



May 24, 2023

John Swiecki, AICP  
Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005  
baylands@brisbaneca.org

OFFICES  
San Francisco

Modesto

Sonora

Mailing Address  
P.O. Box 3727  
Sonora, CA 95370

Phone  
(415) 882-7252

Website  
www.tuolumne.org

#### BOARD MEMBERS

John Kreiter, Chair  
Harrison "Hap" Dunning,  
Vice Chair  
Cindy Charles, Treasurer  
Marek Robinson, Secretary  
Eric Heitz,  
Chair Emeritus  
Jose Borroel  
Eddie Corwin  
Eric Gonzalez  
Camille King  
Marty McDonnell  
Homero Mejia  
John Nimmons  
Eric Riemer  
Iris Stewart-Frey  
Bart Westcott  
Brad Wurtz

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

Dear Mr. Swiecki:

Thank you for the opportunity to comment on the NOP for the Baylands Development Inc. proposal to develop 2,200 residential units, 6.5 million square feet of commercial space, 500,000 square feet of hotel use, and open space and parklands.

I have two requests for issues to be addressed in the EIR:

- 1) The SFPUC must model how the CCWD water transfer would conform to the SFPUC's Design Drought, and determine whether or not the agreement would interfere with the SFPUC's ability to meet its contractual obligations to its current wholesale customers; and
- 2) The project must demonstrate that it will not degrade water quality in the SFPUC service area.

#### **1) Conformance with the Design Drought**

The SFPUC plans for long-term water supply in accordance with its Design Drought. The Design Drought couples the 1987-92 drought with the 1976/77 drought at 265 million gallons per day demand to create an 8.5-year model drought. Planning for water supply during the Design Drought can be extremely challenging.

The NOP states:

The project applicant has entered [in]to a Memorandum of Understanding with the Contra Costa Water District (CCWD) for up to 2,500 acre-feet of water annually from CCWD's Los Vaqueros Reservoir Expansion Project along with 10,000 acre-feet of storage in Los Vaqueros Reservoir.

Based on the known precipitation and runoff available during the two droughts that make up the Design Drought, the SFPUC must model whether the CCWD water transfer would be adequate to serve the Brisbane Baylands project throughout the Design Drought without compromising water available to existing Bay Area Water Supply and Conservation Agency (BAWSCA) customers.

## 2) No Degradation of Water Quality

The Water Supply Agreement between the City and County of San Francisco and Wholesale Customers states:

### 3.12 Wheeling of Water from Outside SFPUC System

Subject to the Wheeling Statute, the SFPUC will not deny use of Regional Water System unused capacity for wheeling when such capacity is available for wheeling purposes **during periods when the SFPUC has declared a water shortage emergency** under Water Code Section 350 if the following conditions are met:

- A. The transferor pays reasonable charges incurred by the SFPUC as a result of the wheeling, including capital, operation, maintenance, administrative and replacement costs (as such are defined in the Wheeling Statute).
- B. Wheeled water that is stored in the Regional Water System spills first.
- C. Wheeled water will not unreasonably: (1) impact fish and wildlife resources in Regional Water System reservoirs; **(2) diminish the quality of water delivered for consumptive uses**; or (3) increase the risk of exotic species impairing Regional Water System operations. The transferor may at its own expense provide for treatment to mitigate these effects.
- D. Priority will be given to wheeling by Wholesale Customers or BAWSCA over arrangements for third-party public entities.

The EIR must demonstrate that all of the above conditions could be met. Please note that the CCWD water would not go directly to Brisbane, but would be blended with SFPUC water and distributed throughout the system.

Thank you for the opportunity to comment on the NOP. Please add me to the distribution list for this project.

Sincerely,



Peter Drekmeier  
Policy Director  
peter@tuolumne.org

cc: Steve Ritchie, SFPUC  
Nicole Sandkulla, BAWSCA  
Randy Breault, City of Brisbane