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## Sierra Club Loma Prieta Chapter

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February 26, 2013

Bill Roth  
City of San Jose Department of Planning, Building & Code Enforcement  
200 East Santa Clara Street, 3rd Floor  
San José, CA 95113-1905

**RE: San Jose/Santa Clara Water Pollution Control Plant Master Plan Draft Environmental Impact Report**

Dear Mr. Roth,

The Sierra Club Loma Prieta Chapter understands that the City of San Jose would like to upgrade and modernize the Water Pollution Control Plant (WPCP). Our main concern is the proximity of the project and proposed new development to tidal marshlands, local streams and creeks and wildlife habitat.

The project vicinity includes wetlands and the largest continuous open space in the southern San Francisco Bay. The WPCP lands contribute to this important resource to local wildlife including the salt marsh harvest mouse habitat and western burrowing owls. The open space also provides flood protection to existing development in this area of San Jose and acts as a buffer to sea level rise.

Our comments on the WPCP Master Plan Draft Environmental Impact Report (DEIR) are attached. We believe it is essential for the DEIR discuss a no new economic development alternative for this project. Most of the nearby community of Alviso is situated at below sea-level. Like other low-lying areas around the Bay, Alviso's existence is in jeopardy if climate change and sea-level rise trends continue. Putting new businesses in an area so directly at-risk by sea-level rise doesn't make practical sense. San Jose should focus development in transit-friendly, urbanized areas and not in areas adjacent to the Bay. Even the proposed "nature center" seems unjustified with The Don Edwards San Francisco Bay National Wildlife Refuge providing similar educational resources close by.

Restoring pond A18 to wetland habitat and improving the already-existing levee are the right steps towards helping this region with flood control, however this does not justify the addition of light industrial, commercial, and retail development so close to sea level. The environmentally superior alternative would guide such development to smart growth areas identified in the San Jose General Plan and preserve the WPCP site for habitat conservation, flood protection, and passive recreation.

Respectfully Submitted,

Katja Irvin  
Chair, Water Committee  
Sierra Club Loma Prieta Chapter

Michael Kerhin  
Chair, Baylands Committee  
Sierra Club Loma Prieta Chapter

# San Jose/Santa Clara Water Pollution Control Plant Master Plan Draft Environmental Impact Report Comments from the Sierra Club Loma Prieta Chapter

## Section 4.9 Hydrology, Topic HYD-5 (page 4.9-44)

This topic addresses the **following thresholds of significance**. Will the project:

- place structures that would impede or redirect flood flows within a 100-year flood hazard area; or
- expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.

Comment #1: The analysis discusses only the risks associated with coastal flooding and **does not discuss risks associated with stream flooding or the impact of placing structures within a 100-year flood hazard area. Evaluation of the thresholds of significance is not adequate.** What if Anderson Dam fails during a major storm event? How will changes in ground surfaces and the introduction of significant fill impact the likelihood of flooding in Alviso? The analysis is incomplete.

Comment #2: The data used in the analysis under Topic HYD-5 is misleading as follows:

- 100-year flood hazard areas are determined by FEMA, not by USACE. USACE analysis is irrelevant and should not be used to determine significance.
- There is no analysis of the impact of sea-level rise on the risk of significant loss due to failure of a levee. In fact, the analysis says “these assessments are about 20 years old and may underestimate flood risks and extents by omitting recent sea level rise.”

**The analysis should be updated to reference and discuss the correct information.** FEMA data should be used when discussing “100-year flood hazard areas” and sea-level rise should be included in the discussion.

Comment #3: The mitigation measures are inadequate. There is too much uncertainty and therefore too much risk. Assessments and data related to sea-level rise are not yet available; the amount of risk reduction provided by the Shoreline Study levees and restoration of pond A18 is unknown. Therefore, a **mitigation measure should be included to: require *Other Proposed Land Uses* to be staged after commencement of construction of levees, and after completion and analysis of the pond A18 wetland restoration.** At that time more information will be available and a supplemental EIR can be done to adequately analyze flooding impacts related to the *Other Proposed Land Uses*.

## Impact C-HYD: Cumulative impacts on hydrology (page 6-26)

Comment #1: **The analysis in this section is contradictory with respect to the potential impacts of climate change on precipitation.** First, the analysis says “climate models have not provided a consensus on how total precipitation is likely to change in the future... [and] no models show statistically significant changes in extreme rainfall events.” However, the next paragraph says “climate change is likely to result in ... more extreme storm surges, rainfall

events, and droughts.” **With such an uncertain and risky scenario, the EIR should analyze and plan for the likelihood of storm surges, rainfall events and drought, and not just ignore an impact because 3-year old models did not show statistically significant changes on average.**

Comment #2 (Potential for Increased Coastal Flood Risk (page 6-32): This analysis states that “the Shoreline Study would likely include an adaptive management plan that would address increasing coastal flood risk due to sea level rise. Because the timing of the flood protection levee is somewhat uncertain (relying on as yet unauthorized congressional funding) and because numerous PMP facilities and other proposed development would be implemented within the FEMA 100-year coastal floodplain, increased coastal flood risks would be a potentially significant cumulative impact.” Given the risks and uncertainty, simply implementing current building codes for structures in the 100-year flood plain is not adequate mitigation. **A mitigation measure should be included to: require *Other Proposed Land Uses* to be staged after commencement of construction of levees, and after completion and analysis of the pond A18 wetland restoration.** At that time more information will be available and a supplemental EIR can be done to adequately analyze the impacts of the *Other Proposed Land Uses* in relation to sea level rise.

Comment #3: The extent of uncertainty and risk related to climate change cannot be overstated. To protect future owners, users, and insurers, a **mitigation measure should be included to: require *Other Proposed Land Uses* to be staged after climate change models have improved and can provide better predictive capacities of the risks of building so close to sea level.** Once adequate models are available a supplemental EIR can be done to adequately analyze how climate change will impact the *Other Proposed Land Uses*.

## **Section 7.5 Alternatives Considered but Eliminated From Further Analysis**

Comment #1: The analysis of alternatives is inadequate. **The essential function of the project is wastewater treatment and therefore it is essential to include the WPCP Improvements / No Economic Development Alternative in order to explore the full-range of feasible alternatives.** Economic development is not essential to the project and would likely occur at other nearby locations if the project site is not available. The analysis does not indicate that economic development or job creation in the area would be impacted. Furthermore, the analysis in Section 7.5 shows that the General Plan is currently internally inconsistent with regard to job growth and land use. The proposed project intends to amend the General Plan to change land use to increase jobs, but the No Economic Development Alternative would not diminish jobs. If the General Plan currently requires jobs to be created on the WPCP site, then it is internally inconsistent. The General Plan cannot explicitly require building in a location where environmental review is not complete. The General Plan should be amended to remove this requirement and should not be used as an argument to eliminate an alternative that should be included in a reasonable range of feasible alternatives for the project.

**Given the uncertainty of developing the Other Proposed Land Uses at this time, it is essential that the EIR include the No Economic Development Alternative in the analysis. This would clearly be the environmentally superior alternative and the one that should be approved and implemented at this time.**