

From: [Brenda Mercado](#)
To: [BOS Legislation, \(BOS\); "hank@acpwa.org"; "daniel@acpwa.org"; "tom@horizonh2o.com"](#)
Subject: Letter to the San Francisco Board of Supervisor
Date: Wednesday, September 13, 2017 2:54:39 PM
Attachments: [image001.png](#)
[image002.png](#)
[LTO Board of Supervisors ltr.pdf](#)
[Draft SF BOS Motion Reversing ACAP EIR.pdf](#)

All,

Please see attached for your information.

Thank you.

Brenda B. Mercado
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September 13, 2017

London Breen, President
San Francisco Board of Supervisors
c/o Clerk of the Board of Supervisors
#1 Dr. Carlton B. Goodlett Place, Room #244
San Francisco, CA 94102

Dear President Breed and Board Members:

Subject: Appeal Hearing for Certification of Final EIR for Alameda Creek Recapture Project File No. 170893

On behalf of the Alameda County Water District (ACWD), I write to thank the San Francisco Board of Supervisors for acknowledging the concerns raised by the National Marine Fisheries Service of the United States Department of Commerce (NMFS), by ACWD, and by other stakeholders regarding the potential impacts of the SFPUC Alameda Creek Recapture Project to Central California Coast Steelhead.

We believe that directing the Planning Department to procure an independent third party expert to conduct a peer review of the proposed project’s groundwater and surface water interactions as well as the associated potential impacts to downstream flow conditions was a wise decision.

ACWD respectfully requests the Board of Supervisors to direct the Planning Department and SFPUC staffs to coordinate and work collaboratively with the Alameda Creek Fisheries Workgroup to select the independent third party expert to conduct the peer review. The Alameda Creek Fisheries Workgroup is an existing group that includes SFPUC, NMFS, Alameda Creek Alliance, and ACWD.

In case it might be helpful to the Board, we attach a draft motion that repeats the September 5 motion made by Supervisor Peskin but adds the action to reverse the certification of the Final EIR and includes language supporting the collaborative process mentioned above.

As we have stated before, ACWD supports the Alameda Creek Recapture Project – we believe that the above proposed approach will lead to a successful project for SFPUC that is supported by all stakeholders.

Sincerely,

Robert Shaver
General Manager



London Breed, President
San Francisco Board of Supervisors
September 13, 2017
Page 2

cc: John Rahaim, San Francisco Planning Department
Lisa Gibson, San Francisco Planning Department
Chris Kern, San Francisco Planning Department
Steve Ritchie, San Francisco Public Utilities Commission
Ellen Levin, San Francisco Public Utilities Commission
Nicole Sandkulla, Bay Area Water Supply and Conservation Agencies (BAWSCA)
Daniel Woldesenbet, Alameda County Public Works
Hank Ackerman, Alameda County Public Works
Gary Stern, National Marine Fisheries Service
Eric Larson, California Department of Fish and Wildlife
Jeff Miller, Alameda Creek Alliance
Tom Engels, Horizon Water
Patrick Miyaki, Esq. Hanson Bridgett LLP
Brett Gladstone Esq. Hanson Bridgett LLP

1 [Reverse the Final Environmental Impact Report Certification –
2 Alameda Creek Recapture Project]

3

4 **Motion reversing the Planning Commission’s certification of the Final Environmental**
5 **Impact Report for the San Francisco Public Utilities Commission’s proposed Alameda**
6 **Creek Recapture Project.**

7

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

25 WHEREAS, The Planning Department published a Draft EIR for the proposed Project
26 on November 30, 2016, and circulated to local, state, and federal agencies and to interested

1 organizations and individuals for a 45-day public review period that was later extended for two
2 weeks by the Planning Department, resulting in a 62-day public review period that ended on
3 January 30, 2017; and

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

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

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

16 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on July
17 24, 2017, Robert Shaver, General Manager, on behalf of the Alameda County Water District,
18 appealed the Final EIR certification ("Appellant"); and

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

22 WHEREAS, On September 5, 2017, this Board held a duly noticed public hearing to
23 consider the appeal of the Final EIR certification filed by Appellant and, following the public
24 hearing, conditionally reversed the Final EIR certification, subject to the adoption of written
25 findings in support of such determination; and

1 WHEREAS, In reviewing the appeal of the Final EIR certification, this Board reviewed
2 and considered the determination, the appeal letters, the responses to the appeal documents
3 that the Planning Department prepared, the other written records before the Board of
4 Supervisors and all of the public testimony made in support of and opposed to the Infill
5 Determination appeal; and

6 WHEREAS, The Board believes that it is in the interest of the City to have an accurate
7 analysis of issues of importance to the NMFS, and to avoid an appeal of a certification of a
8 recirculated and amended EIR. For that reason, the Board wishes to make sure that the
9 Planning Department and SFPUC coordinate and work collaboratively with the Alameda Creek
10 Fisheries Workgroup to select an independent third party expert to conduct a peer review of the
11 groundwater and surface water interactions in the Sunol Valley and the associated potential
12 impacts to downstream flow conditions from the proposed project.

13 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
14 conditionally reversed the Final EIR certification, subject to the adoption of written findings of
15 the Board in support of such determination, based on the written record before the Board of
16 Supervisors as well as all of the testimony at the public hearing in support of and opposed to
17 the appeal; and

18 WHEREAS, The written record and oral testimony in support of and opposed to the
19 appeal and deliberation of the oral and written testimony at the public hearing before the
20 Board of Supervisors by all parties, and the public in support of and opposed to the appeal of
21 the Final EIR certification is in the Clerk of the Board of Supervisors File No. 170893 and is
22 incorporated in this motion as though set forth in its entirety; now, therefore, be it

23 MOVED, That this Board of Supervisors reverses the Final EIR certification and adopts
24 findings based on significant new information provided by the National Marine Fisheries Service
25 that additional environmental analysis is required on the operational impacts of the project on
26 steelhead in the lower watershed as a result of project-induced effects on streamflow in

- 1 Alameda Creek, and to require the Planning Department enlist an independent third party
- 2 review of the groundwater/surface water model to determine if the current model adequately
- 3 and accurately analyzes the fisheries issues as required by CEQA.

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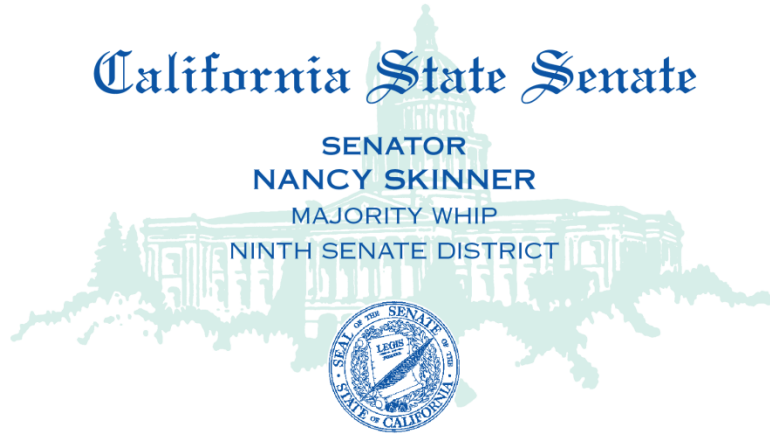
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California State Senate

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MAJORITY WHIP
NINTH SENATE DISTRICT

CHAIR
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SUBCOMMITTEE 5:
PUBLIC SAFETY & LABOR

COMMITTEES
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ENVIRONMENTAL QUALITY
TRANSPORTATION & HOUSING



September 1, 2017

Clerk of the Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102

Dear San Francisco Board of Supervisors:

I am writing to request that the San Francisco Board of Supervisors refer the Environmental Impact Report (EIR) recently completed for the Alameda Creek Recapture Project (ACRP) back to the Planning Department for revision of the water flow methodology, consistent with the recommendations from the Federal Department of Commerce. As the Alameda Creek flows through my district, and as the Alameda County Water District has invested \$40 million in fish ladders to rehabilitate populations of federally-protected Central California Coast Steelhead that use this creek to migrate to their spawning grounds, I want to ensure that the San Francisco Public Utilities Commission's ACRP project does not have an adverse impact on the recovery of these fish.

The current EIR averages water flows in Alameda Creek over 30 days. However, as raised in a letter from the Federal Department of Commerce, this does not take into account that water flows may be lower than this average on any given day, potentially stranding and killing Steelhead moving upriver to spawn. I am concerned that relying on this water flow methodology to analyze the potential environmental impacts of the project and its operation may result in the approval of a project that has higher impacts to Steelhead than predicted, undermining Alameda County Water District's efforts to enhance the migration opportunities for this threatened species.

I respectfully ask that the San Francisco Board of Supervisors reverse the approval of the Final EIR and direct the San Francisco Planning Department and Public Utilities staff to work collaboratively with the agencies and special districts operating in the Alameda Creek Watershed to re-analyze the environmental impacts of the construction alternatives, and develop a recapture project that can meet the needs of all stakeholders while promoting the recovery of endangered Steelhead.

Sincerely,

A handwritten signature in black ink that reads "Nancy Skinner". The signature is written in a cursive, flowing style.

Nancy Skinner
State Senator, District 9

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#); [Lew, Lisa \(BOS\)](#); [Jalipa, Brent \(BOS\)](#)
Subject: FW: Help Safeguard Minimum Flows for Alameda Creek Steelhead
Date: Friday, September 01, 2017 12:28:53 PM

From: lesley [mailto:lesleyastansfield@hotmail.com]
Sent: Thursday, August 31, 2017 11:27 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Help Safeguard Minimum Flows for Alameda Creek Steelhead

Please direct the SFPUC and the SF Planning Commission to work with all watershed stakeholders on additional analysis of the relationship between ground water and surface water in the Sunol Valley, to determine whether the project has impacts on stream flows in Alameda Creek downstream of the project which could impede steelhead migration. San Francisco should only approve a recapture project that will adequately protect steelhead trout.