

1 [Resolution adopting Findings related to San Francisco Public Utilities Commission Water
2 System Improvement Program (WSIP) Pulgas Balancing – Discharge Channel Modifications
3 Project

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5 **Resolution adopting findings under the California Environmental Quality Act ("CEQA"),**
6 **CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the**
7 **adoption of mitigation monitoring and reporting program related to the funding of the**
8 **Pulgas Balancing – Discharge Channel Modifications Project, and directing the Clerk of**
9 **the Board of Supervisors to notify the Controller of this action.**

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11 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) developed
12 project descriptions for water infrastructure improvements as part of the SFPUC's Water
13 System Improvement Program (WSIP) for the Pulgas Balancing – Discharge Channel
14 Modifications Project, – WSIP Funded Project No. CUW36102, (the "Project"), and

15 WHEREAS, The objectives of the Project are to increase the water delivery reliability of
16 the regional water system; and

17 WHEREAS, A draft Initial Study/Mitigated Negative Declaration (IS/MND) for the
18 Project was prepared and published for public review on July 3, 2008; and

19 WHEREAS, Public comments on the Draft IS/MND were received between July 3,
20 2008 and August 2, 2008; and

21 WHEREAS, On October 8, 2008, the Planning Department reviewed and considered
22 the IS/MND and found that the contents of said report and the procedures through which the
23 IS/MND was prepared, publicized and reviewed complied with the California Environmental
24 Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California
25 Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the

1 San Francisco Administrative Code ("Chapter 31"); the Planning Department found the
2 IS/MND was adequate, accurate and objective, reflected the independent analysis and
3 judgment of the Department, and that the summary of comments and responses contained no
4 significant revisions to the Draft IS/MND, adopted findings of no significant impacts associated
5 with the Project and adopted the IS/MND in Planning Department File No. 2006.1412E; and

6 WHEREAS, No appeals were filed with the City and County of San Francisco regarding
7 the Project's MND; the October 8, 2008 MND is final, complete, and in accordance with
8 CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code
9 (Final IS/MND); and

10 WHEREAS, The SFPUC reviewed and considered the information contained in the
11 Final IS/MND, all written and oral information provided by the Planning Department, the
12 public, relevant public agencies, SFPUC and other experts and the administrative files for the
13 WSIP and the Final IS/MND; and

14 WHEREAS, On November 12, 2008, at a public meeting of the SFPUC, the
15 Commission adopted Resolution No. 08- 0203, in which the SFPUC: (1) adopted CEQA
16 Findings and the Final IS/MND (Attachment A) and, adopted the Mitigation Monitoring and
17 Reporting Program (MMRP), (Attachment B), which SFPUC Resolution and Attachments are
18 incorporated herein as part of this Resolution by this reference thereto, and (2) authorized a
19 request to the Board of Supervisors to adopt the same CEQA Findings, Statement and MMRP
20 (collectively referred to herein as "SFPUC CEQA Findings"); and (3) approved the Project and
21 authorized staff to proceed with actions necessary to implement the Project; and

22 WHEREAS, The SFPUC CEQA Findings reflected the SFPUC's independent review
23 and consideration of the relevant environmental information contained in the Final IS/MND
24 and the administrative record; and

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1 WHEREAS, The SFPUC CEQA Findings are on file with the Clerk of the Board of
2 Supervisors in File No. _____ and are incorporated herein by reference. The Board
3 of Supervisors has had the opportunity to review and consider the Final IS/MND and the
4 administrative record, which is located at the Planning Department at 1650 Mission Street,
5 Suite 400, in File No. 2006.1412E. The Board of Supervisors has reviewed and considered
6 the SFPUC CEQA Findings made with respect to the Project, and finds that there are no
7 changed circumstances or other factors present that would trigger the need or requirement for
8 additional environmental review for this action; and

9 WHEREAS, The SFPUC has adopted the mitigation measures identified in the SFPUC
10 CEQA Findings, including implementation and monitoring thereof; and

11 WHEREAS, The Board of Supervisors has reviewed and considered the SFPUC
12 CEQA Findings made with respect to the approval of the Project, and the record as a whole in
13 exercising its independent analysis and judgment with respect to the use of appropriated
14 funds for this Project; and

15 WHEREAS, This Board of Supervisors adopted Ordinance No. 311-08, approving a
16 supplemental appropriation of \$1,923,629,194 for the WSIP, and adopting related CEQA
17 Findings based on 1) the Water System Improvement Program Final Environmental Impact
18 Report (WSIP Final EIR), certified by Planning Commission by its Motion No. 17734, and 2)
19 SFPUC Resolution Nos. 08-0200 and 08-0202 in which the SFPUC: (A) approved the Phased
20 Water System Improvement Program (Phased WSIP) and (B) authorized the request for the
21 Supplemental Appropriation; and

22 WHEREAS, Ordinance No. 311-08 placed the appropriated funds on Controller's
23 Appropriation Reserve, by project, making release of appropriation reserves by the Controller
24 subject to the prior occurrence of: 1) the SFPUC's and the Board's discretionary adoption of
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1 CEQA Findings for projects, following review and consideration of completed project-related
2 environmental analysis, pursuant to CEQA, the State CEQA Guidelines, and Chapter 31 of
3 the San Francisco Administrative Code, where required, and 2) the Controller's certification of
4 funds availability, including proceeds of indebtedness. The associated costs covered for this
5 Project under that Ordinance are less than the \$100 million threshold that requires
6 subsequent release of reserves directly by the Board of Supervisors; now, therefore, be it
7 RESOLVED, That the Board of Supervisors has reviewed and considered SFPUC
8 Resolution No. 08-0203 authorizing the Project, and the SFPUC CEQA Findings attached
9 thereto, and hereby adopts the Final IS/MND and the SFPUC CEQA Findings as its own with
10 respect to the Project, including the MMRP, and directs the Clerk of the Board to forward this
11 Resolution to the Controller.

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