

January 23, 2014

To: City of Brisbane

Re: DEIR

From: Mary Gutekanst

Below please find some personal comments on the DEIR. Thank you for giving them your attention.

Re: Impact 4.O-1

Mitigation measures were prescribed to offset the impacts of the water transfer proposed. First, the adequacy of those mitigation measures has not been determined, and the City of Brisbane should require that those measures are adequate before embarking on a water transfer.

Second, Governor Brown has declared a State of Emergency in connection with the drought we are experiencing. This means that the streams, rivers, estuaries, etc., for which water was to be allocated for the purpose of providing habitat, will not get the water they have been promised. It is not clear that Mitigation Measure 4.O-1b, for example, will actually be put into effect. In fact, the drought may very well get much more severe. What are the prospects for environmental degradation in that case? The DEIR must analyze the adequacy of the EIR on which it is relying.

Third, it is possible that Brisbane's already-existing water supply will be reduced. How will that affect the ability to supply water to the Baylands in an emergency?

The DEIR should consider alternative supplies of water, specifically, offsets acquired by funding water-saving measures in SF and the Peninsula.

Re: Mitigation measures

California code section 21081.6 provides that a lead agency "shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation....A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures."

Therefore, the City of Brisbane is responsible for enforcing each and every measure to mitigate a significant effect that is not enforced by another agency. It is difficult to imagine that the City of Brisbane is going to monitor and enforce some of the mitigation measures listed in the DEIR. On the Northeast Ridge, the City did not enforce several measures specified in development agreements. What provision will be made for such monitoring and enforcement? How many persons will be required and what training will

they need? How will it be paid for? Who will oversee monitoring and enforcement? What penalties will be levied? The DEIR needs to address the actual, practical measures that the City must take.

Re: Alternatives

The DEIR should analyze including industrial uses on additional areas of the Baylands. The present land uses, such as the tank farm, Recology operation, lumber yards, etc., would all be compatible with such uses, as would a high speed rail maintenance yard and renewable energy generation. Industrial uses would result in less traffic, and could be chosen so as to use modest amounts of water. Multi-story buildings could be eliminated and view corridors preserved to a greater extent. Water treatment could be designed specifically for each industrial use, and might incorporate regular monitoring and maintenance. Many adverse effects could be reduced or eliminated.