

1 [Declaring City Policy Regarding Subtidal Areas.]

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3 **Resolution adopting the Bay Conservation and Development Commission policy**
4 **regarding Subtidal Areas as official policy of the City and County of San Francisco.**

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6 WHEREAS, The McAteer-Petris Act, enacted on September 17, 1965, has long served
7 as the key legal provision under California state law to preserve San Francisco Bay from
8 indiscriminate filling; and,

9 WHEREAS, This law, enacted on September 17, 1965, established the San Francisco
10 Bay Conservation and Development Commission as a temporary state agency charged with
11 preparing a plan for the long-term use of the Bay (the *Bay Plan*); and,

12 WHEREAS, In August 1969, the McAteer-Petris Act was amended to make BCDC a
13 permanent agency and to incorporate the policies of the *Bay Plan* into state law; and,

14 WHEREAS, In April, 2002, the Commission amended the San Francisco Bay Plan to
15 include a policy regarding the use and treatment of subtidal areas in the Bay; and,

16 WHEREAS, Among other provisions, the Subtidal Area policy states that, “Any
17 proposed filling or dredging project in a subtidal area should be thoroughly evaluated to
18 determine the local and Bay-wide effects of the project on: (a) the possible introduction or
19 spread of invasive species; (b) tidal hydrology and sediment movement; (c) fish, other aquatic
20 organisms and wildlife; (d) aquatic plants; and (e) the Bay's bathymetry”; and,

21 WHEREAS, The Subtidal Areas policy goes on to state, “The Commission should
22 continue to support and encourage expansion of scientific information on the Bay's subtidal
23 areas, including: (a) inventory and description of the Bay's subtidal areas; (b) the relationship
24 between the Bay's physical regime and biological populations; (c) sediment dynamics,
25 including sand transport, and wind and wave effects on sediment movement; (d) areas of the

1 Bay used for spawning, birthing, nesting, resting, feeding, migration, among others, by fish,
2 other aquatic organisms and wildlife; and (e) where and how restoration should occur.”; and,

3 WHEREAS, A complete copy of the Bay Conservation and Development Commission
4 Subtidal Area policy is on file with the Clerk of the Board of Supervisors in File No. _____,
5 which is hereby declared to be a part of this resolution as if set forth fully herein; and,

6 WHEREAS, Sand mining is an issue of great concern to the continuing health of
7 subtidal ecosystems and the beaches lining the San Francisco Bay; and,

8 WHEREAS, The health of beaches and dunes is directly related to the way in which
9 waves drag sand onto the shore and then back out again into the ocean; and,

10 WHEREAS, Sand mining creates a change in the depth and shape of the ocean floor,
11 thereby altering wave patterns; and,

12 WHEREAS, Mining in certain regions while avoiding others can reduce the harm
13 caused by the activity, in some cases creating a benefit to the subtidal ecosystem (as in the
14 case of removing sand deposited in excess in rear dunes, near headlands and in sand banks
15 in the Bay); and,

16 WHEREAS, Further scientific research is necessary to ensure that the appropriate
17 methods for sand extraction from the San Francisco Bay are utilized to minimize and mitigate
18 damage to the subtidal ecosystem and beaches; now, therefore, be it

19 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
20 adopts the Subtidal Areas Policy of the Bay Conservation and Development Commission, as
21 enumerated in the San Francisco Bay Plan, as official policy; and, be it

22 FURTHER RESOLVED, That upon enactment, a copy of this resolution shall be
23 transmitted to the Director of the San Francisco Port and the President of the San Francisco
24 Port Commission.

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