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1600 Broadway, Suite 300
Oakland, CA 94612-2100
t. 510.452.9261
f. 510.452.9266
www.savesfbay.org

November 22, 2000

Ms. Sarah Thomas, Esq.
Administrative Law Judge
235 Montgomery Street, Suite 800
San Francisco, CA 94104

Re: NE San Jose Transmission Reinforcement Project (A.99-09-029)

Dear Judge Thomas,

Save The Bay understands that you will draft the decision regarding the NE San Jose Transmission Reinforcement Project (Project). This decision will be based on the Environmental Impact Report (EIR) and evidence presented during the General Proceedings. Although Save The Bay has no standing in these proceedings, we urge you to consider our comments carefully. As the regional membership organization devoted to protecting and restoring the San Francisco Bay-Delta Estuary, Save The Bay speaks on behalf of nearly 8,000 members, many of whom reside in the project area.

Save The Bay only recently learned of the Project. Our research indicates a lack of participation by the U.S. Fish and Wildlife Service (USFWS) or any other environmental organization in the General Proceedings. This deficiency creates a major shortcoming in the record and deeply concerns us. Basic fairness demands someone speak on behalf of the environment, particularly in circumstances such as these in which the Don Edwards National Wildlife Refuge (Refuge) will be impacted. If there is any way to grant the USFWS standing at this late date, we urge you to do so immediately.

As you are undoubtedly aware, urban areas ring the San Francisco Bay almost without interruption. Approximately 90 percent of the Bay's wetlands have been diked, drained, filled, or otherwise destroyed since the 1800s. This loss has significantly degraded Bay water quality and destroyed critical endangered species habitat. The Refuge provides a much needed haven for wildlife and humans alike and must be preserved.

The Project has the potential to seriously diminish the Refuge's ability to carry out its mission to preserve and enhance significant wildlife habitat in the South Bay and protect special status species. The EIR describes portions of the Refuge as well as adjacent habitat mitigation areas and other wildlife habitat that the Project will adversely impact. We must minimize these impacts by factoring environmental concerns into this decision to the greatest extent possible.

During your deliberations, we respectfully urge you to give full consideration to the Project ramifications on wildlife and open space, and to support the environmentally

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superior alternatives as discussed in the EIR for *all segments* of the Project. As you consider the cost differences among alternatives, we hope you will consider the cost suffered by all Bay Area residents, not just ratepayers, when we compromise or lose vital natural resources and critical habitat for federally protected endangered and threatened species.

Thank you for your time and consideration on this issue.

Sincerely,

David Lewis
Executive Director

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