

## 2.7 Individual Responses to Comments from Special Districts

### 2.7.1 Bayshore Sanitary District

**BSD-1** [See page 5-39 for the original comment] Draft EIR page 4.O-46 sets the stage for the analysis leading to the following conclusion on page 4.O-47:

Based on existing and projected wastewater flows from the BSD and the City to the SFPUC, development of the Project Site with or without the onsite recycled water plant would not exceed either the BSD's or the City's contractual capacity for wastewater treatment by the SFPUC. Further, the Recology site wastewater discharge to the SFPUC would only increase by approximately 0.002 mgd. Therefore, adequate treatment capacity at the SFPUC would be available for wastewater generated within the Project Site, and impacts would be less than significant.

Wastewater generated by development within the Project Site is proposed to be discharged into the BSD system for treatment at the SFPUC SEP. Midway through the Project Site development buildout (about year 15), an onsite recycled water plant would be constructed to produce recycled water to meet non-potable water needs on the Project Site and reduce potable water demand. The recycled water plant would therefore reduce the liquid wastewater flows requiring offset conveyance and treatment. Adequate conveyance and treatment capacity are available in the BSD and SFPUC SEP systems under existing contract arrangements to handle wastewater flows from Project Site development. As a result, wastewater flows from Project Site development would be properly treated and disposed of through facilities that comply with SFRWQCB wastewater treatment requirements and impacts would be less than significant.

**BSD-2** [See page 5-40 for the original comment] This comment refers to a meeting held between the District and the applicant for the DSP and DSP-V scenarios, and does not raise any significant environmental issues regarding the Draft EIR or its analyses and conclusions.

**BSD-3** [See page 5-40 for the original comment] This comment refers to options for future use of the District's Carlyle pumping station as part of future site development within the Baylands, and expresses the District's preference for one of the two options discussed between the District and the applicant for the DSP and DSP-V scenarios. See Response BSD-4.

**BSD-4**

**[See page 5-40 for the original comment]** The City concurs that there would be a less-than-significant impact in relation to wastewater systems resulting from proposed Baylands development. Subsequent planning and design for a selected development scenario would include coordination between the City, the applicant(s), and the BSD to satisfactorily address the specific conditions listed in Comment BSD-4. Because wastewater facilities within the Bayshore Sanitary District would be required to meet the BSD's requirements, each of the requirements set forth in Comment BSD-4 would be incorporated into Baylands development requirements as part of the planning review being undertaken by the City for the Baylands. See the MMRP in Chapter 4.0 of the Final EIR for information on implementation of mitigation measures and agency requests submitted in response to the Draft EIR.

## 2.7.2 Modesto Irrigation District

**MID-1** [See page 5-42 for the original comment] The Notice of Preparation for the Brisbane Baylands Draft EIR was sent to MID in November 2012 and the Draft EIR was sent in June 2013. Prior to issuing the NOP, the City of Brisbane and the applicant for the DSP and DSP-V development scenarios met with senior MID management staff in person and by phone to discuss a potential water transfer agreement, including the potential for transferring water supply from MID, as well as the transfer of water from OID through the MID system.

As discussed in Master Response 1, this EIR provides program-level evaluation of Project site development including the proposed OID water transfer to Brisbane. The project description identifies several agreements that will be required to implement the proposed water transfer, including agreements involving MID and OID and MID and the SFPUC. None of these agreements have been developed yet.

As discussed in Master Response 1, project-level CEQA evaluation of the proposed OID water transfer would be conducted, as appropriate, should a specific development scenario be selected and appropriate revisions are approved for the Brisbane General Plan to address development of the selected scenario. Such project-level analysis of the proposed OID water transfer would be undertaken prior to approval of any site-specific development projects within the Brisbane Baylands. While the Brisbane Baylands Draft EIR does, in fact, evaluate the potential effects of the proposed water transfer at a program level and reference the history of OID water transfers that have involved MID in the past, subsequent project-level CEQA review will re-evaluate environmental effects of the proposed water transfer in greater detail (see Master Response 1 for discussion of the programmatic nature of the Brisbane Baylands EIR and Master Response 29 for discussion of subsequent environmental review of the proposed water supply agreement). Once the specific land use scenario for which water supply is needed has been selected, it will be appropriate for Brisbane to develop and evaluate the potential agreements with each of the parties, including MID, involved in implementing the OID water transfer to Brisbane.

**MID-2** [See page 5-42 for the original comment] Please see Master Response 1 for a discussion of why the program level of analysis is appropriate at this stage of analysis and what project-level CEQA review will be conducted in the future, including analysis for the proposed water transfer. Please also see Master Response 29 for discussion of the environmental effects of the proposed OID transfer discussed in the Draft EIR and for an outline of the issues to be re-evaluated in greater detail in a subsequent, project-level CEQA document on the proposed water transfer.

- MID-3** [See page 5-43 for the original comment] The Notice of Preparation for the Brisbane Baylands Draft EIR was sent to MID in November 2012. In addition, MID was sent a copy of the Draft EIR in June 2013. Please see Response MID-1, above.
- MID-4** [See page 5-44 for the original comment] Responses to the issues introduced in this comment are provided in Master Response 1, which discusses why a program level of analysis is appropriate for at this stage and what project-level CEQA review will be conducted in the future, including analysis of the proposed water transfer. Please also see Master Response 29 for a discussion of the environmental effects of the proposed OID water transfer discussed in the Draft EIR and for an outline of the issues to be re-evaluated in greater detail in a subsequent, project-level CEQA document on the transfer.
- MID-5** [See page 5-44 for the original comment] This comment discusses the meaning of “the whole of an action” but does not comment on the adequacy or accuracy of the Draft EIR. As such, CEQA requires no further response.
- MID-6** [See page 5-45 for the original comment] The proposed water transfer described in the Draft EIR is summarized in this comment, but the comment does not raise significant environmental issues regarding the adequacy of the analyses and conclusions contained in the Draft EIR. As such, CEQA requires no further response. Please see Master Response 1 for a discussion of why a program level of analysis is appropriate at this stage and what project-level CEQA review will be conducted in the future, including evaluation of the proposed water transfer. Please also see Master Response 29 for discussion of the environmental effects of the proposed OID transfer discussed in the Draft EIR and for an outline of the issues to be re-evaluated in greater detail in a subsequent, project-level CEQA document on the transfer.
- MID-7** [See page 5-45 for the original comment] Please see Master Response 1 for a discussion of why a program level of analysis is appropriate at this stage and what project-level CEQA review will be conducted in the future, including evaluation of the proposed water transfer. Please also see Master Response 29 for discussion of the environmental effects of the proposed OID transfer discussed in the Draft EIR and for an outline of the issues to be re-evaluated in greater detail in a subsequent, project-level CEQA document on the transfer.
- MID-8** [See page 5-45 for the original comment] See Response MID-7.
- MID-9** [See page 5-45 for the original comment] See Response MID-7.
- MID-10** [See page 5-45 for the original comment] See Response MID-7.
- MID-11** [See page 5-46 for the original comment] See Response MID-7.

- MID-12** [See page 5-46 for the original comment] See Response MID-7.
- MID-13** [See page 5-46 for the original comment] See Response MID-7.
- MID-14** [See page 5-47 for the original comment] The Draft EIR acknowledges that MID is a responsible agency whose approval is necessary for implementation of proposed development within the Baylands
- MID-15** [See page 5-47 for the original comment] The City recognizes that MID as a responsible agency may exercise its right to participate in the public hearing process for proposed Baylands development.

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## 2.7.3 Oakdale Irrigation District

**OID-1** [See page 5-48 for the original comment] Comment OID-1 indicates that subsequent comments OID-2 through OID-4 below pertain to the Water Supply Assessment presented in Draft EIR Appendix L and provide recommended edits for clarification purposes. These proposed edits do not affect key elements of the proposed water transfer or alter the EIR impact analysis or conclusions.

**OID-2** [See page 5-48 for the original comment] The second sentence on page 4.5, Section 4.3.3 of the Water Supply Assessment (Draft EIR Appendix L) is revised to read as follows:

The proposed Agreement between the City and OID would guarantee the transfer of up to 2,400 acre-feet per year (AFY), ~~without restrictions on permitting from the State Water Resources Control Board,~~ for a term of 50 years.

**OID-3** [See page 5-48 for the original comment] The first paragraph on page 4.6 of the Water Supply Assessment (Draft EIR Appendix L) is revised to read as follows:

OID is located in the northeast portion of the San Joaquin Valley within Stanislaus and San Joaquin Counties. The majority of OID's water supplies come from a mix of pre-1914 adjudicated and post-1914 appropriative surface water rights that enable OID to divert up to 257,074 AFY from the Stanislaus River at Goodwin Dam upstream of the city of Oakdale without restrictions. Pursuant to the 1988 Stipulation and Agreement between OID and South San Joaquin Irrigation District (SSJID) and the United States Bureau of Reclamation, OID has the ability, with SSJID, to divert the first 600,000 acre-feet of flow in a water year on the Stanislaus River. OID's water is diverted out of the river at Goodwin Dam upstream of the City of Oakdale. To effectuate the water transfer to Brisbane, The proposed transfer would be implemented by OID would physically delivering up to 2,400 AFY of water into the Modesto Irrigation District (MID) system, via existing facilities (i.e., released from OID's Claribel Lateral canal system, generally located just east of the Albers Road and Dusty Lane intersection, near Claribel Road south of the city of Oakdale Riverbank into MID's South Main Canal). MID would make use of the 2,400 AFY for irrigation purposes and, in turn, credit hold an equivalent amount in storage in New Don Pedro Reservoir, located on the Tuolumne River northeast of La Grange. Through a similar exchange, MID would forego delivery of 2,400 AFY from the SFPUC's Hetch Hetchy system, which generally runs from the Sierra Nevada in Yosemite National Park through the Central Valley and South San Francisco Bay to San Francisco. The SFPUC has a water bank account in New Don Pedro

Reservoir (in Tuolumne County), from which MID would credit the SFPUC with the annual amount provided by OID to the City, up to the maximum 2,400 AFY. The SFPUC would, in turn, deliver up to 2,400 AFY from its regional water supply system to Brisbane using its existing water supply infrastructure and operational plans.

**OID-4** [See page 5-49 for the original comment] Comment OID-4 indicates that OID is available for further coordination on the proposed water transfer and raises no substantive issues regarding the Draft EIR or its analyses and conclusions.