



MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105

July 19, 2021

SUBJECT: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR PLAN BAY AREA 2050

Dear Commissioners;

Grassetti Environmental Consulting (GECO) has reviewed the Draft Environmental Impact Report (DEIR) on Plan Bay Area 2050 (PBA) on behalf of Citizens Committee to Complete the Refuge (CCCR). This letter presents our comments on the CEQA adequacy of that document. Our comments are based on a review of the DEIR and certain supporting documents by Richard Grassetti, GECO's principal. Mr. Grassetti has over 35 years of experience writing, reviewing, and teaching about CEQA documents and procedures. His qualifications are attached to this letter. We understand that CCCR and the Sierra Club also are submitting comments under separate cover. This letter presents our general DEIR comments followed by a table of more specific comments.

General Comments

Growth Assumptions. The EIR is based on a series of population growth assumptions that apparently emanate from complex black-box models. The problem with these assumptions is that they are impossible for the lay-person to validate, and do not represent a reasonable range of growth possibilities. Further, there are apparent contradictions between growth assumptions within the Plan area and those outside of it. The EIR should explain the assumptions behind the growth projections both in the PBA area and outside of it (in the Cumulative Impacts analysis) in layperson's terms, and discuss the possible range of error of the projections. The Bay Area will become less and less livable and more and more expensive under the Plan's growth assumptions, and, as seen during the Covid pandemic, more and more people may choose to live more in the exurbs and suburbs than in the central cities rather than the other way around, as the Plan assumes. Further, again as evidenced during the pandemic, workers may choose to neither live where they work nor commute, but rather work from home. The plan should address that possibility, as it alters many of its subsequent analyses. The use of a single growth assumption with no disclosed underlying assumptions or range of error calls into question all of the subsequent analyses. Further, the EIR assumes that the relatively minor changes to infrastructure and funding of certain strategies can somehow re-direct growth, while at the same time claiming that it cannot limit or induce growth. Re-directing growth is, by definition, limiting or inducing growth in various sub-regions. If the Plan can re-direct growth, it also can limit or induce growth.

Therefore, the project cannot be assumed to be solely growth accommodating, and alternatives that have different growth assumptions cannot be disregarded (see Alternatives discussion, below).

Project Objectives. The DEIR and supporting documents state that the project itself would not meet many of its own objectives. Specifically, it would not “house 100% of the region’s projected growth by income level...”, “ensure that all current and future Bay Area residents and workers have sufficient housing options...”, “conserve the region’s natural resources, open space, clean water...”. The numerous “significant and unmitigable impacts” identified in the DEIR confirm this. Given these facts, the DEIR should consider either altering the project to meet its objectives or altering the objectives to align more closely with the proposed project. If the objectives are re-aligned for consistency with the proposed project, then the range of alternatives also can be broadened to consider some of the many additional alternatives identified by agencies and groups that commented on the Notice of Preparation (see Alternatives discussion, below).

Alternatives. Related to the project objectives and growth assumptions is the range of alternatives considered in the DEIR. The DEIR includes only two “action” alternatives, both of which involve minor alterations in transportation funding options to direct growth slightly differently than with the proposed Plan. There are no alternative growth scenarios or major changes in the Plan’s focus, despite those being requested by numerous agencies and organizations in responses to the Notice of Preparation. The result of this minimal range of alternatives is that the impacts associated with them are minimally different, as shown in the Alternatives section of the DEIR. The DEIR impermissibly rejected feasible and reasonable alternatives, including alternatives with different growth scenarios (as discussed above), leading to an inadequate range of alternatives. Therefore the EIR does not comply with CEQA’s requirements that it analyze the comparative effects of a range of reasonable alternatives. The Plan and EIR-assessed alternatives focus on minor changes to transportation infrastructure. As detailed in our specific comments, neither the Plan nor any of the alternatives focus on ecological protection. The strategies in Plan Bay Area 2050 are largely silent on preserving the existence, biodiversity and functions of the Bay’s ecosystems. The DEIR must include Plan Alternatives that incorporate active Environmental Strategies. Without a thriving natural system, the rest of the Plan’s expectations to use nature-based solutions and to enjoy the natural environment are at risk. We propose the following strategy changes for these alternatives (changed text in *Italics*):

Strategy EN-1: Adapt to sea level rise. Protect shoreline communities affected by sea level rise, prioritizing low-cost, high-benefit solutions and providing additional support to vulnerable populations. *Protect vulnerable habitats and ecosystems that are threatened by sea level rise. The use of nature-based solutions (NBS) should be prioritized over that of grey infrastructure. Require a county approved plan for sea-level rise adaptation before building within the FEMA 100-year flood zone.*

Strategy EN5. *Preserve the Bay Area natural environment, biodiversity and ecosystem function.* Provide strategic matching funds to help conserve and maintain high-priority natural and agricultural lands, including but not limited to Priority Conservation Areas and wildland-urban interface areas. *Provide adequate buffers between developed areas and wildlands and implement climate smart techniques for working landscapes. Provide adequate space for migration of tidal wetlands utilizing tools such as the SFEI/San Francisco Regional Water Board’s Adaptation Atlas, the San Francisco Bay Ecosystem Habitat Goals Update, U.S. Fish and Wildlife*

Service Tidal Marsh Ecosystem Recovery Plan, and other available studies to identify appropriate sites for such migration. Support habitat conservation planning, track habitat losses and gains, and monitor habitat quality and ecosystem health. Use scientific input to determine priority conservation areas.

In addition, CCCR is requesting that the Final EIR include one or more alternatives that add robust ecological protection and sustainability to the Plan. That alternative(s) should include, at a minimum, the following elements:

- Maximize the use of work from home, and local work places near where people live, and stop commercial office development in areas that have a shortage of housing relative to employment.
- A moratorium on all development in areas in the currently revised FEMA flood zones until such time as a local jurisdiction has a funded, approved plan to adapt to sea level rise and provides space for tidal marsh inland migration as the sea rises. This could be a condition for a county receiving MTC support.
- Nature-based adaptation of existing transportation infrastructure to sea level rise should be required. Spending on solutions to better protect natural resources should be required if needed in projects such as changing Highway 37 into a causeway. Budgets for necessary projects should include funding for protecting the environment such as allowing for inland migration of marshes under elevated causeways.
- The DEIR should analyze the net new pavement of each alternative to identify and avoid or mitigate impacts to water quality, natural areas, and to avoid exacerbating urban heat island effects.¹

Finally, the EIR mis-states CEQA's requirements regarding identification of the Environmentally Superior Alternative, stating that the EIR need not identify that alternative if the no project alternative is not the environmentally superior alternative. CEQA does not eliminate the requirement of this alternative in this situation. To the contrary, the Guidelines (Section 15126a-d) clearly state that an EIR must identify the alternatives that are environmentally superior to the proposed project and that if the environmentally superior alternative is the no-project alternative, then the EIR must identify another superior alternative. In my 35 years of experience writing, teaching, and reviewing CEQA documents, not once have I seen the erroneous interpretation of the Guidelines on this topic that is used in this EIR. This is a substantive error that needs to be corrected in the final EIR.

¹ A recent Green Streets Symposium provides a compelling vision: "Urban areas of the Bay Area are fully integrated into a "no net impact" system with the larger natural environment. This includes an integrated water system that follows the call to "slow it, spread it, sink it" and brings together the planning for storm water drainage, drought concerns, and flood prevention.

Human-caused emissions can be offset by a rich canopy of trees, grasslands, and chaparral in our open spaces surrounding the urban area and integrated throughout our urban areas – gardens but also greening our infrastructure especially our street grids. Air flows are slowed and softened by trees canopies, our soil systems are protected by and enriched with natural compost." (See <http://transportchoice.org>).

Mitigation Measures. The DEIR includes two separate yet integrated actions. One is approval of a series of funding decisions over the next 50 years. The funding is primarily for transportation-related improvements, but also includes lesser appropriations for sea level rise, lands acquisition, housing equity, and economic equity programs. The second component is a Sustainable Communities Strategy (SCS) Plan for the region, which focuses on meeting regional vehicle miles traveled and greenhouse gas emissions criteria. The funding plan is, in part, intended to assist in the implementation of the SCS plan (which is, in fact PBA 2050). However, neither of the agencies proposing the Plan has substantial jurisdiction or implementation authority over most of the Plan. This is clearly stated in ABAG's and MTC's Draft Implementation Plan Briefs (May 2021). The DEIR and Implementation Plan Briefs note that the Plan has minimal ability to assure its own implementation, other than a portion of the funding assumptions (and major portions of the funding rely on future revenue generation actions). This severely constrains the likely implementation and effectiveness of mitigation measures identified in this EIR.

The DEIR includes a range of mitigation measures intended to reduce impacts of the project. However, there is no implementation strategy for most of the measures. Further, many of the measures involve consultation or implementation of actions "if feasible", which do not, in fact, assure any mitigation. The DEIR reflects some of this ineffectual aspect of mitigation in finding many of the Plan's impacts to be Significant and Unavoidable. Additionally, some of the mitigation measures identified in the DEIR would themselves result in other impacts that are not addressed in the EIR. We suggest that the mitigation measures be revised to eliminate vagueness, assure effectiveness, and assure implementation. Because this is a program EIR where other agencies will implement mitigation measures in the future, those measures must be written to assure that they will be effective and enforceable.

Additionally, most measures would require implementation by a city or county in association with approval of a specific project. However, as identified for each Plan policy in the Implementation Brief report, the lead agencies here have no authority to require implementation of most of the plan policies (with the exception of those that would be explicitly funded by these agencies) there's no mechanism to require that implementation. Therefore the EIR cannot assume that these measures would be implemented and, subsequently, certain impacts would in fact be reduced to less-than-significant levels.

Impact "Footprints". The DEIR addresses specific impact footprints associated with areas planned for growth as well as areas to be directly impacted by the infrastructure improvements proposed for funding in the Plan. These would be the "direct impacts" required to be addressed in CEQA documents. However, CEQA also requires that EIRs address "indirect impacts" of the project (Pub. Res. Code, § 21065). The EIR intensely focuses on identifying acreages of direct impacts, but fails to address the vast majority of the Plan's indirect environmental impacts (both those associated with general growth assumptions and specific infrastructure improvements). A major example of this deficiency is addressed under Sea Level Rise, below. This is an issue throughout the EIR, and does not comply with CEQA analytical requirements.

Sea Level Rise. The EIR assumes a 2-foot rise in sea level from global warming by 2050. No further assumptions are presented or considered in the document. Yet the Plan's own Implementation Plan Briefs document states that the assumption should be 2 feet of sea level rise plus another foot of king tide, for 3 feet total flood hazard considerations. More importantly the EIR assumes, by omission, that sea level rise ends at the end of the Plan period, in 2050. So, for example, a building constructed in 2040

is fine if constructed assuming 2 feet of sea level rise. Most of the structures and infrastructure constructed during the Plan period would be expected to last until at least 2100, a fact that is entirely ignored in the Plan, which blithely assumes that only 2 feet of rise need be considered. The Plan's own Implementation Plan understood this concern, stating:

*While two feet of inundation is the assumed sea level in 2050 based upon state guidance, it is important to remember the lifespan of assets within the plan. If an asset is anticipated to last until 2100, for instance, it may need to be built for 6.9 feet of permanent inundation (under the medium-high risk aversion scenario) or be designed to be adapted to that level of rise. The rate of sea level rise becomes more and more uncertain the further into the future it is explored. The assumptions for this analysis use the best available science and acknowledge that possibility that sea level rise predictions could escalate in the future, especially with a potential flux with emissions rates and subsequent effects of climate change. It is recommended that local jurisdictions develop advanced adaptation plans that consider sea level rise heights **beyond three feet** (emphasis added) of inundation and incorporate adaptive approaches to accommodate higher water levels.*

Yet the EIR assumes that 2 feet of sea level rise is all that need be considered, even with a 40% increase in Bay Area population. This assumption and the impact analyses based on it are inadequate. At a minimum, the Plan should include (and the EIR should require as mitigation) adequate buffer areas for implementation of long-term (year 2100) sea level rise projections, and prohibit new development in those areas. We suggest that the Plan use mapping conducted in the SFEI's Adaptation Atlas for this purpose (summarized on p. 88 of that document). The Plan (and EIR Alternatives) should include eliminating policies or infrastructure funding that promotes new development in any TRAs, HRAs, or TOD areas subject to year-2100 sea level rise. The Plan and EIR should incorporate the Ocean Protection Council's (OPC) 2020 guidance regarding considering sea level rise in planning documents: "1.1.1 Ensure California's coast is resilient to at least 3.5 feet of sea-level rise by 2050, as consistent with the State's Sea-Level Rise Guidance Document as appropriate for a given location or project."²

Wetlands. As described above, the Plan focuses entirely on development footprint in determining impacts and thereby fails to address indirect off-site impacts, such as the flooding of marshes due to the sea walls and levees. When sea waters back up behind sea walls or levees, even transition levees with some habitat space, the marshes slowly shift from tidally flooded to completely flooded areas with deeper water. This eliminates marsh habitat. Seawalls and levees can also result in drowning of wetlands on the outboard sides of the flood protection because wetlands can no longer migrate inland to escape rising waters. CEQA requires that impacts of mitigation measures be assessed in EIRs. Therefore, this EIR must address the indirect impacts of flood protection structures on habitat and, if possible, eliminate any new development in areas requiring these flood protection structures, as well as those of transportation projects and development, assuming 2100 sea level rise conditions.

²<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj08JmL9OHxAhXL854KHaEXAt4QFjABegQIDxAD&url=https%3A%2F%2Fwww.opc.ca.gov%2Fwebmaster%2Fftp%2Fpdf%2F2020-2025-strategic-plan%2FOPC-2020-2025-Strategic-Plan-FINAL-20200228.pdf&usg=AOvVaw3oL8szDiOg7JsnmJNhYBv>

Conclusions

Given the above issues, we recommend that the EIR be re-scoped, revised, and re-circulated for public review. Our detailed comments are provided on the table starting on the following page.

Sincerely

A handwritten signature in cursive script, appearing to read "Richard Grassetti".

Richard Grassetti
Principal
Grassetti Environmental Consulting

ATTACHMENT A – SPECIFIC COMMENTS

Page	Section/Topic	Comment
ES-11 through ES-	Table ES-1	The DEIR should identify which of the identified mitigation measures are implementable and/or enforceable by this project’s lead agencies. If the mitigation is not subject to implementation or enforcement by the lead agencies, they cannot be assumed to reduce the impacts to a less-than-significant level.
ES-23	Biological Resources- loss of habitat	The DEIR acknowledges that the proposed plan and infrastructure improvements will adversely affect hundreds of acres of important habitat. Further, the DEIR fails to address the hundreds of acres of marshland that will be indirectly converted to permanently flooded lands with sea level rise due to protective structures proposed in the Plan. Additionally, there is no enforcement ability of the lead agencies for the biological resources mitigation measures. Given facts, the impacts on special status species and sensitive habitats (Impacts BIO-1 and BIO-5) are not less than significant with mitigation, and must be considered significant and unmitigated.
ES-32	Greenhouse Gas Emissions	Given that many of the policies and mitigation measures aimed at reducing greenhouse gases are unenforceable by the lead agencies, and that the land use patterns encouraged by the plan are similarly not implementable or enforceable by the Plan, which is clearly acknowledged in the agencies’ “Implementation Briefs” report, there is no evidence that the Plan would actually result in a 19% reduction in GHGs. In effect, the Plan may or may not achieve its goals, however given the 40% increase in Bay Area population proposed under the Plan, and the lack of mitigation authority of the lead agencies, this impact appears to be significant and unavoidable. The DEIR engages in a tautology- the plan’s goals are to reduce GHG emissions by 19% therefore the DEIR concludes that the reduction would be achieved despite the Implementation Brief acknowledging that it has minimal authority to achieve these reductions.

ES-40	Erosion	While the effects of erosion of individual projects may be reduceable to less-than-significant levels, the cumulative impacts of erosion associated with developing jobs and housing for 2.8 million people would most likely be significant and unavoidable. This impact would be exacerbated by the lead agencies' lack of authority to impose or implement mitigation strategies.
ES-46	Groundwater recharge	While the effects of pavement of individual projects may be reduceable to less-than-significant levels, the cumulative impacts on interfering with groundwater recharge associated with developing jobs and housing for 2.8 million people may be significant and unavoidable. This impact would be exacerbated by the lead agencies' lack of authority to impose or implement mitigation strategies.
ES-49	Impacts Noise-2 and Noise-4: Substantial permanent noise	This impact needs to be expanded to address the substantial additional aircraft noise associated with the planned increase in population and intensified land use activities. Flight path noise impacts have significantly increased due to the Nextgen flight paths (please contact OAK, SFO, and SJO airport noise offices for quantitative data on complaints), and this increase would be multiplied under the proposed project growth assumptions and patterns. Additionally, new housing would be located near the region's airports, increasing aircraft noise impacts and associate land use conflicts. This impact appears to be significant and unmitigable. Please address in the EIR.
ES-57	Impact PUF-2: Water Supply	Given that the EIR acknowledges that the water supply would be inadequate to meet the needs of the projected population growth, please consider Plan alternatives that reduce water demand to meet anticipated supplies and focuses on water reclamation and re-use. Funding should be allocated for those efforts in the Plan in order to reduce this impact of Plan growth on water supplies.
ES-59	Impact PUF-5: Landfill Capacity	Mitigation: 71% of the capacity for landfill will be closed in the Plan Bay Area's 2050 time horizon. Those landfill sites reaching capacity now handle 65% of the daily load, which will likely increase during the planning cycle. The growth generated in Plan Bay Area 2050 needs to be accommodated by

		increasing landfill capacity less any anticipated solid waste reduction.
ES-59	Impact TRA-2, etc.	Mitigation Measure TRA-2a and many other measures identified in this EIR include language such as “MTC shall work with state and local agencies...”. “Working with” does not mitigate. Please revise this and other similarly worded mitigation measures to assure their effectiveness. For example, on this measure language could be changed to “MTC shall withhold funding from any agency that does not fully implement components of the Plan that will help reduce regional VMT....”
1-19	1.8 Future Environmental Review; 3.1-2 Impact Analysis	<p>This sections states: “As appropriate, individual projects may be required to prepare a project-level analysis to fulfill CEQA and/or NEPA requirements. The lead agency responsible for reviewing these projects shall determine the level of review needed, and the scope of that analysis will depend on the specifics of the particular project. These projects may, however, use the discussion of impacts in this program EIR as a basis of their assessment of these regional or cumulative impacts...”</p> <p>To which projects is this referring? Given that the Plan in some way addresses all future development in the Bay Area through 2050, the EIR needs to specify which project can tier off of or otherwise use this EIR, and in which ways – it is the infrastructure projects that the project proposes to fund, or something more?</p> <p>P. 3.1-2 states, “In order to rely on this EIR to streamline environmental review for an individual project, the lead agency must require the applicable mitigation measures as a part of the project-level environmental review.” and “These commitments would obligate project sponsors to implement measures that would minimize or eliminate significant impacts pursuant to CEQA. The project sponsor or lead agency would be responsible for ensuring adherence to the mitigation measures during construction and operation of the project.” Why would other land use agencies bother to tier off of this document when they have their own general Plan EIRs to tier off of? Do the Plan lead agencies have any means of requiring</p>

		implementation of these measures? If not, how can it be assumed in the DEIR that they will actually mitigate impacts?
2-2	Third bullet-sea level rise	As described in the general comments in this letter, if the Plan is intended to extend to 2050, then it really needs to address 75-100-year sea-level-rise estimates because buildings built during the Plan period will be in place for 50-100 years.
2-3	Project Objectives	<p>The project does not, as stated, address environmental issues, nor are its objectives worded such as to assure that environmental issues are covered in the Plan. There is a single objective, Objective 6, that purports to address environmental issues, but, in fact, the plan approaches this Objective as addressing only environmental constraints/hazards and in terms of GHG reduction, with minimal funding or policies for achieving 2-3other “environmental” resources. To address this, we request that Objectives 2, 3, 4, 5, and 7 be revised to incorporate environmental objectives, as follows:</p> <p>2. House 100 percent of the region’s projected growth by income level, and with no increase in commuters over the proposed Plan baseline year <i>while avoiding, preserving, and enhancing sensitive habitats and avoiding the need for additional flood protection structures in areas subject to year 2100 sea level rise.</i></p> <p>3. Ensure that all current and future Bay Area residents and workers have sufficient housing options they can afford by reducing how much residents spend on housing and transportation and by producing and preserving more affordable housing, <i>while avoiding, preserving, and enhancing sensitive habitats and avoiding the need for additional flood protection structures in areas subject to year 2100 sea level rise.</i></p> <p>4. Support an expanded, well-functioning, safe and multimodal transportation system that connects the Bay Area by improving access to destinations and by ensuring residents and workers have a transportation system they can rely on <i>while avoiding, preserving, and enhancing sensitive habitats and avoiding the need for additional flood protection structures in areas subject to year 2100 sea level rise.</i></p>

		<p>5. Support an inclusive region where people from all backgrounds, abilities, and ages can remain in place with full access to the region’s assets and resources by creating more inclusive communities and reducing the risk that Bay Area residents are displaced while avoiding, preserving, and enhancing sensitive habitats and avoiding the need for additional flood protection structures in areas subject to year 2100 sea level rise.</p> <p>7. Support the creation of quality job opportunities for all and ample fiscal resources for communities by more evenly distributing jobs and housing in the Bay Area and by enabling the regional economy to thrive while avoiding, preserving, and enhancing sensitive habitats and avoiding the need for additional flood protection structures in areas subject to year 2100 sea level rise.</p>
2-3	Proposed Plan Strategies	The EIR states, “Equity and resilience—the crosscutting themes of Plan Bay Area 2050—are integrated into each element, theme, and strategy...” yet never defines these terms. They are essentially left as planner jargon – please state clearly how the Plan defines and uses these terms.
2-3	Housing	<p>The Bay Area’s jobs-housing imbalance is as much a result of too many high-paying jobs as too few low- and moderate-income housing units. This section acknowledges this issue in stating, “it is unlikely that increased housing construction alone will be sufficient to ensure every Bay Area resident has access to a safe and affordable home.</p> <p>Therefore, the plan or an alternative in this EIR should focus on reducing job-creating land uses and designations to allow the region to achieve a better jobs-housing balance without massive new office and commercial development. Focusing solely on the jobs side of the equation artificially limits solutions to the problems of homelessness and equity.</p>
2-9	Environment	As discussed above, the nine “Environmental” strategies included in the Plan are not especially environmentally protective. They are aimed almost entirely at reducing hazards, access to parks (which is not necessarily an

		environmental benefit), and reducing GHG emissions. These strategies must be expanded to include protection and enhancement of sensitive habitats and ecological function, protection of water quality, and providing adequate undeveloped lands and buffers for ecologically based “resiliency” projects.
2-12	Table 2-2; Potential Jobs-Housing Ratio	The Plan proposes to reduce the jobs-housing imbalance in San Mateo County substantially by 2050. This fails to acknowledge the millions of square feet of proposed, approved, and under construction office, R&D, and other commercial spaces, with housing lagging far behind. The Plan is mostly transportation-related funding, most of which would repair and maintain the existing transportation network. Therefore, there is no evidence that the jobs/housing balances in each county shown in Table 2-2 would actually be achieved. Please inventory the planned, approved, and under construction non-residential and residential development and provide a clear land use path to achieve these goals or revise this table to account for the most likely development scenarios, even with the Plan.
2-18	Sea Level Rise/BIA- BAAQMD Decision	The DEIR states, “While the Plan has incorporated sea level rise adaptation infrastructure as a Plan component, it is important to note the effects of the environment on a project are generally outside the scope of CEQA unless the project would exacerbate these conditions, as concluded by the California Supreme Court (see California Building Industry Association v. Bay Area Air Quality Management District [2015] 62 Cal.4th 369, 377 [“we conclude that agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project’s future users or residents....” As noted later in this paragraph, this analytical restriction does not apply if a project will exacerbate an impact. The construction of hundreds of billions of dollars of infrastructure improvement and addition of nearly 3 million new residents to the Bay Area will clearly affect climate change and sea level rise impacts, as well as create new TAC emissions and other criteria pollutant emissions. Therefore, the BIA v. BAAQMD decision has little relevance to this EIR, and no impacts “of the environment on the project” should be eliminated from EIR review.

2-35	Growth Geographies	All of these "growth geographies" should have a caveat by adding "and would not adversely affect important habitat or conservation areas." This needs to be added to the Exceptions and Exclusions, and the TRA's and HRA's must be re-screened for compliance with this new exception.
2-41	Strategies - Environment	As discussed previously, "Environment" as used in the project strategies fails to include many traditional indicators of the environment, including sensitive species and habitats, and overall air and water quality, and must be broadened to include these resources.
3.1-3	Baseline	The DEIR assumes that the Covid-19 period was an anomaly and that development and land use patterns, and associated transportation decisions, will revert back to pre-pandemic conditions and, therefore, uses those conditions as the CEQA Baseline. What evidence is there for this assumption? Once workers and employers get used to working at home, employers may not require daily on-site attendance, and employees may wish to search for employment that does not require an on-site location. Ongoing studies confirm this likelihood (see, for example, https://www.cnbc.com/2021/04/23/how-post-covid-hybrid-work-will-change-job-benefits-perks.html). Please revise the Plan and EIR to reflect this new normal (i.e. likely baseline condition).
3.4-27	Table 3.4-7 – Travel Activity Data	The table shows a 42% population increase resulting only in a 17% VMT increase. Please describe for the layperson how this would occur. What assumptions are being used and why? Remember that the project has minimal land use controls, minimal ability to implement mitigation strategies, and spends the bulk of its funds maintaining the existing transportation system. See also the following comment.
3.4-34- 35; 37-38	Tables 3.4-8; 3.4-9 - Transportation strategies and control measures;	Please provide the effectiveness, in VMT reduction, of each of the strategies/measures listed so the reader can understand how the total VMT reduction percentage was arrived at. Absent this information it is impossible to determine whether the VMT reduction numbers and associated air pollutant emissions calculations, including TAC calculations (p. 3.4-51) are correct.

	TAC p. 3.4-51.	
3.4-55	Mitigation AQ-2	Given that the project has minimal ability to implement mitigation strategies, as stated in its Implementation Briefs document, how can Mitigation AQ-2 be considered mitigation rather than just a suggestion?
General Comment	Mitigation	Given that the project is providing funding for transportation and certain other infrastructure and housing equity improvements, why not explicitly include mitigation measures for those improvements. The rest of the "mitigation" measures are just guidance associated with the remainder of the non-binding aspects of Plan Bay Area. The "binding" mitigations should be preceded by "Include the following in all construction contracts to be funded whole or in part by MTC and ABAG as part of this project"
3.5-37, 3.5-42	Sea level Rise Adaptation Impacts; transportation System Impacts; Table 3.5-5	EIR states, "While marsh land restoration projects would likely benefit special-status species that occur in marsh habitats, overall, these projects could also result in temporary adverse effects on these resources." This "analysis" (which is just a conclusion and not an actual analysis) fails to address impacts of conversion of upland habitats to marshes and marsh habitat to open water as a result of the Plan's proposed sea-level-rise protection infrastructure. How many acres of which habitats would be affected? What species would be affected? Same comment for Transportation System Impacts. Same comment for Sea Level Rise Adaptation Impacts and transportation System Impacts on p. 3.5-42.
3.5-40, 41	Tables 3.5-2, 3.5-3, 3.5-4	This table addresses only direct impacts; please also address indirect impacts (i.e. habitat conversion from sea level rise infrastructure; off-site impacts from noise from new transportation and development projects, etc.
3.5-41	Indirect impacts	Please address indirect impacts on salmonids in rivers of providing water supply to 2.8 million new residents. Also consider impacts in the Delta from sea level rise on potential water supplies.

3.5-43, 44	Mitigation Measure Bio-1(b)	“Coordination...” Is not mitigation. Similarly, compliance with measures under other laws is not mitigation. Please revise this measure accordingly.
3.5-44	Significance after Mitigation	The discussion concludes that the project’s impacts on sensitive species would be less-than-significant with mitigation, yet includes no actual analysis of the impacts or effectiveness of the mitigation measures. There's no evidence that compliance with regulations would reduce impacts of this scale to LTS. This is effectively an impermissible deferral of mitigation to subsequent permitting by other agencies. Also, mitigations here have no teeth beyond compliance with other state or federal laws. In short, the EIR fails to support its conclusion that the impacts would be LTS.
3.5-45, 46	Land Use Impacts; Table 3.5-7; Sea level Rise Adaptation Impacts; Table 3.5-8; Transportation Impacts (Table 3.5-9)	Again- these “analyses” and Tables 3.5-7, 8, and 9 need to address indirect impacts on wetlands and impacts outside of proposed development footprints, which should be actual wetlands habitats, and not limited to “Jurisdictional Waters”. (For example, impacts of the protective structures on preventing inland migration of marsh habitat and drowning of outboard habitat.)
3.5-45, 46	Jurisdictional Waters	“Jurisdictional Waters” is not a habitat type; it’s just a regulatory designation...the EIR needs to be revised to address loss of habitat types, not just areas of certain regulatory designations.
3.5-50	Significance after Mitigation	The discussion concludes that the project’s impacts on wetlands habitats would be less-than-significant with mitigation, yet includes no actual analysis of the impacts or effectiveness of the mitigation measures. There's no evidence that compliance with regulations (Mitigation Bio-2) would reduce impacts of this scale to LTS. Also, mitigations here have no teeth beyond compliance with other state or federal laws. In short, the EIR fails to support its conclusion that the impacts would be LTS and, as discussed elsewhere in this letter, construction of seawalls and levees could result in drowning of wetlands.

3.5-51	Essential Connectivity Areas impacts	This analysis should be expanded to address indirect impacts to connectivity – including human disturbance, off-site noise impacts, construction materials sources impacts, infrastructure areas, off-site water supply infrastructure, transmission lines, landfills, etc., required to serve the proposed 40% population increase.
3.6-2	Sea level Rise projections	<p>EIR states, “For the period 2081–2100 relative to 1986–2005, the rise will likely range from 10 to 32 inches (0.26 to 0.82 meters) (IPCC 2014:10, 13).</p> <p>This is an outdated source. Please update.</p>
3.6-7	Sea level Rise projections	<p>EIR states, “For 2050, the sea level rise projections are all still considered to be in a high emissions timeframe and range from 1.1 feet as the low risk averse choice, 1.9 feet as the medium-high risk averse choice, and 2.7 feet as the extreme risk averse choice.”</p> <p>Consistent with the Implementation Briefs document, the EIR needs to be revised to project sea level rise to 2100 to account for anticipated life of structures and infrastructure installed between now and 2050 and should be consistent with the current (2020) State Guidance for sea level rise resilience planning.</p>
3.6-8	Table 3.6-4	This table is misleading- development is and would be concentrated on the Bay Plain, which also is where SLR impacts will occur- need to re-calculate based on % of developed Bay Plan to be affected, as the hilly areas included in these calculations are not being proposed for substantial development under the Plan.
3.6-9	Figure 3.6-3	Revise or add figure to show year 2100 Sea level Rise to address potential impacts to development undertaken under the Plan in its serviced lifetime.
3.6-34	Land Use Emissions	EIR states, “This analysis excludes emissions from high GWP gases, agriculture, and large industrial stationary sources (e.g., petroleum refineries). The proposed Plan does not include policies or provisions that would affect high GWP gases, large

		<p>industrial stationary sources, nor regulate agricultural land uses.”</p> <p>This omits the indirect impacts of Plan growth on all of these emitters that would be required to support the growth. Please address.</p>
3.6-38	Construction Emissions	These emissions cannot be reduced to zero as there are no requirements to offset construction emissions. Therefore they must be Significant and Unavoidable at the scale of this plan’s anticipated development.
3.6-39-43	Tables 3.6-10 3.6-11, 3.6-13, 3.6-14 and accompanying analyses.	This table fails to address current energy use trends and regulations- it inexplicably shows a reduction in electricity use and an increase in natural gas use, neither of which is likely to occur given that: 1) cities are starting to ban use of natural gas in new development, which will be replaced by electrically powered equipment; and, 2) the rapid rise in the use of electric vehicles. Please update based on current trends. Also update all emissions calculations and impact analyses accordingly.
3.11-21	Mitigation LU-1	This measure includes “encouraging...” and “where feasible”. These don’t assure mitigation. Please replace with actual enforceable, verifiable mitigation.
3.11-31	Conclusion	EIR states, “As discussed, the proposed Plan does not induce growth but accommodates growth forecasted to occur in the region.” This is false- the EIR, through provision of housing opportunities, improved transportation infrastructure, and sea level rise protection would clearly induce growth. The fallacy of this document’s growth analysis is that growth would not be induced, but just re-directed. The project intends to induce growth in the urban centers, and, as it is currently written, lands subject to future inundation that are critical to meeting Bay Habitat Goals; it does almost nothing to deter growth in outlying areas. Therefore it would be growth inducing.
3.12-37	Impact NOISE-2;	Please add a discussion of increased aircraft noise impacts associated with regional growth projections. Would new development be located under or near airports or flight paths? Also, per Berkeley Keep Jets Over the Bay v. Board of Port

		Commissioners court decision, please add discussion of repeated single-vent noise impacts of potentially significant increased aircraft operations along flight paths distant from airports.
3.4-18	Table 3.14-5	Redwood Road landfill is shown as having a capacity of 19.1 million cy, and a remaining capacity of 26 million cy. A “remaining capacity” that exceeds the “total capacity” is not physically possible. Please correct.
3.14-36	Method of Analysis	EIR states, “The EIR identifies areas where: 1) there is an existing forecasted shortage in long-term supplies that would need to be met by imported water or additional water conservation, reuse, and recycling; or 2) where the proposed Plan projects population or jobs beyond what is assumed in current UWMPs and could result in a potential shortage.” This EIR is schizophrenic with respect to growth impacts-sometimes it considers the project growth inducing and other times it considers it growth accommodating. It can't be both...
3.14-37-40	Land Use Impacts	This analysis is all jumbled and indecipherable- suggest separate sub-headings for each utility; it also includes construction impacts under "operations". Please revise.
3.14-39	Sea Level Rise	For Operation- need to address effects of higher sea level on drainage outfalls, wastewater treatment plant outfalls, and operation of wastewater treatment plants themselves, which are typically near sea level. Will new pumping stations and outfall relocations/replacements be needed? How will new levees, etc. affect storm drainage?
3.14-40, 41	Utilities	There's no analysis on utilities other than stormwater and communications... are there other potential utility effects from transportation projects?
3.14-41, 42, 46, 48, 49,	Mitigation PUF-1(a); PUF-1(e); PUF-1(f); PUF-2(a); PUF-3	Measures are caveated “where feasible” and use “coordinate” and “consider” as mitigation. These do not assure mitigation. Also, there’s no mitigation for impacts to water supply, drainage, and sewer outfall impacts – please add.

general	VMT and GHG model Estimates	What is the range of error of the EIR’s VMT model output estimates? What’s the range of error of the GHG model output estimates?
3.15-28	VMT reduction – Strategy EN-09	Please provide percentage breakdown for each EN-09 TDM method. Include the ability of agencies to implement the strategy, and likely implementation levels.
3.15-29	Mitigation measures TR-2a and b	These measures are phrased as “work with’ and “where feasible”. As such, they don’t assure mitigation. Please re-word as enforceable measures.
4-3	Project Objectives	Please see comments on Project Objectives, above, and revise accordingly.
4-5	PBA 2040 EIR Alternatives	Please review the effectiveness of the previous plan in implementing/achieving past strategies and goals, especially goals similar to those included in the current plan – what was implemented and what wasn’t? How effective were the strategies in meeting the goals? This information is critical to understanding the likely effectiveness of the proposed Plan in meeting its objectives.
4-6-4-10	Alternatives	If the Plan can direct growth, why can't it control growth...?
4-7	Lower regional Growth Alternative	See above comment- it is unclear why the EIR rejects this alternative. Regional housing can be included in the plan with a reduction in businesses and growth – in fact, this would be an environmentally superior alternative, as it would not exacerbate housing shortages by permitting extensive new employment development.
4-7	Wildland-Urban Interface Avoidance Alternative	EIR states, “This alternative is expected to perform similar to the proposed Plan and Alternative 1. Because this alternative would not contribute to a reasonable range of alternatives, it is not identified for further study in the EIR. “ This appears to mis-understand the requested alternative, which is to further reduce WUI development compared with the Plan, and thus reduce the risk associated with fire hazards (and also could result in reduced ecological impacts.)

4-8	Climate-Smart Alternative	EIR states that, "This alternative is anticipated to perform similar to the proposed Plan. Because this alternative would not contribute to a reasonable range of alternatives, it is not considered in further detail in this EIR." What is meant by "perform"? The alternative could be designed to substantially reduce emissions of GHG compared to the Plan. Please re-evaluate.
4-9	Other Suggested Alternatives	A wide range of suggested alternatives are brushed off with a conclusion that they would "perform similar" to the Plan, with no evidence supporting this conclusion and no definition of what "perform similar" means in terms of impacts. In short, they were improperly dismissed. This is critical because the EIR as written included only two "build" alternatives, both of which would 'perform similar" to the project. And neither of which substantially reduced the project's impacts. The range of alternatives is not adequate to meet CEQA requirements. Please re-evaluate the alternatives suggested in response to the NOP, and include alternatives that would substantially lessen some of the numerous Significant Unavoidable impacts identified in this EIR.
4-10	Alternatives	Please include an alternative that focuses on reducing travel and emissions from existing development instead of on directing future growth? Emphasize/encourage work-from home, trip linking, etc... Discourage growth of jobs in general, and of both jobs and housing in non-urbanized areas.
4-10	Alternatives	<p>Please include an "environmental protection" alternative that eliminates development in high-value habitat areas, preserves tidal marsh migration pathways...and increases marsh restoration areas. Such an alternative could improve community resilience to sea level rise.</p> <p>Specific policies in this alternative should include:</p> <ul style="list-style-type: none"> • When increasing transportation capacity, the alternative should consider ways to minimize new paving of habitat and places for habitat restoration using transit alternatives such as using existing highway bridges and freeways to carry express rapid bus transit, and consider monorails and light rails adjacent or over and near existing freeways if new sections of transit are needed. • Minimize the net new pavement of each alternative to protect water quality, protect natural areas, and to avoid

		<p>exacerbating urban heat island effects.³ No net climate change emissions means reducing single-occupancy vehicle use and promoting walking, biking, transit or other shared low- or zero emission vehicles.</p> <ul style="list-style-type: none"> • Nature-based adaptation of existing transportation infrastructure to sea level rise should be included. Spending on solutions to better protect natural resources should be required if needed in projects such as changing Highway 37 into a causeway. Budgets for necessary projects should include funding for protecting the environment such as allowing for inland migration of marshes under elevated causeways.
Alternatives section – overall comment	Alternatives scenarios – Tables 4-5, 4-6, 4-7, 4-8, 4-9, 4-10, 4-11, 4-12; Section 4.5; Table 4-34	<p>As shown in all of the tables, there's almost no difference between these alternatives either structurally or in terms of impacts...and they fail to substantially reduce any of the Plan's numerous significant unavoidable impacts - how is this a reasonable range of alternatives?</p> <p>Note that the Alternatives analyses suffer from the same "footprint-only" flaw that affects the plan assessment- they are similarly deficient in not addressing indirect impacts.</p>
4-35	Alternatives - Table 20, etc.	<p>The EIR claims that other alternatives are not worthwhile because they would not "perform differently" from the Plan, but neither do the two alternatives considered in the EIR. There are minimal differences among the "build" alternatives and the proposed project yet they were selected for evaluation while other alternatives were rejected.</p> <p>Ultimately, because the EIR improperly rejects consideration of most of the alternatives suggested in response to the NOP and includes only two alternatives which are both very similar to</p>

³ A recent Green Streets Symposium provides a compelling vision: "Urban areas of the Bay Area are fully integrated into a "no net impact" system with the larger natural environment. This includes an integrated water system that follows the call to "slow it, spread it, sink it" and brings together the planning for storm water drainage, drought concerns, and flood prevention.

Human-caused emissions can be offset by a rich canopy of trees, grasslands, and chaparral in our open spaces surrounding the urban area and integrated throughout our urban areas – gardens but also greening our infrastructure especially our street grids. Air flows are slowed and softened by trees canopies, our soil systems are protected by and enriched with natural compost." (See <http://transportchoice.org>).

		each other and to the proposed Plan, the EIR fails to include a reasonable range of alternatives.
4-40	Climate Change	Same comment as above.
4-75	Transportation	Same comment as above.
4-78	Environmentally Superior Alternative	See general comment in cover letter- this section mis-states CEQA's requirements with respect to selecting an Environmentally Superior Alternative. This is especially egregious in that the EIR finds that the Plan has numerous Significant Unavoidable impacts.
5-3	Biological Resources	Please add loss of tidal wetlands as another Significant Unavoidable impact of the Plan.
5-8, 9	Growth Inducement	This analysis is deficient in: 1). Assuming that just because growth is "planned" the project would not induce it by removing constraints to growth or providing facilities that generate new growth. 2) There's no actual analysis of infrastructure improvements necessary to handle project growth, and their direct or indirect impacts. 3) Directing growth is a form of growth inducement, albeit localized.
5-12	Table 5-1	The growth projections for the "cumulative development area", i.e., nearby rural and exurban counties, makes no sense, especially in Post Covid-19 times where more people, can work at home. This table shows minimal non-bay-area growth percentage-wise, outside of San Joaquin and Stanislaus Counties. Please discuss why this percentage growth was assumed to be so much lower than within the Bay Area counties?