

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 041089,  
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.



City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tails  
Resolution

File Number: 041089

Date Passed:

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

August 10, 2004 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

File No. 041089

I hereby certify that the foregoing Resolution was ADOPTED on August 10, 2004 by the Board of Supervisors of the City and County of San Francisco.

AUG 12 2004

Date Approved

Gloria L. Young  
Clerk of the Board

Mayor Gavin Newsom