

1 [Reversing Certification of Calaveras Dam Replacement Project Final Environmental Impact
2 Report]

3 **Motion reversing the certification by the Planning Commission of the Final**
4 **Environmental Impact Report for the Calaveras Dam Replacement Project.**

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6 WHEREAS, San Francisco Public Utilities Commission (the "SFPUC") is proposing to
7 rebuild the Calaveras Dam, located in Alameda and Santa Clara Counties, in order to
8 eliminate seismic safety concerns associated with the original dam (the "Project"); and

9 WHEREAS, the Project is one of the water infrastructure projects included in the
10 SFPUC's Water System Improvement Program ("WSIP"), for which the Planning Commission
11 certified a program-level environmental impact report ("PEIR") on October 30, 2008 by Motion
12 No. 17734, and the SFPUC approved on October 30, 2008, by Resolution No. 08-200; and

13 WHEREAS, the Planning Department determined that a project-level environmental
14 impact report was required for the Project and provided public notice of that determination by
15 publication in a newspaper of general circulation on October 26, 2005 and held scoping
16 meetings in Fremont on November 14, 2005, and in San Francisco on November 15, 2005;
17 and

18 WHEREAS, On October 6, 2009, the Department published the Draft Environmental
19 Impact Report ("DEIR") for the Project (City Planning File No.2005.0161E), which tiers off of
20 the PEIR; and

21 WHEREAS, The Planning Department held three public hearings on the DEIR, on
22 November 10, 2009, in Fremont; November 12, 2009, in San Francisco; and December 14,
23 2009, in Sunol, at which time opportunity for public comment was received on the DEIR, and
24 written comments were received through December 21, 2009; and

1 WHEREAS, The Department prepared responses to comments received at the public
2 hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text
3 of the DEIR and published a Summary of Comments and Responses on January 5, 2011; 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 Summary of Comments and Responses, all as required by law; and

8 WHEREAS, On January 27, 2011, the Planning Commission reviewed and considered
9 the FEIR and, by Motion No. 18261, found that the contents of said report and the procedures
10 through which the FEIR was prepared, publicized and reviewed complied with the provisions
11 of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter
12 31 of the San Francisco Administrative Code; and

13 WHEREAS, By Motion No. 18261, 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 January 27, 2011, by Resolution No. 11-0015, the SFPUC adopted
20 CEQA Findings, including a statement of overriding considerations and a Mitigation
21 Monitoring and Reporting Program, and approved the Project; and

22 WHEREAS, By letter to the Clerk of the Board of Supervisors dated February 14, 2011,
23 Gregory W. Stepanicich, of Richards/Watson/Gershon, on behalf of the East Bay Regional
24 Park District, filed an appeal of the FEIR to the Board of Supervisors, which the Clerk of the
25 Board of Supervisors received on or around February 14, 2011; and

1 WHEREAS, On March 15, 2011, this Board held a duly noticed public hearing to
2 consider the appeal of the FEIR certification filed by Appellant; and

3 WHEREAS, This Board has reviewed and considered the FEIR, the appeal letter, the
4 responses to concerns document that the Planning Department prepared, the other written
5 records before the Board of Supervisors, and heard testimony and received public comment
6 regarding the adequacy of the FEIR; and

7 WHEREAS, the FEIR files and all correspondence and other documents have been
8 made available for review by this Board and the public. These files are available for public
9 review by appointment at the Planning Department offices at 1650 Mission Street, and are
10 part of the record before this Board by reference in this motion; now, therefore, be it

11 MOVED, That this Board of Supervisors reverses the certification of the FEIR by the
12 Planning Commission.

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