

Staff Report 76

PARTY:

California State Lands Commission

PROPOSED ACTION:

Consider a Resolution in Support of the San Francisco Bay Conservation and Development Commission's Bay Adapt: Regional Strategy for a Rising Bay.

BACKGROUND:

The proposed Resolution, attached as Exhibit A, is in support of the San Francisco Bay Conservation and Development Commission's [Bay Adapt: Regional Strategy for a Rising Bay](#). The State Lands Commission is represented on the San Francisco Bay Conservation and Development Commission (BCDC) by Executive Officer Jennifer Lucchesi and her Alternate, External Affairs Division Chief Sheri Pemberton. This resolution affirms the commitment of the Commission to act with regional partners and communities of the San Francisco Bay Area to implement the Bay Adapt Strategy, ensuring a more resilient future to climate change and sea level rise for the Bay Area.

Bay Adapt began in 2019 as an initiative to establish regional agreement on the actions necessary to protect people and the natural and built environment from rising sea levels in the San Francisco Bay Area. BCDC brought together federal, state, regional, and local governments, agencies, and organizations along with community members to develop a consensus-driven strategy. Taking action together is necessary because the increasingly frequent and severe impacts of climate change in the Bay Area are not constrained by jurisdictional boundaries or the planning and regulatory authorities of any one entity. The robust two-year effort built upon guiding principles for adaptation to create a joint platform of nine actions and 21 tasks that emphasize the importance of achieving equitable outcomes for people, the environment, and the economy. Actions include collaborating on a singular "one Bay" vision for adaptation rooted in communities, broadening the public's understanding of climate change science and impacts, figuring out how to fund adaptation and accelerating the pace of adaptation projects.

The implementation of Bay Adapt will be guided by BCDC and achieved by following a model of distributed leadership. BCDC will lead some actions, and other governments, agencies, organizations, and communities will lead others. There will also be defined roles for participating and supporting actions across the Joint Platform so that milestones are reached through collaborative efforts. Implementation is already underway as partners across the region integrate and embed Joint Platform actions into existing regional plans and practices. For example, the Association of Bay Area Governments and Metropolitan Transportation Commission's [Plan Bay Area 2050](#), was published October 21, 2021¹, now incorporates multi-hazards, including sea level rise. Similarly, the San Francisco Estuary Partnership's [Estuary Blueprint](#), a map for regional actions on the health and resilience of Bay ecosystems, is also aligning with Bay Adapt actions.

The Commission has a central role to play in sea level rise adaptation, acting on behalf of the state as the landowner of sovereign tidelands and submerged lands, including those within the San Francisco Bay, and by providing guidance and coordination among legislative grantees of state tide and submerged lands. The Commission incorporates sea level rise and climate change considerations into its practices, programs, and decision-making processes, and can use the Bay Adapt Joint Platform to further advance equitable sea level rise adaptation on public trust lands in the Bay Area and throughout the state.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, and 6301.

STATE'S BEST INTERESTS:

Sea level rise and other coastal climate change impacts pose a major challenge to the protection of tidelands and public trust resources and assets. In many low-lying locations throughout the Bay Area, flooding during storms and extreme tidal events like King Tides, is already increasing in frequency and severity, exacerbating erosion and damaging the built environment. As water levels continue to rise, so too will tidal and wave energy, leading to increased shoreline erosion and the potential for levees and other types of shoreline protection to be overtopped or breached. Rising seas will raise or displace groundwater and cause salinity intrusion to increase, affecting water supplies along the shoreline, damaging below- or at-grade infrastructure, requiring additional pumping and costly maintenance and

¹ <https://mtc.ca.gov/planning/long-range-planning/plan-bay-area-2050>

repairs of stormwater and flood control facilities, and increasing the risk of earthquake induced liquefaction. In addition, beaches and wetlands could be lost as sea levels rise, which would lead to the loss of the public trust resources and the uses they support. This threat highlights the importance of the state's obligation to protect public trust resources and lands.

The public trust tidelands and adjacent uplands in the Bay Area support a variety of ecological, socioeconomic, and cultural values. Public tidelands allow public access and coastal recreational activities like boating, swimming, wildlife viewing, and fishing. The Bay Area's wetlands support biodiversity and perform a variety of important ecosystem services, like buffering wave energy, filtering water, recycling nutrients, and serving as nursery habitat for fish species that not only fit into larger coastal ecosystems and food chains, but also support commercial and recreational fisheries offshore. Unlike upland coastal property, tidelands are generally open to all visitors at no or low cost and are thus critical from an environmental justice standpoint. Public trust lands and related uplands are also major maritime economic centers, like the Port of Oakland, Port of San Francisco, and the San Francisco Embarcadero, which in turn create jobs and economies at all scales. They are also significant areas for coastal-affiliated Tribes, Tribal resources, and practices. The Commission works to avoid, minimize, or mitigate impacts of climate change and sea level rise on tidelands and adjacent uplands to protect these numerous uses and benefits, in accordance with the Public Trust Doctrine.

The Commission is committed to advancing sea level rise adaptation in the Bay Area as a participant in the Bay Adapt Joint Platform. The Bay Adapt Regional Strategy is also aligned with the other statewide initiatives the Commission is involved with, including the recent [State Sea Level Rise Principles](#) and forthcoming Work Plan. By adopting this resolution, the Commission reaffirms its commitment to regional partnership and collaboration for the protection of the state's public trust lands, resources, assets, and uses.

CONCLUSION:

For these reasons, staff believes it is in the state's best interest to adopt the resolution in support of Bay Adapt: Regional Strategy for a Rising Bay, for the protection and resiliency of the public trust tidelands and submerged lands in the San Francisco Bay Area.

OTHER PERTINENT INFORMATION:

1. This action is consistent with the following focus areas of the Commission's 2021-2025 Strategic Plan: "Leading Climate Activism," "Prioritizing Social, Economic,

and Environmental Justice,” “Partnering with Sovereign Tribal Governments and Communities,” “Meeting Evolving Public Trust Needs,” and “Committing to Collaborative Leadership”.

2. Adoption of the proposed resolution is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment. Authority: Public Resources Code section 20165 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBIT:

- A. Resolution in Support of Bay Adapt: Regional Strategy for a Rising Bay

RECOMMENDED ACTION:

It is recommended that the Commission:

STATE’S BEST INTERESTS:

Find that adopting the Resolution is in the best interests of the State.

AUTHORIZATION:

1. Adopt the Resolution in substantially the same form attached as Exhibit A.

Resolution in Support of Bay Adapt: Regional Strategy for a Rising Bay

Whereas, climate change is accelerating rising sea levels, increasing storm frequency and intensity, and moving groundwater toward the surface. The confluence of more intense winter storms, extreme high tides, and higher runoff, with higher sea levels, will increase the frequency and duration of shoreline flooding long before areas are permanently inundated by sea level rise alone; and

Whereas, a major storm within the next decade in the Bay Area could result in temporary 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 habitat that may become permanently inundated within 40 years; and

Whereas, there are multiple local, regional, state, and federal government agencies with authority over the Bay and its shoreline, and while local governments have broad authority over shoreline land use they have limited resources to address climate change adaptation; and

Whereas, individual local actions, absent a regional context in which to make policy decisions, will lead to a “tragedy of the commons”; and

Whereas, the San Francisco Bay Area is a vibrant, diverse, ecologically unique, innovative, and pioneering region that will be deeply and deleteriously affected by climate change without tremendous effort and investments to adapt to a constantly changing shoreline. The San Francisco Bay shoreline constitutes approximately one-third of the California coastline, but the Bay Area is estimated to experience two-thirds of the negative economic impacts due to the flooding that would occur absent adequate measures to adapt and protect people, places, and habitat; and

Whereas, the Bay Area region's most socioeconomically vulnerable frontline communities are at the greatest risk of exposure to climate threats, and the impacts of historic and ongoing social and economic marginalization will compound the risks posed by flooding to those communities by reducing a community's or individual's ability to prepare for, respond to, and/or recover from a flood event; and

Whereas, the Bay ecosystem is already stressed by human activities that have drastically lowered its adaptive capacity, and climate change will further alter

that ecosystem by inundating or eroding remaining wetlands, changing sediment dynamics, altering species composition, increasing the acidity of Bay waters, changing freshwater flows and/or salinity, altering the food web, and impairing water quality. Moreover, further loss of tidal wetlands will increase the risk of shoreline flooding; and

Whereas, flood damage to vital shoreline development, public infrastructure, and facilities such as neighborhoods, commercial centers, airports, seaports, regional transportation facilities, landfills, contaminated lands, and wastewater treatment facilities absent adaptation will require costly repairs and likely will result in the interruption or loss of vital services, large-scale social dislocation, and degraded environmental quality; and

Whereas, the increasingly frequent and severe impacts of climate change in the Bay Area do not conform to jurisdictional boundaries or the planning and regulatory authorities of any one agency or organization; and

Whereas, in 2019, the San Francisco Bay Conservation and Development Commission (BCDC), in collaboration with a Leadership Advisory Group comprised of 35 Bay Area public, private, and non-profit leaders, embarked on the development of “Bay Adapt,” a consensus-driven strategy for regional sea level rise adaptation. The Leadership Advisory Group includes representatives from numerous public agencies, including the Association of Bay Area Governments/Metropolitan Transportation Commission, San Francisco Bay Regional Water Quality Control Board, State Coastal Conservancy, Caltrans, Bay Area Regional Collaborative, Bay Area Rapid Transit, East Bay Regional Parks, US Army Corps of Engineers, San Francisco Bay Restoration Authority, San Francisco Public Utility Commission, Marin County, and BCDC, as well as environmental justice, environmental, business, scientific, civic, organizations, local government and flood manager networks, and academia; and

Whereas, in 2020 and 2021, hundreds of stakeholders participated in the creation of the “Bay Adapt Joint Platform” through nine Leadership Advisory Group meetings, two public forums, many expert Working Group meetings, ten community and stakeholder focus groups, over 50 presentations to local governments around the region, and a month-long public feedback opportunity; and

Whereas, the Bay Adapt Joint Platform lays out a set of guiding principles, priority actions, and vital tasks whose implementation will enable the region, and most notably local governments, to adapt faster, better, and more equitably to a rising San Francisco Bay. If fulfilled, it will reduce flood risks for communities, businesses, infrastructure, and habitat; increase technical assistance for local governments and funding for adaptation; protect natural areas and wildlife;

recognize and equitably support low-income, frontline communities; robustly integrate adaptation into community-focused local plans; and, accelerate permitting and project construction of local adaptation projects; and

Whereas, the Bay Adapt Leadership Advisory Group supports the Joint Platform and many members agreed to help implement it at its October 2021 meeting, the Bay Area Regional Collaborative Governing Board endorsed it on September 17th 2021, and BCDC adopted the Joint Platform on October 21st 2021; and

Whereas, implementing the Joint Platform's many and varied actions and tasks goes beyond the capacity of any single organization or jurisdiction, requires strong and diverse leadership and participation in all aspects of its implementation, and a broad coalition of stakeholders share responsibility for the success of the tasks outlined in the Joint Platform.

Now, therefore, be it resolved:

1. The State Lands Commission supports the Bay Adapt Joint Platform, a regional strategy for a rising Bay, including the guiding principles, actions, and tasks contained within; and
2. The State Lands Commission looks forward to championing and supporting the implementation of Bay Adapt to ensure that it serves the State of California and the Bay Area as a whole in achieving resilient and equitable adaptation to sea level rise.