



Tuolumne River Trust

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January 23, 2014

John Swiecki, AICP, Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005

Dear Mr. Swiecki:

The Tuolumne River Trust (TRT) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Brisbane Baylands Project.

TRT was founded in 1981 to serve as the voice for the River. We seek a healthy and vibrant River that is teeming with fish and wildlife, safe for drinking, fishing and swimming, and held in trust as a refuge for our children and grandchildren. TRT represents 2,000 members in the Sierra Nevada, Central Valley and Bay Area, as well as many others who enjoy and appreciate the beauty and bounty of the Tuolumne River.

TRT is concerned about the potential impact of the proposed Oakdale Irrigation District water transfer on the 36-mile stretch of the "Wild & Scenic" Tuolumne River between Hetch Hetchy and Don Pedro Reservoirs. The transfer, which would be necessary for approval of the Baylands Project, would result in a decrease of 2 million gallons of water per day (mgd) from this section of the Tuolumne.

The DEIR fails to adequately analyze the potential environmental impacts of the water transfer. It relies on stale information and analysis from the Water System Improvement Program (WSIP) PEIR adopted by the SFPUC in 2008. Since the WSIP was approved, important new information has become available.

For example, in 2012 the SFPUC released a report titled "Sensitivity of Upper Tuolumne River Flow to Potential Climate Change Scenarios." It states:

"The future climate condition in year 2040 of climate change scenario 3B (high temperature increases with precipitation decrease) results in reductions in median runoff of 8.6% at O'Shaughnessy Dam."

The report estimates a potential reduction in runoff of up to 29.4% by 2100.

The report also concludes:

"As climate change increases temperatures, rainfall replaces snow in the fall and winter and reduced snowpacks melt earlier in the spring. Evapotranspiration increases in the fall and winter and begins earlier in the spring."

The Brisbane Baylands DEIR must analyze the impact of the 2 mgd water transfer under the projected future climate change scenario.

Conditions related to management of the SFPUC's Bay Area reservoirs also have changed since the WSIP was approved. Most notably, the SFPUC will be required to release an additional 7.4 mgd into Alameda and San Mateo Creeks for fish and wildlife upon completion of upgrades to the Calaveras and Crystal Springs Dams. These watersheds currently provide 15% of the SFPUC's water supply.

Presumably, to make up for this shortfall, diversions from the Tuolumne River might have to increase in order to meet the SFPUC's contractual obligations to its wholesale customers. The cumulative impact of diverting an additional 2 mgd from Hetch Hetchy must be analyzed.

After the WSIP was approved, the SFPUC embarked on its Upper Tuolumne River Ecosystem Program (UTREP) that is studying biological conditions on the stretch of the Tuolumne River between O'Shaughnessy Dam and Early Intake. This stretch includes the ecologically-sensitive Poopenaut Valley.

The UTREP is "An ongoing effort to conduct long-term, collaborative, science-based investigations designed to: 1) Characterize historical and current river ecosystem conditions; 2) Assess their relationship to Hetch Hetchy Project operations; and 3) Provide recommendations for improving ecosystem conditions on a long-term, adaptively managed basis."

The UTREP is a legally-required program that the SFPUC agreed to implement in order to comply with its obligations under the 1987 "Kirkwood Agreement," which allowed the SFPUC to add a power turbine to its Kirkwood Powerhouse on the Tuolumne. Information provided by the UTREP must be incorporated into the environmental review for the Brisbane Baylands Project. An up-to-date analysis, with current data, using current analysis protocol, needs to be part of the Project EIR.

One requirement of the Kirkwood Agreement is that San Francisco, or the U.S. Fish and Wildlife Service (USFWS), undertake a study "...to determine what, if any effect, the Kirkwood Powerhouse and Kirkwood Addition would have or have had on the habitat for and populations of resident fish species, between O'Shaughnessy Dam and Early Intake..." The Stipulation specifies that adjustments to minimum flow releases must be implemented if the USFWS determines that flow in the Tuolumne River should be increased.

The USFWS released a draft report in 1992 titled "Instream Flow Requirements for Rainbow and Brown Trout in the Tuolumne River Between O'Shaughnessy Dam and Early Intake." The report was never finalized, however, it states, "In 1988, the U.S. Fish and Wildlife Service's Instream Flow Incremental Methodology (IFIM) was applied to the Tuolumne River below

Hetch Hetchy Reservoir...An annual fishery allocation of between 59,207 acre-feet and 75,363 acre-feet is recommended, based on the findings of the instream flow study.”

The report recommends increasing instream flows from O’Shaughnessy Dam. For example, during the months of December and January, it recommends an increase in flows from a minimum of 35 cfs to 50 cfs in dry years, from a minimum of 40 cfs to 70 cfs in normal years, and from a minimum of 50 cfs to 85 cfs in wet years.

However, Table 5.3.1-2 of the WSIP PEIR (Vol. 3, Section 5.3, pp. 5.3.1-13) shows the “Schedule of Average Daily Minimum Required Releases to Support Fisheries Below O’Shaughnessy Dam” based on a 1985 agreement. The attached document compares flows listed in the WSIP PEIR with those recommended by the draft USFWS report.

To meet the requirement of the Kirkwood Agreement, the SFPUC agreed to work with the USFWS, the National Park Service, the US Forest Service, the California Department of Fish and Wildlife and others to gather the information necessary to develop physical and biological objectives for an adaptive management plan for O’Shaughnessy Dam flow releases. The UTREP is the mechanism for meeting this obligation.

Until the adaptive management plan for O’Shaughnessy Dam is approved and a new instream flow schedule is adopted, it will be impossible to assess the potential impacts of diverting an additional 2 mgd from Hetch Hetchy. We request that release of the Final EIR for the Brisbane Baylands Project be postponed until this information is available and included.

Thank you for considering our comments.

Sincerely,



Peter Drekmeier
Bay Area Program Director