

1 [Contract Amendment - Peninsula Habitat Restoration Construction Management Services -
2 Water System Improvement Program Projects - Not to Exceed \$26,000,000]

3 **Resolution authorizing an amendment to the San Francisco Public Utilities**
4 **Commission Contract No. CS- 916 for Peninsula Regional Construction Management**
5 **Services in the amount not to exceed \$ 4,000,000, for a total agreement not to exceed**
6 **amount of \$26,000,000 to fund Construction Management Services for Bioregional**
7 **Habitat Restoration actions required for various Water System Improvement Program**
8 **Projects within the Peninsula Region, San Mateo County, pursuant to Charter Section**
9 **9.118, and adopting findings pursuant to the California Environmental Quality Act**
10 **(CEQA).**

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12 WHEREAS, This Board of Supervisors, by Resolution No. 405-09 adopted on October
13 20, 2009 approved SFPUC awarded Agreement No. CS- 916, Peninsula Construction
14 Management Services (CM) in the amount of \$22,000,000, and with a term of fifty-five (55)
15 months, with HDR Engineering, Inc, pursuant to Charter Section 9.118; and

16 WHEREAS, The SFPUC is undertaking a coordinated approach in developing
17 mitigation for biological resource impacts of individual WSIP facility projects in order to avoid
18 habitat fragmentation, preserve wildlife movement corridors and allow for plants and wildlife to
19 disperse over large contiguous habitat areas. The SFPUC intends to undertake bioregional
20 habitat restoration at selected compensatory mitigation habitat sites in the Peninsula region to
21 minimize environmental impacts, while achieving the overall habitat preservation and creation
22 functions of the sites, to satisfy state and federal regulatory agencies permit requirements and
23 mitigation measures adopted by the SFPUC and this Board for approved WSIP projects,
24 which habitat sites may also satisfy requirements and serve as mitigation for projects still
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1 undergoing environmental review, subject to subsequent review and action by the SFPUC
2 and this Board (Bioregional Habitat Restoration); and

3 WHEREAS, Anticipated construction at these Bioregional Habitat Restoration sites
4 includes excavation, soil placement, stream bank stabilization, and planting to create
5 seasonal wetlands, riparian habitat and woodlands, to be undertaken pursuant to future
6 construction contracts, for which CM services are required to augment SFPUC staff in
7 overseeing the work. CM services also include certain pre-construction activities necessary to
8 successful implementation of the habitat restoration sites, and for this reason, the SFPUC
9 authorized Amendment No. 1 to CS 916, subject to Board approval pursuant to Charter
10 Section 9.118, and provided that only task orders for pre-construction activities may be issued
11 subject to further review and approval with respect to each of the various sites in the
12 Peninsula Region; and

13 WHEREAS, The Homestead Pond, Adobe Gulch, and San Andreas Reservoir
14 Bioregional Habitat Restoration sites, for which construction management services will be
15 provided, include sites that are proposed as mitigation for WSIP facility improvement projects
16 that have been approved by the SFPUC and CEQA findings adopted by this Board; including,
17 among others, the Bay Division Reliability Upgrade (Board Resolution No. 371-09) and
18 Crystal Springs San Andreas Transmission Upgrade project (Board Resolution No. 356-10),
19 and the San Francisco Planning Department, Major Environmental Analysis Division has
20 prepared a Note to the File ("Note to File") dated June 14, 2010 for the Bay Division Reliability
21 Upgrade (City Planning File No. 2005.0164E), determining that implementation of the
22 Homestead Pond mitigation site would not result in any additional significant environmental
23 impacts beyond those disclosed in the Final EIR for the project; and

24 WHEREAS, The Skyline Boulevard, Upper San Mateo Creek, Skyline Quarry, Adobe
25 Gulch Creek South, Boat Ramp North, Boat Ramp South, Half Moon Bay/Pilarcitos, and

1 Sherwood Point projects are proposed as Bioregional Habitat Restoration sites for the Lower
2 Crystal Springs Dam Improvement Project, approved by the Commission (SFPUC Resolution
3 10-0175), and for which CEQA Findings were adopted by this Board on November 16, 2010;
4 and

5 WHEREAS, CM services under Amendment No. 1 for all of the above referenced sites
6 will be limited to pre-construction activities, unless and until the SFPUC and this Board have
7 reviewed and considered the environmental analysis and adopted CEQA findings, if required,
8 for each of the Bioregional Habitat Restoration sites, and the SFPUC authorizes related
9 construction activities for that site; and

10 WHEREAS, This Board and the SFPUC have previously reviewed and considered the
11 information and findings contained in the Final Environmental Impact Reports (FEIRs) and
12 adopted Resolutions, including CEQA Findings, for the Bay Division Reliability Upgrade
13 projects, Crystal Springs San Andreas Transmission Upgrade project, and Lower Crystal
14 Springs Dam project, for which Bioregional Habitat Restoration actions will be undertaken in
15 the Peninsula region, all as contained in the respective project files, WSIP Program FEIR,
16 SFPUC and Board Resolutions, which resolutions are incorporated herein by reference as
17 though fully set forth, together with all written and oral information provided by the Planning
18 Department (including the Note to File), the public, relevant public agencies, SFPUC and
19 other experts and the administrative files for this action as identified above; and

20 WHEREAS, This Board and the SFPUC, in adopting the aforementioned CEQA
21 Findings for those projects, also included CEQA findings for the full implementation of one or
22 more of the Bioregional Habitat Restoration sites that may also serve as mitigation for
23 individual WSIP facility improvement projects, that have not yet been approved. Neither the
24 SFPUC, nor this Board, have committed to approve any of those pending WSIP projects or
25 mitigation measures, nor to make any determination as to the adequacy of the these

1 Bioregional Habitat Restoration sites as compensatory habitat mitigation for any WSIP project
2 that has not yet been approved, and both the SFPUC and this Board retain full discretion to
3 consider the environmental documents for those other WSIP projects still undergoing
4 environmental review, including but not limited to mitigation measures therein, and to adopt or
5 decline to adopt findings required under CEQA for those projects; and

6 WHEREAS, The SFPUC, by its Resolution No. 10-0198, adopted November 9, 2010,
7 authorized Amendment No. 1 to CS-916 in the amount not to exceed \$4,000,000 for
8 additional CM services by HDR Engineering, Inc. with respect to implementation of various
9 Bioregional Habitat Restoration sites that may be improved within the Peninsula region,
10 because the nature of the needed CM services is such that using existing skills and
11 knowledge of the CM staff already working in the Peninsula region will result in time and cost
12 savings. The additional work is primarily environmental monitoring, which is seasonal and of
13 short duration as a result of wildlife breeding cycles and weather patterns. With Amendment
14 No. 1, the total not to exceed amount is \$26,000,000 for contract CS-916 for CM services in
15 the Peninsula Region; and

16 WHEREAS, A Human Rights Commission (HRC) sub consulting goal of 17.9% Local
17 Business Enterprise (LBE) participation (of the total labor value of services to be provided)
18 has been established for this agreement; and

19 WHEREAS, Funds for the amendment of the CS -916 agreement are available from
20 Project No. CUW 38802 –Habitat Reserve Program (The Bioregional Habitat Restoration) and
21 were accounted for in the existing WSIP budget, approved by the SFPUC on July 28, 2009;
22 now, therefore, be it

23 RESOLVED, That this Board adopts the CEQA findings contained in SFPUC
24 Resolution No. 10-0198 authorizing the Amendment No. 1 to contract CS 916, on file with the
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1 Clerk of the Board of Supervisors in File No. _____, which is hereby declared to be a part
2 of this Resolution as if set forth fully herein; and be it

3 FURTHER RESOLVED, That this Board reviewed and considered the Bay Division
4 Reliability Upgrade FEIR, and related Note to File for the Homestead Pond habitat restoration
5 site, the Crystal Springs / San Andreas Transmission System Upgrades FEIR, and the Lower
6 Crystal Springs Dam FEIR, and found that they are adequate for their use by the decision-
7 making body for the action taken herein; and be it

8 FURTHER RESOLVED, That this Board finds that since the FEIRs were finalized,
9 there have been no substantial changes in the Bay Division Reliability Upgrade projects,
10 Crystal Springs / San Andreas Transmission System Upgrades project, or Lower Crystal
11 Springs Dam project, and no substantial changes in circumstances relating to those projects
12 that would require major revisions to the FEIRs due to the involvement of new significant
13 environmental effects or an increase in the severity of previously identified significant impacts,
14 and there is no new information of substantial importance that would change the conclusions
15 set forth in the FEIRs; and be it

16 FURTHER RESOLVED, That this Board hereby authorizes the General Manager of the
17 SFPUC to execute Amendment No. 1 to Water Enterprise, Water System Improvement
18 Program-funded Agreement No. CS-916, Peninsula Construction Management Services, with
19 HDR Engineering, Inc. in the amount not to exceed \$4,000,000 for additional CM services
20 with respect to implementation of various Bioregional Habitat Restoration sites that may be
21 improved within the Peninsula region, increasing the total agreement by an amount not to
22 exceed \$26,000,000; provided that SFPUC shall limit expenditures on task orders to pre-
23 construction activities for each individual site unless, and until such time as, the SFPUC and
24 this Board reviews and considers the environmental analysis and adopt findings pursuant to
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1 CEQA, if required, with respect to that Bioregional Habitat Restoration site in the Peninsula
2 Region, and the SFPUC authorizes the related construction activities; and be it

3 FURTHER RESOLVED, That neither this Board, nor the SFPUC, has committed to
4 approve any pending WSIP projects or mitigation measures, nor to make any determination
5 as to the adequacy of the these Bioregional Habitat Restoration sites as compensatory habitat
6 mitigation for any WSIP project that has not yet been approved, and both the SFPUC and this
7 Board retain full discretion to consider the environmental documents for those other WSIP
8 projects still undergoing environmental review, including but not limited to mitigation measures
9 therein, and to adopt or decline to adopt findings required under CEQA for those projects.