05-staff-recommendation-regional-shoreline-adaptation-plan-bay-plan-amendment-BPA-No-1-24.pdf> at p. 17. Physical copies of these documents are available upon request at BCDC’s physical office at 375 Beale Street, Suite 510, San Francisco, CA 94105.

² For authority on BCDC’s certified regulatory program under CEQA, reference Public Resources Code section 21080.5 and 14 CCR 15251(h). For the EA process under BCDC’s certified regulatory program for its planning program, reference 14 CCR sections 11003(b)(6), 11005(b)(2), and 11521-25.

³ A State Clearinghouse (“SCH”) number for this notice cannot be generated through CEQANet (<https://ceqanet.opr.ca.gov/>) until this document has been successfully submitted through CEQANet. However, once submitted this notice should be search-accessible on CEQANet using the key phrase “Bay Plan Amendment No. 1-24” and by searching for “San Francisco Bay Conservation and Development Commission.” The notice will also be posted on BCDC’s website at <https://bcdc.ca.gov/wp-content/uploads/sites/354/2024/12/regional-shoreline-adaptation-plan-notice-of-decision.pdf> and linked from the project webpage for BPA No. 1-24 on BCDC’s website at <https://bcdc.ca.gov/regional-shoreline-adaptation-plan-bpa-1-24/>.

reference into the Bay Plan in accordance with SB 272, which requires the Commission to establish by December 31, 2024 guidelines for the preparation of subregional sea level rise plans by local governments within the Commission's jurisdiction by January 1, 2034 for the review and approval by the Commission. As required by SB 272, sea level rise plan submittals must contain, among other things, proposed sea level rise adaptation strategies and recommended projects. Any implementation of such strategies or activities within any approved subregional plan may require various land use entitlements, including a permit(s) from the Commission, at which time of BCDC permit application submittal any such specific proposal will be evaluated by the Commission to determine whether the proposed project will have any impacts on fish and wildlife. Because BPA No. 1-24 will not have any effect on fish or wildlife, no fee is required pursuant to Fish and Game Code section 711.4(c)(2)(A) or (d)(4).

Commission action on BPA No. 1-24 at its December 5, 2024 meeting is more fully described in the enclosed Resolution No. 2024.05. Inquiries concerning the Commission's action should be directed to Staff Attorney Amanda Boyd at 415-352-3643 or amanda.boyd@bcdcc.ca.gov.

Sincerely,

Signed by:

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Amanda Boyd
For Larry Goldzband, Executive Director

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105

Enclosure:

1. Resolution No. 2024.05

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

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Resolution No. 2024.05

Adoption of the Regional Shoreline Adaptation Plan Bay Plan Amendment No. 1-24

Whereas, in 1965, the McAteer-Petris Act established the San Francisco Bay Conservation and Development Commission (“BCDC” or “the Commission”) as a temporary State agency, designated the San Francisco Bay as a State-protected resource, and charged the Commission with preparing a plan for the long-term protection of the Bay and regulating development in and around the Bay while the plan was being prepared;

Whereas, the initial *San Francisco Bay Plan* (“*Bay Plan*”) was approved in 1968, BCDC was made a permanent state agency one year later, and BCDC updates the Bay Plan regularly to ensure that the Bay and its shoreline are developed and conserved responsibly in accordance with BCDC’s governing law, the McAteer-Petris Act, and to address new issues as the Bay Area changes;

Whereas, the Legislature directed the Commission to keep the *Bay Plan* up to date so that it reflects the latest scientific research on the Bay and addresses emerging issues that could impact the Bay in the future. To accomplish this, the Legislature empowered the Commission to amend the *Bay Plan* if it pertains to a policy or standard contained in the *Bay Plan* or defines a water oriented use referred in Government Code Sections 66602 or 66605 upon two-thirds (18) of the 27 members of the Commission voting for the amendment, after providing an opportunity for public review of the proposed amendment and after holding a public hearing on the amendment. Over its history, the Commission has made numerous amendments to the *Bay Plan*, ranging from changing a boundary of a *Bay Plan* map designation to addressing new policy issues;

Whereas, the Legislature passed Assembly Bill (AB) 2094 (DeSaulnier 2008): San Francisco Bay Conservation and Development Commission. AB 2094 authorizes BCDC, in coordination with local governments, regional councils of government, and other agencies and interested parties, to develop regional strategies, as needed, for addressing the impacts of, and adapting to, the effects of sea level rise and other impacts of global climate change on the San Francisco Bay and affected shoreline areas.

Whereas, the Commission amended the *Bay Plan* in 2011 to adopt Climate Change findings and policies to address rising sea levels, and Climate Change Policy 6 called on the Commission, in collaboration with Bay Area stakeholders, to formulate a regional sea level rise adaptation strategy for protecting critical developed shoreline areas and natural ecosystems;



Whereas, the Legislature passed Senate Bill (SB) 272 (Laird 2023): Sea Level Rise Planning and Adaptation in 2023. SB 272 requires all local governments within the Commission’s jurisdiction to address sea level rise through preparation of subregional San Francisco Bay shoreline resiliency plans, subject to approval by the Commission. SB 272 requires the Commission to establish guidelines under which local governments must prepare the plans. Local governments within the Commission’s jurisdiction must submit plans consistent with the adopted guidelines by January 1, 2034, with updates thereafter. Pursuant to SB 272, local governments that receive approval by the Commission will be prioritized for state funding, upon appropriation by the Legislature.

Whereas, Government Code section 66651 states that the *Bay Plan* “may contain or incorporate by reference special area plans with more specific findings and policies for portions of the bay and its shoreline and other plans addressing special needs, such as seaports”;

Whereas, staff developed the proposal for Bay Plan Amendment (“BPA”) No. 1-24 to include: (1) a Regional Shoreline Adaptation Plan as a “plan addressing special needs” incorporated by reference within the *Bay Plan* and to give effect to current *Bay Plan* Climate Change Policy 6 (Exhibit A); (2) as a component of the Regional Shoreline Adaptation Plan, the guidelines required by SB 272, in order for BCDC to implement its responsibilities under SB 272 within the framework of its existing laws and authorities (*i.e.*, the Bay Plan amendment process); and amendment of certain *Bay Plan* Climate Change Findings and Policies in light of proposed establishment of the Regional Shoreline Adaptation Plan as part of the *Bay Plan*;

Whereas, Government Code section 66652 states that “the Commission at any time may amend, or repeal and adopt a new form of, all or any part of the San Francisco Bay Plan but such changes shall be consistent with the findings and declaration of policy” contained in the McAteer-Petris Act;

Whereas, on August 15, 2024, the Commission voted to initiate BPA No. 1-24 to Adopt a Regional Shoreline Adaptation Plan and Establish Guidelines for the Preparation of Sea Level Rise Plans Pursuant to Senate Bill 272 (Laird, 2023) and ultimately adopted BPA No. 1-24 by the following actions. The Commission: (1) on August 15, 2024, approved a Brief Descriptive Notice on the proposed BPA and set a public hearing date for October 17, 2024; (2) on August 26, 2024, electronically mailed the Adopted Descriptive Notice to all agencies, organizations and individuals interested in the proposed amendment and required by Commission Regulations; (3) On September 16, 2024, BCDC staff electronically mailed the Staff Report, Preliminary Recommendation and Draft Environmental Assessment to all agencies, organizations and individuals interested in the proposed amendment and posted the same materials on BCDC’s website for its October 17, 2024 Commission meeting agenda; (4) on October 17, 2024, held a public hearing to receive public comments on the proposed amendment, Preliminary Recommendation, and associated Draft Environmental Assessment prepared by the Commission in compliance with its certified program for purposes of the California Environmental Quality Act (“CEQA”); (5) on November 22, 2024, electronically mailed the Final Staff Recommendation and Final Environmental Assessment to all agencies, organizations, and individuals interested in the

proposed amendment and posted the same materials on BCDC's website for its December 5, 2024 Commission meeting agendas, and subsequently mailed and posted minor corrections to the Staff Recommendation on November 27, 2024; and (6) on December 5, 2024, affirmatively voted by two-thirds majority to adopt the staff's Final Recommendation as modified by three amendments to text of the *Regional Shoreline Adaptation Plan* introduced separately by Commissioners Gioia, Kishimoto, and Showalter at the December 5, 2024 Commission meeting (Exhibit B), and the Final Environmental Assessment, all in accordance with the requirements and procedures set out in Government Code Section 66652 and Title 14 of the California Code of Regulations, Sections 11000-06 and 11521-24;

Whereas, the Commission has considered all oral comments presented at the October 17, 2024, public hearing, as well as all written comments received during the public comment period (September 16, 2024, to October 18, 2024), and staff has responded to those comments in the Final Staff Recommendation (Exhibit F of the Final Staff Recommendation);

Whereas, the Commission has prepared a new Regional Shoreline Adaptation Plan which also incorporates the Commission's guidelines developed to assist local governments in preparing subregional shoreline resiliency plans pursuant to SB 272 (Exhibit A);

Whereas, the Commission has prepared a Final Environmental Assessment for the proposed Bay Plan amendment in accordance with the Commission's regulations implementing CEQA, incorporated by reference as included in the September 17, 2024 Staff Report and Preliminary Recommendation without changes as described in the November 22, 2024 Final Recommendation. As concluded in the Environmental Assessment, BPA No. 1-24 would not result in any direct or indirect significant adverse environmental impacts for which alternatives or mitigation measures are required;

Now, Therefore, Be It Resolved that, the Commission hereby adopts the following Bay Plan Amendment: BPA No. 1-24, to Adopt a *Regional Shoreline Adaptation Plan*, as amended, and Establish Guidelines for the Preparation of Sea Level Rise Plans Pursuant to Senate Bill 272 (Laird, 2023).

Be it further resolved that, the above Bay Plan Amendment adopts a new *Regional Shoreline Adaptation Plan*, as amended and incorporated by reference in the *Bay Plan* as a plan addressing special needs, and that the *Regional Shoreline Adaptation Plan*, as amended, incorporates the Commission's guidelines developed to assist local governments in preparing subregional shoreline resiliency plans pursuant to SB 272 (Exhibit A).

Be it further resolved that, the above Bay Plan Amendment makes changes to the *Bay Plan* Climate Change Findings C, E, O, P, R, U, and W, and establishes new Climate Change Findings X, Y, and Z. (Exhibit C);

Be it further resolved that, the above Bay Plan Amendment makes changes to the *Bay Plan* Climate Change Policies 1, 6, and 7. (Exhibit C);

Be it further resolved that, the above Bay Plan Amendment conforms to all relevant policies of Government Code sections 66000 through 66661 as more fully discussed in the Preliminary Staff Planning Report published on September 16, 2024 for the October 17, 2024 public hearing and the Final Staff Recommendation published on November 22, 2024 for the December 5, 2024 Commission meeting, which are hereby incorporated by reference. Findings regarding consistency of BPA No. 1-24 with the findings and declarations of policy of the McAteer-Petris Act are more specifically contained on pages 30 through 32 of the Preliminary Staff Planning Recommendation.

Be it further resolved that, the Commission finds that, based on the Final Environmental Assessment as more fully discussed in the Preliminary Staff Planning Report published on September 16, 2024 for the October 17, 2024 public hearing and the Final Staff Recommendation published on November 22, 2024 for the December 5, 2024 Commission meeting, incorporated by reference, there will be no significant adverse impacts on the environment directly or indirectly created by or resulting from Bay Plan Amendment No. 1-24 for which alternatives or mitigation measures are required.

Be it further resolved that, the Commission authorizes the Executive Director to make minor, non-substantive editorial, graphic design and formatting changes to Bay Plan Amendment No. 1-24, including the *Regional Shoreline Adaptation Plan*, in particular to ensure readability and to comply with the determinations of the Office of Administrative Law in its review of Bay Plan Amendment No. 1-24 under the California Administrative Procedure Act.

We certify that this resolution was adopted by a vote of 21 “yes” votes, 0 “no” votes, and 0 abstentions at the Commission meeting held December 5, 2024, in San Francisco, California.

Executed on this 19th day of December, 2024 in San Francisco, California.

DocuSigned by:
Rebecca Eisen
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REBECCA EISEN Vice Chair
On behalf of R. ZACHARY WASSERMAN Chair

Executed on this 19th day of December, 2024 in San Francisco, California.

DocuSigned by:
Larry Goldzband
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LAWRENCE J. GOLDZBAND Executive Director

Exhibit A: The Regional Shoreline Adaptation Plan, as amended

The Regional Shoreline Adaptation Plan can be found here:

<https://bcdc.ca.gov/wp-content/uploads/sites/354/2024/12/regional-shoreline-adaptation-plan.pdf>

Exhibit B: Adopted Commissioner Amendments to the Regional Shoreline Adaptation Plan

The adopted Commissioner amendments to the Regional Shoreline Adaptation Plan can be found here:

The revisions are shown with additions in underline and removals in ~~striketrough~~.

Amendment 1 (Gioia)**Section 2.3 Topic Areas – Connecting the One Bay Vision to Strategic Regional Priorities, Page 46, 3rd paragraph**

The outcomes of adaptation planning should result in adaptation strategies that preserve public trust uses of the Bay, and that address risks across topic areas, and identify opportunities to improve multiple benefits across Bay shoreline communities, Baylands ecosystems, and economies.

Section 3.2 Subregional Plan Elements, Page 90, 3rd paragraph

Local governments ~~are not required to~~ must either submit a Subregional Plans that follows the exact requirements laid out in this section or consult with BCDC staff on an alternative compliance method that but are expected to meets the outcomes described.

Section 3.2.4 Element D: Adaptation Strategies and Pathways, Page 112, 1st paragraph

The development of selected physical and non-physical adaptation strategies that are responsive to vulnerabilities, prioritize natural and nature-based strategies where possible, and provide flood risk reduction while advancing local benefits and One Bay Vision.

Section 3.3.4, Adaptation Strategy Standard 4, Page 158.**4: Prioritize natural and nature-based adaptation where feasible**

In areas along the Bay shoreline where protection approaches for flood risk reduction are selected, prioritize natural and nature-based adaptation strategies suitable to the landscape to the greatest extent feasible before using traditional hardscape approaches. Where only natural and nature-based adaptation is deemed infeasible, ~~approaches should~~ incorporate habitat enhancements (i.e., utilizing hybrid approaches). Use best available science and information to identify suitability for natural and nature-based adaptation. Demonstrate and describe where and how natural and nature-based adaptation ~~is~~ are being ~~prioritized~~ incorporated and where deemed infeasible, describe where habitat enhancement has been incorporated into traditional hardscape.

Amendment 2 (Kishimoto)**Section 3.3.4, Adaptation Strategy Standard 3, p. 157, second paragraph**

Adaptation strategies that would significantly adversely affect Bay resources should, to the greatest extent feasible, be avoided, including, but not limited to strategies that result in significant harm to sensitive

habitat areas, pollute the Bay, disrupt remediated sites or other legacy contamination or reduce water surface area and circulation, such as flood barriers in the Bay.

Amendment 3 (Showalter)

Section 3.5.2, Updating Plans, p. 180

Comprehensive Plan Updates

According to the update timeline submitted by the local government and approved by BCDC, local governments must submit a **comprehensive plan update** for review and approval by the Commission through the process provided by these Guidelines. Comprehensive updates should consist of a complete plan document with all elements outlined in the Subregional Plan Guidelines. Sections of the plan that do not need to be changed from the original may be included by reference or just re-printed with proper citation. For instance, it may not be necessary to complete a new economic analysis if the alternatives included remain the same. Updated plans should comply with plan requirements and standards as current at that time and follow the adoption process as current at that time.

Exhibit C: Changes to Bay Plan Findings and Policies

The changes to Bay Plan Findings and Policies can be found here:

The revisions are shown with additions in underline and removals in ~~strikethrough~~.

Proposed Revisions to Existing Bay Plan Climate Change Findings

- c. Global surface temperature increases are accelerating the rate of sea level rise worldwide through thermal expansion of ocean waters and melting of land-based ice (e.g., ice sheets and glaciers). Bay water level is likely predicted to rise by a corresponding amount. In the last century, sea level in the Bay rose nearly eight inches. ~~Current science-based projections of global sea level rise over the next century vary widely. Using~~ Derived from the IPCC greenhouse gas emission scenarios 6th Assessment Report and the 2022 Federal Sea Level Rise Technical Report, in 2010 2024 the California ~~Climate Action Team (CAT) developed~~ Ocean Protection Council (OPC) updated its sea level rise projections (relative to sea level in 2000) for the state ~~that, along with site specific estimates for 14 tide gauges along the California Coast. These projections extend to 2150 with 5 scenarios for each decade: Low, Intermediate-Low, Intermediate, Intermediate-High, and High. The state recommends using the Intermediate to High scenarios to inform sea level rise planning and project decisions. The recommended statewide averages range from 10 to 17 inches~~ 0.8 to 1.2 feet by 2050, 17 to 32 inches 3.1 to 6.6 feet by 2100, and 6.1 to 11.9 feet by 2150. 2070, and 31 to 69 inches at the end of the century. The CAT has recognized that it may not be appropriate to set definitive sea level rise projections, and, based on a variety of factors, state agencies may use different sea level rise projections. Although the CAT OPC values are generally recognized as the best science-based sea level rise projections for California, scientific uncertainty remains regarding the pace and amount of sea level rise. Moreover, melting of the Greenland and Antarctic ice sheets may not be reflected well in current sea level rise projections. As additional data are collected and analyzed, sea level rise projections will likely change over time and OPC updates its guidelines regularly. The National Academy of Sciences is in the process of developing a Sea Level

~~Rise Assessment Report that will address the potential impacts of sea level rise on coastal areas throughout the United States, including California and the Bay Area.~~

- e. ~~Shoreline areas currently vulnerable to a 100-year flood event may be subjected to inundation by high tides at mid-century. Over time, shoreline areas currently vulnerable to temporary flooding from storm events may be permanently inundated. Sea level rise will also exacerbate groundwater rise. In some low-lying areas, the groundwater table may reach the surface and cause emergent groundwater flooding. Groundwater rise poses unique challenges for infrastructure and may risk mobilizing contaminants from toxic sites.~~ Much of the developed shoreline may require new or upgraded shoreline protection to reduce damage from flooding. Shoreline areas that have subsided are especially vulnerable to sea level rise and may require more extensive shoreline protection. The Commission, along with other agencies such as the National Oceanic and Atmospheric Administration, the Federal Emergency Management Agency, the United States Army Corps of Engineers, cities, counties, and flood control districts, is responsible for protecting the public and the Bay ecosystem from flood hazards. This can be best achieved by using a range of scientifically based scenarios, including projections, which correspond to higher rates of sea level rise. In planning and designing projects for the Bay shoreline, it is prudent to rely on the most current science-based and regionally specific projections of future sea level rise, develop strategies and policies that can accommodate sea level rise over a specific planning horizon (i.e., adaptive management strategies), and thoroughly analyze new development to determine whether it can be adapted to sea level rise.
- o. Approaches for ensuring public safety in developed vulnerable shoreline areas through adaptive management strategies include but are not limited to: (1) protecting existing and planned appropriate infill development through the end of the useful life of the development; (2) prioritizing water-dependent and water-oriented uses along the shoreline and considering placing other uses away from vulnerable shorelines; (2) (3) accommodating flooding by building or renovating structures or infrastructure systems that are resilient or adaptable over time; (3) (4) discouraging permanent new development when adaptive management strategies cannot protect public safety; (4) ~~allowing only new uses that can be removed or phased out if adaptive management strategies are not available~~ as inundation threats increase; and (5) over time and where feasible and appropriate, removing existing development where public safety cannot otherwise be ensured. Determining the appropriate approach and financing structure requires the weighing of various policies and is best done through a collaborative approach that directly involves the affected communities and other governmental agencies with authority or jurisdiction. Some adaptive management strategies may require action and financing on the regional or sub-regional level across jurisdictions.
- p. ~~The~~ Every four years, the Association of Bay Area Governments and the Metropolitan Transportation Commission update Plan Bay Area, the region's long-range plan for housing, economic development, transportation, and environmental resilience, initiated the FOCUS program to develop a regional strategy that promotes a more compact Bay Area land use pattern. In consultation with local governments, the FOCUS program has identified Priority Development Areas for infill development in the Bay Area. These Priority Development Areas, along with other sites, are anticipated to be key components of the Bay Area's Sustainable Communities Strategy

~~that will be adopted and periodically updated~~ pursuant to the Sustainable Communities and Climate Protection Act of 2008 (SB 375). Plan Bay Area incorporates a set of growth geographies, such as Priority Development Areas, Priority Conservation Areas, and Priority Production Areas, that guide future growth in housing and jobs over the next 30 years. One of the Commission's objectives in adopting climate change policies is to facilitate implementation of Plan Bay Area ~~the Sustainable Communities Strategy~~. Some shoreline areas that are vulnerable to flooding are already improved with public infrastructure and private development that has regionally significant economic, cultural or social value, and can accommodate infill development.

- r. In some cases, the regional goals of encouraging infill development, remediating environmentally degraded land, redeveloping closed military bases and concentrating housing and job density near transit may conflict with the goal of minimizing flood risk by avoiding development in low-lying areas vulnerable to flooding. Methods to minimize this conflict, include, but are not limited to: clustering infill or redevelopment in low-lying areas on a portion of the property to reduce the area that must be protected; formulating an adaptation strategy for dealing with rising sea level and shoreline flooding with definitive goals and an adaptive management plan for addressing key uncertainties for the life of the project; incorporating measures that will enhance project resilience and sustainability; and developing a project-based financial strategy and/or a public financing strategy, as appropriate, to fund future flood protection for the project, which may also protect existing nearby development. Reconciling these different worthy goals and taking appropriate action requires weighing competing policy considerations and would be best accomplished through a collaborative process involving diverse stakeholders, ~~similar to that being undertaken by the Joint Policy Committee to develop the Sustainable Communities Strategy.~~
- u. Government jurisdictional boundaries and authorities in the Bay Area are often in conflict incongruent with the regional scale and nature of climate-related challenges. The Bay Area Regional Collaborative, Joint Policy Committee, which is comprised of regional agencies, provides a framework for regional coordination decision-making to address climate change through consistent and effective regionwide policy and to provide local governments with assistance and incentives for addressing climate change. The Commission ~~can~~ collaborates with the Bay Area Regional Collaborative and its member agencies Joint Policy Committee to assure that the Bay Plan Climate Change policies are integrated with the emerging Sustainable Communities Strategy and other regional agencies' policies that deal with climate change issues.
- w. The California Climate Adaptation Strategy, mandated by Assembly Bill 1482 (Gordon, 2015) and AB 1384 (Gabriel, 2022), link together the state's existing and planned climate adaptation efforts and prioritize the most vulnerable communities, ecosystems, and economic sectors. California Ocean Protection Council has endorsed the guiding principles of the California Climate Adaptation Strategy, which recommends that state agencies pursue It includes the following policy objectives for state agencies in their adaptation planning:
- Strengthen Protections for Climate Vulnerable Communities
 - Bolster Public Health and Safety to Protect Against Increasing Climate Risks
 - Build a Climate Resilient Economy
 - Accelerate Nature-Based Climate Solutions and Strengthen Climate Resilience of Natural Systems

- Make Decisions Based on the Best Available Climate Science
- Partner and Collaborate to Leverage Resources
- ~~Protect public health and safety and critical infrastructure;~~
- ~~Protect, restore, and enhance ocean and coastal ecosystems, on which the State economy and well-being depend;~~
- ~~Ensure public access to coastal areas and protect beaches, natural shoreline, and park and recreational resources;~~
- ~~Plan and design new development and communities for long term sustainability in the face of climate change;~~
- ~~Facilitate adaptation of existing development and communities to reduce their vulnerability to climate change impacts over time; and~~
- ~~Begin now to adapt to the impacts of climate change.~~

Sea level rise adaptation and coastal resilience is an important component of California's overall climate adaptation approach. The strategy calls for closer alignment among coastal planning in light of sea level rise. Due to the significant value of critical infrastructure, the strategy calls for proactive planning to support resilience of critical infrastructure against sea level rise. It includes actions to protect, restore, and create coastal wetlands and subtidal habitats, and test innovative nature-based climate solutions. Additionally, it calls on California to take actions that ensure continued public access to California's coast in light of changing shoreline conditions and sea-level rise, prioritizing climate vulnerable communities. Lastly, it calls for incorporating tribal governments into planning processes for climate actions.

The California Climate Adaptation Strategy recognizes that significant and valuable development has been built along the California coast for over a century. Some of the development is currently threatened by sea level rise or will be threatened in the near future. Similarly, the coastal zone is home to many threatened or endangered species and sensitive habitats. The strategy acknowledges that the high financial, ecological, social and cultural costs of protecting everything may prove to be impossible; in the long run, protection of everything may be both futile and environmentally destructive. The strategy recommends that decision guidance strategies frame cost-benefit analyses so that all public and private costs and benefits are appropriately considered.

The strategy further recommends that state agencies should generally not plan, develop, or build any new significant structure in a place where that structure will require significant protection from sea level rise, storm surges, or coastal erosion during the expected life of the structure. However, the strategy also acknowledges that vulnerable shoreline areas containing existing development or proposed for new development that has or will have regionally significant economic, cultural, or social value may have to be protected, and infill development in these areas should be closely scrutinized and may be accommodated. The strategy recommends that state agencies should incorporate this policy into their decisions. If agencies plan, permit, develop or build any new structures in hazard zones, the California Climate Adaptation Strategy recommends that agencies employ or encourage innovative engineering and design solutions so that the structures are resilient to potential flood or erosion events, or can be easily relocated or removed to allow for progressive adaptation to sea level rise, flood and erosion.

The strategy further recommends that the state should consider prohibiting projects that would place development in undeveloped areas already containing critical habitat, and those containing opportunities for tidal wetland restoration, habitat migration, or buffer zones. The strategy also encourages projects that protect critical habitats, fish, wildlife and other aquatic organisms and connections between coastal habitats. The strategy recommends pursuing activities that can increase natural resiliency, such as restoring tidal wetlands, living shorelines, and related habitats; managing sediment for marsh accretion and natural flood protection; and maintaining upland buffer areas around tidal wetlands.

Proposed New Bay Plan Climate Change Findings

- x. In 2011, BCDC adopted new landmark Bay Plan Climate Change Policies after an extensive public process. These policies provide standards for the Commission to review projects within its jurisdiction for resilience and adaptability over time to rising sea level, and called for the Commission to collaborate with partners to develop a regional sea level rise adaptation strategy for protecting critical developed shoreline areas and natural ecosystems, enhancing the resilience of Bay and shoreline systems and increasing their adaptive capacity. Recommendations for the regional strategy included that the strategy (1) incorporate an adaptive management approach; (2) be consistent with the goals of SB 375 and the principles of the California Climate Adaptation Strategy; (3) be updated regularly to reflect changing conditions and scientific information; (4) include maps of shoreline areas that are vulnerable to flooding based on projections of future sea level rise and shoreline flooding, prepared under the direction of a qualified engineer and regularly updated in consultation with government agencies with authority over flood protection; and (5) pay particular attention to identifying and encouraging the development of long-term regional flood protection strategies that may be beyond the fiscal resources of individual local agencies. Further policy considerations aimed to advance regional public safety and economic prosperity, enhance Bay ecosystems, integrate protection of shoreline development with ecosystem protection, encourage innovative approaches, address issues of environmental justice and social equity, encourage shoreline remediation, and more. This policy guidance was and continues to be instrumental in guiding future Commission planning efforts that led to the creation of the Regional Shoreline Adaptation Plan.

To support development of the regional strategy, in 2011 BCDC launched its award-winning Adapting to Rising Tides Program that continues to work with local jurisdictions around the Bay to develop multi-sector, cross-jurisdictional projects to understand the risks from rising sea level and assess adaptation responses. After nearly a decade of working closely with cities and counties on understanding local vulnerability to sea level rise, BCDC published Adapting to Rising Tides Bay Area, which provided a comprehensive look at the interconnectedness of vulnerable systems across the Bay. To identify shared solutions to regional vulnerability, in 2019 the Commission convened Bay Adapt: Regional Strategy for a Rising Bay in partnership with a broad range of Bay Area leaders. After two years of collaborative work, the Bay Adapt Joint Platform was adopted in 2021. The Joint Platform is a regional, consensus-driven strategy that lays out the actions necessary to protect people and the natural and built environments from sea level rise. The Joint Platform contains six guiding principles, nine actions, and 21 tasks.

The guiding principles are to:

- (1) Support socially vulnerable communities.
- (2) Put nature first whenever possible.
- (3) Solve interconnected problems at the same time.
- (4) Practice inclusive, community-led governance and decision-making.
- (5) Support existing efforts but plan for the long term.
- (6) Pick the right strategy for the right place at the right time.

y. Senate Bill (SB) 272 (Laird 2023): Sea Level Rise Planning and Adaptation requires all local governments within the Commission’s jurisdiction to address sea level rise through preparation of subregional San Francisco Bay shoreline resiliency plans, henceforth called Subregional Shoreline Adaptation Plans, subject to approval by the Commission. SB 272 requires the Commission to establish guidelines under which local governments must prepare the plans. Local governments within the Commission’s jurisdiction must submit plans consistent with the adopted guidelines by January 1, 2034, with updates thereafter. Pursuant to SB 272, local governments that receive approval by the Commission will be prioritized for state funding, upon appropriation by the Legislature. These plans must include, at a minimum, all of the following:

- (1) The use of the best available science.
- (2) A vulnerability assessment that includes efforts to ensure equity for at-risk communities.
- (3) Sea level rise adaptation strategies and recommended projects.
- (4) Identification of lead planning and implementation agencies.
- (5) A timeline for updates, as needed, based on conditions and projections and as determined by the local government in agreement with BCDC.

z. Building from the Joint Platform and Adapting to Rising Tides (ART) Bay Area (2020), the Commission, in collaboration with regional, state, and federal agencies, local governments, and the public, BCDC developed the Regional Shoreline Adaptation Plan to meet the requirements of SB 272 and embrace the strategies and goals of the regional strategy originally called for by the Climate Change policies. The Commission has incorporated by reference into the Bay Plan the Regional Shoreline Adaptation Plan as a plan addressing special needs. The Regional Shoreline Adaptation Plan sets forth a One Bay regional vision that address major issues facing the Bay Area today, as set forth below.

Vision: As sea levels rise, the Bay Area’s diverse communities come together to transform how we live, work, plan, and adapt along our changing shorelines. In this future, communities are healthy, safe, and have greater access to the shoreline where they can feel connected to the Bay’s edge and experience the beauty and wonder of thriving habitats we depend upon to sustain our quality of life. Our region remains connected so that networks of people and goods can move with ease and get to the places they need to go. The services we rely upon keep our communities and

economies running and are designed for the long-term. Achieving this future will require governments, the private sector, and communities to make a commitment to equity, address past harms, and take on complex, interrelated challenges together. A resilient future for the San Francisco Bay Area starts now and continues for generations to come.

As sea levels rise:

- (1) Communities are healthy and vibrant.
- (2) Healthy Baylands ecosystems thrive.
- (3) Places are designed for changing shorelines.
- (4) Critical services are reliable.
- (5) The Bay shoreline is accessible to all.
- (6) Safe and reliable transportation connects the region.
- (7) People and ecosystems are safe from contamination risks.
- (8) Regional collaboration drives efficient and effective adaptation.

In addition, the Regional Shoreline Adaptation Plan provides for Strategic Regional Priorities and Subregional Shoreline Adaptation Plan Guidelines to direct the local government preparation of "Subregional Shoreline Adaptation Plans" to comply with the requirements of SB 272. Minimum Standards in the Regional Shoreline Adaptation Plan outline the minimum requirements that must be met to comply with the Subregional Shoreline Adaptation Plan Guidelines, meet local and community needs, and contribute to regional outcomes as defined in the One Bay Vision. The Regional Shoreline Adaptation Plan will evolve to incorporate new elements over time, and the Commission will support local government resilience and adaptation planning through technical assistance.

Proposed Revisions to Existing Bay Plan Climate Change Policies

1. The Commission intends that the Bay Plan Climate Change findings and policies will be used as follows for the purposes of reviewing projects and activities by the Commission's Regulatory Program:
 - a. The findings and policies apply only to projects and activities located within the following areas: San Francisco Bay, the 100-foot shoreline band, salt ponds, managed wetlands, and certain waterways, as these areas are described in Government Code section 66610, and the Suisun Marsh, as this area is described in Public Resources Code section 29101;
 - b. For projects or activities that are located partly within the areas described in subparagraph (a) and partly outside such area, the findings and policies apply only to those activities or that portion of the project within the areas described in subparagraph (a);
 - c. For the purposes of implementing the federal Coastal Zone Management Act, the findings and policies do not apply to projects and activities located outside the areas described in subparagraph (a), even if those projects or activities may otherwise be subject to consistency review pursuant to the federal Coastal Zone Management Act; and

- d. For purposes of implementing the California Environmental Quality Act, the findings and policies are not applicable portions of the Bay Plan for purposes of CEQA Guideline 15125(d) for projects and activities outside the areas described in subparagraph (a) and, therefore, a discussion of whether such proposed projects or activities are consistent with the policies is not required in environmental documents.
6. The Regional Shoreline Adaptation Plan (the One Bay Vision, Strategic Regional Priorities, and Subregional Shoreline Adaptation Plan Guidelines) shall provide requirements for achieving coordinated, collaborative sea level rise adaptation planning in San Francisco Bay and shall direct the local governments in their preparation of San Francisco Bay shoreline resiliency plans, henceforth called Subregional Shoreline Adaptation Plans, as required by SB 272. The Subregional Shoreline Adaptation Plan Guidelines shall govern the Commission's review and approval of the Subregional Shoreline Adaptation Plans. Local governments shall submit Subregional Shoreline Adaptation Plans that are consistent with the Subregional Shoreline Adaptation Plan Guidelines to the Commission for approval and shall update these Plans as provided by SB 272 and the Regional Shoreline Adaptation Plan.

The Commission shall provide technical and policy assistance on development of Subregional Shoreline Adaptation Plans with respect to shoreline adaptation, including but not limited to: (1) online data and mapping using best available science that is updated regularly to reflect changing conditions and new information; (2) technical support; (3) coordination and interagency collaboration; (4) guidance for undertaking equitable, culturally-relevant public outreach and engagement; and (5) assistance with identifying funding opportunities. Local jurisdictions should coordinate early and regularly with Commission staff to maximize the benefits of collaborative, regional adaptation planning.

The Regional Shoreline Adaptation Plan is a living document that employs an adaptive management approach to planning for rising sea levels. The Regional Shoreline Adaptation Plan should be regularly updated, consistent with the goals of SB 375 and the principles of the California Climate Adaptation Strategy. As the Commission's resiliency planning continues to evolve, the Commission should:

- a. Support research that provides information useful for planning and policy development on the impacts of climate change on the Bay, particularly those related to shoreline flooding.
- b. Develop, in partnership with the Metropolitan Transportation Commission and the Association of Bay Area Governments, a San Francisco Bay Area Sea Level Rise Funding and Investment Strategy with the input of regional and state agencies, local jurisdictions, flood management agencies, non-profit and community-based organizations. The Strategy should identify and categorize regionally significant sea level rise adaptation projects and strategies, analyze current and projected revenues, and include funding strategies.
- c. Collaborate with local governments to determine where and how existing development should be protected and infill development encouraged, where new development should be permitted, and where existing development should eventually be removed to allow the Bay to migrate inland.

- d. Identify any other needed actions, including any needed changes in law, to successfully implement the Regional Shoreline Adaptation Plan and better link sea level rise adaptation planning to the Commission's regulatory program.

The Commission, in collaboration with the Joint Policy Committee, other regional, state and federal agencies, local governments, and the general public, should formulate a regional sea level rise adaptation strategy for protecting critical developed shoreline areas and natural ecosystems, enhancing the resilience of Bay and shoreline systems and increasing their adaptive capacity.

The Commission recommends that: (1) the strategy incorporate an adaptive management approach; (2) the strategy be consistent with the goals of SB 375 and the principles of the California Climate Adaptation Strategy; (3) the strategy be updated regularly to reflect changing conditions and scientific information and include maps of shoreline areas that are vulnerable to flooding based on projections of future sea level rise and shoreline flooding; (4) the maps be prepared under the direction of a qualified engineer and regularly updated in consultation with government agencies with authority over flood protection; and (5) particular attention be given to identifying and encouraging the development of long-term regional flood protection strategies that may be beyond the fiscal resources of individual local agencies.

Ideally, the regional strategy will determine where and how existing development should be protected and infill development encouraged, where new development should be permitted, and where existing development should eventually be removed to allow the Bay to migrate inland.

The entities that formulate the regional strategy are encouraged to consider the following strategies and goals:

- a. advance regional public safety and economic prosperity by protecting: (i) existing development that provides regionally significant benefits; (ii) new shoreline development that is consistent with other Bay Plan policies; and (iii) infrastructure that is crucial to public health or the region's economy, such as airports, ports, regional transportation, wastewater treatment facilities, major parks, recreational areas and trails;
- b. enhance the Bay ecosystem by identifying areas where tidal wetlands and tidal flats can migrate landward; assuring adequate volumes of sediment for marsh accretion; identifying conservation areas that should be considered for acquisition, preservation or enhancement; developing and planning for flood protection; and maintaining sufficient transitional habitat and upland buffer areas around tidal wetlands;
- c. integrate the protection of existing and future shoreline development with the enhancement of the Bay ecosystem, such as by using feasible shoreline protection measures that incorporate natural Bay habitat for flood control and erosion prevention;
- d. encourage innovative approaches to sea level rise adaptation;
- e. identify a framework for integrating the adaptation responses of multiple government agencies;
- f. integrate regional mitigation measures designed to reduce greenhouse gas emissions with regional adaptation measures designed to address the unavoidable impacts of climate change;
- g. address environmental justice and social equity issues;

- ~~h. integrate hazard mitigation and emergency preparedness planning with adaptation planning by developing techniques for reducing contamination releases, structural damage and toxic mold growth associated with flooding of buildings, and establishing emergency assistance centers in neighborhoods at risk from flooding;~~
 - ~~i. advance regional sustainability, encourage infill development and job creation, provide diverse housing served by transit, and protect historical and cultural resources;~~
 - ~~j. encourage the remediation of shoreline areas with existing environmental degradation and contamination in order to reduce risks to the Bay's water quality in the event of flooding;~~
 - ~~k. support research that provides information useful for planning and policy development on the impacts of climate change on the Bay, particularly those related to shoreline flooding;~~
 - ~~l. identify actions to prepare and implement the strategy, including any needed changes in law; and~~
 - ~~m. identify mechanisms to provide information, tools, and financial resources so local governments can integrate regional climate change adaptation planning into local community design processes.~~
7. ~~Until a regional sea level rise adaptation strategy can be completed~~ The Commission should evaluate each project proposed in vulnerable areas on a case-by-case basis to determine the project's public benefits, resilience to flooding, and capacity to adapt to climate change impacts. The Commission may consult the Regional Shoreline Adaptation Plan and consider any approved Subregional Shoreline Adaptation Plan as advisory in its review of projects and activities associated with those plans by the Commission's Regulatory Program. The following specific types of projects have regional benefits, advance regional goals, and should be encouraged, if their regional benefits and their advancement of regional goals outweigh the risk from flooding:
- a. remediation of existing environmental degradation or contamination, particularly on a closed military base;
 - b. a transportation facility, public utility or other critical infrastructure that is necessary for existing development or to serve planned development;
 - c. a project that will concentrate employment or housing near existing or committed transit service (whether by public or private funds or as part of a project), particularly within those Priority Development Areas that are established by the Association of Bay Area Governments and endorsed by the Commission, and that includes a financial strategy for flood protection that will minimize the burdens on the public and a sea level rise adaptation strategy that will adequately provide for the resilience and sustainability of the project over its designed lifespan; and
 - d. a natural resource restoration or environmental enhancement project.
The following specific types of projects should be encouraged if they do not negatively impact the Bay and do not increase risks to public safety:
 - e. repairs of an existing facility;
 - f. a small project;
 - g. a use that is interim in nature and either can be easily removed or relocated to higher ground or can be amortized within a period before removal or relocation of the proposed use would be necessary; and
 - h. a public park.