



## **Advisory Committee**

### **MEETING MINUTES**

March 9, 2018, 10:00 am – 12:30 pm

Elihu Harris State Building  
1515 Clay Street, 2nd Floor, Room 11  
Oakland, CA 94612

#### **1. Call to Order**

Luisa Valiela, Advisory Committee (AC) Chair, called the meeting to order.

AC Member Attendance: Dr. Ana M. Alvarez (Vice Chair), Brian Benn, Bruce Beyaert, Erika Castillo, Francesca Demgen, Nahal Ghoghaie, Letitia Grenier, Judy Kelly, Zahra Kelly, Roger Leventhal, Sally Lieber, Greg Martinelli, Jessica Martini-Lamb, Mike Mielke, Anne Morkill, Diane Ross Leech, Gary Stern, Luisa Valiela (Chair), Bruce Wolfe, Sarah Young

Staff Attendance: Sam Schuchat, Amy Hutzler, Matt Gerhart, Jessica Davenport, Kelly Malinowski, Karen McDowell, Anna Schneider

#### **2. Determination of Quorum**

AC Clerk Anna Schneider determined that there was a quorum.

#### **3. Public Comment**

There was no public comment.

#### **4. Announcements**

Chair Valiela announced that the call for applications for the SFBRA Oversight Committee has been released. She also announced that a Project Labor Agreement Workshop will be held on March 29, 10:30 to noon, at the Harris State Building in Oakland. (SFBRA requires that recipients of grants for construction projects of more than \$500,000, in which the grant amount is more than 10% of the project cost, enter into a Project Labor Agreement.) Program Director Matt Gerhart announced that the staff will be bringing its recommendations regarding which projects to fund to the April 11 Governing Board meeting. Chair Valiela reviewed the results of the survey of AC members' interest in presentation topics for future meetings and noted that another potential topic is the U.S. Army Corps of Engineers' Continuing Authorities Program, which can provide funds for habitat restoration projects.

## **5. Approval of Meeting Minutes of October 13, 2017 and December 8, 2017**

**Decision:** There was consensus to approve the minutes.

## **6. Approval of Revision to Charter to Modify Quorum Rule**

**Decision:** There was consensus to modify the quorum rule so that it will not apply to the approval of meeting minutes. Approval of minutes will only require a majority of those present.

## **7. Chairs' Report from the February 2, 2018 Governing Board Meeting**

Chair Valiela reported that the Board discussed the grant applications received and noted that there were no applications from Contra Costa County. The AC can help ensure that additional outreach is done for the next grant solicitation in the fall.

## **8. Overview of Environmental Regulations and Permitting Challenges for Restoration Projects in the Bay Area**

Luisa Valiela, U.S. Environmental Protection Agency, and John Bourgeois, State Coastal Conservancy, presented an overview of environmental permitting challenges for bay restoration projects. Chair Valiela described the multiple environmental laws and regulations that must be followed. John Bourgeois noted some common policy conflicts that complicate the permitting process, such as the conflicting needs for maximum public access and protection of sensitive species from the impacts of public access, and the requirement to minimize bay fill in habitat projects, despite its benefits in projects designed to adapt to sea level rise. (See presentation slides for details: [Item 8 Permitting Presentation Valiela](#) and [Item 8 Permitting Presentation Bourgeois](#).)

## **9. Coordinated Permitting Proposal**

Adrian Covert, Bay Area Council, and Larry Goldzband, San Francisco Bay Conservation and Development Commission, presented a draft proposal for coordinated permitting that will be presented the SFBRA Governing Board at their April 11 meeting. The proposal was developed by regulatory agencies, potential applicants, and conveners, including the Bay Area Council, Resources Legacy Fund, and Silicon Valley Leadership Group, with support from the consultant Dudek. The proposal is to create two joint interagency habitat restoration teams, one focused on permitting and the other on regulatory policy. The goal is to achieve more timely permitting of multi-benefit wetland restoration projects in San Francisco Bay. The project proponents will be requesting \$1.2 million to \$1.47 million per year from SFBRA and others to support the teams. (See presentation slides for details: [Item 9 Coordinated Permitting Proposal.pdf](#).)

AC members provided the following comments on the proposal:

- The performance measures to ensure accountability of the teams need work.

- The most important performance measure is the length of time to get a project permitted.
- More information on the expected workload of the teams (i.e., number of projects expected per year) would be helpful.
- If the premise of coordinated permitting by creation of the teams is that the process would be more efficient (i.e., to do more with the same resources), why would any funding be needed? Why not loan staff as needed to the teams to improve the process relative to what it is now?
- Regarding potential funding sources, since the presenters stated that the business community was ‘supportive’, would the Bay Area Council, or others, fund it? It was indicated that the Bay Area Council has yet to be asked to be a funder, and that meetings are being planned in the next month to discuss this concept with East Bay Regional Parks and the Santa Clara Valley Water District.
- Proposal shows amazing vision.
- Anything that can be done to increase the availability of regulatory staff is a step in the right direction.
- Just having experienced permitting staff sitting together in the same room is not enough. You need to address the policy issues, too.
- Coordinated permitting approaches exist and could be used to inform this effort. Look at five examples of where this approach worked and what made it work.
- In time, it could be that the cost of "doing business" for Measure AA projects could include permitting fees that go towards funding the interagency team.
- Restoration Authority staff indicated they will provide a rationale in writing to the Advisory Committee, including consultation with legal counsel, as to how it is possible to take this proposal for funding BRRIT to the Governing Board.
- Make sure the permitting team incorporates the concept of “adaptive management”, given the uncertainty that we will be facing with long term project success, and adaptive management should also be reflected in CEQA impacts analysis.

Some members consider this a pilot approach, while others did not.

#### **10. Report from Ad Hoc Subcommittee on Communications**

Anne Morkill, U.S. Fish and Wildlife Service (Subcommittee Lead), summarized the outcomes of the first meeting. The group discussed the near-term goal of supporting Taylor Samuelson, SFBRA Public Information Officer, in crafting messages related to the first round of grant awards. They also discussed a long-term goal of creating a communications strategy, and brainstormed goals, tactics, and preliminary actions. Taylor Samuelson presented information about her role as public information officer and how she will work with the AC to collaborate on outreach efforts. (See meeting materials for details: [Item 10 Ad Hoc Submte on Comms Feb 2018 mtg notes.pdf.](#))

**11. Report from Ad Hoc Subcommittee on Measures of Success**

Roger Leventhal, Marin County Flood Control & Water Conservation District (Subcommittee Co-Lead), reported on the first meeting of this group. They have begun identifying potential performance measures for the Measure AA grant program and will bring a summary of their initial proposal to the May AC meeting.

**12. Public Comment**

There was no public comment.