

1 [Preparation of findings to disapprove certification of Sunol/Niles Dam Removal Project \_  
2 FEIR]

3 **Motion directing the Clerk of the Board to prepare findings disapproving the**  
4 **certification by the Planning Commission of the Final Environmental Impact Report for**  
5 **the Sunol/Niles Dam Removal FEIR.**

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7 WHEREAS, the San Francisco Public Utilities Commission (the "Project Sponsor") is  
8 proposing the Sunol/Niles Dam Removal Project, located in Alameda County at the Niles  
9 Canyon reach of Alameda Creek at river mile 16.2 (Sunol Dam) and river mile 12.8 (Niles  
10 Dam) (the "Project"); and

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

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

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

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1           WHEREAS, The Department prepared responses to comments received at the public  
2 hearings on the DEIR and submitted in writing to the Department, prepared revisions to the  
3 text of the DEIR and published a Draft Summary of Comments and Responses on February  
4 24, 2006. Two additional comment letters were received on March 13 and March 14, 2006  
5 and the Department has prepared written responses to those comment letters; and

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

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

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

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

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

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

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

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

9           MOVED, That this Board directs the Clerk of the Board to prepare findings specifying  
10 the basis for its disapproval of the certification of the FEIR by the Planning Commission.

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