



March 6, 2024

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Via Email: [Ben.Dorfman@resources.ca.gov](mailto:Ben.Dorfman@resources.ca.gov)

**Subject:** Sea Level Rise Guidance – Public Comment from Bay Area Clean Water Agencies

Dear Ben Dorfman:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to provide comments on the draft [State of California Sea Level Rise Guidance: 2024 Science and Policy Update](#) (2024 Guidance) issued by the Ocean Protection Council (OPC). BACWA is a joint powers agency whose members own and operate publicly-owned treatment works and sanitary sewer systems that collectively provide sanitary services to over seven million people in the nine-county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health.

**Background: Current Requirements for Sea Level Rise Planning for BACWA Members**

BACWA members include a diverse group of public agencies subject to varying state regulations, with diverse approaches to sea level rise planning:

- Some BACWA members are cities and counties subject to the legislative requirement (SB 379) to include climate adaptation and resiliency strategies in their planning. Others are special districts to whom this requirement is not applicable.
- Many of our member agencies operate within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC), while a few operate within the jurisdiction of the California Coastal Commission. Some are located in inland areas.
- Members that operate publicly-owned treatment works are subject to NPDES permits issued by the San Francisco Bay Regional Water Quality Control Board, which has identified

climate action as an organizational priority<sup>1</sup> and has cited OPC's 2018 Sea Level Rise Guidance as the basis for planning requirements in recently adopted orders<sup>2</sup>.

- BACWA members that operate sanitary sewer collection systems are subject to a statewide order<sup>3</sup> issued by the State Water Resources Control Board, which includes planning requirements related to sea level rise.

Due to these varying requirements, many BACWA members are currently using the OPC's 2018 "State of California Sea-Level Rise Guidance" (2018 Guidance). These member agencies will need to update their current planning assumptions using the 2024 Guidance once it is finalized.

### **BACWA Requests that the 2024 Guidance Provide Appropriate Instructions on Updating Projections from the 2018 Guidance Document**

The 2024 Guidance should contain readily accessible information for end users on how to update their projections if they are currently using the 2018 Guidance. The current draft completely lacks this information. Section 3 of the 2024 Guidance ("California Sea Level Rise Policy Guidance") contains stepwise instructions to apply the sea level rise instructions, but the instructions assume the end user is starting from scratch, which is true for very few coastal communities. The 2024 Guidance lacks any quantitative information for users of the previous 2018 Guidance. The only instructions are qualitative, such as those for Existing Vulnerability Assessments found in Section 3.2: "Anticipated impacts will likely remain the same when using existing vulnerability assessments; however, the time horizon at which impacts are expected to occur may shift farther into the future."

These qualitative (rather than quantitative) instructions are insufficient. Section 3 implies that since the new projections are lower, no planning adjustments are needed. This approach disregards the scientific information in Section 2 of the 2024 Guidance ("California Sea Level Scenarios"), which finds "greater certainty in the amount of sea level rise expected in the next 30 years than previous reports" and "[t]he extreme sea level rise scenario (i.e. H++) from Rising Seas 2017 is much higher than best available science suggests and has not been included in the 2024 update" (page 19, Section 2). Even worse, it is inconsistent with the way infrastructure planners use the guidance document. The timing of impacts is an important detail, not a negligible one, since adaptation planning considers the expected lifespan of infrastructure projects.

BACWA respectfully requests that Section 3 of the 2024 Guidance be updated to include the following information, at a minimum:

- Guidance for end users on adjusting sea level rise projections if they currently use the H++

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<sup>1</sup> San Francisco Bay Regional Water Quality Control Board. *2023 Strategic Work Plan*. Available online at [https://www.waterboards.ca.gov/rwqcb2/board\\_info/Region\\_2\\_2023\\_Strategic\\_Workplan.pdf](https://www.waterboards.ca.gov/rwqcb2/board_info/Region_2_2023_Strategic_Workplan.pdf)

<sup>2</sup> San Francisco Bay Regional Water Quality Control Board. Order R2-2022-0031, *Amendment to Waste Discharge Requirements for Long-Term Flood Protection Considerations at Closed and Operating Municipal Solid Waste Bayfront Landfills*. Available online at [https://www.waterboards.ca.gov/sanfranciscobay/board\\_decisions/adopted\\_orders/2022/R2-2022-0031.pdf](https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0031.pdf)

<sup>3</sup> State Water Resources Control Board. WQO 2022-0103-DWQ. *Statewide Sanitary Sewer Systems General Order*. Available online at [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2022/wqo\\_2022-0103-dwq.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo_2022-0103-dwq.pdf)

scenario from the 2018 Guidance, which the report states is “not physically plausible.” Section 3 should include explicit guidance that such projections may be adjusted downwards.

- Guidance and tabular information for end users on appropriate adjustments to sea level rise projections if they currently use one of the other five scenarios from the 2018 Guidance (Median, Low end of Likely range, High end of Likely Range, 1-in-20 Chance, 1-in-200 Chance). Specifically, the 2024 Guidance should be revised to contain more information about the estimated exceedance probabilities of the new “Intermediate-High” and “High” scenarios. This would allow users to more easily update planning documents based on the 2018 Guidance.

Table 2.2 of the 2024 Guidance lists both the “Intermediate-High” and “High” scenarios as having an exceedance probability of “<1%” for a 3-degree warming scenario. Rounding to “<1%” makes it impossible for end users to quantify the differing risk levels of these two new scenarios. Table 2.2 and Section 2 should be edited to include more precise exceedance probabilities (e.g., 0.1%, 0.5%) for these scenarios, which should then be considered in the Section 3 guidance.

Thank you for consideration of this request.

A handwritten signature in blue ink that reads "Lorien Fono". The signature is fluid and cursive, with the first name "Lorien" being more prominent than the last name "Fono".

Lorien Fono, Ph.D., P.E.  
Executive Director  
Bay Area Clean Water Agencies

Cc: BACWA Executive Board