

**Testimony of
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to the
California Senate Committee on Transportation and Housing
regarding
Regional Governance in the Bay Area:
Ensuring Effective Community Outreach and Public Participation
December 13, 2011, Oakland, California**

The San Francisco Bay Conservation and Development Commission, commonly called BCDC, is a state coastal management agency. We are, in essence, the Coastal Commission for San Francisco Bay. We regulate activities in the Bay and along its shoreline to achieve the State's goals of protecting the Bay and encouraging thoughtful development that advances our region's economic prosperity.

In thinking about how best to ensure effective community outreach and public participation in regional governance, I believe it's important to acknowledge that there are only five groups of people who will jump at the opportunity to talk about regional governance: (1) public policy wonks; (2) community organizations that are dissatisfied with the current outreach and participation efforts; (3) local elected officials, who either want to protect local autonomy or enhance their local influence in regional decision-making; (4) bureaucrats who work for regional agencies and might lose their jobs as a result of organizational realignments; and (5) members of the general public who are looking for any excuse they can find to skip an appointment for a root canal.

With this as a preface, let me tell you about two efforts at community outreach and public participation in regional governance that were quite different, but turned out to be oddly effective for unexpected reasons.

The first initiative took place half a century ago. At that point, because San Francisco Bay is so shallow, a third of it had been filled for land reclamation. Local governments were competing with each other to fill the Bay so they could dump their garbage nearby, expand their communities and increase their tax bases. Any one local government, acting on its own, would have been nuts to stop filling the Bay as long as its neighbors continued to do so. This was a regional version of the tragedy of the commons where actions that were in the self-interest of individuals were destroying a resource of regional, state and national value.

In 1959, the Oakland Tribune published an Army Corps of Engineers map showing how continued landfill operations could shrink the bay to little more than a broad river by 2020. That map galvanized citizens by depicting a future the public didn't want. The map inspired thousands of people to join the Save the Bay movement and convince the California Legislature to create BCDC in 1965 to oversee the future protection of the Bay.

That initiative of community outreach and public participation in regional governance was a grassroots effort that wasn't established by any government agency. It was established by the public to deal with a failure of regional governance. This grassroots initiative is brilliantly chronicled in the Emmy Award winning documentary, "Saving the Bay." I'm providing two copies of this documentary for your records. Additional copies, which make great holiday gifts, are available from KQED Public Television.

A few years ago, when BCDC realized that sea level rise from global warming would enlarge the Bay over the next century, we tried to use the same public outreach technique that had worked to save the Bay half a century earlier. We thought that if we produced a map showing another future that should be prevented--one in which flooding from sea level rise would inundate 330 square miles of low-lying land around the bay--it would inspire the public to work with us to prevent this future from coming about.

The *San Francisco Bay Plan* contains the policies that guide BCDC in making permit decisions on projects along the shoreline. We thought the logical first step in the regional process of dealing with sea level rise should be to amend to include a new section on climate change in the Bay Plan.

However, we made two mistakes. First, we laid out a solution to a problem before there was general public buy-in that the problem existed. Second, we forgot that the messenger is as important as the message. A map published by a newspaper is one thing. A map published by a regulatory agency is something else entirely.

Rather than serving as a clarion call to the general public to prevent an unacceptable future, two groups used the map to advance their self-interests.

Environmentalists rightfully pointed out that wetlands, which are wonderful for their natural resource values, can also be effective at flood protection. So they used the map to support their call for a moratorium on new development in most shoreline areas and the removal some existing development so wetlands have space to migrate inland as water levels rise.

At the other end of the spectrum, attorneys and others who are in the business of securing land use entitlements, saw the map as a threat to their success. They contended that the map showed the area over which BCDC wanted to expand its regulatory authority and that simply by identifying areas vulnerable to flooding, BCDC was making it harder to gain regulatory approval for infill development and scaring investors away. However, the map simply shows where land elevations are low making properties vulnerable to flooding. These elevations will be the same whether or not the map exists. (Blaming the map was like saying you would be healthy if your doctor never showed you a X-ray that revealed your health problem.)

I believe that if someone's house or business is flooded, the last thing they will worry about is which government agency has land use jurisdiction over the property. But it took 36 public hearings, meetings and workshops, over two years of effort, and lots of clarifications and language refinements to overcome these concerns.

Ultimately, we realized that it doesn't matter much if you can get a permit for a project in a low-lying shoreline area if you can't get an investor to put money into building the project or you can't get insurance on the development. Once the broader business community engaged in the discussion, local governments, labor and environmental groups were able to reach agreement on the Bay Plan amendment language and in early October our Commission unanimously approved Bay Plan amendments to deal with climate change.

That unanimous vote is significant. BCDC has 27 commissioners representing local governments, state and federal agencies, and members of the general public appointed by the governor and the legislature. A unanimous decision by that diverse group did more than meet a legal requirement. It represents a statement of values of the Bay region.

The most important thing we learned during our Bay Plan climate change amendment process is that our region must begin working now on a long-term regional climate strategy, one that includes financial mechanisms to pay for the shoreline protection, the wetland enhancement and the other innovations needed to make the Bay region resilient in the face of climate change. Addressing climate change, and particularly sea level rise, is more of an economic imperative for our region than it is an environmental issue. Doing so simply makes good business sense.

So what can be learned from these two community outreach and public participation processes?

First, if there's a compelling reason for the public to become engaged in a regional governance discussion, they will engage whether we want them to or not. Nobody invited the public to weigh in on how to govern Bay protection 50 years ago. They simply did so because the issue was too important for them to ignore.

Second, in order for government agency public outreach and participation processes to be successful, they need to be clear in asking the public what is expected of them. It's not enough to simply ask the public to become part of the process.

The 330 square miles of low-lying land around the Bay that's vulnerable to flooding from sea level rise includes the homes of over a quarter of a million people, many in communities that are low-income. Asking these folks to engage in an abstract discussion on regional governance is probably futile. These communities are already dealing with too much crime, too few jobs, and a host of other problems. These people don't want to hear about yet another problem they didn't know they had. They want to hear about how government will deal with this problem and how they can be involved in making decisions that will directly affect them and their families.

In formulating a regional climate strategy, we'll have to decide where we'll invest in flood protection measures, where we'll focus on wetland expansion, what sorts of innovation we can use when building along the shoreline, and who will pay for all of this. These decisions will be most effective if they represent the shared values of the communities affected, the business community, labor, local governments, and environmental interests. This will take a lot of time and effort. But, based on our experience, without this investment in broad community involvement, our regional climate strategy will never be implemented.

I hope our experiences and the perspective I've offered are helpful to you.