



Loma Prieta, Redwood and San Francisco Bay Chapters

MTC Public Information

Attn: Draft EIR Comments

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Via email to: eircomments@bayareametro.gov

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July 19, 2021

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

Dear Commissioners,

The Sierra Club's San Francisco Bay Three-Chapter (Loma Prieta, Redwood and San Francisco Bay) Sea Level Rise Committee respectfully submits the following comments on the Draft Environmental Impact Report (DEIR) on Plan Bay Area 2050 (PBA).

The majority of our comments consist of the letter written by Richard Grassetti of Grassetti Environmental Consulting found in our additional Attachment 1. The submittal by Mr. Grassetti and the Citizens Committee to Complete the Refuge consists of both a letter and a Table (Attachment A). The letter addresses the general flaws and inadequacies of the subject DEIR. The Table addresses specific issues. Due to the unfortunate limited time period allowed for responses, the Sierra Club's Sea Level Rise Committee has not had time to review all of the issues addressed in Mr. Grassetti's Attachment A and therefore we limit our submittal to Mr. Grassetti's narrative letter, and we take no position on the specific comments he has provided in his Attachment A. We do fully endorse and enclose in our comments Mr. Grassetti's narrative letter. Limiting the public review and comment period to 45 days, for a document that is nearly three thousand pages long when all related MTC/ABAG studies and appendices are included, is prejudicial to the public's ability to respond to such a document. The Club did request 90-days, but that request was rejected without accompanying rationale.

The Sierra Club's San Francisco Bay-Three Chapter Transportation Committee will also provide comments on this Draft DEIR under separate cover.

Please consider the following comments in addition to Mr. Grasseti's narrative:

1. In PBA Section 7 Implementation Plan, MTC-ABAG declare themselves in a chart the lead agency for sea level rise adaptation/resilience. We find this baffling since MTC's expertise has been transportation and ABAG, housing. There are other agencies such as BCDC or the SF Bay Regional Water Board that have much greater experience and expertise in addressing sea level rise adaptation and resilience measures. According to the PBA 2050 MTC-ABAG's role will be a funding role and as such it should identify itself as a partner agency not a lead agency.

2. We find project objective 6 in Section 4 inadequate:

Section 4.1.2; Project Objectives: 6. Conserve the region's natural resources, open space, clean water, and clean air with the intent of improving health of Bay Area residents and workers and improving the health of the environment locally and globally.

Statements such as "...improving the health of the environment locally and globally..." are extremely vague. What does environmental health mean? Does it mean healthy for humans? The focus of the other environmental strategies is certainly focused on reduction of risks and hazards to human health. Does it mean healthy ecosystems? How does this relate to a changing world in the sense of climate change and sea level rise?

Specifically for sea level rise, we believe that the statement should be much more specific, calling for the preservation of San Francisco Bay as a locally and globally essential aquatic ecosystem, including the preservation all of its various habitats such as sub-tidal, intertidal, tidal flats and tidal marshes, transition zones and adjacent uplands wherever possible.

3. In Section 4.2.7 Moratorium on Flood Zone Development Alternative, the DEIR makes the extraordinary statement that:

Conclusion

Implementation of the proposed Plan's land use development pattern, sea level rise adaptation infrastructure, and transportation projects would have a **less-than-significant (LTS)** impact because existing federal, State, and local regulations and oversight are in place to specify mandatory actions that must occur during project development, which would adequately address potential for construction or operation of projects to result in violation of water quality standards or waste or stormwater discharge requirements. No mitigation is required."

This is simply not an accurate statement. Many wetlands in the Bay Area were approved for development despite the regulatory processes identified in the above DEIR statement. The Sierra Club has taken part in litigation and other advocacy exercises that saved many acres of wetlands despite regulatory approval for their destruction. For example, 76-acres of wetlands in San Leandro Bay were saved from destruction by the Port of Oakland as a result of litigation instituted by several environmental organizations after regulatory agencies permitted or took no action regarding the proposed destruction. Those wetlands are now restored to tidal marsh as part of the Martin Luther King, Jr. Regional Shoreline Park in Oakland.

Furthermore, most permitting processes look at the immediate effects of a project on resources such as tidal marshes, e.g., does the project impact/fill existing wetlands. But this does not address the problem that is inherent in sea level rise issues where the impacts will occur in the future. As sea level rises, tidal marshes will drown if they cannot move inland/upland. If new development prevents marsh migration that will be an impact of that development on the marsh and such an impact could have been avoided by not undertaking that development. Clearly this is a CEQA issue. If a berm or seawall is constructed, adjacent tidal marshes will erode due to the wave energy that is reflected back onto the marsh from the berm/seawall. Again, clearly this is an impact on tidal marsh resources that results from a project creating a berm or seawall and thus clearly a CEQA issue that needs to be addresses through avoidance or mitigation. Where these impacts will occur is well known now and documents such as the Adaptation Atlas provide great help in identifying such sites. The PBA 2050 DEIR must address these impacts because relying on other agencies to address them is avoiding the obligations of a programmatic EIR. A programmatic EIR needs to address potential impacts to public trust resources regardless of the existence of other agencies. After all, those other agencies may rely on the programmatic EIR to determine if they need to address certain impacts.

As stated in Mr. Grasseti's letter, the Sierra Club believes that "Given the above issues, we recommend that the EIR be re-scoped, revised, and re-circulated for public review."

Sincerely yours,

Arthur Feinstein

Arthur Feinstein, Chair
Sierra Club 3-Chapter San Francisco Bay Sea Level Rise Committee