

1 [CEQA Findings - Public Utilities Commission Bay Division Pipeline Nos. 3 and 4 Project]

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3 **Resolution adopting findings under the California Environmental Quality Act (CEQA),**
4 **including the adoption of a mitigation monitoring and reporting program and a statement**
5 **of overriding considerations related to the Bay Division Pipeline Nos. 3 and 4, Project No.**
6 **CUW35302, part of the Water System Improvement Program for the improvements to the**
7 **regional water supply system; and directing the Clerk of the Board of Supervisors to**
8 **notify the Controller of this action.**

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10 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has developed a
11 project description under the Water System Improvement Program (WSIP) for the
12 improvements to the regional water supply system, otherwise known as Project No
13 CUW35302 Seismic Upgrade of Bay Division Pipeline (BDPL) Nos. 3 & 4 (the "Project"). The
14 Project is located in Alameda County, and its key features include construction of up to 2,360
15 feet of a new pipeline (BDPL No. 3X) to replace a section of the existing BDPL No.3 where it
16 crosses three traces of the Hayward fault in order to accommodate movement along the fault
17 traces, and improvements to existing BDPL No. 4 to seismically strengthen the pipeline to
18 control where failures would occur and prevent damage to the new BDPL No. 3X should
19 failures occur; and

20 WHEREAS, The objectives of the Project are to reduce the potential effects of a
21 catastrophic failure of BDPL Nos. 3 & 4 where they cross the Hayward fault in order to protect
22 these vital lifelines (Mission Boulevard, I-680, and the new BDPL 3X), to design the proposed
23 BDPL No. 3X to be functional within 24 hours of a seismic event, to deliver basic service to
24 the East/South Bays, Peninsula, and San Francisco within 24 hours of a major earthquake,

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1 and design and upgrade facilities to meet average-day demand for the Bay Division regional
2 system of up to 300 mgd within 30 days of a major earthquake; and

3 WHEREAS, An environmental impact report ("EIR") as required by the California
4 Environmental Quality Act ("CEQA") was prepared for the Project in Planning Department File
5 No. File No. 2006.1388E; and

6 WHEREAS, The Final EIR ("FEIR") was certified by the San Francisco Planning
7 Commission on January 20, 2011 by Motion No. 18257; and

8 WHEREAS, A Final Program EIR (PEIR) was prepared for the WSIP and certified by
9 the Planning Commission on October 30, 2008 by Motion No. 17734; and

10 WHEREAS, Thereafter, the SFPUC approved the WSIP and adopted findings and a
11 Mitigation, Monitoring, and Reporting Program (MMRP) as required by CEQA on October 30,
12 2008 by Resolution No. 08-200; and

13 WHEREAS, Although the Project is a WSIP capital improvement project, it was
14 determined to have independent utility because, among other reasons, the Project is
15 necessary irrespective of any other WSIP project, the Project will not increase the normal
16 operating capacity of the water supply system or change the manner in which the water is
17 dispersed and any potential cumulative impacts associated with implementation of the Project
18 are addressed in the FEIR prepared for the Project; and environmental review of the Project
19 has proceeded independently for the PEIR; and

20 WHEREAS, On January 27, 2011, the San Francisco Public Utilities Commission
21 (SFPUC), by Resolution No. 11-0014, a copy of which is included in Board of Supervisors File
22 No. 110176 and which is incorporated herein by this reference: (1) approved the Project;
23 (2) adopted findings (CEQA Findings), including a statement of overriding considerations, and
24 a Mitigation Monitoring and Reporting Program (MMRP) required by CEQA; and (3)

1 authorized SFPUC staff and the General Manager to proceed with actions necessary to
2 implement the Project consistent with the SFPUC Resolution No. 11-0014; and

3 WHEREAS, The Project files, including the FEIR, and SFPUC Resolution No. 11-0014
4 have been made available for review by the Board and the public, and those files are
5 considered part of the record before this Board; and

6 WHEREAS, Construction of the Project will impact an historical archaeological site,
7 Site CA-ALA-576, and, in order to ensure that the resources at this site are recovered prior to
8 construction of the project and not destroyed as a result of construction, mitigation measures
9 include preparation of an Archaeological Research Design and Treatment Plan and
10 Archaeological Data Recovery Report (ARDTP/HPTP) and execution of a Memorandum of
11 Agreement (MOA) among the U.S. Army Corps of Engineers, the SFPUC, and the State
12 Historic Preservation Officer, and which MOA will be subject to review and comment by the
13 San Francisco Historic Preservation Commission prior to execution; and

14 WHEREAS, The Board of Supervisors has reviewed and considered the information
15 and findings contained in the FEIR, and SFPUC Resolution No. 11-0014, and all written and
16 oral information provided by the Planning Department, the public, relevant public agencies,
17 SFPUC and other experts and the administrative files for the Project; and

18 WHEREAS, This Board of Supervisors adopted Ordinance No. 0092-10 that placed
19 WSIP appropriated funds on Controller's Appropriation Reserve, by project, making release of
20 appropriation reserves by the Controller subject to the prior occurrence of: (1) the SFPUC's
21 and the Board's discretionary adoption of CEQA Findings for each project, following review
22 and consideration of completed project-related environmental analysis, pursuant to CEQA, the
23 State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, where
24 required, and (2) the Controller's certification of funds availability, including proceeds of
25 indebtedness; now, therefore, be it

1 RESOLVED, That the Board of Supervisors has reviewed and considered the FEIR
2 and record as a whole, finds that the FEIR is adequate for its use as the decision-making
3 body for the action taken herein including, but not limited to, approval of the Project and
4 adopts and incorporates by reference as though fully set forth herein the CEQA Findings,
5 including the statement of overriding considerations, and the MMRP contained in Resolution
6 No. 11-0014; and, be it

7 FURTHER RESOLVED, That the Board finds that the Project mitigation measures set
8 forth in the FEIR and the MMRP and adopted by the SFPUC and herein by this Board will be
9 implemented as reflected in and in accordance with the MMRP; and, be it

10 FURTHER RESOLVED, The Board finds that since the FEIR was finalized, there have
11 been no substantial project changes and no substantial changes in Project circumstances that
12 would require major revisions to the FEIR 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 FEIR; and, be it

16 FURTHER RESOLVED, That the Board directs the Clerk of the Board to forward this
17 Resolution to the Controller.