

San Francisco Bay Conservation and Development Commission

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***California State Senate Committee on Environmental Quality
Oakland City Hall, City Council Chamber, 3rd Floor
1 Frank H. Ogawa Plaza
Oakland, California***

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***Bay Area Regional Adaptation Efforts to Climate Change Impacts
Testimony of R. Zachary Wasserman, Chair
San Francisco Bay Conservation and Development Commission***

Chair Wieckowski:

Thank you very much for holding this important hearing on regional climate change adaptation in my hometown of Oakland. I am Zack Wasserman. Governor Jerry Brown appointed me Chair of BCDC a little over three years ago. I am honored to give this testimony to a Committee whose Chair is a former BCDC Commissioner! Larry Goldzband, BCDC's Executive Director, accompanies me today.

BCDC is celebrating its 50th Anniversary this September. Since that time, BCDC has exercised direct regulatory authority over projects that propose to fill, or extract materials from, the Bay and has authority to maximize public access impacts within the Bay's 100-foot shoreline band. BCDC has approved projects worth billions of dollars, and we are proud of the Commission's record and commitment to work closely with all applicants – private and public – from a project's initial stages to ensure that they comply with state law. We continue to do so while we reassess how we can and should live with the Bay as it grows due to rising sea level. I have attached our much longer testimony before the Little Hoover Commission in late 2013 that describes in more detail BCDC's history, jurisdiction, authority, and regulatory and planning actions regarding rising sea level.

Since the passage of AB 2094 in 2008, BCDC has been the State agency responsible for leading the Bay Area's preparedness for, and resilience to, rising sea level, tides, and storm surge due to climate change. You will remember BCDC's efforts to amend the Bay Plan a few years ago to require project vulnerability assessments and adaptation measures such as resilient design, and the controversy that ensued. BCDC substantially revised its original plan to gain the support of local governments, the private sector, and the environmental community. Our policies now require projects to be resilient to rising sea level through at least mid-century – and beyond, given the project's expected life. Just as important, the amendments directed that a regional adaptation strategy be developed by the Bay Area's regional agencies.

Before I detail how BCDC is leading a collaboration of state, regional, and local government agencies to create and implement a regional adaptation and resilience strategy, I want to set the context in which adaptation is being discussed by BCDC and its collaborators.

Successful adaptation planning and implementation require all levels of government to act collaboratively with all public and private property owners within our jurisdiction and beyond who are affected by rising sea level. In some ways, this can be more complex than mitigation due to a host of governance issues, including local land use prerogatives and existing property rights. Complicating this task is our inability to forecast the extent to which our lives will change due to a rising Bay because we cannot fully predict that future. But I do commend Marin County's attempt, with its partners, to visualize what could happen to the shoreline off Mill Valley. A description of this effort is attached to my testimony.

To accomplish these challenges, and others, I think of our efforts as the vanguard of a five-to ten-year campaign to educate the public about three things: what we can do to adapt to rising sea level; what we should do considering reasonable priorities and unforeseen consequences; and, just as important, how we can fund successful adaptation strategies. At least five facts make this campaign very complex:

1. **Assets are Networked:** Individual assets such as highways, mass transit systems, railroads, airports, seaports, and wastewater treatment plants should be rehabilitated, adapted, or changed on a coordinated, not piecemeal basis. Passengers can't get to SFO without using 101 or BART, goods cannot be shipped from the Port of Oakland without using a truck or a rail car to get them there, and both wastewater treatment plants and endangered species need the Bay. These assets form a complex interwoven network that is only as strong as its weakest link and will only work together in the face of rising sea level if the entire network is analyzed and planned holistically and at a large enough scale. I have attached to my written testimony a third handout that demonstrates how the Bay Area's highway network is at risk and in need of complex and difficult community-based adaptation planning.
2. **Collaboration is Challenging:** Large-scale planning can succeed only when all public sector asset holders collaborate well with willing private sector and NGO partners, which is difficult, time-consuming, and expensive. We have been working with our Bay Area partners on adaptation for a few years, but the private sector, in general, is not yet at the table.
3. **Assets at Risk are Place-Based:** The assets I have spoken of so far are place-based and fixed, both literally and economically. They are expensive to buy, to replace, and to move.

4. **Underserved Communities Must be Part of any Solution:** Our discussion of assets and actions must include the most important asset of all – the public. Communities of interest, including underserved communities who have not taken part in many land use decision processes and too often do not have a voice that is heard, must be invited and encouraged to participate actively and constructively in this collaborative process and not be left behind.
5. **Time is a Valuable Asset:** We cannot plan now for the next hundred years. But we can and must plan for the next fifty years, and ensure that our decisions do not foreclose our children's, and their children's, options long after we depart.

The Governor's recent Executive Order is an excellent start to ensure that all of us in the Resources Agency and within state government collaborate internally and externally on our adaptation planning efforts. Now, I would like to talk briefly about the ways in which BCDC is fulfilling the Governor's directive.

1. **Adapting to Rising Tides (ART):** BCDC's groundbreaking ART program is a collaborative approach that assesses a community's vulnerabilities to rising sea level and works with local governments and special districts, businesses, residents, and other stakeholders to develop and implement a variety of adaptation approaches. This "retail" approach to adaptation planning is complex, time-consuming, expensive, **and critical**; it will require \$12M to \$15M over four years to complete the process regionwide. These community-led planning efforts are necessary to address multiple networked challenges in the densely developed shoreline areas and to strengthen networked infrastructure across multiple jurisdictions. The fourth attachment to this testimony is a summary of how stakeholders in Hayward have successfully developed a variety of such strategies. BCDC is now creating a "Help Desk" to disseminate our work to other jurisdictions. BCDC is

actively seeking funds within the Administration to implement ART throughout the nine-county Bay Area. Last year, the Legislature considered SB 1184 by Senator Hancock, which would have provided funding for ART, but it was held in the Appropriations Committee.

2. **Working Groups on Rising Sea Level and Bay Fill Policies:** BCDC has created two Commissioner-led working groups to advance our adaptation efforts. The Rising Sea Level Working Group is learning more about how adapt to an uncertain future and how to communicate about adaptation to further the campaign I spoke of earlier. The Bay Fills Working Group is working alongside a multi-stakeholder technical advisory group and BCDC staff to determine whether and/or how BCDC should revise its existing Bay fill policies that were conceived when the Bay was rapidly shrinking in the 1960s. Now that the Bay is growing, issues that will come to the forefront include where and how best to use natural and manmade structures and how to evaluate such projects that are “fill” under state law.

3. **Bay Area Regional Collaborative (BARC):** State and regional government agencies must work closely and cooperatively with local governments on adaptation issues. BARC, formerly known as the Joint Policy Committee, is now primarily devoted to climate change issues. ABAG, MTC, and BCDC are working together on adaptation issues both formally and informally through BARC, most notably with the Coastal Conservancy, as well, to develop the new “sustainability” chapter of the upcoming 2017 Sustainable Communities Strategy. Local elected officials form the vast majority of BARC Commissioners, and constantly ensure that the agencies collaborate with local governments on the ground.

4. **Natural Resources Agency:** The Natural Resources Agency is leading adaptation initiatives across the State government. The Ocean Protection Council is aggressively and appropriately ensuring that the State's coastal managers, including BCDC, collaborate on adaptation issues. Publication of "Safeguarding California," which identifies adaptation and risk management strategies, is one example of internal Administration coordination, collaboration, and partnership. In September, the Agency will release implementation action plans for the nine sectors identified in Safeguarding California to highlight successes and address gaps in adaptation efforts so far. While each of our challenges is different based upon the places that we regulate or manage, we continue to learn from, and provide guidance to, each other.

5. **Alliance for Climate Resilience (ACR):** BCDC is an original member of ACR, which includes state, regional, and local government representatives, the new Climate Readiness Institute formed by the University of California and Stanford, and philanthropists and environmental justice advocates. Our Commissioners expect that any successful regional adaptation strategy must not put underserved communities who are currently at risk from inundation at any further risk and, instead, must listen to their representatives and account for how those communities prosper in the future.

Let me finish by commenting on SB 246, legislation introduced by Senator Wieckowski to legislatively mandate a "Climate Action Team" headed by the CalEPA Secretary. The Commission has directed staff to work with your office to determine how this could best work, especially in light of the need to "thread the needle" between managing the Administration's collective work while recognizing that successful adaptation requires on-the-ground planning

across jurisdictions. We believe that there is room for discussion and we look forward to working with you as the State moves forward with the active involvement of the Legislature and the leadership of the Governor.

This completes my testimony, Mr. Chairman, and we look forward to answering your questions.