

MTC-ABAG Public Information
Attn: Draft Estuary Blueprint Comments
375 Beale Street, Suite 800
San Francisco, CA 94105
blueprint@sfestuary.org

20 January 2022

Re: Draft Actions for the 2022 Estuary Blueprint

Dear Executive Director Sweeney,

These comments are submitted on behalf of the Citizens Committee to Complete the Refuge (CCCR), Ohlone Audubon Society, Sierra Club and Greenbelt Alliance regarding the *Draft Actions for the 2022 Estuary Blueprint* (Draft Blueprint). We thank you for the opportunity to provide comment and we commend you, your staff and stakeholders for the thoughtful consideration and expertise that has been employed in the development of this draft document.

Overall, we are extremely supportive of the Tasks and Milestones that have been identified and view their implementation as critically important to ensure climate resiliency for the Bay-Delta ecosystem and our communities, and to ensure long-term protection of the incredible biodiversity of the Bay-Delta ecosystem.

Action 1: “Plan for increased climate resiliency that incorporates natural resource protection.”

We strongly support this action item and, based upon our experience, feel that it is imperative that Task 1-4 is implemented: “Explore establishment of new, or modification of existing, regulatory authority to protect shoreline habitats and open space while pursuing measures to protect communities and infrastructure from climate impacts.”

So much of our efforts to protect and improve the Bay’s ecosystem resilience and biodiversity, as well as protecting our communities and existing and future residents, rely heavily on our ability implement the Tasks identified in the Draft Blueprint. It is evident that we cannot adequately protect our shorelines, open spaces and migration pathways for tidal wetland ecosystems through the existing federal and state regulations. Shoreline habitats may receive some regional regulatory oversight through agency coordination of review, as long as Section 404 Clean Water Act and Bay Conservation and Development Commission (BCDC) permits are required. However, many areas that could support transition zone/uplands habitats (Action 11) that support Bay ecosystem function and could act as future migration pathways as sea levels continue to rise have no such regional and regulatory oversight.

We remain deeply concerned that governance gaps exist that allow continued local permitting of new development in undeveloped areas along the edges of the Bay that continue to put additional people in harm’s way as sea levels rise. In doing so, such developments place the burden of providing future flood protection or compensation for poorly-planned development, on future generations. As important, such

development squanders increasingly limited opportunities to provide tidal wetland migration pathways, potential flood accommodation space to protect communities and to sustain crucial services provided by tidal wetlands such as carbon sequestration, wave attenuation, water quality functions, flood desynchronization, support of fisheries and biodiversity, etc.

During the Bay Adapt process we commented that local permits continue to be issued for projects that will require future protection from sea level rise. These projects fall through existing federal and state regulatory gaps. A common refrain when we raise the issue of sea level rise is “this project is small and won’t increase the overall impacts of sea level rise on Bay Area communities” which may or may not be true at the individual project level depending on the project’s location, but is certainly not true from a cumulative perspective. Another response is that “future flood risk is something that needs to be addressed at a regional level” and yet another is “there is no regulation saying we cannot permit development (in an area that will be vulnerable to future inundation from sea level rise).” Comments such as these highlight the concern that despite the good intentions of the Bay Adapt Joint Platform, Bay Area communities collectively are not all rowing in the same direction, and that the actions of a few may be at cross purposes or inconsistent with “increased climate resiliency that incorporates natural resource protection” at the local and regional levels.

Milestone for Task 1-4:

We are extremely concerned that the draft language for the accompanying Milestone is too open ended and that there is no action proposed beyond development of an Impact and Needs Analysis: “Establish collaborative working group and develop an Impact and Needs Analysis.” A concrete timeline needs to be set, else we fear the process of establishing the working group and developing an Impacts and Needs Analysis may drag on, without the identification and implementation of actions that may actually close existing governance gaps. It is imperative that we find ways to implement changes to the existing regulations to ensure long-term protection of our communities, the resilience and health of the ecosystems of the Bay, and the biodiversity of Bay ecosystems. As you are so well aware, time is of the essence, the threats posed by climate change are already upon us, and the push to develop lands that could serve as transition zone/uplands habitats adjacent to tidal wetlands continues unabated. We do not have the luxury of waiting six years more years for the next Draft Blueprint to identify and implement actions that will close the existing governance gaps.

Action 2: " Elevate frontline and Indigenous communities in planning for and benefiting from a healthy, resilient Estuary"

We strongly support this action, but believe there should be a strategy for ensuring frontline and Indigenous communities have the necessary funding to participate in planning processes.

Recommended Additional Milestone under Task 2-2: Create and identify designated, ongoing funding sources to support ongoing community participation and capacity-building, rather than one-time funding for capacity-building projects.

Action 3: “Overcome challenges to accelerate implementation of climate adaptation projects that prioritize natural and nature-based strategies.”

Task 3-3: “Revise regulatory policies, guidelines, or regulations to accelerate natural and nature-based adaptation projects consistent with the overall protection of the health of the Estuary, such as BCDC’s policies on sediment management and Suisun Marsh Protection Plan, RWQCBs’ sediment reuse and climate change policies, and DSC’s Delta Plan climate change policies.”

Milestone: “Revise three policies, guidelines, or regulations to facilitate natural or nature-based adaptation projects.”

We support revision of policies pertaining to sediment management and in particular, of beneficial reuse of suitable dredged sediment. However, we strongly urge that efforts to “streamline” or “cut the green tape” for natural and nature-based adaptation projects very narrowly define what actions qualify for consideration as natural and nature-based adaptation projects. Projects that include grey infrastructure or development should not be included in policy or regulation revisions that expedite permit processes and circumvent opportunities for full agency and public review.

Milestone for Task 3-6: “Complete a sea level rise funding and investment strategy for the San Francisco Bay Area.”

This is issue absolutely crucial if we are to encourage local communities to consider natural and nature-based solutions in place of traditional grey infrastructure (as appropriate given the location).

In reality, sufficient funding will be the limiting factor for implementation of most of the Draft Blueprint identified Actions and Tasks, e.g. Task 2-2, Task 4-1, Task 4-2, Task 10-1, Task 10-2, Task 11-1, Task 11-2, etc. and we need to be working to identify funding mechanisms to support implementation of the Action items.

“Task 7-2: Applied research to better understand the processes of carbon sequestration and greenhouse gas emissions generated from wetlands and open water systems in the Bay-Delta.

Milestone: Complete 1-3 scientific papers on the carbon implications of land management and wetlands restoration activities in the Delta...”

We are encouraged and strongly supportive of the January 18, 2022 SFEP Staff Memo that recommends that this and milestone be modified to include the Bay: “Support and promote carbon sequestration in the Bay as well as the Delta by revising Task 7-2 to support applied research in both the Delta and Bay regions.” We urge that this recommendation be incorporated into the 2022 Blueprint.

Furthermore, given the governance gaps that we discussed earlier in this comment letter, we strongly urge SFEP to further modify the Carbon Management Action by introducing the potential for voluntary carbon credit funding for wetland restoration within the Bay. We also believe it is imperative that a pilot tidal wetland restoration project that “uses American Carbon Registry Standards to qualify for the voluntary carbon market” be established within the Bay and not just in the Delta as was mentioned during the public comment session. The process of closing governance gaps may take time, the implementation of a pilot project within the boundaries of the Bay may help to incentivize communities to consider tidal wetlands restoration projects in their Climate Adaptation Strategies and signals the importance of tidal wetlands in the draw down and sequestration of atmospheric carbon.

Action 10: “Protect, restore, and enhance complete tidal marsh ecosystems taking into account sea level rise and other climate change stressors in the restoration design.”

We urge that the following language be added to the 2022 Blueprint:

Task 10-4: “Ensure protection of San Francisco Bay tidal wetlands and adjacent habitats from projected and newly scheduled and on-demand water-based transportation.”

Milestone: “Develop reporting metrics for impacts caused by water-based transportation moving into new areas of the bay.¹”

Environmental impacts of proposed new ferry routes that utilize existing facilities are currently not being analyzed by the California Public Utilities Commission. The CPUC is the only agency overseeing common carrier movement on the bay and all its navigable tributaries, including rivers, creeks and delta waters. Moreover, MTC/ABAG at their last public meeting ² (January 14, 2022) emphasized revising policy to include ferry services as new transit systems that will serve as hubs for new development. An “on-demand” ferry service (somewhat like Uber-style ferry boats) was authorized by the CPUC in 2021³. The most recent privatized ferry proposal was to approve “on-demand” ferry service, utilizing existing facilities, for the entire bay including navigable tributaries. Existing studies by the USGS have demonstrated impacts to waterbirds from ferries when crossing the Bay. Wakes from ferries can erode tidal wetlands adjacent to ferry routes.

Tidal wetland ecosystems and existing and potential wildlife habitat, along new proposed ferry routes, should be protected from the wakes of water-based transportation such as ferry boats, including hovercraft.

Action 24: “Provide equitable public access and recreational opportunities compatible with wildlife.”

Noticeably missing from the Tasks and Milestones listed under this action is an estuarine equivalent of Task 24-5 for riparian corridors.

Task 24-5: “Track progress towards increasing climate resilience in upland areas for people and wildlife using riparian corridor widths to allow for both wildlife and compatible public use.”

Milestone: “Develop emerging indicator for the State of the Estuary Report to track riparian corridor widths.

For tidal wetlands ecosystems, we are painfully aware that along much of San Francisco Bay’s shoreline, we have developed right up to the edges of the Bay or to the edges of salt ponds/diked baylands. Much of the public access is located atop shoreline levees that front tidal wetland complexes and fringes of tidal wetlands. As sea levels continue to rise, “tidal squeeze,” must be evaluated within the Bay to ensure recreational opportunities continue to be compatible with wildlife. Public access trails that obstruct opportunities for inland migration of tidal wetlands as sea levels continue to rise should be evaluated and if necessary, relocated. This cannot be accomplished without mapping of such areas.

¹Ferry operations (speed, distance, etc.) would be examined to determine appropriate operational protocols to protect species from habitat loss, nest inundation, acoustic disturbance, or other potential effects of ferry operations.

Marine Mammal Rescue Center maintains statistics for boat strikes on marine mammals.

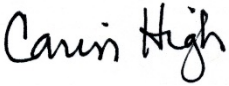
² See MTC/ABAG Agenda item: Transit-Oriented Communities (TOC) Policy- Seek feedback on the Update to MTC’s Transit-Oriented Development Policy.

³ Proposal that “Tideline may provide “unscheduled service as a vessel common carrier to transport passengers and their baggage and bicycles between points and places in the San Francisco Bay and its navigable tributaries”

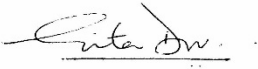
Conclusion:

It is evident that implementation of the Draft Blueprint hinges on the identification and/or establishment of funding sources to implement the actions. Also significant, is the need to close governance gaps. Without regional regulatory oversight of areas that could serve as migration pathways for tidal wetlands, we risk drowning of tidal wetlands as sea levels continue to rise. As we indicated in our opening comments, we deeply appreciate the level of thoughtful consideration that has gone into the development of this Draft Blueprint.

Respectfully submitted,



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