

1 [Disapprove certification of Sunol/Niles Dam Removal Project FEIR]

2 **Motion disapproving the certification by the Planning Commission of the Final**
3 **Environmental Impact Report for Sunol/Niles Dam Removal Project.**
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5 WHEREAS, the San Francisco Public Utilities Commission (the "Project Sponsor") is
6 proposing the Sunol/Niles Dam Removal Project, located in Alameda County at the Niles
7 Canyon reach of Alameda Creek at river mile 16.2 (Sunol Dam) and river mile 12.8 (Niles
8 Dam) (the "Project"); and

9 WHEREAS, The Planning Department for the City and County of San Francisco (the
10 "Department") determined that an Environmental Impact Report ("EIR") was required for the
11 Project (City Planning File No. 2001.1149E) and provided public notice of that determination
12 by publication in a newspaper of general circulation on July 9, 2004 in the San Francisco
13 Chronicle and the Tri-Valley Herald; and

14 WHEREAS, On October 24, 2005, the Department published the Draft Environmental
15 Impact Report ("DEIR") for the Project; and

16 WHEREAS, On December 1, 2005, the Commission held a duly noticed public hearing
17 on the DEIR in San Francisco, at which time opportunity for public comment was received on
18 the DEIR. The Commission also authorized the Environmental Review Officer ("ERO") to
19 take testimony at a public hearing in Fremont near the Project site, which the ERO held on
20 November 30, 2005, and reported on the public testimony received at that hearing at the
21 Commission's regularly scheduled hearing on April 6, 2006. Written comments were received
22 through December 7, 2005; and

23 WHEREAS, The Department prepared responses to comments received at the public
24 hearings on the DEIR and submitted in writing to the Department, prepared revisions to the
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1 text of the DEIR and published a Draft Summary of Comments and Responses on February
2 24, 2006. Two additional comment letters were received on March 13 and March 14, 2006
3 and the Department has prepared written responses to those comment letters; and

4 WHEREAS, A Final Environmental Impact Report ("FEIR") for the Project was
5 prepared by the Department, consisting of the DEIR, any consultations and comments
6 received during the review process, any additional information that became available and the
7 Draft Summary of Comments and Responses, all as required by law; and

8 WHEREAS, On April 6, 2006, the Commission reviewed and considered the FEIR and,
9 by Motion No. 17217, found that the contents of said report and the procedures through which
10 the FEIR was prepared, publicized and reviewed complied with the provisions of the California
11 Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter 31 of the San
12 Francisco Administrative Code; and

13 WHEREAS, By Motion No. 17217, the Commission found the FEIR to be adequate,
14 accurate and objective, reflected the independent judgment and analysis of the Department
15 and the Commission and that the Summary of Comments and Responses contained no
16 significant revisions to the DEIR, adopted findings relating to significant impacts associated
17 with the Project and certified the completion of the FEIR in compliance with CEQA and the
18 State CEQA Guidelines; and

19 WHEREAS, On April 11, 2006, by Resolution 06-0057, the San Francisco Public
20 Utilities Commission approved the Project; and

21 WHEREAS, On April 26, 2006, Audrey Beaman, Deputy County Counsel, on behalf of
22 the Alameda County Flood Control and Water Conservation District, filed an appeal of the
23 FEIR with the Clerk of the Board of Supervisors; and

24 WHEREAS, The Board of Supervisors held a public hearing on May 16, 2006 to review
25 the decision by the Planning Commission to certify the FEIR; and

1 WHEREAS, the FEIR files and all correspondence and other documents have been
2 made available for review by the Board of Supervisors, the Planning Commission and the
3 public; these files are available for public review by appointment at the Planning Department
4 offices at 1660 Mission Street, and are part of the record before the Board of Supervisors; and

5 WHEREAS, this Board has reviewed and considered the FEIR and heard testimony
6 and received public comment regarding the adequacy of the FEIR; now, therefore, be it

7 MOVED, That this Board of Supervisors disapproves the certification of the FEIR by
8 the Planning Commission.

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