To: MTC/ABAG
Subject: Plan Bay Area Draft EIR Comment
Date: 5/15/13

One Bay Area Plan: Show Us The Water

Climate change and global warming have arrived.
While the debate continues as to cause---be it natural periodicity or global civilization's unchecked spewing of greenhouse gases---there is little disagreement as to the effects. And those effects increasingly are coming home to roost.
"The Arctic is getting hotter faster than any part of the globe. Experts predict the region will be free of sea ice during the summer within about 20 years. Sea ice is important because it keeps the rest of the world cooler, and some scientific studies suggest that its melting may be indirectly connected to the extreme weather in the United States and elsewhere in the past few years, changing global weather patterns, including the track of Hurricane Sandy." (Associated Press, 5/12/13).
Against this background, enter Plan Bay Area, AKA the One Bay Area Plan.

PBA Lacks Foresight Relative To Water

Given increasing variability in weather patterns, superstorms in some places and droughts in others, one would hope that Plan Bay Area would be a wise plan---especially in regard to scarce regional water resources. Unfortunately, this is not the case.
The two state super agencies that have authored this plan have chosen, incomprehensibly, to lull all stakeholders to sleep in regard the amount of additional water resources necessary to support the expansion of the Bay Area population from its current 7.1 million to 9.3 million by 2040.
"Does California Have The Water To Support Population Growth?" is a two-page brief by prestigious the Public Policy Institute of California. Available for online viewing, the brief summarizes a report by Ellen Hanak, 2005, titled "Water for Growth: California's New Frontier". The report says state population is supposed to hit 48 million by 2030, putting pressure on for 40 per cent more water delivery to people alone. The report states, perhaps over optimistically, that the situation is not as dire as it seems because future supply shortfall could be made up by capturing groundwater in storage tanks, recycling water and deploying other conservation methods. It further states that big projects, under SB 610 & 221 known as the "show me the water bills", need to show adequate long term supply before moving forward. Additionally, the Urban Water Management Planning Act of 1983 requires large municipalities every five years to submit a comprehensive supply and demand document. But in 2000 one sixth did not do so at all and many other municipalities submitted reports lacking details. This led to the conclusion that a lot of municipalities were banking on "paper water"---or water being used by other agencies within the system.

PBA Relies Heavily On Paper Water

"Paper water" is a term in the water industry for a lapse of concrete thinking. Paper water is that which by historical "water rights" may belong already to other users in the state system. It also can be an envisioned future supply that may never materialize.
In the end, both amount to the same: zero. Plan Bay Area, as it has been presented to a populace largely unschooled on water issues, banks far too heavily on present wishes in regard to future water.
Certainly, many thousands of state bureaucrat hours were dedicated to the creation of this over-arching plan that purports to mesh regional housing growth with environmental stewardship through the year 2040. The Plan Bay Area Draft online fills 166 laboriously worked pages. But this centerpiece document is a gruel-starved midget relative to the Draft EIR, which lumbers in at a full-figured 1300 plus.

On Water Supply, Plan Bay Area Leaves Many Unanswered Questions

The big question for us in the nine-county region is what water might or might not be present in the system---including watersheds, pipelines and aqueducts---to support a tide of newcomers, projected at 2.1 million by 2040.
However, that is the very question that the EIR dances around.
One has to go hunting for water supply in the section titled "Public Utilities & Facilities". Plowing through a confusing maze of charts and graphs, one is left not with reassurance but rather disquieting questions as to future supply.
---"Reducing water demand through conservation is a key component of improving water supply reliability in the Bay Area (p. 14). " Question: Given that we in the Bay Area have already become fairly adept conservers, is it realistic to think that demand per capita will keep falling as population rises?
--- "In general, demand management strategies should allow Bay Area water agencies to continue to meet projected demand through 2030 in average years (p. 19)." Question: what happens in a period of major climate change when nature herself decides to play the wild card and all bets are off on "average"?
---"The greatest proportion of Bay Area water is imported from Sierra Nevada and Delta sources, comprising approximately 66 percent of supply (p. 13). " Question: What do thirsty utilities do in the event of back to back dry years similar to this one when end of March 2013 measurements of the Northern Sierra snow pack showed 52 per cent of normal?
---A graph on p. 22 show the 2035 "projected service area population" of Marin Municipal Water District at 207,000 but neglects to say what that service population is currently, thus depriving readers of a realistic assessment of growth under PBA. This is a serious omission considering the fact that Marin is in a deficit position in regard to water and imports 25 per cent on average annually from Sonoma County.

PBA Does Not Provide Credible Water Supply Assessment

True, the PBA staff writers have labored mightily. But they have missed the mark in two major areas of concern.

Firstly, they have not furnished a credible 20-year Water Supply Assessment plan---factoring in possible **multiple dry years**---as is required of big development projects under CEQA, State Water Code #10910.3 and also SB 610/221, two bills passed in 2001. It was SB 610 that established a 500-unit thresh hold for new residential projects, passing beyond which a developer would have to supply a water supply assessment plan.

State Water Code #10910.3 states the following:

"If the projected water demand associated with the proposed project was not accounted for in the most recently adopted urban water management plan, or the public water system has no urban water management plan, the water supply assessment for the project shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and **multiple dry water years** during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses."

The need for a water supply assessment which factors multiple dry years also is cross-referenced in the state's Urban Water Management Plan Guidebook 2010. That document cites an additional, corroborating section of the Water Code, 10631 c-1:

"Each (local) water supplier shall describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following (A) An average water year, (B) a single dry water year, (C) **Multiple dry water years."**

Yet the Plan Bay Area EIR inexplicably focuses on the impacts associated with a single dry year shared by the nine county water suppliers, noting in summary on Page 48:

"More locally, land development through 2040 served by the Marin Municipal Water District, San Francisco Public Utilities Commission, Santa Clara Valley Water District, or Zone 7 Water Agency should have adequate water supplies in both regular and single dry years. Therefore, development in those areas should have impacts that are less than significant (LS)."

The reader is left to wonder: why then this glaring omission in furnishing comprehensive water supply projection data? Have the PBA planners just overlooked it? Or, have they simply chosen to ignore their obligations as a guiding entity? If the later is true, why is PBA hiding the facts on **multiple dry year** projections? Is it because planners well realize that they are on very dangerous ground if, down the road, nature decides not to cooperate with PBA and institutes her own regime of multiple dry water years?
We in the Bay Area have endured water rationing before. Add with the massive population growth foreseen by PBA, water rationing in the future undoubtedly would be even more severe than in the past.

There is still another possibility also to explain the Draft EIR's silence on this issue. Perhaps MTC/ABAG planners simply think they don't have to supply a full set of water supply assessment figures.
In the annals of state government, it is truly unprecedented that a regional agency like MTC/ABAG should exert such powerful control over local agencies and municipalities. What has evolved is a bizarre, tiered system of command and control where MTC/ABAG works all the levers from up above but then offer disclaimers as to ultimate responsibility for the land use decisions imposed on the locals.

Witness the caveat that accompanies each mitigation measure proposed in the EIR:

"MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation…"

Perhaps MTC/ABAG will say they cannot be held responsible for impacts or adverse affects on the environment because, after all, they are not developers but rather just regional planners, therefore removed from serious scrutiny. They likely will argue that their overarching plan in general and non-specific in nature.
I would argue that Plan Bay Area is NOT EXEMPT from comprehensive water supply analysis since its population growth projections are intended and will be used as a baseline from which to assign specific Regional Housing Needs Analysis (RHNA) numbers to local municipalities. Further, Plan Bay Area has designated numerous and quite specific Priority Development Areas in which it will concentrate future population growth. State agencies typically use the threat of withdrawal of transportation improvement funds from local municipalities who refuse to rezone local neighborhoods to be both RHNA and PDA compliant.
Further, local housing advocates in the past have sued successfully over local municipalities' refusal to rezone to meet RHNA numbers.
Thus, PBA planners use a sort of carrot and stick coercion, call it soft force if you will, to produce their desired outcomes.
As such PBA planners are really fully committed developers and should be subject to the same state provisions---codes, laws and legislative directives---as normally apply to big developers.
Do I quibble here?
Not at all, considering that Plan Bay Area sets the stage for assigning to local municipalities the responsibility for zoning for 634,000 new housing units to be created 2035…Let me repeat: 634,000!…That's 1268 times 500 thresh hold mentioned above. What is being proposed here is massive development on an unprecedented scale. The figure of 634,000 comes from page 21 of the Plan Bay Area Draft report.

On Water Supply PBA Misses The Picture Of The Larger Ecosystem

But, wait, there is another big sinkhole in the Draft EIR!
The second major drawback is that the EIR excludes the big water needs of the larger ecosystem. That is to say our drier and ever expanding neighbors to the South, our

Central Valley farmers who let fields go fallow for reduced supply and also our Delta's aquatic species that find their very liquid lifeline shrinking.
As state population expands will we choose to share more with Southern California neighbors? Or will our own mounting needs force us to try and out compete? The EIR offers no crystal ball.
Modern environmental thinking sees the environment as one interconnected whole. But PBA Draft EIR chooses, inexplicably, to forgo this larger vision.
"Water In California" (Wikipedia) brings up an online discussion of the different kinds of state water "rights" and how they've been exercised over the years, including the historic water wars that have occurred in dry periods between competing user groups. The site's graphic map also shows major supply lines, including aqueducts, that link North and South.
It is well to keep in the mind the State Water Project is the largest water supplier in the state. The SWP removes water from the Oroville Dam as it flows into the Sacramento Delta and directs that water towards the south end of the San Joaquin Valley, where it then has to be pumped over the Tehachapi Mountains. Beyond the Tehachapis, the California Aqueduct splits---with water being stored in a series of reservoirs to be drawn down by users in the southern part of the state. Because of the vast amount of energy required to pump water over the rugged Techachapis, the SWA (State Water Project) is the largest consumer of energy in the state.
We in the Bay Area also have our own intricate series aqueducts and canals that link the nine counties. That graphic is shown on page 17 of PBA Draft EIR, "Utilities and Public Facilities". Some counties, by virtue of location and topography, are more water rich than others. From these "Peters" are extracted the supplies to nourish the more meagerly endowed "Pauls". But it all takes energy, massive pumps at the points of origin, to divert water to neighboring county reservoirs. Energy output under SB 375 that we are committed to lessening if we hope to achieve a cumulative reduction of greenhouse gases.

For us, in the nine counties, future seeing and speculation breeds uncomfortable scenarios.
For example, what would happen in a future major dry period, when all counties are hurting, and Peter opines, "No more will I be robbed of water to pay Paul!"?
Does Peter then take a tighter grip on what he considers to be local and his "own"? And what then of Paul?
Surely Paul is miffed. But the argument also could possibly evolve well beyond that. Historically, as a mass, human beings don't show their best behavior when they are either (A) hungry or (B) thirsty. They do at times get mighty angry. They manifest in periods of social unrest.

It is well for regional planners to think more deeply about these highly important water supply issues. So far they have not demonstrated the deep thinking necessary to allay concerns over Plan Bay Area and regional water supply.
And it is also appropriate that the 29 local elected officials from nine counties who hold the vote on Plan Bay Area should vote "No Project" on this very deficient document. That is after all, just a way of being true to the best interests of their constituencies.
It also is a way of sending a terse message to over reaching state planners:

Show Us The Water!

Submitted By:

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