

6 Conclusion

To summarize, the DEIR Analysis incorrectly conflates the quantities of wind speed and turbulence intensity with that of Sailable Days. It measures the Project's impact on wind speed and turbulence intensity but does not measure the impact on Sailable Days or any other equivalently instructive quantity. Assuming that the wind speed and turbulence are interchangeable with or necessarily proportional to Sailable Days is arbitrary, lacks any foundation, does not meet the standards required by CEQA, is misleading, and is certainly not good and faithful professional engineering.

The Analysis does not specify a threshold for significant impact in terms of the Resource itself yet claims that there is no significant impact on the Resource. The Analysis conducted makes an overwhelming number of simplifying assumptions without justification or detail of alternatives or the consequence of these assumptions yet it reports extremely precise results with absolute confidence (i.e. no contingency for error in the assumptions made).

At the very start of the Analysis, the impact area examined does not match the area in which actual activity is predominantly conducted at the Resource and covers an arbitrary portion of the entire CPSRA. Furthermore, even within the possible area to examine, the Analysis only reports a handful of new potential impact measurement points that does not include areas closest to the Project and potentially most significantly impacted. The thoroughness of examining the potential impact area does not match with levels established in other smaller projects, even though this Project much larger scope and substantially less detail and certainty than those other projects.

These Comments demonstrate that especially within the Practical Sailing Area of critical importance, the true potential impact under a reasonable measure such as Sailable Days is between 9% and 44% given wind speed reductions of 5% to 10% and wind turbulence intensity increases of 5% to 10%. These level of wind speed reductions and wind turbulence intensity increases are found within a substantial portion of the Practical Sailing Area under a variety of wind conditions even considering that the Analysis does not analyze the most likely substantially impacted portions of the Practical Sailing Area or under certain wind conditions.

Taken individually or collectively, the risk of a substantial impact to the Resource is demonstrably great and substantially more significant than proposed by the DEIR Analysis. This sailing location is of paramount importance as it is one of the most consistent, most accessible, and highest quality of all of the San Francisco Bay Area, which places it among the very highest in the entire continental United States.

Careful mitigations should be included to ensure that potentially grave damage to this Resource is avoided. Multiple mitigation recommendations are proposed in these Comments. The most critical is to establish a minimum Waterfront Preservation District within the Critical Upwind Section between the Alemany Gap and the Practical Sailing Area and keep it as free from development and other interfering activities as possible.

Other considerations such as architectural streamlining, orienting, and stepped massing are also essential for both wind flow as well as to ensure public view preservation as much as possible.

The establishment of the recommended minimum Waterfront Preservation District will be the key to ensuring that all residents, visitors, and businesses of Brisbane benefit from this project in addition to increasing values for private project sponsors and maintaining recreational opportunities in the water at CPSRA.

Continued reassessment of wind and sailability impact should be conducted at subsequent stages of the Project's development once additional detail and options have be more firmly determined or stages of the Project developed. Not only is it critical to test what could actually be built, but it is critical to validate that some of the many assumptions made in the current Analysis prove to stand up to time and more thoughtful analysis methods.

Importantly, monitoring, testing, and enforcement programs with penalties should be established and funded

through the operations scheduled to be included in the Project. Air and water quality in such a sensitive high-wind area immediately adjacent to the Bay creates a special need that should be dealt at a higher level of scrutiny than that available from existing environmental authorities.

The Project should go above and beyond of what is required to preserve and foster natural resources and activities dependent on the same. The Project and community should embrace the extremely unique and highly sensitive windsports that take place just off of its shores. Benefits for both are not mutually exclusive with thorough consideration and a small amount of forethought. The penalty for failing to do so could be catastrophic for many.

The resources available in these Comments to measure the impact of the Project and propose mitigation are limited. It is the intent of these Comments to demonstrate the extreme need to carefully reevaluate the Analysis done in the DEIR and include substantial mitigation to prevent a disastrous taking of this valuable, unique, and highly sensitive environmental Resource.

It is not the intent to argue the fine points of the Analysis or to claim that the entire Analysis is incorrect. It is the spirit of these Comments that we hope is received and acted upon, that the Analysis should not be accepted without substantial modification and adoption of mitigation measures.

Accepting the DEIR Analysis as-is would not only result in serious unmitigated consequence to the Resource, it would help to establish an irresponsible precedent for accepting incomplete and unsubstantiated presumption in place of good and faithful professional engineering.