

San Francisco Bay Conservation and Development Commission

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Transmitted Via Electronic Mail

December 18, 2025

Metropolitan Transportation Commission, Suite 800
Association of Bay Area Governments, Suite 700
375 Beale Street
San Francisco, California
ATTN: Plan Bay Area, Draft EIR Comments
Via E-mail: info@planbayarea.org; eircomments@bayareametro.gov

SUBJECT: Comments on the Draft Implementation Plan and Draft Environmental Impact Report for Plan Bay Area 2050+ (STATE CLEARINGHOUSE #2025010348)

Dear MTC Public Information Office:

Thank you for the opportunity to comment on Plan Bay Area 2050+ Draft Implementation Plan Report and Draft Environmental Impact Report (DEIR) for Plan Bay Area 2050+.

The San Francisco Bay Conservation and Development Commission (BCDC) is providing the following comments as a responsible agency with review authority over projects that may be informed and result from the plans and strategies highlighted in this programmatic EIR. BCDC relies on Plan Bay Area 2050+ Implementation Report and EIR for regional planning and coordination purposes, and we appreciate this opportunity to comment on both documents. The comments provided below are related to BCDC's plans, laws and policies including: the McAteer-Petris Act (Title 7.2 of the California Government Code), the Suisun Marsh Preservation Act (SMPA) (Public Resources Code Section 29000 et seq.), and the Suisun Marsh Protection Plan (SMPP), and the *San Francisco Bay Plan* (Bay Plan), as well as other advisory regional adaptation resources published by the agency, including Bay Adapt: Regional Strategy for a Rising Bay and the Regional Shoreline Adaptation Plan.

First and foremost, BCDC staff want to acknowledge and thank Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) for their continued leadership and partnership in advancing climate adaptation efforts and coordinated regional planning across the region. As the region's comprehensive land use, transportation, and environmental plan, Plan Bay Area provides an essential roadmap for how the Bay Area confronts the key issues of our time. By centering climate change, equity, and environmental



protection – alongside housing, transportation and the economy-- the Plan provides a balanced and thoughtful framework for regional action.

Potential impacts from sea level rise and flooding would cause immense damage to the Bay Area's communities, critical infrastructure, transportation network and natural areas. Therefore, BCDC appreciates and strongly supports the inclusion of sea level rise adaptation as a core component of Plan Bay Area 2050+. Over the past several years, BCDC staff have worked closely with MTC and ABAG staff to provide technical and policy coordination on this topic area. Through the SLR Funding and Investment Framework, published in 2023, our agencies collaborated to map out the costs to adapt to mid-century flooding and sea level rise across the region. The nearly \$100B price tag, while significant, pales in comparison to the cost of inaction, estimated (and, as Chair Wasserman has noted, likely undervalued) at \$230B. This research helped form the basis for the PBA 2050+ Resilience Project List—the first time a comprehensive set of adaptation projects has been incorporated into the Plan. Embedding this list within Plan Bay Area 2050+ represents a significant step toward aligning regional planning, investment strategies, and long-term climate resilience, and we commend MTC/ABAG for advancing this essential work. Likewise, as BCDC adopted the first Regional Shoreline Adaptation Plan in late 2024, our agency staff worked closely together to align it with Plan Bay Area 2050's goals, growth geographies, land use policy, and data sources. Finally, the revised Priority Conservation Area program is poised to provide critical support and funding to preserve and adapt the region's natural areas.

We appreciate MTC/ABAG's commitment to integrating sea level rise adaptation into their planning and look forward to continuing our close coordination on the development and implementation of regional policies that support equitable and effective resilience strategies.

The remainder of this letter is organized in two parts: first, comments on specific actions in the Draft Implementation Plan Report; and second, comments on the DEIR that focus primarily on ensuring consistent definitions and appropriate categorization of BCDC's legal authorities, policies, and regulatory programs throughout the environmental analysis.

Draft Implementation Plan Report

BCDC appreciates the inclusion of the following Draft Implementation Plan actions (45, 46, 58, 63) and looks forward to partnering on their implementation. In addition, we offer minor suggestions to bullets in actions 49, 50, 52, and 53 to strengthen them.

49 - Expand planning, funding and project delivery technical assistance for sea level rise adaptation

- “Coordinate with partners to deliver more streamlined and unified sea level rise technical assistance, making it easier to identify and track available opportunities”
 - **Comment:** As cities and counties around the Bay develop subregional shoreline adaptation plans that address sea level rise – as now required by state law under SB



272 – it is more important than ever to provide high-quality and coordinated technical assistance to support local governments, special districts, communities, and project proponents. The RSAP also requires the inclusion of proposed land use changes alongside shoreline adaptation projects. This action could be improved by stating that the agencies will work together to provide land use policy guidance to support meeting SB 272 / RSAP requirements, alongside other planning requirements for local jurisdictions (i.e. RHNA, Housing Elements, Local Hazard Mitigation Plans, etc.).

50 - Support BCDC in advancing efforts to strategically plan for and fund climate adaptation.

- “Leverage findings from the Sea Level Rise Adaptation Funding and Investment Strategy to inform how sea level rise is addressed in Plan Bay Area 2060”
 - **Comment:** This statement would be strengthened by stating that the findings from the Investment Strategy will be considered for integration throughout MTC/ABAG’s programs, in addition to PBA 2060.

52 - Pilot methods to accelerate conservation and transportation project delivery.

- **Comment:** This action could be improved through balancing conservation actions with transportation connectivity actions. BCDC recommends adding implementation measures that ensure conserved lands and restored shorelines are accessible via public transit, regional trails, and safe active transportation routes. Without this transportation component, the strategy may preserve open space without achieving the intended overarching strategy, which is expanding access to parks and open space.

53 - Help local governments advance conservation, trails integration and green infrastructure

- “Offer technical support and resources to assist Open Space and Conservation General Plan Element updates, advance the Bay Trail and promote trails in developed areas.”
 - **Comment:** BCDC encourages a comprehensive approach to trail planning that reflects Bay's diverse shoreline character, including restoration sites, semi-rural areas, and rural shorelines alongside developed areas. This approach would better reflect the Bay's varied landscape and create richer opportunities for public access.
- “Create and disseminate best practice guidance and standard operating procedures for integrating the Bay Trail, Bay Area Water Trail, Regional Trails and the Active Transportation Network into subregional Shoreline Adaptation Plans and climate change resilience projects.”

- **Comment:** BCDC appreciates the inclusion of the Bay Area Water Trail alongside land trail systems in this action. However, we note this is the Water Trail's only appearance in the Implementation Plan. The Water Trail serves a distinct function: providing water-based public access that allows users of non-motorized small boats to experience the Bay's historic, scenic, cultural, and environmental resources. In addition, the Water Trail's design guidelines promote safe, responsible Bay use while protecting and enhancing appreciation of environmental resources through education and strategic planning, aligning with the overall strategy of this action. Given these unique characteristics and the importance of maintaining water-oriented recreation and public access as the shoreline adapts to sea level rise, we recommend establishing a separate implementation action for the Water Trail that includes technical assistance for local governments, dissemination of design guidelines, and coordination with shoreline adaptation planning to ensure water access points remain viable and appropriately sited.

Draft Environmental Impact Report: Environmental Analyses

BCDC staff's remaining DEIR comments address inconsistencies in the definitions and regulatory categorization of BCDC's legal authorities, policies, and plans throughout the document. Below, we provide accurate and up-to-date definitions organized by regulatory category, State Regulations, Regional Regulations, and Specific/Master Plans, for consistent use throughout the DEIR. Following these definitions, we offer section-specific recommendations for strengthening references to BCDC policies.

Under "State Regulations":

- A. **San Francisco Bay Conservation and Development Commission:** BCDC is a State planning and regulatory agency with permitting authority over San Francisco Bay, the Bay shoreline, and Suisun Marsh, as established in the McAteer-Petris Act, the Suisun Marsh Preservation Act and the Federal Coastal Zone Management Act.
- B. **McAteer-Petris Act:** The McAteer-Petris Act, passed in 1965, is the California state law that created BCDC and established its regulatory authority over San Francisco Bay (Codified in California Government Code Sections 66600-66661). It grants BCDC the authority to grant or deny permits for any proposed fill; extraction of materials; or substantial changes in use of any water, land, or structure within the Commission's jurisdiction (Government Code Section 66632). Additionally, BCDC establishes land use policies for the Bay as a resource and for development of the Bay and shoreline in the Bay Plan, which provides the basis for the Commission's review and actions on proposed projects.
- C. **Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act:** enacted in 1974 to require BCDC and the California Department of Fish and Wildlife to prepare a plan to preserve the integrity and ensure continued wildlife use of the Suisun Marsh. The Suisun Marsh comprises approximately 85,000 acres of tidal marsh, managed wetlands, and waterways in

southern Solano County. It is the largest remaining brackish wetland complex in San Francisco Bay, representing more than 10% of California's remaining wetland area, and is recognized as a wildlife habitat of international importance.

The Marsh Act incorporated the findings and policies of the SMPP into State law and empowered BCDC to implement the SMPP through its regulatory authority. The SMPP establishes: (1) a Primary Management Area encompassing approximately 89,000 acres of tidal marsh, managed wetlands, adjacent grasslands, and waterways where BCDC has authority to issue Marsh Development Permits; and (2) a Secondary Management Area of approximately 22,500 acres of buffer lands where Solano County retains permitting jurisdiction and BCDC has some appellate authority. Under the SMPP, certain local entities are responsible for preparing and administering a local protection program, while BCDC serves as the land use permitting agency for development in the Primary Management Area and has review authority over local government permitting within the Secondary Management Area.

- D. **Senate Bill 272:** California Senate Bill (SB) 272, "Sea Level Rise Planning and Adaptation," was signed into law on October 7, 2023. SB 272 requires local governments that are within or partially within the state's coastal zone or the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC), respectively, to develop Local Coastal Programs or Subregional Shoreline Adaptation Plans by January 1, 2034. SB 272 requires BCDC to create guidelines for the preparation of these plans within the San Francisco Bay Area and requires BCDC to approve or deny plans based on consistency with these guidelines. Projects and strategies contained in local government plans that receive approval from the Coastal Commission or BCDC will be prioritized for funding for the implementation of sea level rise adaptation strategies and recommended projects in the approved plan. These plans are intended to be used by cities and counties to protect their residents and communities from sea level rise and flooding hazards while promoting equitable and sustainable adaptation strategies.

Under "Regional Regulations":

- A. **The San Francisco Bay Plan:** The Bay Plan is BCDC's comprehensive plan for the Bay and its shoreline. The Bay Plan guides BCDC's planning activities and its review of projects through its Regulatory program. BCDC cannot approve a permit for a project that is not consistent with the Bay Plan. The Bay Plan includes findings and policies that provide for protection of Bay resources, review of development proposals in BCDC's jurisdiction, and the design of public access. Under the McAtter-Petris Act, BCDC may amend the Bay Plan over time to address regional needs. The Bay Plan's policies are organized into several major categories including natural resources and environment (covering fish, other aquatic organisms and wildlife, water quality, tidal marshes and tidal flats, subtidal areas, and tributaries); development and use (addressing water-related industry, ports, transportation, recreation, and airports); shoreline protection and public access (guiding shoreline development, fill



regulations, public access requirements, and appearance and design standards); and regional issues (including climate change, sea level rise adaptation, and Bay/watershed relationships). To minimize future filling of the bay and protect waterfront land for water-dependent uses, the also uses Bay Plan identifies Priority Use Areas (PUAs), which reserve specific shoreline areas for particular water-oriented land uses. These water-oriented uses include ports, water-related industries, airports, wildlife refuges, water-oriented recreation and public assembly, desalinization plants, and power plants requiring large amounts of water for cooling purposes. The McAteer-Petris Act provides BCDC with the authority to designate and enforce these Priority Use Areas through its permitting program.

Under “Specific and Master Plans”:

- A. **San Francisco Bay Area Seaport Plan:** The Seaport Plan, originally adopted in 1982, is part of the San Francisco Bay Plan (Bay Plan) and is used by BCDC to help guide its regulatory decisions on permit applications, consistency determinations, and related matters. Its primary purpose is to designate and reserve Port Priority Use Areas along the Bay shoreline for existing and future maritime cargo operations, thereby coordinating port terminal development across the region and minimizing the need for new Bay fill. The plan was most recently updated in November 2023 with assistance from a wide variety of stakeholders, including MTC/ABAG, and includes a cargo forecast through 2050 and addresses key issues including climate change adaptation, environmental justice, and regional coordination to ensure the Bay Area maintains sufficient seaport capacity to meet future waterborne cargo needs.
- B. **BCDC Regional Shoreline Adaptation Plan:** The Regional Shoreline Adaptation Plan (RSAP), adopted by BCDC in 2024 as part of the Bay Plan, is a region-wide plan for the San Francisco Bay shoreline that guides the creation of coordinated locally planned sea level rise adaptation actions that work together to achieve a regional One Bay Vision. The RSAP is a response to SB 272 (2023), which requires local governments across the California coast and San Francisco Bay plan for adaptation to rising sea levels with targeted financial assistance from the State. The RSAP includes BCDC’s guidelines for local governments within BCDC’s jurisdiction to prepare a Subregional Shoreline Adaptation Plan (Subregional Plan) by the legislative deadline of 2034.

The RSAP guidelines support local governments and communities in integrating shoreline adaptation strategies into their land use plans, zoning, development regulations and capital projects. The guidelines also emphasize the importance of incorporating nature-based solutions, coordinated land use planning across jurisdictions, and phased adaptation strategies to accommodate future changes in sea level and storm surge risks. It promotes safe, sustainable, and strategic shoreline growth, ensuring that future development in areas subject to coastal and groundwater rise is resilient and aligned with regional adaptation efforts.

BIOLOGICAL RESOURCES

First, BCDC should be categorized as a State agency rather than a local agency. Second, the description should acknowledge the Bay Plan's policy sections that directly address biological resources, including Fish, Other Aquatic Organisms and Wildlife; Tidal Marshes and Tidal Flats; Subtidal Areas; and Mitigation.

In addition, in 3.6.33, "Regional and County Sea Level Rise Programs and San Francisco Bay Plan", we have taken the opportunity to correct language and offer edits to the text as follows,

"BCDC is charged with the protection, enhancement, and responsible use of the San Francisco Bay. The agency's jurisdiction includes the bay itself, all land within 100 feet of the bay shoreline, salt ponds, managed wetlands, and certain waterways named in BCDC's law. BCDC guides uses of the bay and its shoreline through policies set forth in the McAteer-Petris Act; the Suisun Marsh Preservation Act; the San Francisco Bay Plan, originally adopted in 1968; and the Suisun Marsh Protection Plan, originally adopted in 1977. The policies included in BCDC's San Francisco Bay Plan address the uses of both the bay and shoreline, water quality, and the approach to bay fill. Additionally, the San Francisco Bay Plan has a number of proposals, including the development of ports, land preservation, development of parks and recreation, maintaining wildlife, and managing shipping channels. In 2019, BCDC amended its San Francisco Bay Plan to allow for more substantial fill when addressing sea level rise with multi-benefit adaptation projects, as well as added an Environmental Justice and Social Equity Amendment establishing new equity-focused requirements for project sponsors (BCDC 2020). As required by SB 272 (discussed above), BCDC published the RSAP in December of 2024. The RSAP supports local governments and communities in the Bay Area in addressing coastal flood hazard risks through coordinated and consistent adaptation planning and implementation. The RSAP establishes a regional vision for successful sea level rise adaptation, aligns regional and local priorities, reduces flood risk by improving multijurisdictional coordination, and standardizes and simplifies adaptation methods and data (BCDC 2024)."

LAND USE, POPULATION, HOUSING

Please note that the description of BCDC, the McAteer Petris Act, and the Bay Plan as part of the Regulatory Settings (3.2.2) should be categorized under State rather than Local as BCDC is a State agency.

The section on "Coastal Bay Land Uses" details the extent of the Coastal Commission's jurisdiction along the outer coast and the Coastal Zone. Please also include language that clarifies BCDC's jurisdiction in the Bay. BCDC's jurisdiction is established by the McAteer Petris Act and includes, among other types, the San Francisco Bay itself, certain waterways, and a line 100 feet landward of and parallel with the shoreline known as the "Shoreline Band," which is described in greater detail in Government Code Section 66610.



Additionally, please review the wording of the second paragraph of the “McAteer Petris Act” in section 3.11-12. We recommend rephrasing some of the language for clarity around the function of Priority Use Areas (PUAs): “To minimize future filling of the bay and protect waterfront land for water-dependent uses, the Bay Plan identifies Priority Use Areas (PUAs), which reserve specific shoreline areas for particular water-oriented land uses. These water-oriented uses include ports, water-related industries, airports, wildlife refuges, water-oriented recreation and public assembly, desalinization plants, and power plants requiring large amounts of water for cooling purposes. The McAteer-Petris Act provides BCDC with the authority to designate and enforce these Priority Use Areas through its permitting program.”

HYDROLOGY AND WATER QUALITY

The Bay Plan includes policy sections for Water Quality and Climate Change that are relevant to the DEIR hydrology and water quality analysis. Please review these policies and include a section on the Bay Plan in the State Regulatory Framework for this section.

PUBLIC SERVICES AND RECREATION

Per the McAteer-Petris Act, BCDC is tasked with ensuring maximum feasible public access to the Bay. We ask that you also include the Bay Plan’s public access policies in the Regulatory Framework for this section.

TRANSPORTATION

One of BCDC’s key considerations for assessing maximum feasible public access is the convenience and safety of site access where a project connects to the larger transportation network, particularly for members of the public approaching the site via the Bay Trail or by surface roads. Please review the findings and policies in the Bay Plan’s sections on Transportation and Public Access and reference them in the Regulatory Framework for this section.

Conclusion

As a reminder, any shoreline projects that may eventually use the Plan Bay Area guidance may also require permits from BCDC for any fill, extraction of materials, public access, or substantial change in use of land or water within BCDC’s jurisdiction. BCDC staff will evaluate permit applications for consistency with all applicable laws and policies then in effect, and the Commission will have full discretion to grant or deny a permit application for the project on the basis of such consistency at that time.

MTC/ABAG

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We appreciate your attention to the topics discussed above and for the opportunity to make the above comments on the DEIR. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (415)-352-3654 or by email at lisa.herron@bcdcc.ca.gov.

Sincerely,

DocuSigned by:

Lisa Herron

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Lisa Herron

Principal Waterfront Planner

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov); Jessica Fain
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