

MTC-ABAG
Plan Bay Area Public Comment
101 8th Street
Oakland, California 94607

Re: Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft
Environmental Impact Report

This letter is submitted as public comment on the Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029). My name is Kerry Stoebner, a lawyer and resident of Marin County for 24 years and a member of the Marin Water Coalition.

The DEIR is inadequate because it fails to address the vital issue of water. One of the major questions when contemplating development in Marin County, or any place in California, is “Where will the water come from?” The Plan projects that the San Francisco Bay area will add 2.1 million people, increasing the total regional population from 7.2 to 9.3 million by 2035. To house this projected influx, Plan Bay Area calls for 634,000 new housing units, all of which will require additional water.

The massive population growth that ABAG is projecting is equivalent to **two and a half new cities the size and density of San Francisco** (2012 estimated population based on 2010 U.S. Census) added to the Bay Area by 2035. To provide adequate water supplies to such an area would require the **equivalent of building and operating two and a half new Hetch Hetchy dams** (if such lands and water rights were available). However, the draft EIR for the One Bay Area Plan makes no provision or plans for additional water supplies, nor does it factor in the green house gas emissions that would be generated in the construction and operation of mammoth new water supply sources.

Water is a fundamental and necessary component in actualizing any new planned development scheme. Indeed, S.B. 375, the Sustainable Communities and Climate Protection Act of 2008 -- the legislation giving rise to the Plan Bay Area -- specifically requires a “feasible” Plan Bay Area and defines that term as “...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors”. [Sec. 5(b) (2) of S.B. 375]. *Without an additional, long-term source(s) of water for the projected population growth of 2.1 million people, Plan Bay Area is not feasible.*

In 2001 our state legislature wisely passed S.B. 610, requiring that in all new

developments over 500 units, sources of water must be firmly identified before development may proceed. A second law, S.B. 221 (2001), requires a written verification from the responsible water utility that the proposed project will have a reliable, long-term (20 year) water supply.

The rationale behind these two laws is explained in a Planning and Conservation League publication:

“These ‘show me the water’ laws are intended to ensure that the existing residents’ rights to clean and reliable water supplies are considered when new developments are being evaluated and that new projects will have secure water rights.”

What will provide that reliable, long-term water supply in Marin, where 8,810 new units are proposed under Plan Bay Area? Given that periodic water shortages occur, even with Marin’s current population (which has remained largely static over the last 10 years), the new development proposed under Plan Bay Area will in all likelihood out-strip the water supplied by MMWD’s [Marin Municipal Water District] seven reservoirs and water purchase agreement for Russian River water. The most likely water source if Plan Bay Area’s massive new development is pushed through is MMWD’s proposed 5-15 MGD (million gallons per day) desalination plant, to be located at the foot of the San Rafael Bridge, across the Bay from the Chevron Refinery.

But the proposed San Rafael desalination plant poses significant financial and environmental problems:

- It would be hugely expensive, with construction and initial operating expenses estimated to be \$400 million.
- A bond measure for the \$400 million plant has not yet been approved by the voters.
- Desalination would cause a huge increase in the County’s green house gas emissions. MMWD is already the largest energy user in Marin County. If desalination – which uses up to nine times* more energy than water conventionally sourced** -- is utilized, local energy consumption and green house gas emissions would sky rocket.
- The desalination plant will use as its source water San Francisco Bay – designated a “*toxic hot spot*” by the State Water Resource Control Board. The following chemicals and carcinogens are found at significant levels in the toxic

soup of San Francisco Bay:

- Mercury
- PCB's
- Arsenic
- Brominated flame retardants (similar to the infamous and long-banned PCBs)
- DDT
- Dioxin
- Pesticides and herbicides (run-off from farming operations in the Central Valley)

Indeed, in its "Statement of Overriding Considerations", the draft EIR for Plan Bay Area has acknowledged, when compared to existing conditions, the proposed plan will "[r]esult in **insufficient water supplies** from existing entitlements and resources to serve expected development" and that they [ABAG] considers this to be a "**significant, unavoidable impact**". ABAG reached this startling conclusion without attempting to identify mitigating measures to ensure safe, reliable water sources for the current and future citizens of Marin, and indeed, all of the regional Bay Area.

Citizens of Marin should not be forced to forsake their sustainable watershed -- with its 7 rain-water filled reservoirs -- and exchange it for a \$400 million, energy-guzzling, green-house gas emitting desalination plant located on toxin-laden San Francisco Bay. The Plan's draft EIR has not identified a reliable, long-term source of water for the dense development it proposes and hence has not met the requirements of existing state laws S.B. 610 and S.B. 221. Furthermore, ABAG has acknowledged that insufficient water supplies will be a "significant, unavoidable impact" of Plan Bay Area. On the basis of this most crucial issue -- inadequate water supply for the proposed high-density development and substantially increased population -- the draft EIR for Plan Bay Area should be found deficient.

Respectfully submitted,

Kerry Stoebner, JD
Marin Water Coalition

* New studies suggest that desalination could be **20-25 times** more energy intensive than obtaining water through conventional sources.

Water and energy are inextricably linked in this state: “DWR [Department of Water Resources], which operates the State Water Project, a large system of dams, canals, pipelines, and pumps that delivers water to cities and farms in the Central Valley and Southern California, **is the single largest user of energy in the state.” [Pacific Institute, “Key Issues for Seawater Desalination in California: Energy and Greenhouse Gas Emissions”, p. 17, (May 1, 2013)].