



## CITIZENS COMMITTEE TO COMPLETE THE REFUGE

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R. Sean Randolph, Chair, and Commissioners  
San Francisco Bay Conservation and Development Commission (BCDC)  
50 California Street, Suite 2600  
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September 1, 2011

RE: Bay Plan Amendment 1-08 Concerning Climate Change

Dear Chairman Randolph and Commissioners,

The Citizens Committee to Complete the Refuge (CCCR) appreciates the opportunity to submit comments regarding the proposed Bay Plan Amendment 1-08. Given the predicted impacts of climate change on bay ecosystems, existing critical infrastructure and public safety, it is highly appropriate that BCDC should incorporate climate change amendments into its Bay Plan. While we recognize the need for climate change amendments, we are disappointed that the amendments proposed do not adequately ensure public safety or protect the vital and valuable resources of the Bay. We urge the Commission to resolve internal inconsistencies in the proposed findings and policies to provide clear guidance to future BCDC staff and commissioners as well as the regulated public.

These comments should not be construed to be “anti-development.” Instead, these comments stem from recognition of the need to preserve the integrity and long-term sustainability of the Bay ecosystem (which in turn has economic, societal, environmental, and quality of life benefits), the need to protect critical existing public infrastructure and the need to protect public safety. These goals should lie at the heart of any policies attempting to address the consequences of climate change and sea level rise.

In reviewing the entirety of the proposed climate change amendments, it is evident that preservation of the Bay’s natural resources and all the many benefits that accrue from such protection has become subservient to the consideration of development.

For example, Climate Change Finding “s” states:

Some undeveloped low-lying areas that are vulnerable to shoreline flooding contain important habitat or provide opportunities for habitat enhancement. In these areas, *development could preclude wetland enhancement that would also have regional benefit...* [emphasis added]

The staff analysis for this section states:

The new finding acknowledges some undeveloped areas contain critical habitat or could be enhanced for habitat...

Yes, the new finding mentions that some undeveloped areas may have habitat values, however, as written, the emphasis is that “development could preclude wetland enhancement” and infers that development might also occur in areas that “contain important habitat.” This finding should be rewritten to state:

Some undeveloped low-lying areas that are vulnerable to shoreline flooding contain important habitat or provide opportunities for habitat enhancement. *Development of these areas should be discouraged.*

Climate Change Policy 4 should also be strengthened by recapturing the sentence suggested above (a sentence that was included in previous versions of this particular policy) to read:

To address the regional adverse impacts of climate change, undeveloped areas that are both vulnerable to future flooding and currently sustain significant habitats or species, or possess conditions that make the areas especially suitable for ecosystem enhancement should be given special consideration for preservation and habitat enhancement and should be encouraged to be used for those purposes. *Development in these areas should be discouraged.*

Climate Change Policy 7 appears to be internally inconsistent, suggesting that repairs to existing facilities, small projects, interim projects, and public parks be encouraged if they “do not negatively impact the Bay” or increase risks to public safety, however, the projects described in sections “a”, “b”, or “c” that may have substantially larger impacts do not carry the same restriction of avoiding negative impacts to the Bay.

The language of Climate Change Policy 6 states:

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.” [emphasis added]

It is unclear whether the policy regarding “new development” pertains to vulnerable, low-lying areas that already support development and critical infrastructure or whether this policy also pertains to *undeveloped* vulnerable areas. We are strongly opposed to the inclusion of this language if it pertains to *undeveloped* vulnerable areas. The language of the staff analysis suggests that this policy pertains to areas that already support development and critical infrastructure. According to the assessment of the Pacific Institute, with only 0.5 m of sea level rise, a *minimum* of \$36 billion in existing property might be at risk. While we agree that vulnerable, developed areas that support critical infrastructure will require protection from flooding, we also recognize that the costs of protecting these areas will be substantial. It is not in the public interest to increase that burden by placing new development (whether it is infill or not) in harms’ way while relying on hopes that future technology or undefined adaptive management will provide adequate protection. We believe the language would be more protective of the public interest if as suggested by the Sierra Club, the language is amended to read, “...Ideally, the regional strategy will determine where and how existing development should be protected and *criteria developed that will restrict where new development should be permitted...*”

Following on our concern that the public not be further burdened by new development placed in harms’ way, the climate change findings and policies make several references to “promoting” or “encouraging” “appropriate infill” however, Policy 3 excludes “infill projects within existing urbanized areas” from the requirement that they be designed to be resilient to even mid-century sea level rise:

To protect public safety and ecosystem services, within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects – *other than* repairs of existing facilities, small projects that do not increase risks to public safety, interim projects *and infill projects within existing urbanized areas* – should be designed to be resilient to a mid-century sea level rise projection. [emphasis added]

While we can understand how the exclusion *might* apply to repairs to existing facilities, small projects that do not increase risks to public safety and interim projects - how is the exclusion of undefined “infill” projects protective of the public interest? To be consistent with the language of this policy, “infill” projects should either be removed from the exclusion or be required to be “small” and “not increase risks to public safety.”

Designs or desires for new development along the edges of the Bay will not abate should the Commission adopt climate change amendments. Development proposals will continue to be submitted. However, with strong guidance BCDC can reframe the perception of what development is acceptable and ethical.

Approximately 10% of the historic tidal marsh acreage remains along the edges of the Bay. The Tidal Marsh Findings and Policies acknowledge the critical importance of this habitat. While restoration of tidal marsh is occurring around the Bay, the predicted impacts of sea level rise in concert with all of the other perturbations pose a significant threat to tidal marsh habitat and thus to our ability to maintain a healthy, sustainable Bay ecosystem. Therefore, development that would negatively impact tidal marsh habitat directly or by precluding habitat transgression should be strongly discouraged and such language should be incorporated within the proposed climate change amendments.

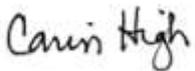
Public recognition of the value of tidal marsh habitat (i.e. the environmental, economic, aesthetic, and societal) has been demonstrated by the overwhelming public interest in establishing the Nation’s first urban national wildlife refuge within San Francisco Bay, and through the protection of undeveloped shoreline.

While the proposed climate change amendments include some of the language of the California Climate Change Adaptation Strategy (CCAS) e.g. Climate Change Finding “w”, what is lacking is the strong and consistent affirmation of the many *economic*, *societal*, and *aesthetic* benefits that can result from preservation of undeveloped, vulnerable, low-lying areas and the fact that preservation of these areas may play a crucial role in determining the degree to which we can sustain a healthy bay ecosystem.

We continue to urge the Commissioners to modify the language of the proposed climate change amendments as suggested and to provide clear guidance that is protective of the environment, does not place the public in harm’s way, and does not burden future generations with the consequences of protecting inappropriately placed new development (including infill development). As currently written the proposed amendments may have significant adverse impacts on natural resources of the Bay.

Thank you for the opportunity to provide comments. We respectfully request notification should there be additional opportunities to provide public comment.

Regards,



Carin High  
CCCR Vice-Chair

