

**BPA 1-17 FILL FOR HABITAT &  
BPA 3-19 PLAN MAP POLICY:  
STAFF RECOMMENDATIONS AND COMMISSION VOTES**

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# PRESENTATION OUTLINE

- Brief background on the need for Fill for Habitat
- Overview of public comments
- Process since June 20 public hearing
- Amendment summary
- Overview of changes made in revised staff recommendation
- Public comment
- Commission deliberation
- Potential votes

# HABITATS ARE AT RISK



King Tide at Mariners Point,  
San Mateo.  
(source: California King Tides Project)

# MORE FILL MAY BE NECESSARY



Thin layer placement of dredged sediment  
(source: <https://usfwsnortheast.wordpress.com/2017/08/16/a-bottom-up-boost-for-coastal-habitat/>)



Oro Loma horizontal levee.  
(source: <https://oroloma.org/horizontal-levee-is-thriving/>)

# PAST FILL FOR HABITATS OUTSIDE OF BAY JURISDICTION



South Bay Salt Ponds Restoration Project

(source: <https://www.epa.gov/sfbay-delta/south-bay-salt-pond-tidal-marsh-restoration-pond-a17-project>)



Hamilton Wetlands Restoration Project

(source: <https://baynature.org/article/marsh-bay-trail-takes-hamilton-airfield/>)

# PAST FILL FOR IN-BAY HABITATS



Aramburu Island  
(source: Roger Leventhal)



San Francisco Bay Living Shorelines Project  
(source: <https://blog.bayareametro.gov/posts/reef-balls-help-san-francisco-bay-oysters>)



Sonoma Creek Enhancement Project  
(source: Megan Hall)

# LIMITATION ON BENEFICIAL REUSE OF DREDGED SEDIMENT IN THE BAY

## Dredging Policy 11b:

To ensure protection of Bay habitats, the Commission should not authorize dredged material disposal projects in the Bay and certain waterways for habitat creation, enhancement or restoration, except for projects using a minor amount of dredged material, until: ...(3) **The Oakland Middle Harbor enhancement project, if undertaken, is completed successfully.**



Seal Beach thin layer placement  
(source: US Army Engineer and Research Development Center)

# MIDDLE HARBOR ENHANCEMENT AREA



Middle Harbor Enhancement Area  
(source: Port of Oakland)



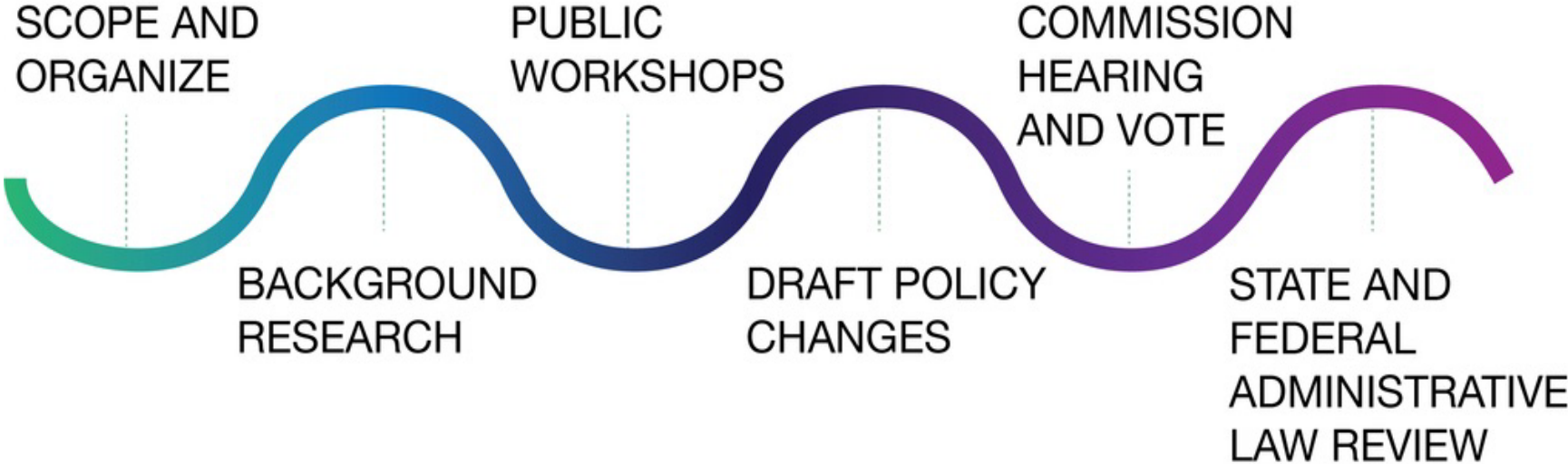
# BAY PLAN AMENDMENT PROCESS

Initiated  
July 20, 2017

March 2019



- May 21 Preliminary Recommendation (BPA 1-17)
- June 20 Public Hearing (BPA 1-17)
- August 5 Preliminary Recommendation (BPA 3-19)
- September 5 Public Hearing (BPA 3-19)



Bay Fill Working  
Group Meetings



# OVERVIEW OF PUBLIC COMMENTS

Bay Area Council  
Bay Planning Coalition  
California Audubon  
Citizens' Committee to Complete the Refuge  
Ducks Unlimited  
Golden Gate Audubon  
Marin Audubon Society  
Port of Oakland  
Port of Redwood City  
San Francisco Bay National Wildlife Refuge Complex  
San Francisco Bay Joint Venture Management Team  
San Francisco Bay Regional Water Quality Control Board  
San Francisco Estuary Partnership  
San Francisco Int'l Airport (SFO)  
Save the Bay  
Silicon Valley Leadership Group  
South Bay Salt Ponds Restoration Project  
State Coastal Conservancy  
US Army Corps of Engineers  
US Environmental Protection Agency, Region IX  
Valley Water  
Wetland Regional Monitoring Program Core Team

## PROCESS SINCE JUNE 20 PUBLIC HEARING

- Discussions with BCDC staff
- Meetings with various stakeholders
- Bay Fill Working Group (BFWG) meetings
  - July 18
  - August 15
  - September 19
- 9/24 - Published staff rec on BPA 1-17
- 9/27 – Published staff rec on BPA 3-19
- 10/3 – Scheduled Commission vote

# SUMMARY OF AMENDMENTS TO BAY PLAN

- Recognize positive effects of fill
- Allow more fill for habitat in the Bay
- Scale monitoring and adaptive management with the project's goals, level of risk, size, etc.
- Incorporate principles of regional goals and project sustainability
- Encourage pilot projects and research on sea level rise adaptation of habitats
- Require consideration of natural and nature-based infrastructure for shoreline protection
- Allow more beneficial reuse of dredged sediment for most habitat projects in the Bay
- Directly encourage the completion of the MHEA

# CHANGES TO STAFF'S PRELIMINARY RECOMMENDATION

- Major Conclusions & Policies
- Fish, Other Aquatic Organisms, and Wildlife
- Tidal Marshes and Tidal Flats
- Subtidal Areas
- Dredging
- Shoreline Protection
- Plan Map 4

# MAJOR CONCLUSIONS AND POLICIES

- Added: language describing benefits of fill in “Effects of Fill” (p. 8-10)



(source: SF Chronicle)

# FISH, OTHER AQUATIC ORGANISMS, AND WILDLIFE (1)

- Modified: “Minimum amount of fill necessary” for public facilities for wildlife observation, interpretation, education (p. 22)



Ridgway's Rail  
(source: Audubon Field Guide)

# FISH, OTHER AQUATIC ORGANISMS, AND WILDLIFE (2)

- Replace proposed policies 6 and 7 with new language stating (p. 23-24):
  - Fill for habitat should balance near-term adverse impacts and long-term benefits
  - Fill timing, volume, frequency, etc. should be decided on a case-by-case basis



Transition zone at Sonoma Creek Enhancement Project  
(source: Megan Hall)



# FISH, OTHER AQUATIC ORGANISMS, AND WILDLIFE (3)

- Modified: criteria for placement of sediment in deep subtidal habitat projects (p. 24-25)



Bat Ray  
(source: Aquarium of the Pacific)

# TIDAL MARSHES AND TIDAL FLATS

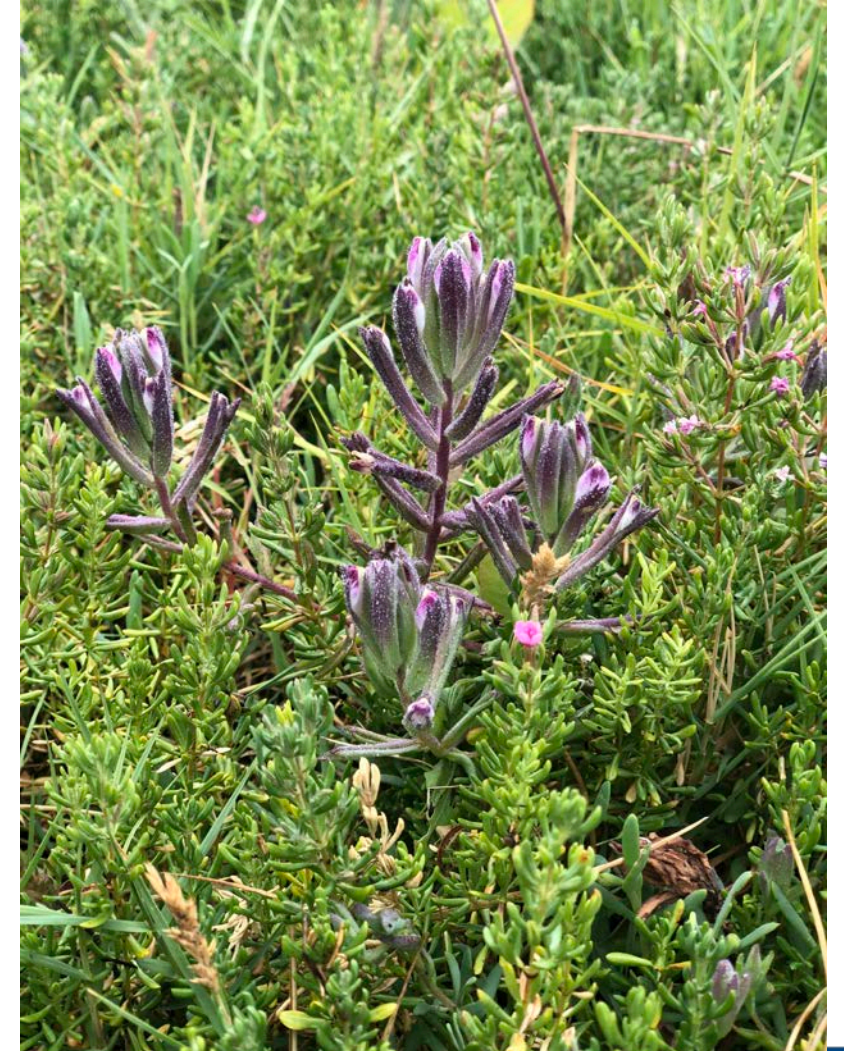
- Added: management/intervention may be necessary to maintain valuable restored or existing habitat (p. 28-29; 33-34)



China Camp State Park  
(source: Megan Hall)

# TIDAL MARSHES AND TIDAL FLATS / SUBTIDAL AREAS (1)

- Separate evaluation criteria policy into two policies (p. 35-37; 46-47)—
  - Project design and evaluation
  - Adaptive management and project success
- Added/modified: funding “strategy” does not require applicants to have funding for monitoring/adaptive management prior to permitting (p. 37-38; 48)



Salt Marsh Bird's Beak  
(source: Megan Hall)

# TIDAL MARSHES AND TIDAL FLATS / SUBTIDAL AREAS (2)

- Added: Monitoring should coordinate with regional efforts where feasible (p. 38; 49)
- Added: Pilot projects investigating habitat adaptation to sea level rise are encouraged (p. 40; 51)



Oyster restoration in San Rafael  
(source: Massachusetts Oyster Project)

# SHORELINE PROTECTION

- Modified: Airports may be exempt from incorporating natural and nature-based features that could attract potentially hazardous wildlife (p. 66-67)



Lance Iversen / The Chronicle

Canadian geese in front of planes at SFO  
(source: Lance Iversen, The Chronicle)

# DREDGING POLICY 11B / PLAN MAP 4

<ul style="list-style-type: none"><li>• Add Plan Map policy</li><li>• Remove Dredging Policy 11b</li></ul>	<ul style="list-style-type: none"><li>• Add Plan Map policy</li><li>• Amend Dredging Policy 11b</li></ul>
<ul style="list-style-type: none"><li>• Do not add Plan Map policy</li><li>• Remove Dredging Policy 11b</li></ul>	<ul style="list-style-type: none"><li>• Do not add Plan Map policy</li><li>• Amend Dredging Policy 11b</li></ul>

# DREDGING

- Amend Dredging Policy 11b to state:

“To ensure protection of Bay habitats, the Commission should not authorize placement of more than a minor amount of dredged sediment for projects that are similar to the Oakland Middle Harbor Enhancement Project in characteristics including, but not limited to, scale, bathymetric modification, and type of habitat creation until the Oakland Middle Harbor Enhancement project is completed successfully.”

# PLAN MAP 4 (BPA 3-19)

- Add the following policy:

“Provide the habitat and public access benefits at the U.S. Army Corps of Engineers’ and Port of Oakland’s Middle Harbor Enhancement Area (MHEA) as described in the performance criteria of the United States Army Corps of Engineers’ MHEA Construction Period and Long-Term Monitoring, Maintenance, and Adaptive Management Program”



# AMENDMENT SUMMARY

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# BPA 1-17 STAFF RECOMMENDATION

Staff recommends that the Commission adopt Resolution No. 2019-05 that would amend the Bay Plan as detailed in the September 24 staff recommendation.

# BPA 3-19 STAFF RECOMMENDATION

Staff recommends that the Commission adopt Resolution No. 2019-06 that would amend the Bay Plan as detailed in the September 27 staff recommendation.

# COMMISSIONER AND PUBLIC COMMENTS

# BACKUP SLIDES

# COMMON THEMES IN PUBLIC COMMENT

- Concern that proposed language will increase regulatory burden on restoration projects
- Concern regarding keeping or removing Dredging Policy 11b, and adding a Plan Map policy regarding the MHEA

# COMMENTS OUTSIDE THE SCOPE OF AMENDMENTS

- Encourage further policy changes regarding beneficial reuse
- Public access should not be required for restoration projects/in sensitive wildlife areas
- Recognize the value of fill in protecting development and infrastructure projects