Tuolumne River Trust

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April 20, 2020

John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005
Via email

Re: Comments for the Notice of Preparation of an Environmental Impact Report for the Brisbane Baylands Specific Plan.

Dear Mr. Swiecki:

The Tuolumne River Trust (TRT) appreciates the opportunity to provide comments for consideration by the City of Brisbane in the development of the Environmental Impact Report for the Brisbane Baylands Specific Plan.

TRT was founded in 1981 to serve as the voice for the River. We seek a healthy and vibrant River that is teeming with fish and wildlife, safe for drinking, fishing and swimming, and held in trust as a refuge for our children and grandchildren. TRT represents 2,000 members in the Sierra Nevada, Central Valley and Bay Area, as well as many others who enjoy and appreciate the beauty and bounty of the Tuolumne River.

The EIR must address issues raised by the City of Brisbane in its January 30, 2017 comment letter to the State Water Resources Control Board on the Bay Delta Water Quality Control Plan. (letter attached)

The City of Brisbane's letter included the following statements:

> Under the SED, the State Water Resources Control Board (SWRCB) proposes substantial changes to flow objectives for the Tuolumne River. These changes are anticipated to result in significantly reduced surface water available for diversions, thereby causing significant, potentially unavoidable impacts to water supply and the environment.
>
> As a wholesale customer that purchases 100% of its potable water supply from the SFPUC's San Francisco Regional Water System, water supply available to the City of Brisbane under the SED proposal could be reduced more than 50% under drought conditions for multiple dry years.

> The City of Brisbane has been known for our low water consumption since our incorporation in 1961. Residential gallons per capita per day (R-GPCD) is presently fifty (50). A 50% reduction would lower that number to twenty-five (25) R-GPCD. This reduced value is approximately 95 liters per person per day! Please note that 100 liters per person per day is considered "…necessary to provide for some minimum acceptable quality of life…" in water scarce regions.

On December 12, 2018, the State Water Resources Control Board adopted revisions to the Bay Delta Water Quality Control Plan that, if/when implemented, would require instream flows in the Tuolumne River of between 30% and 50% of unimpaired flow, starting at 40%, between February and June of each year. This was the proposal the City of Brisbane argued against in its letter.

TRT strongly disagrees with the comments made by the City of Brisbane, and is confident the revised Bay Delta Plan would not result in the impacts outlined in the City's letter. We have presented our analysis to the BAWSCA Board of Directors and many others. However, the City of Brisbane has not changed its position, and therefore the EIR must assess the potential impacts of the issues raised in the Brisbane letter. Specifically:

- Would a water transfer from OID be affected by the Bay Delta Water Quality Control Plan's unimpaired flow requirement? If so, how will this be addressed?
- How might the water transfer, on top of the Bay Delta Plan, impact the Hetch Hetchy reach of the Tuolumne River?
- If the City of Brisbane's water supply were reduced by 50% (as claimed might be possible in the City's letter), and the Brisbane Baylands Plan were built, how might this impact other residents and businesses in Brisbane?

The EIR must assess potential environmental impacts of the proposed OID water transfer on the stretch of the Tuolumne between Hetch Hetchy and Don Pedro Reservoirs.

TRT is concerned about the potential impact of the proposed Oakdale Irrigation District water transfer on the 36-mile stretch of the federally-listed "Wild & Scenic" Tuolumne River between Hetch Hetchy and Don Pedro Reservoirs. The transfer, which would be necessary for approval of the Baylands Specific Plan, would result in a decrease of 2 million gallons of water per day (mgd) from this stretch of the River.

In 2006, the SFPUC launched its Upper Tuolumne River Ecosystem Program (UTREP) that is studying biological conditions on the Hetch Hetchy Reach of the

Tuolumne River between O'Shaughnessy Dam and Early Intake. This stretch includes the ecologically-sensitive Poopenaut Valley. The UTREP is "An ongoing effort to conduct long-term, collaborative, science-based investigations designed to: 1) Characterize historical and current river ecosystem conditions; 2) Assess their relationship to Hetch Hetchy Project operations; and 3) Provide recommendations for improving ecosystem conditions on a long-term, adaptively managed basis."

The UTREP is a legally-required program that the SFPUC agreed to implement in order to comply with its obligations under the 1987 Kirkwood Agreement, which allowed the SFPUC to add a power turbine to the Kirkwood Powerhouse.

One requirement of the Kirkwood Agreement was that a study be conducted "…to determine what, if any effect, the Kirkwood Powerhouse and Kirkwood Addition would have or have had on the habitat for and populations of resident fish species, between O'Shaughnessy Dam and Early Intake…" The Stipulation specified that adjustments to minimum flow releases must be implemented if the US Fish and Wildlife Service (USFWS) determined that flow in the Tuolumne River should be increased.

The USFWS released a draft report in 1992 titled "Instream Flow Requirements for Rainbow and Brown Trout in the Tuolumne River Between O'Shaughnessy Dam and Early Intake." The report was never finalized. However, it states, "In 1988, the U.S. Fish and Wildlife Service's Instream Flow Incremental Methodology (IFIM) was applied to the Tuolumne River below Hetch Hetchy Reservoir…An annual fishery allocation of between 59,207 acre-feet and 75,363 acre-feet is recommended, based on the findings of the instream flow study."

The report recommended increasing instream flows from O'Shaughnessy Dam. For example, during the months of December and January, it recommended an increase in flows from a minimum of 35 cfs to 50 cfs in dry years, from a minimum of 40 cfs to 70 cfs in normal years, and from a minimum of 50 cfs to 85 cfs in wet years. Attached is a comparison between current flow requirements and those recommended by the draft USFWS report.

To meet the requirements of the Kirkwood Agreement, the SFPUC agreed to work with the USFWS, the National Park Service, the US Forest Service, the California Department of Fish and Wildlife and others to gather the information necessary to develop physical and biological objectives for an adaptive management plan for O'Shaughnessy Dam flow releases. Now in 2020, 33 years after the Kirkwood Agreement was signed, the SFPUC has yet to deliver on its commitment to implement an adaptive management plan for O'Shaughnessy Dam.

Until the adaptive management plan is approved and a new instream flow schedule is adopted, it will be impossible to assess the potential impacts of diverting an additional 2 mgd from Hetch Hetchy as proposed by the Brisbane Baylands Specific Plan. A Final EIR should not be approved until this information is available and incorporated.

The EIR must assess potential environmental impacts of the 2 mgd water transfer under projected future climate change scenarios.

The SFPUC is currently collaborating with the National Center for Atmospheric Research on a study to determine potential impacts of climate change on the SFPUC's water supply. When completed, this information should be included in the EIR.

Thank you for considering our comments.

Sincerely,

Peter Drekmeier

Peter Drekmeier
Policy Director

CITY OF BRISBANE
Department of Public Works
50 Park Place
Brisbane, CA 94005-1310
(415) 508-2130

January 30, 2017

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
Cal/EPA Headquarters
1001 "I" Street, 24th Floor
Sacramento, CA 95814-0100
sent electronically to "commentletters@waterboards.ca.gov"

Re: Comment Letter – 2016 Bay-Delta Plan Amendment & SED

Dear Ms. Townsend:

The City of Brisbane submits the following comments regarding the *Recirculated Draft Substitute Environmental Document in Support of Potential Changes to the Water Quality Control Plan for the San Francisco Bay-Sacramento/San Joaquin Delta Estuary: San Joaquin River Flows and Southern Delta Water Quality* (SED). In addition, the City of Brisbane would like to incorporate by reference separate comments submitted by the Bay Area Water Supply and Conservation Agency (BAWSCA) and the San Francisco Public Utilities Commission (SFPUC) that provide more detail of the SED proposal's impact on the City of Brisbane's service area and the region.

Under the SED, the State Water Resources Control Board (SWRCB) proposes substantial changes to flow objectives for the Tuolumne River. These changes are anticipated to result in significantly reduced surface water available for diversions, thereby causing significant, potentially unavoidable impacts to water supply and the environment. Below we provide relevant information that the SWRCB must consider in conducting its analysis of the SED's impacts.

As a wholesale customer that purchases 100% of its potable water supply from the SFPUC's San Francisco Regional Water System, water supply available to the City of Brisbane under the SED proposal could be reduced more than 50% under drought conditions for multiple consecutive years.

The City of Brisbane has been known for our low water consumption since our incorporation in 1961. **Residential gallons per capita per day (R-GPCD) is presently fifty (50). A 50% reduction would lower that number to twenty-five (25) R-GPCD. This reduced value is approximately 95 liters per person per day! Please note that 100 liters per person per day is considered ". . . necessary to provide for some minimum acceptable quality of life . . ."[1] in water-scarce regions.**

[1] M. Falkenmark, quoted in "Basic Water Requirements for Human Activities: Meeting Basic Needs", by Peter Gleick, page 87 of *Water International*, Vo. 21, No. 2 (1996)

Without exaggeration, a case can be made that the reduced surface water available under the SED could force the City of Brisbane residential water customers to lower their usage to values defined as the bare minimum for basic human rights in developing countries.

Notwithstanding the important objectives of the Bay Delta Plan to establish water requirements to protect fish and wildlife uses of the Bay-Delta's waters, knowingly imposing flow regimes on the Tuolumne River that during drought periods will mandate a R-GPCD of 25 for the City of Brisbane water customers is unacceptable, and would abdicate responsibility for establishing an appropriate Bay-Delta objective for human uses of its waters.

In light of these aforementioned impacts as well as those articulated in the BAWSCA and SFPUC comment letters incorporated here by reference, the City of Brisbane requests that the environmental, economic, and human impacts of any shortage on the San Francisco Regional Water System be fully and adequately analyzed as part of the SWRCB's proposed flow alternatives. Such full and adequate analysis should be given at least equal weight with all other elements of the SWRCB's subsequent deliberations and decision-making.

Last, the Governor has indicated his strong support for negotiated voluntary agreements to resolve these issues. The City of Brisbane requests that the SWRCB provide adequate time for voluntary agreements to be reached amongst the stakeholders prior to any action on the SED. Please give this settlement process a chance for success instead of expediting implementation of the current proposal. The City of Brisbane shares BAWSCA's commitment to continue working closely with the diverse interests and stakeholders to develop that shared solution.

Sincerely,

Clayton L. Holstine
City Manager

Current vs. Recommended Minimum Flows from O'Shaughnessy Dam

Table I. The minimum amounts of water to be released from Hetch Hetchy Reservoir to the Tuolumne River at O'Shaughnessy Dam by water year schedule along with additional "mitigation" water provided under agreement in 1985.

Month	Minimum Monthly Release Schedule (CFS) A	B	C	Cumm. Precip.(In.) or runoff (AF) A >	B >	C
January	50	40	35	8.8	6.1	
February	60	50	35	14.0	9.5	
March	60	50	35	18.6	14.2	
April	75	65	35	23.0	18.0	
May	100	80	50	26.6	19.5	
June	125	110	75	26.6	21.3	
July	125	110	75	575,000	390,000	
August	125	110	75	640,000	400,000	
September 1-15	100	80	75	---	---	
September 16-30	80	65	50	---	---	
October	60	50	35	---	---	
November	60	50	35	---	---	
December	50	40	35	---	---	
MINIMUM RELEASE (AF)	59,207	49,994	35,197			
Added "mitigation" release for water year (AF)	15,000	6,500	4,400			
TOTAL ANNUAL FISHERY ALLOCATION (AF)	74,207	56,494	39,597			

HETCH HETCHY IFIM **ROUGH DRAFT** 07/17/92 10:00am

Table VI. Annual instream flow schedule recommended for the maintenance of rainbow and brown trout within the Tuolumne River between O'Shaughnessy Dam and Early Intake.

Month	Days	Minimum Instream Flow Schedules A cfs	A Ac-Ft	B cfs	B Ac-Ft	C cfs	C Ac-Ft
January	31	85	5,227	70	4,304	50	3,074
February	28	85	4,721	70	3,888	60	3,332
March	31	85	5,227	70	4,304	60	3,689
April	30	100	5,951	70	4,165	75	4,463
May	31	100	6,149	70	4,304	100	6,149
June	30	125	7,438	125	7,438	125	7,438
July	31	150	9,223	135	8,301	125	7,686
August	31	150	9,223	135	8,301	125	7,686
September 1-15	15	125	3,719	100	2,975	100	2,975
September 16-30	15	100	2,975	70	2,083	80	2,380
October	31	85	5,227	70	4,304	60	3,689
November	30	85	5,058	70	4,165	60	3,570
December	31	85	5,227	70	4,304	50	3,074