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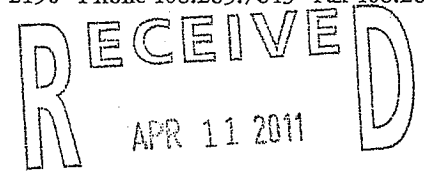
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Building Trades
The outstanding workforce



**Santa Clara & San Benito Counties
Building & Construction Trades Council**

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SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

April 8, 2011

Will Travis
Executive Director
Bay Conservation Development Commission
50 California Street, Suite 2600
San Francisco, California 94111

Re: Protection Against Projections of Rising Seas

Dear Mr. Travis,

Thank you for your letter of March 28. The Santa Clara & San Benito Counties Building & Construction Trades Council (Building Trades Council) is increasingly concerned with the issue of projected sea-level rise in the Bay area. We appreciate the work of the Bay Conservation Development Commission (BCDC) in highlighting the issue and raising awareness around the Bay. The Building Trades Council's recent activities, however, are focused on ensuring that all efforts to respond and adapt to rising sea levels seek to strengthen the economic vitality of this region and do not compromise current and future opportunities for the members of the Building Trades Council. We believe efforts to protect against rising seas and a robust economy and workforce should be seen as wholly compatible.

We understand that BCDC is in the midst of considering amendments to its Bay Plan regarding climate change and have carefully reviewed the language within those proposed amendments. That, however, is not the focus of the Building Trades Council's efforts. Rather, we view the immediate consequences of sea level rise on Bay area communities to be a local concern that should then be coordinated regionally. Each city and county should be responsive to its residents by first exploring the specific threat posed by projected sea-level rise in their community and then by developing a plan to address those specific threats. We intend to strongly encourage local governments in our region to immediately begin these discussions in an inclusive and transparent manner.

Although our focus starts locally, we have been concerned with the broad and sweeping approach taken in the proposed Bay Plan amendment to address climate change and the impact this approach may have on our local communities. The proposed amendments specify only narrow circumstances under which it is recommended that efforts be taken to protect against sea-level rise and allows for the wholesale retreat from residential communities

- Neil M. Struthers
Chief Executive Officer
- Josué García
Deputy Executive Officer
- Robert Baldini
President
- Asbestos Workers 16
- Boilermakers 549
- Brick & Tile 3
- Northern California
Carpenters Regional Council
- Carpenters 405
- Carpet & Linoleum 12
- Cement Masons 400
- Drywall Lathers 9144
- Electricians 332
- Elevator Constructors 8
- Glaziers 1621
- Iron Workers 377
- Laborers 270
- Laborers 67
- Millmen 262
- Millwrights 102
- Operating Engineers 3
- Painters District Council 16
- Painters 507
- Plasterers 300
- Plumbers & Steamfitters 393
- Roofers & Waterproofers 95
- Sheet Metal Workers 104
- Sign, Display 510
- Sprinkler Fitters 483
- Teamsters 287
- Affiliated with:
- State Building and
Construction Trades
Council of California
- California Labor
Federation, AFL-CIO
- California Labor C.O.P.E.
- South Bay AFL-CIO
Labor Council



Will Travis
Executive Director, BCDC
March 31, 2011
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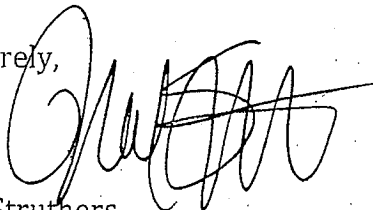
and business centers that do not meet these narrow guidelines. Though the proposed amendment notes the associated cost of abandoning developments vulnerable to sea-level rise, it says nothing about the obligation of local governments to develop strategies to protect all residents and businesses from this impending threat. To illustrate this point, we have been unable to locate one single proposal for specific protective action for existing communities or infrastructure in the many months BCDC has been considering the proposed Bay Plan amendments, nor have we seen any active proposal or debate as to how future protective actions will be funded or implemented.

In addition to our concern with strategies that allow for, and in many circumstances advocate for, the abandonment of established communities, we are equally concerned about the far-reaching restrictions the proposed Bay Plan amendments would place upon new developments within the projected inundation zone and the impacts those restrictions would have on our local economy, including our ability to create much needed jobs within the building and construction sector. The Building Trades Council firmly believes that any guidelines for future development must be part of a comprehensive plan driven initially by local land use authorities to protect against the threat of sea level rise. Furthermore, we believe that any effort to develop a regional plan to address sea-level rise must clearly outline the process through which it will achieve true collaboration with local governments.

Certainly, regional agencies such as BCDC, ABAG, and MTC have vital roles to play in this debate, but local governments that are directly responsible for and accountable to their local residents and businesses must lead the effort in developing plans unique to the respective threat they face. It is for these reasons that the Building Trades Council is actively advocating for local governments to enter this debate in their own jurisdictions, assess the threat to their communities, and start to define proactive and protective strategies today to ensure that both the physical environment and the economic sustainability of our region continue to thrive well into the future.

I hope this provides you with a better understanding of our concerns and the focus of our activities. Should you have any further questions regarding the Building Trades Council or its efforts on behalf of its members, please feel free to contact me.

Sincerely,



Neil Struthers
Chief Executive Officer
Santa Clara & San Benito Counties Building & Construction Trades Council

cc: Commission and Alternates
Santa Clara and San Benito Counties Local Governments



San Francisco Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

April 21, 2011

Attn: Executive Director Will Travis
Commissioners Sean Randolph, Ann Halsted,
Tom Bates, Geoffrey Gibbs, John Gioia, Jim McGrath,
Barry Nelson, Brad Wagenknecht
Chief Planner, Joe LaClair

Re: Bay Plan Climate Change Amendments

Dear Executive Director Travis and Commissioners,

We thank you for the opportunity to meet with you on March 25th to discuss our concerns regarding the Bay Plan Climate Change Amendments. We'd like to commend the efforts of your staff to incorporate the spirit and intent of the California Climate Adaptation Strategy (CCAS) in the language of the September draft document (though we did have concerns regarding some of the September 3rd language). We are however, extremely disappointed in the direction of subsequent revisions.

Our comments should not be construed to be "anti-development," rather they reflect goals of preserving the integrity of the Bay ecosystem and promoting development that will not place the public in harm's way or burden future generations particularly in the face of sea level rise. We are reminded of BCDC's mission statement that it is "dedicated to the *protection* and *enhancement* of San Francisco Bay and to the encouragement of the Bay's *responsible use*." The substantive degradation of the September draft language appears to reflect changes promoted by one sector of the public. Numerous comments were submitted by the environmental community in response to the September 3rd draft and those comments in large part are not reflected in any of the subsequent drafts. The changes that have been incorporated into the current iteration of the Climate Change Amendments appear biased towards development and do not reflect "protection," or "enhancement," nor do they encourage "responsible use" of the Bay's resources.

In general we concur with the comments in the April 13th Save the Bay letter. There are a few points that we would like to discuss further.

We concur with the Save the Bay's comments regarding the language of **Climate Change policy 4**. Policy 4 (which Save the Bay suggested should be numbered Policy 1) should revert to the September 3rd language:

Undeveloped, vulnerable shoreline areas that currently sustain diverse habitats and species or possess conditions that make the areas especially sustainable for ecosystem enhancement should be preserved, enhanced or permanently protected to allow for the inland migration of Bay habitat as sea level rises, and to address the adverse environmental impacts of climate change.

In addition the following sentence should be added as suggested by Save the Bay, "For these reasons, development in these areas should be discouraged."

Definition of "infill" Climate Change Finding "p". We are opposed to proposed definition of "infill." The definition of "infill" is so expansive as to apply to almost any parcel of land anywhere. The findings and policies contained within the BCDC Climate Change Amendments make reference to "promoting," and "encouraging," infill development even in areas vulnerable to flooding. This is contrary to the spirit and intent of the CCAS. We urge

BCDC to adopt a much more restrictive and appropriate definition. We recommend BCDC adopt the legislated SB 375 definition of "infill" which is:

"Infill site" means a site in an urbanized area that:

(a) has not been previously developed for urban uses and both of the following apply:

(1) and is immediately adjacent to parcels that are developed with qualified urban uses, or at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses, and the remaining 25 percent of the site adjoins parcels that have previously been developed for qualified urban uses.

(2) No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.

Climate Change Policy 6 – Adaptation Strategy - Revert to Sept 3 language as suggested by Save the Bay, and reinsert the "California Climate Adaptation Strategy" (deleted in the proposed April 12th language).

In addition, we recommend the following:

Deleting 6 (h) "advancing regional sustainability, infill development and job creation" because it far exceeds BCDC's jurisdiction, particularly the reference to job creation.

Regarding the **Goals of the Strategy** – revert back to the September 3rd language. Particularly troublesome is the draft language "...to the extent feasible and compatible with subpara. (a)..." This language makes ecosystem enhancement subservient to shoreline development which we find unacceptable.

6 (b) or 7 (c) depending on the draft version concerning transportation facilities should add qualifying language "Until a regional sea level rise adaptation strategy can be completed...new projects should be limited to: maintenance or improvement of existing facilities so they can continue to serve existing development."

CLIMATE CHANGE NEW POLICY 7 - We concur with Save the Bay that BCDC should revert to the September 3rd language of Policy 6. The Commission cannot evaluate projects based on a potential and yet undefined strategy. Of course BCDC will review all projects on a "case-by-case" basis, but the language of the policy should not de-emphasize the need to locate new development in areas that are not vulnerable to inundation. Items d, e, and f as these are not consistent with intent and spirit of the CCAS. We recommend the following changes:

- d. ~~infill development, particularly within those Priority Development Areas that are established by the Association of Bay Area Governments and endorsed by the Commission;~~
- e. **remediation of** existing environmental degradation or contamination, particularly on a closed military base so long as the proposed development is consistent with the Sustainable Communities Strategy (transit priority projects) identified in SB 375;
- f. a project that is consistent with the Sustainable Communities Strategy (transit priority projects) identified in SB 375 and that includes a sea level rise adaptation and financial strategy that will adequately provide for the resilience and sustainability of the project over its designed lifespan in such a way that the public will not be burdened.

CLIMATE CHANGE – NEW POLICY

Concerning BCDC's jurisdiction, either delete this new policy or incorporate only 1.a. as a finding not a policy, as suggested by Save the Bay.

Additional comments:

CLIMATE CHANGE - POLICY 5 "g/h" delete the policy "advance regional sustainability, encourage infill development and job creation, and provide diverse housing served by transit."

CLIMATE CHANGE FINDINGS

(h) Revert to Sept. 3 particularly reference to spreading equitably the cost of protection from sea level rise. Why should the public have to pay for development placed in harm's way?

(j) Delete "all people of the world" this is really a bit beyond BCDC's jurisdiction. We propose the following language:

The principle of sustainability embodies values of equity, environmental and public health protection, economic vitality and safety. The goal of sustainability is to meet the needs of the present without compromising those of future generations. Efforts to improve the sustainability of natural systems and human communities can improve their resilience to climate change by increasing their adaptive capacity.

(r) We have concerns with the wording of this finding and are working on alternative language.

(s) We support Sept. 3 language, we do not support the new language "regional benefits could preclude wetland enhancement that would also have regional benefits...."

(v) We support Sept. 3 language stating that "...BCDC can "provide guidance" to local governments.

PROTECTION OF SHORELINE

FINDING "f" – add "avoid structural shoreline protection wherever feasible"

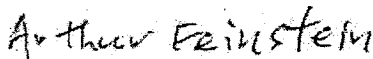
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POLICY 5 – add "where compatible with wildlife use"


We may have additional comments once we have had the opportunity to review the proposed agenda recently sent by Executive Director Travis.

We are encouraged by Commissioner Gibb's comment that BCDC Commissioners and staff are open to the concerns of the environmental community. Recent drafts of the Climate Change Amendments have caused us to question the degree to which our substantive concerns have been considered. As you are well aware our concerns stem from our long-held organizational missions to protect and enhance San Francisco Bay, to ensure that the biodiversity that benefits us all is sustainable and that current and future generations are not put in harm's way or burdened by decisions made today. The September 3rd draft Climate Change Amendments were more aligned with the intent and spirit of the California Climate Adaptation Strategy. We urge the Commissioners to ensure the final version is as well.

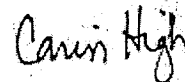
Sincerely,



Arthur Feinstein
Chair, Sierra Club
San Francisco Bay Chapter



Barbara Salzman
President
Marin Audubon
Society



Carin High & Wayne Miller
Vice-Chair/Board Member
Citizens Committee to
Complete the Refuge