

1 [Conditionally Reversing Final Environmental Impact Report Certification - Alameda Creek
2 Recapture Project]

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3 **Motion conditionally reversing the Planning Commission’s certification of the Final**
4 **Environmental Impact Report for the San Francisco Public Utilities Commission’s**
5 **proposed Alameda Creek Recapture Project, subject to the adoption of written findings**
6 **of the Board in support of this determination.**

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8 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) approved the
9 Alameda Creek Recapture Project (the Project) by Resolution No. 17-0146 on June 23, 2017;
10 and

11 WHEREAS, The Project proposes to recapture water that will be released from
12 Calaveras Reservoir and/or bypassed around the Alameda Creek Diversion Dam (ACDD)
13 when the SFPUC implements the instream flow schedules required as part of the regulatory
14 permits for future operations of Calaveras Reservoir; and

15 WHEREAS, Released and bypassed water will flow naturally down Alameda Creek
16 through the Sunol Valley and will percolate into and collect in a quarry pit referred to as Pit F2
17 that is currently leased to Mission Valley Rock Company for water management activities
18 related to aggregate mining activities; and

19 WHEREAS, The SFPUC would recapture water collected in Pit F2 by pumping it to
20 existing SFPUC water supply facilities in the Sunol Valley for treatment and eventual
21 distribution to its water supply customers in the Bay Area; and

22 WHEREAS, The Planning Department determined that an Environmental Impact
23 Report (hereinafter "EIR") was required for the proposed Project and provided public notice of
24 that determination by publication in a newspaper of general circulation on June 24, 2015; and

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1 WHEREAS, The Planning Department published a Draft EIR for the proposed Project
2 on November 30, 2016, and circulated to local, state, and federal agencies and to interested
3 organizations and individuals for a 45-day public review period that was later extended for two
4 weeks by the Planning Department, resulting in a 62-day public review period that ended on
5 January 30, 2017; and

6 WHEREAS, The Planning Commission held a public hearing on the Draft EIR on
7 January 5, 2017; and

8 WHEREAS, The Planning Department prepared a Responses to Comments document
9 (RTC), responding to all comments received orally at the public hearings and in writing, and
10 published the RTC on June 7, 2017; and

11 WHEREAS, On June 22, 2017, the Planning Commission, by Motion No. 19952,
12 certified a Final Environmental Impact Report (Final EIR) for the proposed Project under the
13 California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.,
14 the CEQA Guidelines, 14 California Code of Regulations, Section 15000 et seq., and San
15 Francisco Administrative Code Chapter 31, finding that the Final EIR reflects the independent
16 judgment and analysis of the City and County of San Francisco, that it is adequate, accurate
17 and objective, and contains no significant revisions to the Draft EIR; and

18 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on July
19 24, 2017, Robert Shaver, General Manager, on behalf of the Alameda County Water District,
20 appealed the Final EIR certification ("Appellant"); and

21 WHEREAS, The Planning Department's Environmental Review Officer, by
22 memorandum to the Clerk of the Board dated July 26, 2017, determined that the appeal had
23 been timely filed; and

24 WHEREAS, On September 5, 2017, this Board held a duly noticed public hearing to
25 consider the appeal of the Final EIR certification filed by Appellant and, following the public

1 hearing, conditionally reversed the Final EIR certification, subject to the adoption of written
2 findings in support of such determination; and

3 WHEREAS, In reviewing the appeal of the Final EIR certification, this Board reviewed
4 and considered the Final EIR, including the Draft EIR and the RTC, the appeal letters, the
5 responses to the appeal documents that the Planning Department prepared, the other written
6 records before the Board of Supervisors and all of the public testimony made in support of
7 and opposed to the appeal; and

8 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
9 conditionally reversed the Planning Commission's certification of the Final EIR, subject to the
10 adoption of written findings of the Board in support of such determination, based on the
11 written record before the Board of Supervisors as well as all of the testimony at the public
12 hearing in support of and opposed to the appeal; and

13 WHEREAS, The written record and oral testimony in support of and opposed to the
14 appeal and deliberation of the oral and written testimony at the public hearing before the
15 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
16 the Infill Determination is in the Clerk of the Board of Supervisors File No. 170893 and is
17 incorporated in this motion as though set forth in its entirety; now, therefore, be it

18 MOVED, That this Board of Supervisors conditionally reverses the certification of the
19 Final EIR by the Planning Commission, subject to the adoption of written findings of the Board
20 in support of this determination.

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