

# Staff Report 64 (Informational)

## **PARTY:**

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California State Lands Commission

## **BACKGROUND:**

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The San Francisco Bay Area's Public Trust lands and resources hold immense importance for the State of California as vital economic hubs, iconic recreational and tourist destinations, diverse ecosystems, and historically significant maritime industries. Yet, sea level rise poses multiple threats to these essential public resources through the erosion and inundation of wetlands and shoreline parks, damage to waterfront structures such as historical piers and visitor-serving facilities, and the loss of public access, tourism, and recreational opportunities. Preparing for these impacts will require a reimagining of the Bay Area's waterfront to equitably adapt to future sea levels and ensure the use of Public Trust lands continues to serve the needs of current and future generations.

In response to the pressing need to address sea level rise impacts in the Bay Area, the staffs of the California State Lands Commission (Commission) and the [San Francisco Bay Conservation and Development Commission](#) (BCDC) are collaborating on the Bay Area Public Trust Project (BAPT) to create guiding principles for Public Trust consistency in waterfront development projects on Bay Area tidelands. The principles will focus on how projects can maximize public benefits and uses consistent with the Public Trust, generate revenue, and support coastal resiliency. The BAPT is informed through engagement and outreach efforts with ports, harbors, local governments, Tribal governments, business and developer groups, community-based organizations, and the public to understand how adaptation and the development of the waterfront can benefit the diverse uses and resources of the Bay Area.

This effort complements the breadth of sea level rise adaptation planning that is underway throughout the Bay Area. BCDC is the regulatory agency that permits development along the Bay Area shoreline, in accordance with the [McAteer-Petris](#)

[Act](#), the Public Trust Doctrine, and other applicable state laws and regulations. BCDC leads [Bay Adapt](#), a regional strategy for the Bay Area to protect communities, natural resources, and critical infrastructure from rising seas. The Commission and local trustees of state lands have jurisdiction of the tidelands and submerged lands within the Bay Area and may lease them for Public Trust consistent uses. The Commission supports sea level rise planning and adaptation through its leasing program, the issuance of guidance like the 2023 [Shoreline Adaptation and the Public Trust](#) report, and interagency collaboration with BCDC, the California Coastal Commission, the Ocean Protection Council, and others to develop and implement state sea level rise policy, guidance, and action plans.

In June 2024, the Ocean Protection Council provided funding for the BAPT and the Commission authorized staff to seek consulting services to assist with the project's completion ([Item 73](#)).

## PROJECT DESCRIPTION:

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The BAPT guiding principles will help project proponents and agencies develop and/or implement multi-benefit projects on state lands that are Public Trust-consistent and generate revenues that could be used to support sea level rise adaptation. The final deliverable, *Public Trust Guiding Principles for a Resilient San Francisco Bay*, will include four sections:

1. Overview of sea level rise vulnerabilities of Public Trust lands and resources within the Bay Area and adaptation planning efforts underway.
2. Legal and policy overview for sea level rise adaptation and waterfront development on the Bay Area's Public Trust lands.
3. Synthesis of the engagement efforts to better understand the public needs and values for Public Trust lands and resources within the Bay Area.
4. Guiding principles for the protection of Public Trust lands and resources within the Bay Area.

Commission and BCDC staff are preparing Section 1: Sea level rise vulnerabilities of Public Trust lands and resources within the Bay Area and Section 2: Legal and policy overview for sea level rise adaptation and waterfront development on the Bay Area's Public Trust lands. The content of these sections draws upon staff expertise, research, and relevant resources. The consultant, Ascent, is assisting with Section 3: Understanding the public needs and values for Public Trust lands and

resources within the Bay Area. Section 3 will draw upon input gathered during outreach and engagement efforts with ports and harbor districts, granted lands trustees, the private sector, Tribal governments, community-based organizations, and the public. Staff and the consultant will collaborate on Section 4, preparing a set of guiding principles based on input received and relevant research.

### **PROJECT UPDATES - ENGAGEMENT AND OUTREACH:**

The project team has gathered input regarding the public's needs and values related to state lands from stakeholders and tribes using survey forms and conducted virtual interviews with a majority of granted lands trustees within the Bay Area and several private sector groups.

Leveraging recent and co-occurring efforts, such as the [Regional Shoreline Adaptation Plan](#) and BCDC's [San Francisco Bay Plan](#), the consultant prepared a synthesis of key themes based on engagement and input. Based on this synthesis, the team identified key themes that could be reflected in the guiding principles, such as Tribal engagement, cultural resources, and traditional knowledge; equity and environmental justice; and coastal hazards, contamination, and risk reduction. The project team is conducting outreach to Tribes and community-based organizations to build on the identified themes from previous engagement efforts, identify potential gaps, and gather targeted input to support the development of the guiding principles.

### **OTHER PERTINENT INFORMATION:**

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1. This Project is consistent with the "Leading Climate Activism," "Meeting Evolving Public Trust Needs," "Prioritizing Social, Economic, and Environmental Justice," and "Committing to Collaborative Leadership" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.

### **NEXT STEPS:**

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The project team will craft the principles over the summer and anticipates releasing a Draft *Public Trust Guiding Principles for a Resilient San Francisco Bay* for public comment in early 2027 with the final report expected in Spring 2027.