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### **RE: Plan Bay Area 2040 Draft EIR Comments**

To Whom It May Concern:

Thank you for the opportunity to provide comments on the Plan Bay Area 2040 Draft Environmental Impact Report (EIR).

Since our founding in 1981, the Tuolumne River Trust has been the voice for the Tuolumne River. We work throughout the watershed, with offices in Sonora, Modesto and San Francisco. The Tuolumne is the primary source of water for the San Francisco Public Utilities Commission (SFPUC), which serves 2.6 million customers in San Francisco, San Mateo, Santa Clara and Alameda Counties.

While we appreciate the effort of Plan Bay Area to implement SB 375 through measures such as focusing growth in Priority Development Areas, improving public transportation and encouraging housing close to jobs and transit, we have serious concerns about the adequacy of the EIR's analysis of water supply and potential environmental impacts on California's waterways.

### **Plan Bay Area Fails to Adequately Address Potential Impacts on Water Resources**

We are concerned that the population and employment growth projections included in Plan Bay Area would create serious environmental impacts on the Tuolumne, Mokelumne and other rivers, as well as the Sacramento-San Joaquin Bay-Delta. We believe the EIR fails to adequately address these potential impacts.

The Plan forecasts the SFPUC's customer base will increase by 28%, from 2.6 million to 3.3 million people by 2040. Population in the Santa Clara Water District service area is projected to increase by 26%, and population in the East Bay Municipal Utilities District service area by 25%. This level of growth would exceed the carrying capacity of our waterways, and is simply not sustainable.

The Delta Reform Act of 2009 established a State policy that achieving water supply reliability and restoring the Delta's ecosystem must be applied coequally.

On average, less than 50% of the freshwater flow from the Central Valley reaches the Bay, and in some years less than 35%. Reduced inflows have shifted the size and location of the ecologically-important salinity mixing zone, affecting everything from plankton to marine mammals. Furthermore, reduced freshwater inflow has changed the chemistry of the Delta, enabling cyanobacteria to thrive. These blue-green algae produce neurotoxins that can make people sick and kill plankton and wildlife.

The dramatic decline in Central Valley salmon, steelhead and other aquatic species over the past few decades suggests that humans are already diverting too much water from our rivers and the Delta. A 2010 flow criteria report by the State Water Resources Control Board determined that 60% of the San Joaquin River's unimpaired flow would be necessary to protect fish, yet currently only about a third of that River's natural flow reaches the Delta on average. The Tuolumne is the largest tributary to the San Joaquin, and on average only 20% of its unimpaired flow reaches the San Joaquin River.

The Plan Bay Area EIR should analyze how the likely increase in water demand resulting from population and employment growth might impact our river and Delta ecosystems, especially potential impacts on fish and wildlife, water quality and recreation. The Plan should acknowledge the State's goal that equal weight be given to ecosystem protection as well as water supply.

The EIR is inadequate in that it focuses on water supply impacts from a single dry year versus a multiple-year drought. Most water agencies have adopted drought plans aimed at managing three-to-five-year droughts, and the SFPUC's drought plan addresses an eight-and-a-half-year "design drought." While extended droughts create challenges for water agencies, they have a much bigger impact on fish and wildlife, including species protected by the Endangered Species Act. Water quality, protected by the Clean Water Act, also is heavily affected by droughts.

The primary mitigation measure included in the EIR suggests that water agencies and municipalities must conserve more water and/or identify new sources of water, such as reclaimed water and desalination. This is not an adequate mitigation. **The EIR must assess potential environmental impacts that might occur if conservation and alternative water supplies are unable to keep pace with demand, and identify mitigation measures to address these potential impacts.**

The Draft EIR acknowledges, "Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore, this impact remains significant and unavoidable (SU) for purposes of this program-level review" (page 2.12-29). We believe the EIR must address these potential

significant and unavoidable impacts.

### **Substantial Employment Growth Will Not Address the Jobs/Housing Imbalance**

While a case could be made for adding new housing stock in the Bay Area to enable employees to live closer to their jobs and/or public transportation in order to reduce greenhouse gas emissions from automobiles, the projected growth in employment would likely offset any gains made to address the jobs/housing imbalance. Tables 4.2 (Household Growth by Bay Area Subregion) and 4.3 (Employment Growth by Bay Area Subregion) in the Draft Plan forecast a 31% increase in households, and a 37% increase in jobs. If these projections are accurate, the region will continue to face a severe housing shortage, while adding a lot more stress on our aquatic ecosystems.

The Draft Plan states, “There has been a particular mismatch between employment growth relative to growth in housing supply. Overall, the Bay Area added nearly two jobs for every housing unit built since 1990” (page 8). This imbalance has continued in recent years. The Draft Plan acknowledges that key features of the regional forecast include, “Growth of 1.3 million jobs between 2010 and 2040, with nearly half of those jobs — over 600,000 — already added between 2010 and 2015,” and “An increase of approximately 820,000 households. Only 13 percent of this growth occurred between 2010 and 2015” (page 31). This trend of jobs outpacing housing does not bode well for meeting the goals of SB 375.

One of the key assumptions listed in Table 4.1 (Key Land Use Assumptions) of the Draft Plan is to “Preserve and incorporate office space caps in job-rich cities.” However, Maps 4.2 (Household Growth by County) and 4.3 (Employment Growth by County) forecast a 17% growth in households and 23% growth in employment in San Francisco. The forecast for San Mateo County is 7% growth in households and 10% growth in employment. These figures are contrary to the stated key assumption.

**We request that the Final EIR include an alternative that dramatically reduces the amount of projected employment growth in the Bay Area.**

### **Water Supply Conditions Are Changing**

There are several factors that are likely to impact water supply by 2040, including climate change and regulatory proceedings. The Final EIR should analyze potential environmental impacts of increased water demand under future conditions.

Climate Change is expected to affect the timing, and perhaps quantity, of precipitation. More precipitation is predicted to fall as rain earlier in the season, and less as snow. This would result in a reduced snowpack that would melt earlier in the season, reducing the amount of runoff in the late spring and summer when it has traditionally kept reservoirs fuller during the summer months. For more information on potential impacts of climate

change on water supply, please see the SFPUC report, “Sensitivity of Upper Tuolumne River Flow to Climate Change Scenarios” (2012).

Several regulatory proceedings will likely lead to requirements that more water be released from reservoirs into rivers for environmental purposes. The State Water Resources Control Board is currently updating the Bay Delta Water Quality Control Plan (see [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/)). The Draft Substitute Environmental Document (SED) for Phase 1 of the Plan proposes increasing instream flows from tributaries to the San Joaquin River, including the Stanislaus, Tuolumne and Merced, to between 30% and 50%, starting at 40%, between the months of February and June. This would reduce the amount of water available to water agencies, and must be considered in the EIR.

In commenting on the Draft SED, the City of San Francisco stated, “If the State Water Board were to implement LSJR Alternatives 3 or 4, the SFPUC would not have the water supply needed to accommodate the pattern of growth called for in Plan Bay Area 2013, or the patterns of growth considered in the three scenarios evaluated as part of the process for developing the proposed Plan Bay Area 2040. Specifically, if the State Water Board implemented a 30, 40, or 50-percent unimpaired flow objective on the Tuolumne River, the SFPUC would not be able to reliably serve its existing customers in the RWS service territory during protracted drought periods, as explained above, let alone meet projected future demand for 2040, as forecasted in Plan Bay Area 2013 (and augmented by ABAG for purposes of developing the proposed Plan Bay Area 2040), during a single critically dry year.”

Furthermore, dams on the Tuolumne and Merced Rivers are currently undergoing relicensing by the Federal Energy Regulatory Commission (FERC). These dams received their original licenses prior to enactment of the Clean Water Act, Endangered Species Act, National Environmental Policy Act and other landmark environmental legislation. With those laws now in effect, it is likely FERC will require higher instream flows to address fish and wildlife and water quality issues. The Plan Bay Area EIR must consider the potential impacts of growth under these likely changes.

### **Some Figures Need Correcting**

Table 2.12-2 of the Draft EIR (Projected Normal Year Supply and Demand) lists supply and demand for the “San Francisco PUC” as 87,000 acre-feet in 2020 and 101,000 acre feet in 2040. These figures appear to be just for the SFPUC’s retail customers within the City of San Francisco. Two-thirds of the SFPUC service territory is served by wholesale customers in San Mateo, Santa Clara and Alameda Counties represented by the Bay Area Water Supply and Conservation Agency (BAWSCA). Therefore, the table should either change “San Francisco PUC” to “City of San Francisco” and add a new row for the BAWSCA member agencies, or keep “San Francisco PUC” and update the figures to include the entire service area.

The Draft EIR states, “The amount of Tuolumne River supplies delivered depends on annual water conditions. In normal years, approximately 80 to 85 percent of SFPUC water supply is provided by runoff from the upper Tuolumne River watershed (RMC 2006). This percentage may be reduced in dry years, based on the severity and timing of drought conditions” (page 2.12-4). The second statement is incorrect. Rather than decreasing, the percentage of SFPUC water supply derived from the Tuolumne River during droughts actually increases to up to 93% of total supply.

### **Conclusion**

Plan Bay Area 2040 offers a unique opportunity to create a roadmap for a more sustainable Bay Area. It is time to address the fact that the population of the Bay Area cannot continue to grow without exacerbating environmental impacts. The Tuolumne River Trust requests a much more robust analysis of how the Plan might impact water resources, a more extensive look at potential mitigation measures, and inclusion of an alternative that dramatically reduces projected employment growth.

Thank you for the opportunity to comment.

Sincerely,



Peter Drekmeier  
Policy Director