

FILE NO. 030887

MOTION NO. M03-102

1 [Affirm adoption of the negative declaration for the O'Shaughnessy Dam Discharge  
2 Modification Project]

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4 **Motion affirming the Planning Commission adoption of the negative declaration for the**  
5 **O'Shaughnessy Dam Discharge Modification Project.**

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7 WHEREAS, The project sponsor for the O'Shaughnessy Dam Discharge Modification  
8 Project (the "Project") submitted its application for environmental review of the Project on May  
9 8, 2002 (City Planning File No. 2002.0475E); and

10 WHEREAS, The San Francisco Planning Department (the "Department") issued a  
11 preliminary mitigated negative declaration for this Project on February 8, 2003, and amended  
12 that preliminary mitigated negative declaration on May 1, 2003 (the "negative declaration"). A  
13 copy of said document is on file with the Clerk of the Board of Supervisors in File No.  
14 and is incorporated by reference herein; and

15 WHEREAS, On March 10, 2003, the negative declaration was timely appealed to the  
16 San Francisco Planning Commission (the "Commission"); and

17 WHEREAS, On May 1, 2003, the Commission held a duly noticed public hearing on the  
18 negative declaration appeal; and

19 WHEREAS, On said date, the Commission reviewed and considered the preliminary  
20 mitigated negative declaration, as amended, the appeal letters, a responses to concerns  
21 document that the Department prepared, and public testimony. By Motion No.16573, the  
22 Commission found that the contents of the negative declaration and the procedures through  
23 which it was prepared, publicized, and reviewed complied with the provisions of the California  
24 Environmental Quality Act (Cal. Pub. Res. Code sections 21000 et seq., hereinafter "CEQA"),  
25

1 the State CEQA Guidelines (Cal. Code Regs. Title 14, sections 15000 et seq., ("CEQA  
2 Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

3 WHEREAS, By said Motion No.16573, the Commission found the negative declaration  
4 reflected its independent judgment and analysis and was adequate, accurate, and objective,  
5 and adopted the negative declaration in compliance with CEQA, the State CEQA Guidelines,  
6 and Chapter 31. Said motion is on file with the Clerk of the Board in File No. <sup>030886</sup> and is  
7 incorporated by reference herein; and

8 WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 9, 2003, Ron  
9 Good of Restore Hetch Hetchy filed an appeal of the negative declaration to the Board of  
10 Supervisors; and

11 WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 15, 2003,  
12 John Rizzo of the Sierra Club filed an appeal of the negative declaration to the Board of  
13 Supervisors; and

14 WHEREAS, The Clerk of the Board of Supervisors received these appeal letters on  
15 May 9, and May 15, 2003 respectively; and

16 WHEREAS, On June 10, 2003, this Board held a duly noticed public hearing to  
17 consider the appeal of the negative declaration; and

18 WHEREAS, This Board has reviewed and considered the negative declaration and  
19 heard testimony and received public comment regarding the adequacy of this document; and

20 WHEREAS, The negative declaration files and all correspondence and other  
21 documents have been made available for review by this Board, the Commission and the  
22 public. These files are available for public review by appointment at the Planning Department  
23 offices at 1660 Mission Street, and are part of the record before this Board by reference  
24 herein; and  
25

1           WHEREAS, Since the Planning Commission action on the negative declaration, there  
2 is no new information of significance that would require a substantial revision to the negative  
3 declaration and necessitate recirculation of said document pursuant to CEQA Guideline  
4 section 15073.5; and

5           WHEREAS, The negative declaration describes the project as consisting of a  
6 modification to the piping at O'Shaughnessy Dam that controls discharge to the existing 108-  
7 inch Canyon Power Tunnel pipeline (or penstock) at the base of the dam by constructing a  
8 new 60-inch pipeline to allow withdrawal of water from a higher level in the reservoir, to be  
9 used when turbidity in the reservoir is above the allowable level and to increase the reliability  
10 of the existing outlet and reduce head loss; and

11           WHEREAS, The negative declaration further describes the project as not increasing  
12 the capacity of the existing Hetch Hetchy Reservoir or discharge volumes and does not  
13 describe the project as potentially reducing spills from the O'Shaughnessy Dam or as  
14 diverting water from the Tuolumne River between the Hetch Hetchy Reservoir and the  
15 Kirkwood Powerhouse; and

16           WHEREAS, The Planning Department's June 5, 2003 memorandum to the Board of  
17 Supervisors describes the potential capacity of the proposed 60-inch and existing 108-inch  
18 pipelines to divert an additional 40 cubic feet per second of water from the Hetch Hetchy  
19 Reservoir if both pipes are fully opened during abundant water conditions, but the negative  
20 declaration does not describe the project as including such a potential operation of the  
21 proposed and existing pipelines; and

22           WHEREAS, The project sponsor has indicated that it intends to restrict the diversion of  
23 water at O'Shaughnessy Dam to the Canyon Power Tunnel through use of the existing 108-  
24 inch outlet at the bottom of the reservoir and only to use the new higher elevation 60-inch  
25

1 outlet in the event of water quality problems or to the extent that the existing 108-inch outlet  
2 cannot be used due to an unforeseen event or required maintenance; and

3 WHEREAS, Any change in any level of spill from the O'Shaughnessy Dam or diversion  
4 of water from the Tuolumne River between the Hetch Hetchy Reservoir and the Kirkwood  
5 Powerhouse as a result of the simultaneous operation of both the proposed 60-inch pipeline  
6 and the existing 108-inch pipeline would require additional environmental review in  
7 compliance with CEQA; now, therefore, be it

8 MOVED, That based on substantial evidence in light of the whole record, this Board of  
9 Supervisors finds the negative declaration for the project as described herein reflects its  
10 independent judgment and analysis and is adequate, accurate, and objective, and hereby  
11 affirms the decision of the Planning Commission in its Motion No. 16573 to adopt the negative  
12 declaration in compliance with CEQA, the State CEQA Guidelines, and Chapter 31; and

13 FURTHER MOVED, That the Board of Supervisors finds that any change in any level  
14 of spill from the O'Shaughnessy Dam or diversion of water from the Tuolumne River between  
15 the Hetch Hetchy Reservoir and the Kirkwood Powerhouse as a result of the simultaneous  
16 operation of both the proposed 60-inch pipeline and the existing 108-inch pipeline would  
17 require additional environmental review in compliance with CEQA.



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Motion

**File Number:** 030887

**Date Passed:** June 24, 2003

Motion affirming the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project.

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June 10, 2003 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,  
Newsom, Peskin  
Noes: 1 - Sandoval

June 17, 2003 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin,  
Sandoval  
Excused: 1 - McGoldrick

June 24, 2003 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE  
BEARING SAME TITLE

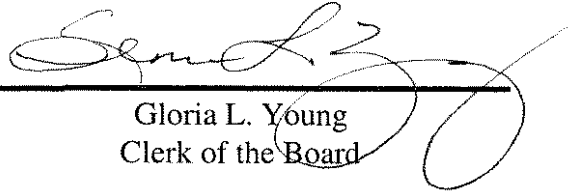
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval  
Excused: 2 - Maxwell, McGoldrick

June 24, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval  
Excused: 2 - Maxwell, McGoldrick

File No. 030887

I hereby certify that the foregoing Motion  
was APPROVED on June 24, 2003 by the  
Board of Supervisors of the City and County  
of San Francisco.



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Gloria L. Young  
Clerk of the Board