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From
Dana
Dillworth
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Comm. Dev. Dept. Brisbane

Brisbane, California 94005

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Dear Planning Commissioners and staff,

Many accolades for the voluminous undertaking you are about to complete. Good work. I and many citizens agree with your conclusions. I however don't think you should recommend certification of the EIR while simultaneously listing its inadequacies.

Reasons to Not Certify the EIR

Proposed Mitigation Measures and The List of Overriding Considerations

There appear to be few changes to the mitigation measures which ultimately produce the vast list of Overriding Considerations. These details need to be worked out prior to approval.

To write into law the assumptions that water deals will be made, or that the public will allow more toxic burners, as proposed in Recology's 1.1 million square feet expansion, or that RWQCB, staff, or other agencies will make all future decisions puts the public at risk. Even Dr. G. Fred Lee recommends an independent oversight organization and a different approach. The Precautionary Principle is a way to avoid mistaken assumptions, mistaken Risk Assessments.

Consider incorporating a Precautionary Principle. (See attached "White Paper" from the Environmental Research Foundation (Rachel.org.)) Stronger language is needed, that Low-impacts mean low risk. In the 1994 General Plan we had set the Public Risk threshold at 10,000 jobs/workers to be potentially exposed at any one time. Is that still your/our number?

Higher Public Use in the forms of a Transportation Hub, Energy Production, Water Recycling, and Education are all desirable, but we need to set limits, have clearer definitions of our terms.

There are few studies of the northern Beatty/Recology area. They are not part of the landfill closure plan. They use the area for truck dismantling (and who knows what.) The BBCAG has been informed that a few prior leaking underground fuel and solvent storage tanks (LUST) had been located and removed. There may be others. Studies for this area are inadequate.

Certification Incorporates Incorrect Maps – Incorrect wetlands maps and some newer developer-fabricated maps which incorporate the Lagoon/Marsh into Baylands acreage are objectionable. The south end of the Baylands belongs to the State Lands Commission, to us, the Public. Our Open Space. It is properly zoned Lagoon/Marsh Open Space, NOT BAYLANDS.

Don't allow OUR Lagoon to be part of the Open Space calculation for the Baylands.

Certification Incorporates 2010 Baseline conditions with inadequate studies. There is little mention of the impacts of the current operations of surcharging, little mention of Kinder

Morgan's environmental impacts and remediation plan, little mention of the current laws and programs for renewable energy, sea-level rise, and wetland restoration. More adequate studies might reveal that the proposed lumber yard relocation is too close to existing wetlands. Further, the need to expand wetlands at current sea-levels for protection from storm surges are a higher priority value than plans to cover them up with future grading, more filling.