[Adopting Findings Reversing the Final Environmental Impact Report Certification - Alameda Creek Recapture Project]

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

WHEREAS, The San Francisco Public Utilities Commission (SFPUC) approved the Alameda Creek Recapture Project (the Project) by Resolution No 17-0146 on June 23, 2017; and

WHEREAS, The proposed Project would recapture water that would be released from Calaveras Reservoir and/or bypassed around the Alameda Creek Diversion Dam (ACDD) when the SFPUC implements the instream flow schedules required as part of the regulatory permits for future operations of Calaveras Reservoir; and

WHEREAS, Released and bypassed water would flow naturally down Alameda Creek through the Sunol Valley and would percolate into and collect in a quarry pit referred to as Pit F2, which is currently leased to Mission Valley Rock Company for water management activities related to aggregate mining activities; and

WHEREAS, The SFPUC would recapture water collected in Pit F2 by pumping it to existing SFPUC water supply facilities in the Sunol Valley for treatment and eventual distribution to its water supply customers in the Bay Area; and

WHEREAS, The Planning Department determined that an Environmental Impact Report (hereinafter “EIR”) was required for the proposed Project and provided public notice of that determination by publication in a newspaper of general circulation on June 24, 2015; and

WHEREAS, The Planning Department published a Draft EIR for the proposed Project on November 30, 2016, and circulated to local, state, and federal agencies and to interested
organizations and individuals for a 45-day public review period that was later extended for two weeks by the Planning Department, resulting in a 62-day public review period that ended on January 30, 2017; and

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

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

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

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

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

WHEREAS, On September 5, 2017, this Board held a duly noticed public hearing to consider the appeal of the Final EIR certification filed by Appellant and, following the public hearing, conditionally reversed the Final EIR certification, subject to the adoption of these
written findings in support of such determination, and requested additional information and
analysis be provided; and

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

WHEREAS, In addition to the appeal letter, the National Marine Fisheries Service
("NMFS") and the Alameda Creek Alliance each submitted a letter in support of the appeal, on
July 27, 2017 and August 2, 2017, respectively; and

WHEREAS, In its letter, NMFS stated that it “believes the document does not contain
sufficient information to conclude the [Project] will not result in substantial effects on
streamflow that support the migration of C[entral] C[alifornia] C[oast] steelhead [fish] in
Alameda Creek;” and

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

WHEREAS, The written record and oral testimony in support of and opposed to the
appeal and deliberation of the oral and written testimony at the public hearing before the
Board of Supervisors by all parties and the public in support of and opposed to the appeal of
the Final EIR certification is in the Clerk of the Board of Supervisors File No. 170893 and is
incorporated in this motion as though set forth in its entirety;
WHEREAS, The Board finds that the letter from NMFS's raised important questions regarding how the project would affect low flow levels in Alameda Creek, and information in the NMFS letter constitutes significant new information that NMFS had not previously identified that affects the CEQA evaluation of operational impacts of the project on threatened steelhead fish; and

WHEREAS, In light of this new information, the Planning Department proposed to undertake further analysis of the potential operational impacts of the project on threatened steelhead fish related to changes caused by the project on streamflow in Alameda Creek, and proposed to recirculate a portion of the Draft EIR to address this single issue; and

WHEREAS, This Board considered these issues, heard testimony, and shared concerns that further information and analysis was required regarding whether the proposed project would result in operational impacts on steelhead in the lower watershed as a result of project-induced effects on streamflow in Alameda Creek; now therefore be it

MOVED, That this Board of Supervisors directs the Planning Department to provide additional information and analysis regarding whether the proposed project would result operational impacts on steelhead fish in the lower watershed as a result of project-induced effects on streamflow in Alameda Creek; and be it

FURTHER MOVED, In conducting any such additional environmental analysis the Planning Department shall enlist an independent third party review of the groundwater/surface water model to determine if the current model adequately and accurately analyzes the fisheries issues as required by CEQA, and to present the results of such review to the Alameda Creek Fisheries Restoration Workgroup; and be it

FURTHER MOVED, As to all other issues, the Board finds the Final EIR adequate, accurate, and objective, and no further analysis is required.
Motion adopting findings reversing the Planning Commission's certification of the Final Environmental Impact Report for the San Francisco Public Utilities Commission's proposed Alameda Creek Recapture Project.

September 19, 2017 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 8 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Sheehy and Yee
Excused: 3 - Farrell, Safai and Tang

September 19, 2017 Board of Supervisors - APPROVED AS AMENDED
Ayes: 8 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Sheehy and Yee
Excused: 3 - Farrell, Safai and Tang

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on 9/19/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board