

CHARG Policy Working Group

Considerations for Implementation Strategies Workshop Planning Process

DRAFT March 23, 2016

Planning Considerations

- 1) Format of the meeting and agenda
 - a) Final group concurrence on purpose and tone
 - i) Develop clear purpose statement that will be disseminated with all invitations and discussions
 - ii) Gain clarity on how this workshop (series) may improve overall regulatory coordination
 - iii) Establish “rules of engagement” (ie, fundamental understanding will be to honor compliance with existing regulations and focus instead on the process, etc)
 - b) Format
 - i) Use one, or more than one, projects as pilot(s) to discuss the regulatory process
 - ii) Will any formal permitting decisions be made at the meeting or is it informational only
 - iii) Will part of the discussion be focused specifically on how regulatory process can be streamlined (ie brainstorm process improvements explicitly)
 - iv) Will the tone be casual round-table discussion, or more formal presentations and regulatory Q&A
 - v) Several project presentations first (length?), then overall comments from permitting agencies; one-by-one presentation followed by comments
 - vi) How will the participants be seated (city council style? other?)
- 2) Participants and Attendees
 - a) Which regulatory agencies will be invited, and which staff from each of the agencies will be invited
 - b) What criteria will be used to select included projects
 - c) Which projects will be showcased, and who will give presentations about each
 - d) Who will be invited to observe (entire CHARG stakeholder list?) and how they will be accommodated
 - e) Who will facilitate or moderate the discussions
- 3) Outreach to Participants
 - a) Personal correspondence (ie, phone call) to each major participant ahead of time to gain concurrence on the purpose and discuss logistics
 - b) Adjust format and agenda based on participants’ feedback
- 4) Preparation
 - a) Handout articulating the purpose, format, and agenda
 - b) Read-ahead materials on each project
 - c) Other read-ahead reference materials
 - d) Standard format and template for project presentations
- 5) Meeting logistics
 - a) Location and room capabilities (will people be allowed to call in)
 - b) Will event be recorded or filmed
 - c) Will minutes be taken and, if so, to what level of detail

- 6) Post-workshop Follow-up
 - a) Personal correspondence (ie, phone call) to each major participant to obtain feedback on the workshop
 - b) Meeting amongst workshop subgroup to discuss lessons-learned and action items
 - c) Follow through with action items

Suggested Planning Schedule

April 2016	In-person meeting	Define purpose format, agenda, attendees
May 2016	Assignments	Call participants to discuss purpose, format, draft agenda
June 2016	Conference call	Discuss participant feedback, adjust format and agenda, as needed
July & August 2016	Logistics	Arrange location, prepare & distribute invitations, prepare presentations and handouts
August 2016	In-person meeting	Check in on logistics, coordination, preparation
September 2016	Workshop	Conduct workshop
October 2016	In-person meeting	Debrief, discuss lessons-learned, next steps

Suggested Members of CHARG Sub-committee to Plan Workshop

Len Materman	San Francisquito Creek JPA
Dyan Whyte	RWQCB
Amy Hudzel	SCC
Hank Ackerman	ACFCD
Aaron Allan	USACE
Stuart Seigel	



**San Francisco Bay Regional CHARG: Coastal Hazards Adaptation Resiliency Group
 May 17, 2016 Policy Working Group: Implementation Strategies Workshop
 Action Items + Conference Call Minutes**

Participants

<u>Name</u>	<u>Organization</u>
Aaron Allen	USACE
Allison Brooks	BARC
Alex Porteshawver	Michael Baker International
Ani Thompkins	Convey
Len Materman	San Francisquito Creek
Naomi Feger	California Regional Water Quality Control Board
Stuart Siegel	Siegel Environmental
Sybil Hatch	Convey

Action Items:

- Next conference call in June
 - Convey will schedule
 - Sybil to follow-up individually to refine objectives, purpose, and format
 - Naomi will reach out for BCDC participation
 - Come prepared with potential projects
- Naomi to approach Foster City about its shoreline resiliency program being one example project

General Discussion:

- Overview of vision for implementation workshop: develop more transparency to permitting functions; foster a venue for broader and more open conversation; create greater consistency and predictability in the permitting process; give visibility to shoreline resiliency projects within regulatory agencies; broaden understanding of the regulatory environment and the impact sea level rise is having on the region.
- The proposed workshops are not designed to change regulations or state policy but one goal might be to determine whether the current regulations are sufficient to protect coastline and residences in this dynamic environment of climate change.
- Desired outcomes:
 - Increase clarity on what points of conflict are (for example, BCDC currently looking at Bay fill policies). Discuss how various parties will identify points of conflict when they arise, and how everyone will work through them

- Foster a clearer understanding of what kinds of information and level of detail regulatory agencies require to process permit applications
- Make sure everyone is looking at cumulative impacts, not just individual project (for example, consider the impacts of hardening a shoreline on the hydrodynamics in other parts of the Bay)
- Gather feedback from regulatory agencies on their perspectives about inefficiencies in the process; have agencies identify top perceived causes of slowdowns and chokepoints.
- USACE process requires complete application and all supporting information needed for making decision
- Southern California example of joint application for open coast dredge projects, with agencies agreeing that one application with all required information was sufficient. Consider adapting that model to shoreline protection projects in the San Francisco Bay?
- Create a master map of shoreline projects around the Bay, showing all permitting requirements and issues, so that permitting agencies see the big picture. Projects in sensitive areas will result in higher scrutiny; therefore it will be useful to identify those areas that will require additional information or analysis

Workshop Planning:

- Workshop will be planned for late October
 - June: start reaching out to potential participants, including agencies, projects, and stakeholders
 - USACE and/or State Water Board to encourage EPA and Fish & Wildlife participation
- Propose format:
 - Review 3 to 4 demonstration projects with both regulatory and project sides and get input into what challenges might arise.
 - Use as pilot projects to identify pain points, and either eliminate the conflict or change the regulations.
 - Each project to give a 5-10-minute presentation to open; agencies to identify possible choke points
 - Foster a balanced environment so permitting agencies don't feel like they're in the hot seat
- Projects to be included:
 - Next call: Discuss meeting flow and potential projects, create list of criteria for project selection, considering a variety of locations and projects.
 - Include Foster City levee if possible, with sensitivity, as an example of how community intervention can impact other localities around the Bay, opening the conversation about roles and decision-making
 - Include projects that are completed if instructive to dissect (easier for people to discuss)
 - Project must annex Bay shoreline, SLR, or marshland and demonstrate a suite of CHARG-related issues
 - Regional general permit (RGP) requires a project combining managed retreat with protective strategy using approved techniques, e.g. bio bank stabilization, a potential incentive for using methods that lessen environmental impact.

IMPLEMENTING SEA LEVEL RISE ADAPTATION MEASURES: A CASE STUDY OF THE SOUTH SAN FRANCISCO BAY

A Proposal for Funding Prepared For:

[Foundation]

Prepared By:

**Kenneth Schreiber, Land Use Planning
Services, Inc.**

Robert D. Spencer, Urban Economics

**Brian M. Benn, Environmental Risk &
Financial Solutions**

DRAFT July 13, 2016

EXECUTIVE SUMMARY

The political, business, and civic leadership in the Bay Area understands that flooding from sea level rise, exacerbated by storm events and tidal action, (collectively “SLR”) will inexorably threaten lands along the Bay’s shoreline. While there is uncertainty regarding projected rates of SLR and potential adaptation responses, leaders anticipate the need for a substantial level of infrastructure investment to protect lands along the shoreline.

The Bay Region is beginning to address adaptation to SLR. Public agencies are assessing vulnerability to SLR, identifying and reviewing potential responses, incorporating SLR into capital planning, and conducting public outreach and education. Research institutions are developing modeling tools and evaluating alternative adaptation strategies. The Region’s news media are highlighting the challenges we face in lead stories. There is growing recognition that a coordinated regional response among local jurisdictions, regional state, and federal agencies could be advantageous.

Significant challenges remain between the acknowledgement of this impending natural threat and the implementation of adaptation strategies, whether shoreline barriers such as seawalls and levees, natural defenses such as restored tidal marshes, or building regulations such as buildings with minimum elevations for the first habitable floor. In particular, implementation barriers faced by these infrastructure plans-in-progress have received relatively little attention. This Case Study will begin to answer the question: **once we have a plan, how will we make the necessary infrastructure investments in time to adapt to a rising Bay?** In particular, successful implementation of natural defenses is a critical short-term need because accelerating rates of SLR are anticipated to make successful restoration of tidal marshes increasingly difficult.

We can have the best adaptation plans and still fail our communities if we don’t address the following barriers to implementation:

1. An **environmental review process** that lacks a common approach to analysis of SLR threats, creating uncertainty and adding expense and delay;
2. **Multi-agency regulatory approval processes** that lack coordination, also creating uncertainty and adding expense and delay; and
3. Unknown cost obligations and lack of **an investment strategy** necessary to implement adaptation measures.

Finding solutions to these challenges will greatly facilitate implementation of the Bay Region’s SLR adaptation plans. Furthermore, the sooner these plans are implemented, the lower the cost to future generations.

Real progress on environmental review, permitting, and an investment strategy cannot proceed without a list of specific adaptation measures. Rather than wait for local jurisdictions, other agencies, and shoreline property owners to determine those measures, the Case Study will proceed based on an **illustrative adaptation investment plan (AIP)** for the South Bay. The South Bay is the subregion defined in the 2015 Baylands Ecosystem Habitat Goals Science Update (see Proposal Figure 1). This area is recommended both because it is small enough to be addressed in a focused, short-term (e.g., 18 months) study yet large enough to include a range of adaptation issues such that Case Study recommendations can be applicable to other parts of the Bay Region.

The AIP will focus on publicly-funded capital projects as adaptation measures, including shoreline barriers, natural defenses, and hybrid approaches. These public investments will be designed to fully mitigate impacts from SLR forecast for 2040 and 2100. The AIP will also identify opportunities for building adaptations such as floodable first floors that could reduce the cost of public investments. The purpose is not only to provide the necessary basis for development of case study work products, but also to highlight for Bay Area leaders a range of adaptation strategies.

Using the illustrative AIP as a starting point, the Case Study will generate the following products to address the implementation challenges described above:

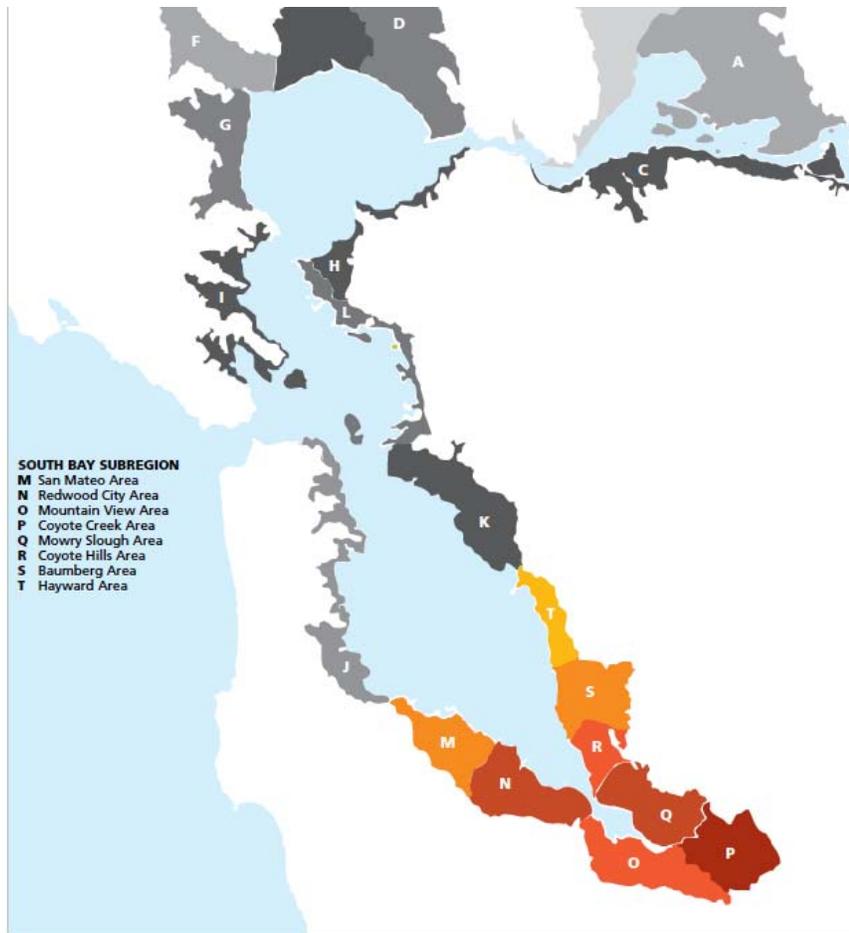
- A **standard methodology for environmental review** of those adaptation measures;
- A sample **permitting agreement among the seven agencies** that have regulatory responsibility for those adaptation measures;
- An **investment strategy** based on leveraging local public/private partnerships with regional, state, and federal funding sources through the use of risk-based public financing tools; and
- Types of **building adaptation measures** and their potential locations that could reduce the cost of public investments.

Combined with an effective communications plan, the Case Study will provide Bay Area leaders with tools needed to move towards an effective regional adaptation strategy.

The primary goal of the Case Study is to move forward the regional public dialogue on SLR adaptation. As such, the Case Study will proceed under the following assumptions:

1. The 2040 and 2100 illustrative AIPs will be designed to **support existing land use plans thereby excluding “managed retreat”** adaptation measures.
2. Improvements to environmental review and regulatory approval processes will be accomplished with **no amendments to existing statutes**.
3. SLR will be addressed by existing regional organizations and **no new regional agency will need to be created**.
4. AIP funding sources will be based on (1) economically feasible local public/private partnerships, (2) a reasonable level of new regional public funding in return for protection of regional public assets, and (3) **state and federal funding to fill remaining gaps**.

Though one or more of these key assumptions may ultimately prove to be unrealistic, they are critical at this stage in the public dialogue before deciding whether or not this best case scenario is impracticable. If so, future studies may examine additional scenarios.



July 20 CHARG Meeting

Questions to Facilitate Discussion of Draft Proposed Sea Level Rise Case Study

Ken Schreiber, Bob Spencer and Brian Benn

1. What is your reaction to the importance of the three barriers (environmental review process, regulatory approval process, and investment strategy addressing both capital and operational costs? Are there other critical barriers to addressing implementation of SLR adaptation measures that the Case Study should evaluate?
2. Are the Proposal's four assumptions reasonable (no land use retreat, no amendments to existing statutes, no new regional agency, and state and federal funding to fill the gaps in local funding)?
3. Is defining SLR as the future height of Bay water plus storm events and tidal action an appropriate standard (e.g., San Francisco's upper range of SLR for 2100 is 66 inches of SLR plus about 40 Inches for storm surge and King Tides rounded to 108 inches/nine feet)?
4. Regarding illustrative scenarios for addressing SLR in 2040 and 2100, how hard do you think it will be to create them and how difficult will it be to avoid having the scenarios be regarded as recommendations?
5. The strategy to address regulatory permitting will be to engage the seven agencies with permit authority (regional---BCDC and RWQCB, State DFW, and federal---EPA, FWS, NMFS and COE) in a working group to seek ways to improve the efficiency and effectiveness of permitting within existing statutes. An example of a permitting efficiency and effectiveness process is the Bay Area's Long Term Strategy for Placement of Dredged Materials (LTMS) and the related Dredged Material Management Office (DMMO). What can be done to achieve participation by all seven agencies in the Case Study?
6. Are you aware of other efforts to address regulatory permitting efficiency and effectiveness that could serve as models or complement the proposed strategy?
7. Is the South Bay Subregion a logical geographic area on which to focus the case study of SLR implementation issues?
8. The Study Area has three counties, 17 cities, and numerous special districts. What are the best strategies for informing and gaining participation from the local jurisdictions?
9. What key issues are we missing? What other questions should we be asking?

Sea Level Rise pProposal
Meeting with CHARG Implementation Strategies Working Group
July 20, 2016

1. Where we are:
 - Proposal Drafted and circulation/outreach has just started.
 - Starting outreach re Permitting issues.
2. Next steps:
 - Seek feedback.
 - Seek Sponsoring Organization.
 - Adjust Proposal per feedback.
 - Identify consultants, detailed work scope, budget and timeline.
 - Funding outreach—starting point is funding from foundations.
3. Specifics:
 - **Definition of SLR**--- higher water levels plus king tides and major storm events for 2040 and 2100.
 - Barriers to implementation:
 1. An **environmental review process** that lacks a common approach to analysis of SLR threats, creating uncertainty and adding expense and delay;
 2. **Multi-agency regulatory approval processes** that lack coordination, also creating uncertainty and adding expense and delay; and
 3. Unknown cost obligations and lack of **an investment strategy** necessary to implement adaptation measures.
 - Assumptions:
 1. **Support existing land use plans thereby excluding “managed retreat”;**
 2. **No amendments to existing statutes;**
 3. **No new regional agency will need to be created; and**
 4. **State and federal funding to fill remaining gaps.**
 - **Study Area:**
 - South Bay Subregion from Goals Update.
 - **Develop Illustrative Adaptation Investment Plans for 2040 and 2100:**
 1. Not a recommendation but 2040 and 2100 scenarios.
 2. Focus on a wide range of adaptation measures.
 3. Identify areas where building codes might offer an alternative to conventional hard and soft physical adaptation measures.

- **Use Plans to address funding strategies:**
 1. Focus on local/regional funding sources; assume that State and federal fill gaps.
 2. Demonstrate a reasonable relationship between the amount of funding from a given source and the level of benefits received.
 3. Use local funding to leverage regional, state, and federal funding.
 4. Consider ability to pay when estimating funding capacity.
 5. Consider value capture funding techniques.

- **Use Plans as part of addressing efficiency and effectiveness of permitting:**
 1. Seven agencies (BCDC, REQCB, CDFW, EPA, FWS, NMFS, COE)
 2. Permit Working Group---senior managers, senior permit managers and elected officials/Board members (including staff from State and federal reps).
 3. Use Dredged Materials strategy and DMMO as example.
 4. Use Science input to refine nature of uncertainties and approaches to permit-related monitoring and adaptive management.
 5. Address how to fund staffing.
 6. Objective is a written agreement re SLR-related project permitting.