

File No. 110176

Committee Item No. 1

Board Item No. B

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date March 14, 2011

Board of Supervisors Meeting

Date 3/22/11

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Public Utilities Commission Resolution No. 11-0014</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Motion No. 18257</u> |
| * <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CEQA Findings</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Mitigation Monitoring and Reporting Program</u> |
| * <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Draft Environmental Impact Report, Volume Nos. 1 and 2</u> |
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Completed by: Alisa Somera Date March 11, 2011

Completed by: Date

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

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

2
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.**
9

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,
25

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.

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 11-0014

WHEREAS, San Francisco Public Utilities Commission ("SFPUC") staff has developed a project description under the Water System Improvement Program ("WSIP") for the improvements to the regional water supply system, otherwise known as Project No. CUW35302 Seismic Upgrade of Bay Division Pipeline (BDPL) Nos. 3 & 4 (the "Project"); and

WHEREAS, The objectives of the Project are to:

- Reduce the potential effects of a catastrophic failure of BDPL Nos. 3 and 4 where they cross the Hayward fault in order to protect these vital lifelines (Mission Boulevard, I-680, and the new BDPL No. 3X).
- Design the proposed BDPL No. 3X to be functional within 24 hours of a seismic event.
- Deliver basic service to the East/South Bays, Peninsula, and San Francisco within 24 hours of a major earthquake. Basic service is defined as average winter-month usage, and the performance objective for the Bay Division regional system (described in Chapter 2, Section 2.1.3, Bay Division Regional Water System Facilities) is 229 mgd. The performance objective is to provide delivery to at least 70 percent of the turnouts (i.e., water-diversion connecting points from the regional system to customers) in each region, with 104, 44, and 81 mgd delivered to East/South Bays, Peninsula, and San Francisco regions, respectively.
- Design and upgrade facilities to meet average-day demand for the Bay Division regional system of up to 300 mgd within 30 days of a major earthquake; and

WHEREAS, For the southern point of connection of new BDPL No. 3X to existing BDPL No. 3, two approaches to construction of this connection have been considered and analyzed in the Final EIR. Under Approach 1, construction of the pipeline would involve crossing Agua Fria Creek using either trenchless or open-cut construction. Under Approach 2, while there would not be a need for a permanent pipeline crossing of Agua Fria Creek, it would require a temporary access route (utilizing a steel plate) over the creek during the construction period. The current design of the Project includes Approach 2, which is the staff recommended and preferred approach. Both approaches are included in the Project as analyzed in the Final EIR, and both approaches would be subject to the same mitigation measures; and

WHEREAS, For the improvements to BDPL No. 4 at Trace A of the Hayward Fault, the SFPUC has considered two design options, both of which are included in the Project as analyzed in the Final EIR. The current design of the Project includes Option A, which is the staff recommended and preferred option. Option A includes constructing one slip joint on the pipeline on the south side of the fault crossing (between the southbound diamond on-ramp and I-680) and

strengthening the pipeline by sliplining at the point where it crosses Trace A. However, if determined necessary after further design refinement, a second slip joint (Option B) could be required to the north of Trace A (within the northbound loop on-ramp) and the pipeline would be strengthened by reinforcing the existing pipeline joints between the two slip joints. Both options are included in the Project as analyzed in the Final EIR, and both options would be subject to the same mitigation measures; and

WHEREAS, On January 20, 2011, the Planning Commission reviewed and considered the Final Environmental Impact Report (EIR) on the Project in Planning Department File No. 2006.1388E, consisting of the Draft EIR and the Comments and Responses document, and found that the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed, complied with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code, and found further that the Final EIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate, and objective, and that the Comments and Responses document contains no significant revisions to the Draft EIR, and certified the completion of said Final EIR in compliance with CEQA and the CEQA Guidelines in its Motion No.M-18257; and

WHEREAS, This Commission has reviewed and considered the information contained in the Final EIR, all written and oral information provided by the Planning Department, the public, relevant public agencies, SFPUC, and other experts and the administrative files for the Project and the Final EIR; and

WHEREAS, The Project and Final EIR files have been made available for review by the SFPUC and the public in File No. 2006.1388E, at the San Francisco Planning Department, custodian of records, 1650 Mission Street, Fourth Floor, San Francisco, California; and those files are part of the record before this Commission; and

WHEREAS, SFPUC staff prepared proposed findings, as required by CEQA (CEQA Findings), in Attachment A to this Resolution and a proposed Mitigation, Monitoring and Reporting Program (MMRP) in Attachment B to this Resolution, which material was made available to the public and the Commission for the Commission's review, consideration, and action; and

WHEREAS, The Project is a WSIP capital improvement project; and

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

WHEREAS, Thereafter, the SFPUC approved the WSIP and adopted findings and a MMRP as required by CEQA on October 30, 2008 by Resolution No. 08-200; and

WHEREAS, Although the Project is a WSIP capital improvement project, it was determined to have independent utility because, among other reasons, the Project is necessary irrespective of any other WSIP project, the Project will not increase the normal operating capacity of the water supply system or change the manner in which the water is dispersed and

any potential cumulative impacts associated with implementation of the Project are addressed in the FEIR prepared for the Project; and environmental review of the Project has proceeded independently from the PEIR; and

WHEREAS, Construction of the Project will impact an historic archaeological site, Site CA-ALA-576, and, in order to ensure that the resources at this site are recovered prior to construction of the project and not destroyed as a result of construction, mitigation measures include preparation of an Archaeological Research Design and Treatment Plan and Archaeological Data Recovery Report (ARDTP/HPTP) and execution of a Memorandum of Agreement (MOA) among the U. S. Army Corps of Engineers, the SFPUC, and the State Historic Preservation Officer; and

WHEREAS, The SFPUC staff will comply with Government Code Section 7260 et seq. statutory procedures for possible acquisition of interests (temporary) in the following real property in Alameda County, City of Fremont, as follows: Assessor's Parcel No. 519-1410-011-00 owned by Masuru and Kyoko Hatsushi; and

WHEREAS, The Project will require the SFPUC General Manager to obtain necessary permits, consents, and encroachment permits from, and enter into agreements or memoranda of understanding with CalTrans, Union Sanitary District, Alameda County, Alameda County Water District, Alameda County Flood Control District, AT&T, Pacific Gas and Electric Company and the City of Fremont with respect to proposed Project construction activities, the relocation or temporary interruption of existing electrical, telecommunication, water, sewer, lighting, or gas pipelines, conduits, or systems or improvements owned or operated by any such entity within or adjacent to the Project area, and/or the placement, operation, and maintenance of water system improvements in lands owned or occupied by such entities and such permits, consents, encroachment permits, agreements and memoranda of understanding ; and

WHEREAS, The SFPUC has issued easements, leases, permits, or licenses to certain parties to use for various purposes portions of City-owned property along the SFPUC right-of-way where the Project work will occur, and in some instances other parties hold property rights or interests on lands on, along, over, under, adjacent to, or in the vicinity of the right-of-way, and it may be necessary for the General Manager, or his designee, to (a) exercise rights under any such deed, easement, lease, permit, or license or (b) negotiate and execute new or amended easements, leases, permits, licenses, or encroachment removal or other project related agreements or consents (each, a Use Instrument) with owners or occupiers of property interests or utility facilities or improvements on, along, over, under, adjacent to, or in the vicinity of, City property with respect to uses and structures, fences, and other above-ground or subterranean improvements or interests, orchards, trees, or other vegetation, or to implement Project mitigation measures or accommodate Project construction activities and schedule; and

WHEREAS, Implementation of the Project will involve consultation with, or obtaining required approvals by, state and federal regulatory agencies, including but not limited to the following: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish

and Game, San Francisco Bay Regional Water Quality Control Board, and Bay Area Air Quality Management District; and

WHEREAS, Implementation of certain biological resources mitigation measures may involve off-site compensation at sites developed in consultation with state and federal regulatory agencies, which may include sites on SFPUC property but potentially including locations not currently owned or controlled by the SFPUC, and it may be necessary or advisable for the General Manager, or his designee, to take the following actions to implement compensatory mitigation habitat (collectively, Mitigation Habitat Actions): (a) exercise any City or SFPUC right under any deed, easement, lease, permit, or license as necessary or advisable to implement compensatory mitigation habitat; (b) negotiate and execute new or amended real property agreements for compensatory mitigation habitat sites such as purchase agreements, easements, leases, permits, licenses, or other agreements as are necessary or advisable to implement Project mitigation; (c) negotiate and execute financial assurance instruments with regulatory agencies for (1) design and implementation of the compensatory mitigation habitat, (2) monitoring and management during the performance period, (3) repair and replacement of such habitats if necessary during the performance period, and (4) management and monitoring the habitat mitigation projects in perpetuity in accordance with individual project mitigation and monitoring plans and long term management plans on an interim and long term basis, if necessary; (d) negotiate and prepare conservation easements for implementation of compensatory mitigation habitat, if necessary; and (e) seek Board of Supervisors' approval of Mitigation Habitat Actions, if necessary; and

WHEREAS, Implementation of mitigation at habitat mitigation sites may require the General Manager to negotiate and execute instruments for financial assurances concerning compensatory mitigation habitat with regulatory agencies; now, therefore, be it

RESOLVED, This Commission has reviewed and considered the Final EIR, finds that the Final EIR is adequate for its use as the decision-making body for the actions taken herein, and hereby adopts the CEQA Findings, including the Statement of Overriding Considerations, attached hereto as Attachment A and incorporated herein as part of this Resolution by this reference thereto, and adopts the MMRP attached to this Resolution as Attachment B and incorporated herein as part of this Resolution by this reference thereto, and authorizes a request to the Board of Supervisors to adopt the same CEQA Findings, Statement of Overriding Considerations and MMRP; and be it

FURTHER RESOLVED, That this Commission hereby approves the Project, also known as Project No. CUW35302, Seismic Upgrade of BDPL No. 3 & 4, and authorizes SFPUC staff to proceed with actions necessary to implement the Project consistent with this Resolution, including advertising for construction bids, provided, however, that staff will return to seek Commission approval for award of construction contract(s); and be it

FURTHER RESOLVED, That the Commission accepts, approves and authorizes SFPUC staff to proceed with Approach 2 for construction of the southern point of connection of the new BDPL No. 3X to existing BDPL No. 3; and be it

FURTHER RESOLVED, That the Commission accepts, approves and authorizes SFPUC staff to proceed with either Option A or Option B for construction of the improvements to BDPL No. 4 at Trace A of the Hayward Fault, as determined by staff to be necessary and appropriate during final Project design, subject to prior approval of and receipt of all required permits from other regulatory agencies with jurisdiction over these construction activities; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager and/or the Director of Real Estate to undertake the process, in compliance with Government Code Section 7260 et seq., with the San Francisco Charter and all applicable laws, for possible acquisition of interests (temporary) in the following real property in Alameda County, City of Fremont, as follows: Assessor's Parcel No. 519-1410-011-00 owned by Masuru and Kyoko Hatsushi, and to seek Board of Supervisors' approval if necessary, and provided that any necessary Board approval has been obtained, to accept and execute final agreements, and any other related documents necessary to consummate the transactions contemplated therein, in such form, approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to apply for and execute such permits, encroachment permits, or other agreements with CalTrans, Alameda County, Alameda County Flood Control District, Union Sanitary District, AT&T, Pacific Gas and Electric Company and the City of Fremont as necessary with respect to proposed Project construction activities, the relocation of existing utilities or improvements owned or operated by any such entity within or adjacent to the Project area, and/or the placement, operation, and maintenance of water system improvements in lands owned or occupied by such entities, which shall be consistent with SFPUC's existing fee or easement interests, where applicable. To the extent that the terms and conditions of the permits or agreements will require SFPUC to indemnify the respective jurisdictions, those indemnity obligations are subject to review and approval by the San Francisco Risk Manager. The General Manager is authorized to agree to such terms and conditions, including but not limited to those relating to maintenance, repair, and responsibility for relocation of improvements, that are in the public interest, and in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested use as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to negotiate and execute a Memorandum of Agreement (MOA) among the U. S. Army Corps of Engineers, the SFPUC, and the State Historic Preservation Officer in connection with the ARDTP/HPTP for archaeology site CA-ALA-576 which MOA will include provisions to resolve adverse effects on the site through archaeological data recovery detailed in an Historic Properties Treatment Plan (HPTP), including a recovery program, laboratory analysis, curation and reporting requirements, and a process for continued coordination with Native American representatives, construction monitoring and appropriate treatment of any human remains or resources discovered during construction. Staff will obtain Historic Preservation Commission review and comment prior to executing the MOA; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to exercise any right as necessary under any deed or Use Instrument and negotiate and execute new or amended Use Instruments, if necessary for the Project and subject to any applicable approvals, with owners or occupiers of property interests or utility facilities or improvements on, along, over, under, adjacent to, or in the vicinity of the SFPUC right-of-way, in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to accommodate Project construction activities and schedule, carry out Project-related mitigation measures, and to otherwise effectuate the purposes and intent of this Resolution, in compliance with the Charter and all applicable laws, and in such form approved by the City Attorney; and be it

FURTHER RESOLVED, The General Manager will confer with the Commission during the negotiation process on real estate agreements and financial assurances, as necessary, and report to the Commission on all agreements submitted to the Board of Supervisors for approval. Notwithstanding the authority granted to the General Manager by this Resolution, the General Manager is not authorized to dispose of any right-of-way or other SFPUC interest in real property, in any manner, including by sale, trade, or transfer, without approval by the SFPUC pursuant to Charter Section 8B124; and be it.

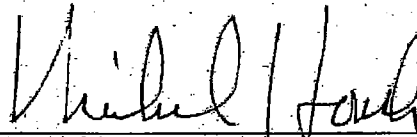
FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to consult with, or apply for, and, if necessary, seek Board of Supervisors' approval, and if approved, to accept and execute permits or required approvals, and to execute such other agreements as may be necessary to implement terms and conditions or otherwise comply with the requirements imposed by state and federal regulatory agencies, including but not limited to: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, San Francisco Bay Regional Water Quality Control Board, and Bay Area Air Quality Management District, including terms and conditions that are within the lawful authority of the agency to impose, in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested permit or approval, as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to carry out Mitigation Habitat Actions that the General Manager determines are in the public interest and are acceptable, necessary, and advisable to accommodate Project construction activities and schedule, carry out Project-related compensatory mitigation habitat measures, at such site or sites that maybe selected and approved for Project mitigation in consultation with regulatory agencies, and to otherwise effectuate the purposes and intent of this Resolution, in compliance with the Charter and all applicable laws, and in such form approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to enter into any subsequent additions, amendments, or other modifications to the permits, licenses, encroachment removal agreements, leases, easements, and other Use Instruments, real property agreements, memoranda of understanding, financial assurances, transmission agreements, or amendments thereto, as described herein, that the General Manager, in consultation with the City Attorney, determines are in the best interests of the SFPUC and the City, do not materially decrease the benefits to the SFPUC or the City, and do not materially increase the obligations or liabilities of the SFPUC or the City, subject to Board of Supervisors' approval, where required, such determination to be conclusively evidenced by the execution and delivery of any such additions, amendments, or other modifications.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of:

January 27, 2011



Secretary, Public Utilities Commission



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 18257

HEARING DATE: January 20, 2011

Hearing Date: January 20, 2011
Case No.: 2006.1388E
Project: Seismic Upgrade of Bay Division Pipelines Nos. 3 and 4 at
Hayward Fault
Zoning: Various
Block/Lot: Various
Project Sponsor: San Francisco Public Utilities Commission
1145 Market Street, 5th Floor
San Francisco, CA 94103
Staff Contact: Diana Sokolove – (415) 575-9046
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ADOPTION OF FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED SEISMIC UPGRADE OF BA DIVISION PIPELINES NOS. 3 AND 4 AT HAYWARD FAULT PROJECT.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2006.1388E, Seismic Upgrade of Bay Division Pipelines Nos. 3 and 4 at Hayward Fault Project, located in Alameda County (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
 - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and in accordance with 15082 of the CEQA Guidelines, the Department prepared a Notice of Preparation (NOP) of an EIR and conducted a scoping meeting (see Draft EIR, Appendix A). The NOP was circulated to local, State, and federal agencies and to other interested parties on March 29, 2008, initiating a public comment period that extended through April 28, 2008. Pursuant to CEQA Guidelines Section 15083, the Department held one public scoping meeting in Fremont on April 21, 2008. The purpose of the meeting was to present the proposed Project to the public and receive public input

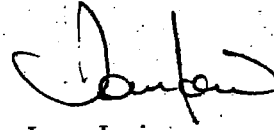
- regarding the proposed scope of the EIR analysis. A scoping report was prepared to summarize the public scoping process and the comments received in response to the NOP, and the report is included in Appendix A of the Draft EIR.
- B. On December 23, 2009, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in newspapers of general circulation of the availability of the DEIR for public review and comment, and of the date and time of the public hearings on the DEIR. This notice was mailed to the Department's list of persons requesting such notice and other interested parties.
 - C. Notices of availability of the DEIR and of the date and time of the public hearing were posted at various locations along or near the project site by Department staff on December 24, 2009. The Notice of Availability was made available at public libraries in San Francisco and Alameda Counties.
 - D. On December 24, 2009, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse. The DEIR was posted on the Department's website.
 - E. The Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on December 24, 2009.
2. The DEIR was circulated to local, State, and federal agencies and to interested organizations and individuals for review and comment on December 24, 2009 for a 45-day public review period. The public review period closed on February 8, 2010. Two duly advertised public hearings on the DEIR to accept written or oral comments were held; one hearing was held in Fremont on January 26, 2010 and a second hearing was held in San Francisco on January 28, 2010. The Commission acknowledges and endorses the supplemental public hearing that the Environmental Review Officer's delegate conducted in Fremont to allow potentially affected members of the public to present oral comments at a convenient location. The public hearings transcripts are in the Project record.
 3. The Department prepared responses to comments on environmental issues received at the public hearings and in writing during the public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document (hereinafter "C&R"), published on December 22, 2010, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at Department offices and on the Department's website.
 4. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses, all as required by law.

5. Project files on the FEIR have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1650 Mission Street, and are part of the record before the Commission. Linda Ayery is the custodian of records. Copies of the DEIR and associated reference materials as well as the C&R are also available for review at public libraries in San Francisco and Alameda Counties.
6. The Commission, in certifying the completion of said FEIR, hereby does find that the Project described in the DEIR will result in significant environmental effects that could not be mitigated to a less than significant level with implementation of mitigation measures, as follows:
 - Temporary impacts related to disruption of existing land uses and effects on the existing character of the project vicinity during construction.
 - Disturbance from temporary construction-related noise and vibration increases.
 - Consistency with Fremont Municipal Code time limits.
 - Construction emissions of criteria air pollutants and diesel particulate matter.
 - Cumulative air quality impacts during construction related to combustion emissions of NO_x, an ozone precursor.
7. The Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
8. The Commission hereby does find that the FEIR concerning File No. 2006.1388E, Seismic Upgrade of Bay Division Pipelines Nos. 3 and 4 at Hayward Fault Project, reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

Motion No. 18257
Hearing Date: January 20, 2011

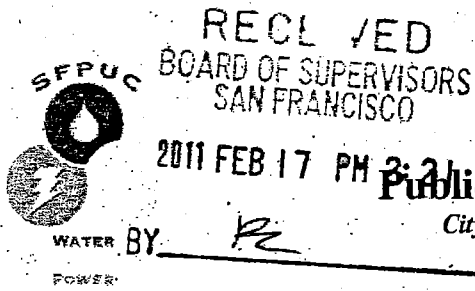
CASE NO. 2006.1388E
Seismic Upgrade of BDPLs Nos. 3 and 4 at Hayward Fault

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of January 20, 2011.



Jonas Ionin
Acting Commission Secretary

AYES: Olague, Antonini, Borden, Fong, Moore, Sugaya
NOES: None
ABSENT: Miguel
ACTION: January 20, 2010: Certification of a Final Environmental Impact Report for the proposed Seismic Upgrade of Bay Division Pipelines Nos. 3 and 4 at Hayward Fault Project



AGENDA ITEM
Public Utilities Commission
City and County of San Francisco



DEPARTMENT Infrastructure Division AGENDA NO. 13
 MEETING DATE January 27, 2011

Approve Project: Regular Calendar
Program Director: Julie Labonte

Project No. CUW35302, Approve Project, Seismic Upgrade of BDPL Nos. 3 & 4

<p>Summary of Proposed Commission Action:</p>	<p>Approve Water Enterprise, Water System Improvement Program ("WSIP") Project No. CUW35302, Seismic Upgrade of Bay Division Pipeline (BDPL) Nos. 3 & 4 (the "Project"); adopt the required California Environmental Quality Act ("CEQA") Findings, including a Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program ("MMRP"); and authorize the General Manager to implement the Project, in compliance with the Charter and applicable law, and subject to Board of Supervisors approval where required, including the following:</p> <p>a. In compliance with Government Code Section 7260 <i>et seq.</i>, undertake the process for possible acquisition, for an estimated purchase price not to exceed \$ 50,000 of a temporary easement interest in real property located in the City of Fremont, as follows: Assessor's Parcel No. 519-1410-011-00, owned by Masuru and Kyoko Hatsushi.</p> <p>b. Negotiate and obtain from California Department of Transportation ("CalTrans"), Alameda County Water District, Alameda County Flood Control District, Union Sanitary District, City of Fremont, AT&T, Alameda County and Pacific Gas & Electric Company ("PG&E"), as necessary, encroachment permits, real estate licenses, consents, utility relocation agreements, or other permits or agreements necessary or advisable in connection with proposed Project construction activities, the relocation of existing utilities owned or operated by any such entity within or adjacent to the Project area, and/or the placement, operation, and maintenance of water system improvements in lands</p>
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APPROVAL:

DEPARTMENT / BUREAU _____
 COMMISSION SECRETARY Mike Housh

FINANCE Todd L. Rydstrom
 GENERAL MANAGER Ed Harrington

	<p>owned or occupied by such entities.</p> <p>c. Exercise any City or San Francisco Public Utilities Commission (SFPUC or Commission) right under any deed, easement, lease, permit, or license as necessary, and negotiate and execute with owners or occupiers of property interests or utility facilities or improvements on, along, over, under, adjacent to, or in the vicinity of the SFPUC's right-of-way, new or amended easement, lease, permit, license, encroachment-removal or other project related agreements, if necessary for the Project.</p> <p>d. Obtain permits or approvals from state and federal regulatory agencies, including but not limited to: U.S. Army Corps of Engineers, State Historic Preservation Officer, U.S. Fish & Wildlife Service, California Department of Fish and Game, San Francisco Regional Water Quality Control Board, Bay Area Air Quality Management District, and California Department of Transportation.</p> <p>e. Negotiate and execute real estate agreements, financial assurance instruments, and conservation easements related to acquisition and implementation of habitat mitigation sites, if necessary for the Project.</p> <p>Notwithstanding the authority granted to the General Manager by this Resolution, the General Manager is not authorized to dispose of any real property, in any manner; including by sale, trade or transfer, without approval by the SFPUC pursuant to Charter Section 8B124.</p> <p>Implementation actions will include advertising for construction bids for the project and potentially for compensatory mitigation habitat. However, the Commission will confirm award of the construction contract(s) at a future date.</p>
<p>Background:</p>	<p>The Project is one of the key regional projects to be completed as part of the WSIP. Approval of these actions will allow the SFPUC to proceed with improvements to the regional water system that will increase the system's overall seismic, delivery, and water supply reliability for the regional water system.</p> <p>The primary objectives of the proposed project are to reduce the vulnerability of the BDPL Nos. 3 and 4 to earthquake damage and to increase delivery reliability where these pipelines cross the Hayward fault. Specific objectives are to:</p> <ul style="list-style-type: none">• Reduce the potential effects of a catastrophic failure of BDPL Nos. 3 and 4 where they cross the Hayward fault in order to protect these vital lifelines (Mission Boulevard, I-680, and the new BDPL No. 5X).• Design the proposed BDPL No. 3X to be functional within 24 hours of a seismic event.

	<ul style="list-style-type: none"> • Deliver basic service to the East/South Bays, Peninsula, and San Francisco within 24 hours of a major earthquake. Basic service is defined as average winter-month usage, and the performance objective for the Bay Division regional system (described in Chapter 2, Section 2.1.3, Bay Division Regional Water System Facilities) is 229 mgd. The performance objective is to provide delivery to at least 70 percent of the turnouts (i.e., water-diversion connecting points from the regional system to customers) in each region, with 104, 44, and 81 mgd delivered to East/South Bays, Peninsula, and San Francisco regions, respectively. • Design and upgrade facilities to meet average-day demand for the Bay Division regional system of up to 300 mgd within 30 days of a major earthquake. <p>These Project objectives relate directly to the following WSIP goals and objectives (SFPUC Resolution No. 08-200):</p> <ul style="list-style-type: none"> • <u>Seismic Reliability</u>. Deliver basic service to the three regions in the service area within 24 hours after a major earthquake and restore facilities to meet average-day demand within 30 days after a major earthquake. • <u>Delivery Reliability</u>. Provide operational flexibility to allow planned maintenance shutdown of individual facilities without interrupting customer service; provide operational flexibility to minimize the risk of service-interruption from unplanned facility upsets or outages; provide operational flexibility and system capacity to replenish local reservoirs as needed; and meet the estimated average annual demand under the conditions of one planned shutdown of a major facility for maintenance concurrent with one unplanned facility outage. <p>Implementation of the proposed project will further the established WSIP system performance objectives for seismic reliability and water delivery reliability listed above. The WSIP system objectives address the needs of the regional water supply system as a whole, and the Project, in combination with other facility improvement projects identified in the WSIP, is needed to fully meet these WSIP goals and objectives. The Project was designed to incorporate the minimum performance standards required to achieve the WSIP seismic reliability and delivery reliability goals and objectives.</p>
<p>Result of Inaction:</p>	<p>The SFPUC would not be able to proceed with plans to implement the Project. This will restrict the SFPUC's ability to reliably meet customer demands after a major seismic event.</p>
<p>Description of Project Action:</p>	<p>1. In order to move forward with the Project, the Commission must</p>

review and consider the certified Final EIR (consisting of the Draft EIR and Response to Comments document), and adopt the Project CEQA Findings, including the Statement of Overriding Considerations, and the MMRP. The Final EIR was provided to each member of the Commission. The Final EIR was prepared by the San Francisco Planning Department.

The Final EIR identified and analyzed Project-specific significant impacts and found significant or potentially significant impacts within the resource areas of land use, aesthetics, cultural resources, transportation and circulation, air quality, utilities and service systems, biological resources, geology and soils, hydrology and water quality, hazards and hazardous materials and cumulative impacts. Significant or potentially significant impacts will be reduced to a less than significant level by implementing the mitigation measures in the Final EIR and the MMRP during the design, construction, and post-construction phases, except for those potentially significant and unavoidable impacts caused by the Project and identified in the Final EIR. These potentially significant and unavoidable impacts include impacts to:

- Land Use due to disruption of existing land uses and effects on the existing character of the project vicinity during construction;
- Noise and vibration due to temporary, construction-related, on-site noise and vibration; consistency with Fremont's established time limits during rerouting of utility lines and installation of temporary road bridges, and temporary noise disturbance along construction haul routes and detour routes due to road closures; and
- Project-specific and cumulative air quality from construction emissions of criteria pollutants and diesel particulates.

The CEQA Findings contain a Statement of Overriding Considerations justifying Project approval notwithstanding the potential for significant and unavoidable impacts, as authorized by CEQA. The CEQA Findings and MMRP are attached as Attachments A and B, respectively, to the Commission Resolution for this agenda item.

Construction of the Project will impact an historic archaeological site (CA-ALA-576). Avoidance of this site is not feasible because the pipelines need to be upgraded where they cross the Hayward fault, and the U.S. Army Corps of Engineers (Corps) has determined that avoidance of this site through redesign is infeasible. In order to ensure that the resources at this site are recovered prior to Project construction and are not destroyed by construction, the Final EIR identifies mitigation measures which include, among others, an extensive Archaeological Research Design and Treatment Plan and

Archaeological Data Recovery Report (ARDTP/HPTP). Contacts with Native American representatives have been made and will continue as the project proceeds. The project mitigation for impacts to this site includes preparation of the ARDTP/HPTP in conjunction with a Memorandum of Agreement (MOA) among the Corps, the SFPUC, and the State Historic Preservation Officer. The Commission Resolution authorizes the General Manager, or his designee, to complete negotiations of and execute the MOA in a form that in the judgment of the General Manager, in consultation with the City Attorney, is reasonable and appropriate to fulfill the obligations under the mitigation measure requiring the preparation of the ARDTP/HPTP and MOA with the agencies.

2. Upon approval of the Project, SFPUC staff will proceed to implement the Project, including advertising for construction bids and obtaining necessary agreements and permits. Staff will seek Commission approval to award construction contract(s) at a future date.

3. The Resolution authorizes the General Manager, and the Director of Real Estate, to undertake the process, in compliance with Government Code Section 7260 et seq., the Charter and all applicable laws, and seek Board of Supervisors' approval if necessary, and provided any necessary Board approval is obtained, accept and execute final agreements, in such form approved by the City Attorney, for possible acquisition, for an estimated purchase price not to exceed \$ 50,000 of a temporary easement interest in real property located in the City of Fremont, as follows: Assessor's Parcel No. 519-1410-011-00 owned by Masuru and Kyoko Hatsushi.

4. The Project will involve work on the Caltrans' Right-of-Way at I-680 and within City of Fremont. The Project requires that the SFPUC seek permits, consents from, and/or negotiate and enter into memoranda of understanding, and/or other agreements with, CalTrans, the Alameda County Water District, Union Sanitary District, City of Fremont, Alameda County Flood Control District, AT&T, Alameda County and PG&E relating to proposed Project construction activities, the relocation of existing utilities owned or operated by any such entity within or adjacent to the Project area, and/or the placement, operation, and maintenance of water system improvements in lands owned or occupied by such entities. These permits or agreements shall be consistent with SFPUC existing fee or easement interests, where applicable. To the extent that the terms and conditions of the required permits, instruments, or agreements will require SFPUC to indemnify other parties, those indemnity obligations are subject to review and approval by the San Francisco Risk Manager. The Commission Resolution will authorize the General Manager to agree to such other terms and conditions (e.g. maintenance, repair, and responsibility for relocation of utilities or improvements) that are in the public interest,

are consistent with the SFPUC's existing rights, and in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested use.

5. For portions of the City-owned SFPUC right-of-way where the Project work will occur, the SFPUC has issued easements, permits, or licenses to certain parties to use the right-of-way for various purposes, and in some instances other parties hold property rights or interests on lands along, over, under, adjacent to or in the vicinity of the right-of-way that may be affected by the Project. The Resolution authorizes the General Manager, or his designee, to (i) exercise any City or SFPUC right under any deed, easement, lease, permit, or license as necessary or advisable in connection with the Project, and (ii) negotiate and execute with owners or occupiers of property interests or utility facilities or improvements, on, along, over, under, adjacent to, or in the vicinity of the SFPUC's right-of-way, new or amended easements, leases, permits, licenses, encroachment removal, or other project related agreements (each, a Use Instrument) with respect to uses and structures, fences, and other above-ground or subterranean improvements or interests, trees, or other vegetation. The General Manager's authority so granted will include the authority, if necessary for the Project, to enter into, amend, or exercise rights under existing or new Use Instruments with any owner or occupier of property on, along, over, under, adjacent to, or in the vicinity of the SFPUC right-of-way, including Use Instruments required to accommodate project construction activities or schedule, or to implement Project mitigation measures. Any such new or amended Use Instrument will be in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to effectuate the purposes and intent of this Commission Resolution, and in compliance with the Charter and all applicable laws, and approved as to form by the City Attorney.

6. Implementation of the Project will involve consultation with, or required approvals by, state and federal regulatory agencies, including but not limited to the following: U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, San Francisco Regional Water Quality Control Board and Bay Area Air Quality Management District (collectively Regulatory Agencies). The Resolution authorizes the General Manager to apply for, and if necessary, seek Board of Supervisors' approval, and, if approved, accept and execute required approvals by these Regulatory Agencies. To the extent that the terms and conditions of the required approvals will require SFPUC to indemnify other parties, those indemnity obligations are subject to review and approval by the San Francisco Risk Manager. The Resolution authorizes the General Manager to agree to such terms and conditions that are within the

	<p>lawful authority of the agency to impose, in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the required approval, as necessary for the Project. The SFPUC will be required to enter into Agreements with certain Regulatory Agencies to provide financial assurances for: (1) design and implementation of the compensatory mitigation habitat identified in the permits; (2) monitoring and management during the performance period; and (3) repair and replacement of such habitats if necessary during the performance period; in order that the Regulatory Agencies may issue permits to the SFPUC to construct WSIP projects. In addition, the SFPUC intends to manage and monitor the compensatory mitigation habitat in perpetuity in accordance with project mitigation and monitoring plans and long term management plans. To that end, the SFPUC will be required to enter into agreements to provide the Regulatory Agencies with financial assurances for the management and monitoring of the habitat mitigation on an interim and long term basis.</p> <p>7. Where implementation of biological resources mitigation measures for the project involve off-site compensation at sites developed in consultation with certain state and federal regulatory agencies, the Resolution authorizes the General Manager, or his designee, to take the following actions to implement compensatory mitigation habitat (collectively, Mitigation Habitat Actions), subject to Commission and Board of Supervisors' approvals, if necessary: (i) exercise any City or SFPUC right under any deed, easement, lease, permit, or license as necessary or advisable to implement Project mitigation, (ii) negotiate and execute new or amended real property agreements for mitigation sites such as purchase agreements, easements, leases, permits, licenses, or other agreements as are necessary or advisable to implement Project mitigation, (iii) negotiate and execute financial assurance instruments with regulatory agencies for implementation of compensatory mitigation habitat, (iv) negotiate and execute conservation easements for implementation of compensatory mitigation habitat, and (v) seek Board of Supervisors' approval of Mitigation Habitat Actions, if required. The General Manager is authorized to agree to such terms and conditions for Mitigation Habitat Actions that are within the lawful authority of the agency to impose, in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, and are reasonable and appropriate for the scope and duration of the required mitigation or regulatory permit approval, as necessary for the Project.</p>
<p>Environmental Review:</p>	<p>The San Francisco Planning Commission certified a Final EIR for Project No. CUW35302, on January 20, 2011.</p>
<p>Recommendation:</p>	<p>SFPUC staff recommends that the Commission adopt the attached resolution.</p>

Project No: CUW35302, Seismic Upgrade of BDPL Nos. 3&4

Commission Meeting Date: January 27, 2011

Attachments:	<ol style="list-style-type: none">1. SFPUC Resolution2. Attachment A: CEQA Findings3. Attachment B: Mitigation Monitoring and Reporting Program (MMRP)

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. _____

WHEREAS, San Francisco Public Utilities Commission ("SFPUC") staff has developed a project description under the Water System Improvement Program ("WSIP") for the improvements to the regional water supply system, otherwise known as Project No. CUW35302 Seismic Upgrade of Bay Division Pipeline (BDPL) Nos. 3 & 4 (the "Project"); and

WHEREAS, The objectives of the Project are to:

- Reduce the potential effects of a catastrophic failure of BDPL Nos. 3 and 4 where they cross the Hayward fault in order to protect these vital lifelines (Mission Boulevard, I-680, and the new BDPL No. 3X).
- Design the proposed BDPL No. 3X to be functional within 24 hours of a seismic event.
- Deliver basic service to the East/South Bays, Peninsula, and San Francisco within 24 hours of a major earthquake. Basic service is defined as average winter-month usage, and the performance objective for the Bay Division regional system (described in Chapter 2, Section 2.1.3, Bay Division Regional Water System Facilities) is 229 mgd. The performance objective is to provide delivery to at least 70 percent of the turnouts (i.e., water-diversion connecting points from the regional system to customers) in each region, with 104, 44, and 81 mgd delivered to East/South Bays, Peninsula, and San Francisco regions, respectively.
- Design and upgrade facilities to meet average-day demand for the Bay Division regional system of up to 300 mgd within 30 days of a major earthquake; and

WHEREAS, For the southern point of connection of new BDPL No. 3X to existing BDPL No. 3, two approaches to construction of this connection have been considered and analyzed in the Final EIR. Under Approach 1, construction of the pipeline would involve crossing Agua Fria Creek using either trenchless or open-cut construction. Under Approach 2, while there would not be a need for a permanent pipeline crossing of Agua Fria Creek, it would require a temporary access route (utilizing a steel plate) over the creek during the construction period. The current design of the Project includes Approach 2, which is the staff recommended and preferred approach. Both approaches are included in the Project as analyzed in the Final EIR, and both approaches would be subject to the same mitigation measures; and

WHEREAS, For the improvements to BDPL No. 4 at Trace A of the Hayward Fault, the SFPUC has considered two design options, both of which are included in the Project as analyzed in the Final EIR. The current design of the Project includes Option A, which is the staff recommended and preferred option. Option A includes constructing one slip joint on the pipeline on the south side of the fault crossing (between the southbound diamond on-ramp and I-680) and

strengthening the pipeline by sliplining at the point where it crosses Trace A. However, if determined necessary after further design refinement, a second slip joint (Option B) could be required to the north of Trace A (within the northbound loop on-ramp) and the pipeline would be strengthened by reinforcing the existing pipeline joints between the two slip joints. Both options are included in the Project as analyzed in the Final EIR, and both options would be subject to the same mitigation measures; and

WHEREAS, On January 20, 2011, the Planning Commission reviewed and considered the Final Environmental Impact Report (EIR) on the Project in Planning Department File No. 2006.1388E, consisting of the Draft EIR and the Comments and Responses document, and found that the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed, complied with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code, and found further that the Final EIR reflects the independent judgment and analysis of the City and County of San Francisco; is adequate, accurate, and objective, and that the Comments and Responses document contains no significant revisions to the Draft EIR, and certified the completion of said Final EIR in compliance with CEQA and the CEQA Guidelines in its Motion No.M-18257; and

WHEREAS, This Commission has reviewed and considered the information contained in the Final EIR, all written and oral information provided by the Planning Department, the public, relevant public agencies, SFPUC, and other experts and the administrative files for the Project and the Final EIR; and

WHEREAS, The Project and Final EIR files have been made available for review by the SFPUC and the public in File No. 2006.1388E, at the San Francisco Planning Department, custodian of records, 1650 Mission Street, Fourth Floor, San Francisco, California; and those files are part of the record before this Commission; and

WHEREAS, SFPUC staff prepared proposed findings, as required by CEQA (CEQA Findings), in Attachment A to this Resolution and a proposed Mitigation, Monitoring and Reporting Program (MMRP) in Attachment B to this Resolution, which material was made available to the public and the Commission for the Commission's review, consideration, and action; and

WHEREAS, The Project is a WSIP capital improvement project; and

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

WHEREAS, Thereafter, the SFPUC approved the WSIP and adopted findings and a MMRP as required by CEQA on October 30, 2008 by Resolution No. 08-200; and

WHEREAS, Although the Project is a WSIP capital improvement project, it was determined to have independent utility because, among other reasons, the Project is necessary irrespective of any other WSIP project, the Project will not increase the normal operating capacity of the water supply system or change the manner in which the water is dispersed and

any potential cumulative impacts associated with implementation of the Project are addressed in the FEIR prepared for the Project; and environmental review of the Project has proceeded independently from the PEIR; and

WHEREAS, Construction of the Project will impact an historic archaeological site, Site CA-ALA-576, and, in order to ensure that the resources at this site are recovered prior to construction of the project and not destroyed as a result of construction, mitigation measures include preparation of an Archaeological Research Design and Treatment Plan and Archaeological Data Recovery Report (ARDTP/HPTP) and execution of a Memorandum of Agreement (MOA) among the U. S. Army Corps of Engineers, the SFPUC, and the State Historic Preservation Officer; and

WHEREAS, The SFPUC staff will comply with Government Code Section 7260 et seq. statutory procedures for possible acquisition of interests (temporary) in the following real property in Alameda County, City of Fremont, as follows: Assessor's Parcel No. 519-1410-011-00 owned by Masuru and Kyoko Hatsushi; and

WHEREAS, The Project will require the SFPUC General Manager to obtain necessary permits, consents, and encroachment permits from, and enter into agreements or memoranda of understanding with CalTrans, Union Sanitary District, Alameda County, Alameda County Water District, Alameda County Flood Control District, AT&T, Pacific Gas and Electric Company and the City of Fremont with respect to proposed Project construction activities, the relocation or temporary interruption of existing electrical, telecommunication, water, sewer, lighting, or gas pipelines, conduits, or systems or improvements owned or operated by any such entity within or adjacent to the Project area, and/or the placement, operation, and maintenance of water system improvements in lands owned or occupied by such entities and such permits, consents, encroachment permits, agreements and memoranda of understanding ; and

WHEREAS, The SFPUC has issued easements, leases, permits, or licenses to certain parties to use for various purposes portions of City-owned property along the SFPUC right-of-way where the Project work will occur, and in some instances other parties hold property rights or interests on lands on, along, over, under, adjacent to, or in the vicinity of the right-of-way, and it may be necessary for the General Manager, or his designee, to (a) exercise rights under any such deed, easement, lease, permit, or license or (b) negotiate and execute new or amended easements, leases, permits, licenses, or encroachment removal or other project related agreements or consents (each, a Use Instrument) with owners or occupiers of property interests or utility facilities or improvements on, along, over, under, adjacent to, or in the vicinity of, City property with respect to uses and structures, fences, and other above-ground or subterranean improvements or interests, orchards, trees, or other vegetation, or to implement Project mitigation measures or accommodate Project construction activities and schedule; and

WHEREAS, Implementation of the Project will involve consultation with, or obtaining required approvals by, state and federal regulatory agencies, including but not limited to the following: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish

and Game, San Francisco Bay Regional Water Quality Control Board, and Bay Area Air Quality Management District; and

WHEREAS, Implementation of certain biological resources mitigation measures may involve off-site compensation at sites developed in consultation with state and federal regulatory agencies, which may include sites on SFPUC property but potentially including locations not currently owned or controlled by the SFPUC, and it may be necessary or advisable for the General Manager, or his designee, to take the following actions to implement compensatory mitigation habitat (collectively, Mitigation Habitat Actions): (a) exercise any City or SFPUC right under any deed, easement, lease, permit, or license as necessary or advisable to implement compensatory mitigation habitat; (b) negotiate and execute new or amended real property agreements for compensatory mitigation habitat sites such as purchase agreements, easements, leases, permits, licenses, or other agreements as are necessary or advisable to implement Project mitigation; (c) negotiate and execute financial assurance instruments with regulatory agencies for (1) design and implementation of the compensatory mitigation habitat, (2) monitoring and management during the performance period, (3) repair and replacement of such habitats if necessary during the performance period, and (4) management and monitoring the habitat mitigation projects in perpetuity in accordance with individual project mitigation and monitoring plans and long term management plans on an interim and long term basis, if necessary; (d) negotiate and prepare conservation easements for implementation of compensatory mitigation habitat, if necessary; and (e) seek Board of Supervisors' approval of Mitigation Habitat Actions, if necessary; and

WHEREAS, Implementation of mitigation at habitat mitigation sites may require the General Manager to negotiate and execute instruments for financial assurances concerning compensatory mitigation habitat with regulatory agencies; now, therefore, be it

RESOLVED, This Commission has reviewed and considered the Final EIR, finds that the Final EIR is adequate for its use as the decision-making body for the actions taken herein, and hereby adopts the CEQA Findings, including the Statement of Overriding Considerations, attached hereto as Attachment A and incorporated herein as part of this Resolution by this reference thereto, and adopts the MMRP attached to this Resolution as Attachment B and incorporated herein as part of this Resolution by this reference thereto, and authorizes a request to the Board of Supervisors to adopt the same CEQA Findings, Statement of Overriding Considerations and MMRP; and be it

FURTHER RESOLVED, That this Commission hereby approves the Project, also known as Project No. CUW35302, Seismic Upgrade of BDPL No. 3 & 4, and authorizes SFPUC staff to proceed with actions necessary to implement the Project consistent with this Resolution, including advertising for construction bids, provided, however, that staff will return to seek Commission approval for award of construction contract(s); and be it

FURTHER RESOLVED, That the Commission accepts, approves and authorizes SFPUC staff to proceed with Approach 2 for construction of the southern point of connection of the new BDPL No. 3X to existing BDPL No. 3; and be it

FURTHER RESOLVED, That the Commission accepts, approves and authorizes SFPUC staff to proceed with either Option A or Option B for construction of the improvements to BDPL No. 4 at Trace A of the Hayward Fault, as determined by staff to be necessary and appropriate during final Project design, subject to prior approval of and receipt of all required permits from other regulatory agencies with jurisdiction over these construction activities; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager and/or the Director of Real Estate to undertake the process, in compliance with Government Code Section 7260 et seq., with the San Francisco Charter and all applicable laws, for possible acquisition of interests (temporary) in the following real property in Alameda County, City of Fremont, as follows: Assessor's Parcel No. 519-1410-011-00 owned by Masuru and Kyoko Hatsushi, and to seek Board of Supervisors' approval if necessary, and provided that any necessary Board approval has been obtained, to accept and execute final agreements, and any other related documents necessary to consummate the transactions contemplated therein, in such form, approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to apply for and execute such permits, encroachment permits, or other agreements with CalTrans, Alameda County, Alameda County Flood Control District, Union Sanitary District, AT&T, Pacific Gas and Electric Company and the City of Fremont as necessary with respect to proposed Project construction activities, the relocation of existing utilities or improvements owned or operated by any such entity within or adjacent to the Project area, and/or the placement, operation, and maintenance of water system improvements in lands owned or occupied by such entities, which shall be consistent with SFPUC's existing fee or easement interests, where applicable. To the extent that the terms and conditions of the permits or agreements will require SFPUC to indemnify the respective jurisdictions, those indemnity obligations are subject to review and approval by the San Francisco Risk Manager. The General Manager is authorized to agree to such terms and conditions, including but not limited to those relating to maintenance, repair, and responsibility for relocation of improvements, that are in the public interest, and in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested use as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to negotiate and execute a Memorandum of Agreement (MOA) among the U. S. Army Corps of Engineers, the SFPUC, and the State Historic Preservation Officer in connection with the ARDTP/HPTP for archaeology site CA-ALA-576 which MOA will include provisions to resolve adverse effects on the site through archaeological data recovery detailed in an Historic Properties Treatment Plan (HPTP), including a recovery program, laboratory analysis, curation and reporting requirements, and a process for continued coordination with Native American representatives, construction monitoring and appropriate treatment of any human remains or resources discovered during construction. Staff will obtain Historic Preservation Commission review and comment prior to executing the MOA; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to exercise any right as necessary under any deed or Use Instrument and negotiate and execute new or amended Use Instruments, if necessary for the Project and subject to any applicable approvals, with owners or occupiers of property interests or utility facilities or improvements on, along, over, under, adjacent to, or in the vicinity of the SFPUC right-of-way, in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to accommodate Project construction activities and schedule, carry out Project-related mitigation measures, and to otherwise effectuate the purposes and intent of this Resolution, in compliance with the Charter and all applicable laws, and in such form approved by the City Attorney; and be it

FURTHER RESOLVED, The General Manager will confer with the Commission during the negotiation process on real estate agreements and financial assurances, as necessary, and report to the Commission on all agreements submitted to the Board of Supervisors for approval. Notwithstanding the authority granted to the General Manager by this Resolution, the General Manager is not authorized to dispose of any right-of-way or other SFPUC interest in real property, in any manner, including by sale, trade, or transfer, without approval by the SFPUC pursuant to Charter Section 8B124; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to consult with, or apply for, and, if necessary, seek Board of Supervisors' approval, and if approved, to accept and execute permits or required approvals, and to execute such other agreements as may be necessary to implement terms and conditions or otherwise comply with the requirements imposed by state and federal regulatory agencies, including but not limited to: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, San Francisco Bay Regional Water Quality Control Board, and Bay Area Air Quality Management District, including terms and conditions that are within the lawful authority of the agency to impose, in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested permit or approval, as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to carry out Mitigation Habitat Actions that the General Manager determines are in the public interest and are acceptable, necessary, and advisable to accommodate Project construction activities and schedule, carry out Project-related compensatory mitigation habitat measures, at such site or sites that maybe selected and approved for Project mitigation in consultation with regulatory agencies, and to otherwise effectuate the purposes and intent of this Resolution, in compliance with the Charter and all applicable laws, and in such form approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to enter into any subsequent additions, amendments, or other modifications to the permits, licenses, encroachment removal agreements, leases, easements, and other Use Instruments, real property agreements, memoranda of understanding, financial assurances, transmission agreements, or amendments thereto, as described herein, that the General Manager, in consultation with the City Attorney, determines are in the best interests of the SFPUC and the City, do not materially decrease the benefits to the SFPUC or the City, and do not materially increase the obligations or liabilities of the SFPUC or the City, subject to Board of Supervisors' approval, where required, such determination to be conclusively evidenced by the execution and delivery of any such additions, amendments, or other modifications.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of:

January 27, 2011

Secretary, Public Utilities Commission



Attachment A

Seismic Upgrade of Bay Division Pipelines Nos. 3 and 4 at Hayward Fault Project

California Environmental Quality Act Findings: Findings of Fact, Evaluation of Mitigation Measures and Alternatives, and Statement of Overriding Considerations

San Francisco Public Utilities Commission

In determining to approve the Seismic Upgrade of Bay Division Pipeline (BDPL) Nos. 3 and 4 at Hayward Fault Project (project) described in Section I, Project Description, below, the San Francisco Public Utilities Commission (SFPUC) makes and adopts the following findings of fact and decisions regarding mitigation measures and alternatives, and adopts the statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act ("CEQA"), California Public Resources Code Sections 21000 et seq., particularly Sections 21081 and 21081.5, the Guidelines for Implementation of CEQA ("CEQA Guidelines"), 14 California Code of Regulations Sections 15000 et seq., particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administration Code.

This document is organized as follows:

Section I provides a description of the project proposed for adoption, the environmental review process for the project, the approval actions to be taken and the location of records;

Section II identifies the impacts found not to be significant that do not require mitigation;

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures;

Section IV identifies significant impacts that cannot be avoided or reduced to less-than-significant levels and describes any applicable mitigation measures as well as the disposition of the mitigation measures;

Section V evaluates the different project alternatives and the economic, legal, social, technological, and other considerations that support approval of the project and the rejection of the alternatives, or elements thereof, analyzed; and

Section VI presents a statement of overriding considerations setting forth specific reasons in support of the Commission's actions and its rejection of the alternatives not incorporated into the project.

**ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (WEA CASE NO. 2006.1388E)**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
LU-1	Temporary impacts related to disruption of existing land uses and effects on the existing character of the project vicinity during construction	M-LU-1: Neighborhood Notice The SFPUC or its contractor will provide 14-day advance notice by mail to all residents, tenants, and/or property owners within 300 feet of project construction zones. The notice will state the construction location, activity, and schedule. The notice will provide alternative routes or detours, locations of delayed or impeded access, and suggestions to avoid traffic delays and reduce the effects of construction-related noise as well as dust and exhaust emissions (e.g., planning alternative schedules, closing windows facing the planned construction sites). The SFPUC will identify and provide a public liaison person before and during construction to respond to the concerns of neighboring residences, businesses, hospitals, schools, and other public facilities. Procedures for contacting the public liaison officer via a toll-free telephone number, email, or in person will be included in the mailed notice. Prior to construction, the SFPUC communications manager, resident engineer, and construction manager will develop and review procedures for receiving and responding to questions and complaints.	1. SFPUC EMB Communications 3. CM Team 4. SFPUC Communications	1. SFPUC BEM 2. CM TEAM 3. CM Team 4. SFPUC BEM	1. Ensure that the contract documents include the requirement to post notices at the project site and to provide advance notice of construction start date to the SFPUC so that SFPUC Communications can mail notices. 2. Develop a neighborhood notice program and ensure that it includes identifying a public liaison officer and developing procedures for receiving and responding to questions and complaints. 3. Provide contractor's schedule to SFPUC Communications if they are providing notifications. Monitor to ensure that contractor implements measures in contract documents. Report noncompliance, and ensure corrective action. 4. Provide notifications as required in advance of construction activities. Maintain records of notifications. Ensure public questions and complaints are responded to and corrective actions taken as needed.	1. Design 2. Preconstruction 3. Preconstruction/Construction 4. Construction
303		M-TR-1: Traffic Control Plan. (see Transportation and Circulation section below) M-NO-1a: Noise Control Plan (see Noise section below) M-NO-1b: Temporary Noise Barriers or Enclosures (see Noise section below) M-NO-1c: Setback Restrictions (see Noise section below) M-NO-1d: Nighttime Restrictions on Construction Activities (see Noise section below) M-NO-3: Haul and Delivery Truck Operation Limits (see Noise section below) M-AQ-4a: Vibration Limits (see Noise section below) M-AQ-1a: BAAQMD Dust Control Measures (see Air Quality section below)	(see relevant sections below)	(see relevant sections below)	(see relevant sections below)	(see relevant sections below)
AE-1	Construction-related impacts on scenic vistas, biotic resources, or the visual character of the surroundings	M-HY-1: Construction Water Quality Best Management Practices (see Hydrology and Water Quality section below)	(see Hydrology and Water Quality section below)	(see Hydrology and Water Quality section below)	(see Hydrology and Water Quality section below)	(see Hydrology and Water Quality section below)

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**ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM (Continued)
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1388E)**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
CP-2	Impacts on unknown and known prehistoric and historic-period archaeological resources	<p>M-CP-2a: Archaeological Research Design and Treatment Plan and Archaeological Data Recovery Report for CA-ALA-576</p> <p>Prior to construction, the SFPUC will retain a qualified archaeologist to design and implement an archaeological research design and treatment plan (ARDTP) to recover important cultural resources that may be present in CA-ALA-576. The ARDTP will be used for federal and state consultation as the historic properties treatment plan (HPTP). The ARDTP/HPTP will be prepared in conjunction, as appropriate, with a Memorandum of Agreement among the Corps, SFPUC, State Historic Preservation Officer, and Native American organizations.</p> <p>Once approved, the archaeologist will implement a data recovery investigation and/or other treatment, consistent with the ARDTP/HPTP. The Memorandum of Agreement and implementation of the ARDTP/HPTP will conform, as applicable, to state law requirements for the treatment of any human remains and associated funerary objects that are recovered at this site, as set forth in Mitigation Measure CP-4. A Native American consultant will be present during all ground-disturbing activities associated with the data recovery effort. Upon completion of the data recovery and treatment efforts, the archaeologist will prepare an archaeological data recovery report (ADRR) that describes the archaeological and historical research methods employed in the archaeological evaluation/monitoring/data recovery program(s) undertaken, and that also presents, analyzes, and interprets the recovered data. Information that may put at risk any archaeological resource will be provided in a separate removable insert within the final report. Once approved by the Environmental Review Officer (ERO), copies of the ADRR will be distributed as follows: the relevant California Historical Resources Information System Information Center will receive one copy and the ERO will receive a copy of the ADRR to the Information Center. MEA will receive three copies of the ADRR, along with copies of any formal site recordation forms (DPR 523 series) and/or documentation for evaluation under National Register/California Register criteria. Copies will also be submitted to the appropriate federal agencies, the State Historic Preservation Officer, and the Advisory Council of Historic Preservation as necessary.</p>	<ol style="list-style-type: none"> 1. CM Team (Qualified Archeologist) 2. CM Team (Qualified Archeologist) 3. CM Team (Qualified Archeologist) 	<ol style="list-style-type: none"> 1. SFPUC BEM/MEA 2. SFPUC BEM/ERO 3. SFPUC BEM/ERO 	<ol style="list-style-type: none"> 1. Prepare ARDTP/HPTP in conjunction with MEA/SFPUC and reviewing parties 2. Implement data recovery investigation and/or other treatment. 3. Prepare ADRR at completion of data recovery and treatment efforts. Distribute to appropriate agencies after approval by ERO. 	<ol style="list-style-type: none"> 1. Preconstruction 2. Preconstruction 3. Preconstruction
		<p>M-CP-2b: Extended Archaeological Survey for Areas Outside of CA-ALA-576</p> <p>Prior to construction, the SFPUC will retain a qualified archaeologist to design and implement an extended archaeological survey (EAS) to investigate the potential presence of archaeological resources within the CA-ALA-576, but outside of the known boundaries of CA-ALA-576. The EAS will include geotechnical soil coring samples in areas outside of the known boundaries of CA-ALA-576 to determine the presence or absence of cultural materials. The EAS must be approved by the ERO prior to conducting the investigation. The qualified archaeologist would prepare and present the results of the survey in a report to be approved by the ERO.</p>	<ol style="list-style-type: none"> 1. CM Team (Qualified Archeologist) 2. CM Team (Qualified Archeologist) 	<ol style="list-style-type: none"> 1. SFPUC BEM / ERO 2. SFPUC BEM / ERO 	<ol style="list-style-type: none"> 1. Prepare EAS for areas outside of known archaeological site. Receive approval from ERO to begin extended survey. Implement extended archaeological survey. 2. Present findings of the survey in a report to the ERO. 	<ol style="list-style-type: none"> 1. Preconstruction 2. Preconstruction
		<p>M-CP-2c: Archaeological Evaluation Plan and Archeological Evaluation and Effects Report</p> <p>If potentially significant cultural materials—including prehistoric materials such as obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, handstones, or milling elab); battered stone tools, such as hammerstones and chipped stones; or historic-period materials such as stone, concrete, or adobe footings and walls; filled wells or privies; or deposits of metal, glass, and/or ceramic refuse—are identified during the EAS, the SFPUC will retain a qualified archaeologist and a Native American consultant to design and implement an archaeological evaluation plan for evaluating the resource's eligibility to the National and California Registers. The results of this evaluation will be included in an archaeological evaluation and effects report prepared by a qualified archaeologist.</p>	<ol style="list-style-type: none"> 1. CM Team 2. CM Team (Qualified Archeologist and Native American Consultant) 3. CM Team (Qualified Archeologist) 	<ol style="list-style-type: none"> 1. SFPUC BEM/ERO 2. SFPUC BEM/ERO 3. SFPUC BEM/ERO 	<ol style="list-style-type: none"> 1. If significant cultural materials are found, retain a qualified archaeologist and Native American consultant to design and implement an archaeological evaluation plan. 2. Prepare and implement an archaeological evaluation plan. 3. Prepare an archaeological evaluation and effects report. 	<ol style="list-style-type: none"> 1. Preconstruction 2. Preconstruction 3. Preconstruction

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ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM (Continued)
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006-1388E)

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
CP-2 (cont.)	<p>M-CP-2d: Archaeological Monitoring Plan and Accidental Discovery Measures.</p> <p>A qualified archaeologist will prepare an archaeological monitoring plan (AMP), including measures that will be implemented to ensure that important, previously unrecorded archaeological resources that are discovered during construction (but were not identified during implementation of the EAS or ARDTP/HPTP) are identified, evaluated, and treated appropriately. The AMP will include the following measures should construction activities result in the accidental discovery of a cultural resource:</p> <ul style="list-style-type: none"> Construction activities will immediately be suspended within 50 feet of the find if there is any indication of a potential archaeological resource. To avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources, as defined in CEQA Guidelines Section 15065.4(a)(c), the SFPUC will distribute the Planning Department's archaeological resource "ALERT" sheet to the project prime contractor, to any project subcontractor firms (including demolition, excavation, grading, foundation, pile driving, etc.) and/or to utilities firms involved in soil-disturbing activities within the project site. Prior to any soil-disturbing activities being undertaken, each contractor is responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, supervisory personnel, etc. The SFPUC will provide the ERO with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) confirming that all field personnel have received copies of the ALERT sheet. Should any indication of an archaeological resource be encountered during any soils disturbing activity of the project, the project sponsor will immediately notify the ERO and will immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken. If the ERO determines that an archaeological resource may be present within the project site, the SFPUC will retain the services of a qualified archaeological consultant. The archaeological consultant will advise the ERO as to whether the discovery is an archaeological resource that retains sufficient integrity and is of potential scientific/historical/cultural significance, if an archaeological resource is present, the archaeological consultant will identify and evaluate the archaeological resource. The archaeological consultant will make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the SFPUC. Measures might include: preservation in situ of the archaeological resource; an archaeological monitoring program; or an archaeological evaluation program. The ERO may also require that the SFPUC immediately implement a site security program if the archaeological resource is at risk from vandalism, looting, or other damaging actions. The project archaeological consultant will submit a Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report. Once approved by the ERO, copies of the FARR shall be distributed as follows: the relevant California Historical Resources Information System Information Center shall receive one (1) copy, and the ERO shall receive a copy of the transmittal of the FARR to the Information Center. The MEA shall receive three copies of the FARR along with copies of 	<p>1. SFPUC EMB 2. CM Team 3. CM Team 4. CM Team (Qualified Archaeologist)</p>	<p>1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM 4. SFPUC BEM and ERO</p>	<p>1. Ensure that the contract documents include measures related to archaeological discoveries. 2. Ensure that all project personnel attend environmental training prior to work and sign the training sign-in sheet and receive "Alert" sheet. Maintain file of sign-in sheets for submittal to ERO. Monitor to ensure that the contractor implements measures in contract documents, report noncompliance and ensure corrective action. 3. Ensure that all potential discoveries are reported as required and that the contractor suspends work in the vicinity. Mobilize an archaeologist to the area if the ERO determines that an archaeological resource may be present. 4. In the event of a potential discovery, evaluate the potential discovery and advise ERO as to the significance of the discovery. Proceed with recommendations, evaluations, and implementation of additional measures in consultation with ERO. Prepare and distribute final archaeological resources report as required.</p>	<p>1. Design 2. Preconstruction and Construction 3. Construction 4. Construction</p>	

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**ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM (Continued)
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006-1388E)**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
CP-2 (cont.)		any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. The SFPUC shall receive the number of copies of the FARR requested. In instances of high public interest in or when a resource has high interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.				
CP-3	Impacts on paleontological resources	<p>M-CP-3a: Paleontological Resources Worker Training Prior to the initiation of site preparation and/or start of construction, SFPUC shall ensure that all construction forepersons and field supervisors receive training overseen by a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology's (SVP) Conformable Impact Mitigation Guidelines Committee (1995) and who is experienced in teaching non-specialists about certain characteristics in the excavation that might suggest it is a fossil locally. Training on paleontological resources shall also be provided to all other construction workers but may include videolapse of the initial training and/or the use of written materials rather than in-person training by a paleontologist.</p> <p>M-CP-3b: Paleontological Resources Monitoring The SFPUC will retain a qualified professional paleontologist, as defined by the SVP's Conformable Impact Mitigation Guidelines Committee (SVP 1995), to conduct onsite monitoring for unanticipated discovery of potentially significant paleontological resources during initial ground disturbing activities (e.g., grading and excavation). After initial ground disturbing activities in the paleontologically sensitive areas, monitoring may cease but a paleontologist will be retained on-call by the SFPUC and its contractor throughout the project in the event of an unanticipated find during subsequent construction activities. If potential fossils are discovered during construction, all earthwork or other types of ground-disturbance in the vicinity of the find shall cease immediately until a qualified professional paleontologist, as defined by the SVP's Conformable Impact Mitigation Guidelines Committee (SVP 1995), can assess the nature and importance of the find and recommend appropriate salvage and treatment. The SFPUC shall be responsible for ensuring that the recommendations of the paleontological monitor regarding treatment and reporting are implemented and reported to the San Francisco Planning Department Environmental Review Officer.</p>	1. SFPUC BEM	1. SFPUC BEM	1. Provide appropriate paleontological resources training for all construction forepersons, field supervisors and construction workers and require appropriate documentation.	1. Preconstruction and Construction
306			1. SFPUC EMB 2. CM Team (Qualified Paleontologist) 3. CM Team (Qualified Paleontologists)	1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEMERO	1. Ensure that contract documents include measures related to discovery of paleontological resources. 2. Implement monitoring by a qualified paleontologist at the beginning of excavation activities in geologic formations cited for monitoring (Irvington Gravels and undivided artificial deposits). 3. Cease excavation work immediately if a paleontological resource is found. Contact qualified paleontologist if not present at the site to determine treatment and implement treatment. Report discoveries and treatment to ERO.	1. Design 2. Construction 3. Construction
CP-4	Impacts on Human remains	<p>M-CP-4: Human Remains and Associated or Unassociated Funerary Objects The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity, must comply with applicable state laws, including: immediate notification of the coroner of the county within which the project is located and, in the event of the coroner's determination that the human remains are Native American, notification of the California Native American Heritage Commission, who would appoint a Most Likely Descendant (MLD) (PRC Section 5097.98). The archaeological consultant, SFPUC, and MLD would then make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters. If the MLD and the other parties do not agree on the rebuttal method, the project will follow Section 5097.98(e) of the PRC, which states that "the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbances."</p>	1. SFPUC EMB 2. CM Team (Qualified Archaeologist) 3. CM Team	1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM	1. Ensure that contract documents include measures related to discovery of human remains. 2. If potential human remains are encountered, mobilize an archaeologist to confirm existence of human remains. If human remains are confirmed, perform required coordination and notifications. 3. Monitor to ensure that the contractor implements measures in contract documents including inuring that all potential human remains are reported as required and that contractor suspends work in the vicinity. Report noncompliance and ensure corrective action.	1. Design 2. Construction 3. Construction

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SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1389E)**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
TR-1 (also TR-3 TR-4 HZ-4 LU-1)	Short-term increased traffic volumes and delays on roadways due to temporary reduction in roadway capacity	<p>M-TR-1: Traffic Control Plan</p> <p>The SFPUC will require the construction contractor to prepare and implement a traffic control plan to reduce traffic impacts on the I-680 northbound diamond and loop on-ramps, Mission Boulevard, and DeJour routes, as well as to reduce potential traffic safety hazards and ensure adequate access for emergency responders. The SFPUC and construction contractor(s) will coordinate development and implementation of this plan with Caltrans and the City of Fremont, as appropriate. To the extent applicable, the traffic control plan will conform to the state's <i>Manual of Traffic Controls for Construction and Maintenance Work Areas</i>. The traffic control plan will include, but not be limited to, the following elements:</p> <ul style="list-style-type: none"> • Circulation and detour plans to minimize impacts on local street circulation during road closures. Flaggers and/or signage will be used to guide vehicles through and/or around the construction zone. • Identification of truck routes designated by the City of Fremont. Haul routes that minimize truck traffic on local roadway and residential streets will be utilized to the extent possible. • Sufficient staging areas for trucks accessing construction zones to minimize disruption or access to adjacent land uses, particularly at entries to onsite pipeline construction within residential neighborhoods. • Control and monitoring of construction vehicle movement through the enforcement of standard construction specifications by onsite inspectors. • Scheduling of truck trips outside the peak morning and evening commute hours to the extent possible. • Limiting lane closures during peak hours to the extent possible. Approved lane closure periods are as follows: <ul style="list-style-type: none"> - <i>Single lane closures of Mission Boulevard</i>: weekdays and Sundays between 10 p.m. and 6 a.m. (westbound) and between 11 p.m. and 6 a.m. (eastbound), and Saturdays between 10 p.m. and 7 a.m. (westbound) and between 12 midnight and 7 a.m. (eastbound) - <i>Full closure of Mission Boulevard</i>: weekdays and Sundays between 11 p.m. and 6 a.m., and Saturdays between 12 midnight and 7 a.m. - <i>Northbound I-680 diamond on-ramp</i>: weekday or weekend evenings from 10 p.m. to 6 a.m. - <i>Northbound I-680 loop on-ramp</i>: weekday or weekend evenings from 12 midnight to 6 a.m. • Restoring roads to the pre-project number of lanes, with all trenches covered with steel plates or the equivalent outside of allowed working hours (weekdays between 7 a.m. and 7 p.m. and Saturdays between 9 a.m. and 6 p.m., with occasional construction activities occurring on Sundays) or when work is not in progress. • Maintaining pedestrian and bicycle access and circulation during project construction where safe to do so. If construction activities encroach on a bicycle lane, advance warning signs (e.g., "Bicyclist Allowed Use or Full Lane" and/or "Share the Road") will be posted that indicate bicycles and vehicles are sharing the lane. If construction activities encroach on a sidewalk, safe crossings and appropriate signage will be provided for pedestrians. • Identification of detours for bicycles and pedestrians, where applicable, in all areas affected by project construction. • Storage of all equipment and materials in designated contractor staging areas on or adjacent to the worksite, such that traffic obstruction is minimized. 	<p>1. SFPUC CM Team (Traffic Construction Coordinator)</p> <p>2. CM Team</p> <p>3. CM Team</p>	<p>1. SFPUC BEM</p> <p>2. SFPUC BEM</p> <p>3. SFPUC BEM</p>	<p>1. Ensure that contract and/or work documents include the requirement to prepare a Traffic Control Plan.</p> <p>2. Ensure contractor submits a traffic control plan and verify it complies with the mitigation requirements. Ensure that the contractor coordinates with the City of Fremont, Caltrans, and county agencies for affected roadways and interactions.</p> <p>3. Monitor to ensure that the contractor implements measures in the traffic control plan and contract documents. Report noncompliance and ensure corrective action.</p>	<p>1. Design</p> <p>2. Preconstruction and Construction</p> <p>3. Construction</p>

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**ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM (Continued)
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.138BE)**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
TR-1 (also TR-3, TR-4, HZ-4, LU-1) (cont.)		<ul style="list-style-type: none"> Implementation of roadside safety protocols. Advance "Road Work Ahead" warning and speed control signs (including those informing drivers of state-legislated double fines for speed infractions in a construction zone) will be posted to reduce speeds and provide safe traffic flow through the work zone. Coordination of construction with facility owners or administrators of police and fire stations (including all fire protection agencies), transit stations, hospitals, and schools. Facility owners or operators will be notified in advance of the timing, location, and duration of construction activities and the locations of detours and lane closures. Coordination of construction with local transit services providers, including temporary relocation of bus routes in work zones as necessary. Notification of local police and emergency responders of the ramp closures. Repair and restoration of roadway ROWs to their original condition after construction is completed. Use of portable changeable message signs to provide advance notice of lane closures. 				
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TR-3	Short-term increased potential traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways due to construction-related vehicle trips and construction within roadways	<p>M-TR-1: Traffic Control Plan (see above)</p>	(see M-TR-1)	(see M-TR-1)	(see M-TR-1)	(see M-TR-1)
TR-4	Short-term impaired access to adjacent roadways and land uses for both general and emergency response traffic as well as for bicyclists and pedestrians due to construction within roadways	<p>M-TR-1: Traffic Control Plan (see above)</p>	(see M-TR-1)	(see M-TR-1)	(see M-TR-1)	(see M-TR-1)
C-TR	Cumulative impacts related to increases in traffic and traffic hazards, access, and parking	<p>M-C-TR: SFPUC Project Construction Traffic Coordinator</p> <p>As required in M-TR-1, Traffic Control Plan, the construction contractor will be required to submit a traffic control plan to the SFPUC. Under this measure, the SFPUC construction coordinator will coordinate development of this traffic control plan with Caltrans, the City of Fremont, and county agencies responsible for reviewing and/or approving the construction of other identified private and public development projects so as to minimize traffic impacts on regional roadways and local access roads, particularly local streets where sensitive receptors (e.g., schools, residences, or hospitals) are located.</p>	<ol style="list-style-type: none"> SFPUC EMB CM Team (Traffic Construction Coordinator) CM Team 	<ol style="list-style-type: none"> SFPUC BEM SFPUC BEM SFPUC BEM 	<ol style="list-style-type: none"> Ensure that the applicable measures that are identified in the traffic control plan are also included in contract documents. Review and coordinate individual project traffic control plans, coordinate with the City of Fremont, Caltrans, and county agencies to develop a transportation management plan that includes measures that address traffic resulting from multiple projects in the same vicinity. Monitor to ensure that the contractor implements measures in contract documents. Report non-compliance and ensure corrective action. 	<ol style="list-style-type: none"> Design Preconstruction and Construction Construction

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**ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM (Continued)
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1388E)**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
NO-1	Disturbance from temporary construction-related noise increases	<p>M-NO-1a: Noise Control Plan</p> <p>The SFPUC will ensure that construction contract specifications require the contractor to submit a noise control plan for construction activities throughout the project area (prepared by a qualified noise consultant) to the SFPUC for review and approval at least 28 days before construction begins. The SFPUC will require the qualified noise consultant to be a board-certified Institute of Noise Control Engineering member or other qualified consultant or engineer approved by the SFPUC Project Construction Manager. The SFPUC will verify that the noise control plan contains at least the following elements:</p> <ul style="list-style-type: none"> • Best available noise control techniques (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) will be used for all equipment and trucks to minimize construction noise impacts. • If impact equipment (e.g., jack hammers, pavement breakers, rock drills) is used during project construction, hydraulic- or electric-powered equipment will be used wherever feasible to avoid the noise associated with compressed-air exhaust from pneumatic-powered tools. However, where use of pneumatic-powered tools is unavoidable, an exhaust muffler will be used on the compressed-air exhaust (a muffler can lower noise levels from the exhaust by up to about 10 dBA). External jackets will be used on the tools themselves, where feasible, to achieve a reduction of 5 dBA. Quieter procedures, such as drilling rather than impact equipment, will be used wherever feasible. • Pile holes will be predrilled (instead of driven) to reduce potential noise and vibration impacts. • Access to designated worker vehicle parking areas on the SFPUC ROW will be restricted so that no vehicles enter or leave designated off-street parking areas before or after the hours specified by the Fremont Municipal Code (7 a.m. to 7 p.m. on weekdays; 9 a.m. to 6 p.m. on Saturdays; prohibited on Sundays). • To minimize noise impacts associated with backup alarms: (1) smart or broadband alarms will be utilized where feasible, if they have been approved by Cal-OSHA at the time of construction and the contractor determines that they would not present a heightened safety risk; (2) haul and delivery routes as well as stockpile locations will be configured in all staging areas where possible to minimize the use of backup alarms; and (3) operation of equipment requiring the use of backup beepers will be avoided near sensitive receptors to the extent feasible, particularly during nighttime hours (10 p.m. to 7 a.m.). • Stationary noise sources will be located as far from buildings occupied by sensitive receptors as feasible to maintain noise levels from these sources at or below the 70-dBA outdoor speech interference criterion, the 50-dBA or 64-dBA outdoor sleep interference criteria (adjusted for ambient noise levels, if equipment would operate at night). Measures that could achieve this include providing adequate muffling and/or acoustically lined enclosures and facing enclosure openings or venting away from sensitive receptors. • A designated project liaison will be responsible for responding to noise complaints during construction. The name and phone number of the liaison will be conspicuously posted at construction areas and on all advanced notifications. This person will take steps to resolve complaints, including periodic noise monitoring if necessary. Results of the noise monitoring will be presented at regular project meetings with the project contractor, and the liaison will coordinate with the contractor to modify, to the extent feasible, any construction activities that generate excessive noise levels. • A reporting program will be required that documents complaints received, corrective actions taken to resolve problems, and the effectiveness of these actions. 	<ol style="list-style-type: none"> 1. SFPUC EMB 2. CM Team 3. CM Team 4. SFPUC Communications 	<ol style="list-style-type: none"> 1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM 4. CM Team 	<ol style="list-style-type: none"> 1. Ensure that contract documents include noise control requirements, including the requirement to prepare a noise control plan. 2. Ensure contractor prepares and submits a noise control plan at least 21 days prior to construction. Review plan and confirm that it complies with project requirements. Review resume and other documentation of contractor's noise consultant's qualifications. 3. Monitor to ensure that the contractor implements measures in the contract documents and noise control plan. Report non-compliance, and ensure corrective action within timelines specified in contract documents. Ensure that contractor implements corrective actions in response to noise complaints and documents resolution (i.e., effectiveness of corrective action). 4. Designate a project liaison responsible for collecting and responding to noise complaints during construction. Ensure that liaison's name and phone number is posted and included on notices. Develop and implement a program for responding to and implementing a program for responding to complaints received. Maintain records of notices. 	<ol style="list-style-type: none"> 1. Design 2. Preconstruction 3. Construction 4. Construction

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**ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM (Continued)
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1388E)**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
NO-1 (cont.)		<p>M-NO-1b: Temporary Noise Barriers or Enclosures The noise control plan will specify that wherever necessary and feasible, temporary noise barriers or enclosures will be erected in Zones 1 and 8 to maintain construction noise levels at or below the 70-dBA daytime speech interference criterion and 50-dBA or 54-dBA nighttime sleep interference criteria (adjusted for ambient noise levels) to the maximum extent feasible.</p> <p>M-NO-1c: Setback Restrictions The noise control plan will specify that material stockpiles as well as equipment and truck operations in Staging Area 4 will be located at least 90 feet from all residential receptors on Crystaline Drive. In addition, haul and delivery routes as well as stockpile locations will be configured in all staging areas to minimize the use of backup alarms.</p> <p>M-NO-1d: Nighttime Restrictions on Construction Activities The noise control plan will specify that construction activities (such as equipment and truck operations associated with pipeline connections and temporary bridges on Mission Boulevard and the I-680 on-ramps) are to be prohibited in the staging and work areas at night (10 pm to 7 a.m.) to the maximum extent possible to meet the 50-dBA or 54-dBA nighttime sleep interference criteria (adjusted for ambient noise levels). If possible, pipeline construction activities will be conducted during the daytime hours only.</p>	1. SFPUC EMB	1. SFPUC BEM	1. Evaluate feasibility of erecting sound barriers in Zones 1 and 8. Ensure that locations and design criteria for sound barrier installation are included in contract documents, including requirements to include noise control measures in noise control plan. 1. Ensure that applicable setback restrictions are included in contract documents, including requirements to include setback restrictions in noise control plan.	1. Design
310		<p>M-NO-3: Haul and Delivery Truck Operation Limits Except during the times (approximately 17 nights over 11 months) that nighttime construction is required for the construction or removal of the temporary bridges on Mission Boulevard and the I-680 on-ramps, the contractor will limit haul and delivery truck operations in all areas to the daytime hours specified in the Fremont Municipal Code (7 a.m. to 7 p.m. on weekdays; 9 a.m. to 6 p.m. on Saturdays; and prohibited on Sundays) to the maximum extent feasible. In addition, the access road to Staging Area 4 should be located so that it affects the fewest number of residences as possible (e.g., if possible, the access road should be extended from the northbound diamond on-ramp to Staging Area 4), and is as far away as possible from the home at the end of Crystaline Drive to minimize truck-related noise impacts.</p>	1. SFPUC EMB	1. SFPUC BEM	1. Ensure that applicable haul and delivery truck operation limits and design of the access road to Staging Area 4 are included in contract documents, including requirements to include these limits and the access road to Staging Area 4 in the noise control plan.	1. Design
NO-3	Temporary noise disturbance along construction haul routes and detour routes due to road closures		1. SFPUC EMB	1. SFPUC BEM	1. Ensure that applicable nighttime restrictions on construction activities are included in contract documents, including requirements to include these restrictions in noise control plan.	1. Design
NO-4	Disturbance due to construction-related vibration	<p>M-NO-4a: Vibration Limits As part of the contract specifications, the contractor will provide advanced information regarding construction methods for incorporation into the noise control plan (required under Measure M-NO-1a) to ensure that construction complies with the vibration specifications at any affected building: 0.5 in/sec PPV for transient vibration sources, 0.4 in/sec PPV for continuous sources (e.g., vibratory compaction or sheeplifting) at new construction and 0.3 in/sec PPV for older residential structures; and 0.2 in/sec PPV for non-engineered buildings of historic importance. Nighttime construction activities (10 p.m. to 7 a.m.) will not exceed the vibration performance standard of 0.012 in/sec PPV at any affected building to the maximum extent feasible.</p> <p>M-NO-4b: Preconstruction Building Crack Survey With the prior authorization of the property owner, the contractor will conduct a preconstruction building crack survey at all potentially affected residences or similar structures within 100 feet of activities where vibratory equipment will be operated.</p>	1. SFPUC EMB	1. SFPUC BEM	1. Ensure that vibration limits are included in contract documents, including the requirement to include these limits into the noise control plan. 1. Ensure that the requirement for a preconstruction building crack survey is included in the contract documents. 2. Monitor to ensure that the Contractor implements measures in contract documents, report non-compliance; ensure corrective action.	1. Design 1. Preconstruction 2. Construction

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**ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM (Continued)
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1388E)**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
AQ-1	Construction emissions of criteria pollutants	<p>M-AQ-1a: BAAQMD Dust Control Measures</p> <p>To reduce particulate emissions associated with project construction, the SFPUC or its contractor will implement the following BAAQMD-specified dust controls for the duration of construction activities:</p> <ul style="list-style-type: none"> All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry, power sweeping is prohibited. All vehicle speeds on unpaved roads shall be limited to 15 mph. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. A publicly visible sign with the telephone number and person to contact at the Lead Agency (or its designee) regarding dust complaints shall be posted at the site. This person shall respond and take corrective action, as necessary, within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. All trucks and equipment, including their tires, shall be washed off prior to leaving the site. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. <p>M-AQ-1b: BAAQMD Exhaust Control Measures</p> <p>To limit exhaust emissions associated with the project, the SFPUC will implement the following BAAQMD-specified exhaust controls:</p> <ul style="list-style-type: none"> Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes (as required by the California airborne toxics control measure, CCR Title 13, Section 2485.7. Clear signage shall be provided for construction workers at all access points. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 	<p>1. SFPUC EMB 2. CM Team</p>	<p>1. SFPUC BEM 2. SFPUC BEM</p>	<p>1. Ensure that the contract documents include applicable dust control measures. 2. Monitor to ensure that the contractor implements measures in contract documents, (including the requirement to post signage regarding dust complaints). Report noncompliances, and ensure corrective action.</p>	<p>1. Design 2. Construction</p>
			<p>1. SFPUC EMB 2. CM Team</p>	<p>1. SFPUC BEM 2. SFPUC BEM</p>	<p>1. Ensure that the contract documents include applicable exhaust control measures, including submittal of monthly tune-up logs and the requirement for developing a plan for off-road equipment. 2. Monitor to ensure that the contractor implements measures in contract documents, including submittal of monthly tune-up logs and development of a plan for off-road equipment. Report noncompliance and ensure corrective action.</p>	<p>1. Design 2. Construction</p>

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Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
AIR QUALITY (cont.) AQ-1 (cont.)		<ul style="list-style-type: none"> The project shall develop a plan demonstrating that the off-road equipment (more than 60 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate matter reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and particulate matter and all contractors shall use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines. This shall include, as applicable: <ul style="list-style-type: none"> The SFPUC will implement additional mitigation measures to reduce exhaust emissions of NOx from construction activities. The SFPUC will ensure that construction contract specifications include a requirement that on-road diesel trucks used to transport spoils consist of 2004 or newer model-year trucks with factory-built engines. All on-road diesel trucks will be required to have emission control labels as specified in CCR Title 13, Section 2183(c). The construction contract specifications will require that the contractor submit to the SFPUC a comprehensive inventory of all on-road trucks used to haul spoils. The inventory will include each vehicle's license plate number, the engine production year, and a notation of whether the truck is in possession of an emission control label as defined in CCR Title 13. The contractor will update the inventory and submit it monthly to the SFPUC throughout the duration of the project. The SFPUC will ensure that construction contract specifications include a requirement that all off-road terrestrial diesel construction equipment (with the possible exception of certain types of very specialized construction equipment for which controls are not commercially available) is equipped with Tier 2 or 3 diesel engines as defined in CCR Title 13, Section 2485 and are equipped with Level 3 Diesel Emission Control Strategies as defined in CCR Title 13, Sections 2700 to 2710. The construction contract specifications will require the contractor to submit a comprehensive inventory of all off-road construction equipment that will be used an aggregate of 8 hours or more during any portion of project construction. The inventory will include each vehicle's license plate number, horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The contractor will update the inventory and submit it monthly to the SFPUC throughout the duration of the project. Contract specifications will include CCR Title 17, Section 83115, Airborne Toxic Control Measures for Stationary Compression Ignition Engines, which specifies fuel and fuel additive requirements, emission standards for operation of any stationary, diesel-fueled, or compression-ignition engine, and operation restrictions within 500 feet of school grounds when school is in session. Idling is limited to 5 minutes in Title 13, Section 2485, but the limit has been reduced to 2 minutes as recommended in the BAAQMD's supplemental control measures for projects with construction emissions above the threshold. 	1. SFPUC EMB 2. CM Team	1. SFPUC BEM 2. SFPUC BEM	1. Ensure that the contract documents include the requirements for implementation of additional exhaust control measures. 2. Monitor to ensure that the contractor implements measures in contract documents. Report noncompliance and ensure corrective action.	1. Design 2. Construction

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SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1388E)**

Impact No.	Impact Summary	Mitigation Measure	Implementation and Reporting		Monitoring and Reporting Actions	Implementation Schedule
			Responsible Party	Reviewing & Approval Party		
31	Exposure to diesel particulate matter during construction	M-AQ-2: Use of Soot Filters The SFPUC will include in the contract specifications a requirement that the construction vehicle fleet be equipped with soot filters (particulate traps).	1. SFPUC EMB 2. CM Team	1. SFPUC BEM 2. SFPUC CMB	1. Ensure that the contract documents include the requirement for the use of soot filters. 2. Monitor to ensure that the contractor uses soot filters as specified in the contract documents. Report non-compliance and ensure corrective action. (see applicable measures above)	1. Design 2. Construction (see applicable measures above)
32	Cumulative impacts related to violations of air quality standards, increases in emissions of criteria air pollutants, exposure of sensitive receptors to pollutants, and greenhouse gas emissions	M-AQ-1a, BAAQMD Dust Control Measures (see above) M-AQ-1b, BAAQMD Exhaust Control Measures (see above) M-AQ-1c, Additional Exhaust Controls (see above)	(see applicable measures above)	(see applicable measures above)	(see applicable measures above)	(see applicable measures above)
33	Relocation or temporary damage to or disruption of existing regional or local public utilities	M-UT-1a: Preconstruction Utility Identification and Coordination Prior to construction activities, the SFPUC or its contractor(s) will locate overhead and underground utility lines, such as natural gas, electricity, sewer, telephone, fuel, and water lines, that may be encountered during excavation work. Pursuant to state law, the SFPUC or its contractor(s) will notify USA North to locate underground utilities prior to conducting any ground-disturbing activities. Information regarding the exact location of existing utilities will be marked and confirmed before construction activities begin. Utilities may be located by customary techniques such as geophysical methods and hand excavation. The SFPUC or its contractor(s) will notify all affected utility service providers in advance of the project construction plans and schedule. The SFPUC or its contractor(s) will make arrangements with these entities regarding the protection, relocation, or temporary disconnection of services prior to the start of construction, and promptly reconnect services, as required. M-UT-1b: Protection of Other Utilities during Construction Detailed specifications will be prepared as part of the design plans to include procedures for the excavation, support, and fill of areas around subsurface utilities, cables, and pipes. If it is not feasible to avoid an overhead utility line during pipeline construction, the SFPUC or its contractor(s) will coordinate with the affected utility owner to either temporarily or permanently support the line, or to de-energize the line while temporarily supporting the overhead line. M-UT-1c: Advance Notification Prior to construction, the SFPUC or its contractor(s) will coordinate with the owner of the affected utility to provide advance notification to residents and businesses that could be affected by a potential utility service disruption. The SFPUC will provide the affected utility owner with a schedule of anticipated shutdowns and will work with the utility owner on timing and distribution requirements for public notification. The notification will provide information about the timing and duration of the potential service disruption.	1. SFPUC EMB 2. CM Team	1. SFPUC BEM 2. SFPUC CMB	1. Coordinate final construction plans and specifications during the design phase including obtaining, as necessary, agreements and/or permits. Ensure that the contract documents include the requirement for coordination with utility service providers. 2. Monitor to ensure that contractor implements measures in the contract documents. Report non-compliance and ensure corrective action.	1. Design 2. Construction
			1. SFPUC EMB 2. CM Team	1. SFPUC BEM 2. SFPUC CMB	1. Ensure that contract documents include applicable measures for protection of utilities during construction, including requirement for contractor to coordinate with affected utility owners and protect affected utilities, as appropriate. 2. Monitor to ensure that contractor implements measures in contract documents. Report non-compliance and ensure corrective action.	1. Design 2. Construction
			1. SFPUC EMB 2. CM Team 3. CM Team	1. SFPUC BEM 2. SFPUC CMB 3. SFPUC CMB	1. Ensure that contract documents include applicable measures, including requirement for contractor to provide SFPUC with advance schedule notification. 2. Provide required advance notifications. 3. Monitor to ensure that contractor implements measures in contract documents. Report non-compliance and ensure corrective action.	1. Design 2. Construction 3. Construction

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ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM (Continued)
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1388E)

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
UTILITIES AND SERVICE SYSTEMS (cont.)						
UT-1 (cont.)		M-UT-1d: Emergency Response Plan and Notification The SFPUC or its contractor(s) will develop an emergency response plan prior to commencing construction activities that identifies response measures in the event of a leak or explosion resulting from a utility rupture. In addition, the SFPUC or its contractor(s) will notify local fire departments any time damage to gas utility results in a leak or suspected leak, or whenever damage to any utility results in a threat to public safety.	1. SFPUC EMB 2. CM Team 3. CM Team	1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM	1. Ensure that contract documents include applicable emergency response plan. 2. Ensure that the contractor prepares the emergency response plan and verify compliance with requirements. 3. Monitor to ensure that contractor implements measures in contract documents and emergency response plan, and notifies local fire department in the event of damage to a gas utility line that results in a leak or suspected leak or damage to another utility line that could result in a threat to public safety. Report non-compliance, and ensure corrective action.	1. Design 2. Preconstruction and Construction 3. Construction
314		M-UT-3: Waste Management Plan The SFPUC will require construction contractor(s) to prepare a waste management plan and submit the plan to the SFPUC for review and approval. A copy of the plan will be given to the City of Fremont. The plan will include: <ul style="list-style-type: none"> • Identification of the types of debris that will be generated by the project and how all waste streams will be handled • Actions to reuse or recycle construction debris and clean excavated soil to the extent feasible • Actions to divert 100 percent of asphalt and concrete and 50 percent of remaining construction debris from disposal in a landfill • Upon project completion, the contractor will be required to submit a debris diversion and disposal report to the SFPUC documenting the actual tonnage or volume of material recycled and disposed of, and stating that the waste reuse, recycling, and disposal requirements set forth above have been achieved. 	1. SFPUC EMB 2. CM Team 3. CM Team 4. CM Team	1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM 4. SFPUC BEM	1. Ensure that contract documents include the requirement for the contractor to prepare a waste management plan and post-construction debris diversion and disposal report. 2. Ensure that the contractor prepares the waste management plan and verify compliance with requirements. 3. Monitor to ensure that contractor implements measures in contract documents and waste management plan. Report non-compliance, and ensure corrective action. 4. Ensure that contractor submits a debris and diversion report.	1. Design 2. Preconstruction and Construction 3. Construction 4. Post Construction
BIOLOGICAL RESOURCES						
BI-1	Impacts on wetlands, aquatic resources, and riparian habitats	M-BI-1: Protection and Compensation for Loss of Jurisdictional Waters and Riparian Habitat The SFPUC will implement measures to restore "other waters" of the United States that would temporarily be lost if open-cut excavation is used to cross Agua Fria Creek (Approach 1) or if the connection point for BDPL No. 3X is moved to the I-880 soundwall (Approach 2), and will implement measures to protect existing riparian habitat on either side of the BDPL Nos. 3 and 4 ROW and compensate for permanent loss of riparian habitat at Agua Fria Creek. To restore "other waters" of the United States, the SFPUC will divert all upstream flow around the construction area in a manner, such as use of a temporary pipeline, that maintains natural flow in the creek downstream of the construction area, avoids downstream erosion, and supports aquatic life. At the completion of construction, the SFPUC will restore the creek by removing the cofferdams and reestablishing the pre-construction topography of the channel. To protect riparian habitat on either side of the BDPL Nos. 3 and 4 ROW, the SFPUC will implement measures during construction to protect wildlife and adjacent riparian resources including flagging the perimeter of the work area to prevent damage to adjacent riparian habitat, and prohibiting stockpiling of materials or soil within the creek bank, or the riparian area surrounding the creek.	1. SFPUC BEM (Qualified Restoration Specialist) 2. SFPUC EMB 3. CM Team 4. SFPUC NRLMD 5. SFPUC BEM (Qualified Restoration Specialist)	1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM 4. SFPUC NRG 5. SFPUC BEM	1. Develop vegetation success and monitoring criteria that meet all requirements, including permit requirements and submit to CDFG for approval. 2. Ensure that contract documents include applicable construction and restoration measures for "other waters" and riparian habitat. 3. Monitor to ensure that contractor implements measures in contract documents. Report non-compliance and ensure corrective action. 4. Perform and document long-term monitoring of on-site restoration. Submit annual monitoring report to CDFG. 5. Design and implement a compensation plan for permanent loss of riparian habitat in SFPUC Right of Way.	1. Preconstruction 2. Design 3. Construction 4. Post-Construction Monitoring 5. Design

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**ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM (Continued)
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1388E)**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
BI-1 (cont.)		<p>It will not be possible to restore Central Coast riparian scrub on-site within the BDPL Nos. 3 and 4 ROW because establishment of riparian trees is not consistent with the SFPUC Right of Way Integrated Vegetation Management Policy (SFPUC, 2007). The SFPUC will restore temporarily disturbed habitat to the extent that is feasible and consistent with the SFPUC Right of Way Integrated Vegetation Management Policy. At the completion of construction, all temporary fences, barriers, and flagging will be removed, and the excavated area will be revegetated with native riparian plant species that are consistent with the SFPUC Right of Way Integrated Vegetation Management Policy. To establish vegetation, SFPUC will remove and store topsoil during construction and replace topsoil when construction is complete; reestablish original natural contours; and plant the appropriate vegetation. Revegetation success criteria and a monitoring schedule will be developed by a qualified restoration specialist and will require approval from the CDFG. An annual monitoring report will be submitted to the CDFG. If the site meets the success criteria within the schedule agreed to with the CDFG, the mitigation site will be determined to be self-sustaining, and no further monitoring will be required. If the site does not meet the success criteria, then SFPUC will consult with the CDFG to determine and implement appropriate steps to facilitate the site as self-sustaining.</p> <p>To mitigate for permanent loss of approximately 0.4 acres of riparian habitat, the SFPUC will compensate for the loss at a minimum ratio of 1:1. Compensation could take the form of purchasing credits at a mitigation bank approved by the CDFG or restoring Central Coast riparian scrub habitat at a suitable location acceptable to the CDFG. The compensation plan for the restoration will address site selection, legal arrangements and instruments for long-term site protection, compensation ratios, a mitigation work plan for the compensation project, a maintenance plan, success criteria, a monitoring plan to determine if the compensation project is meeting performance criteria, long-term management requirements, and an adaptive management plan to address unforeseen changes. If the SFPUC purchases credits at a mitigation bank, its obligation will be fully met.</p> <p>If the SFPUC fulfills the requirement for compensation through habitat restoration, the land will be preserved in perpetuity with a commitment that the land not be used for any purpose that conflicts with the primary purpose of maintaining wildlife and riparian habitat. The compensation plan will be developed by a qualified restoration specialist and will require approval from the CDFG. An annual monitoring report will be submitted to the CDFG. If the site meets success criteria within the schedule agreed to with the CDFG, the mitigation site will be determined to be self-sustaining, and no further monitoring or reporting will be required. If the site does not meet the success criteria, then SFPUC will consult with the CDFG to determine and implement appropriate steps to facilitate the site as self-sustaining.</p>	(see Hydrology and Water Quality section below)	(see Hydrology and Water Quality section below)	(see Hydrology and Water Quality section below)	(see Hydrology and Water Quality section below)
BI-2	Impacts on special-status species – direct mortality and/or habitat effects	<p>M-HY-1: Construction Water Quality Best Management Practices (see Hydrology and Water Quality section below)</p> <p>M-BI-2a: Protection Measures for Key Special-Status Species and Other Species of Concern</p> <p>As a part of all construction activities, the SFPUC will implement the following measures for the protection of biological resources:</p> <ul style="list-style-type: none"> Before any construction activities begin, workers will attend a training session developed by a qualified biologist for all construction personnel. The contractor education program will address the potential presence of endangered or threatened wildlife species, how to identify the species, the species' sensitivity to human activities, the legal protection afforded these species, the penalties for violating these legal protections, worker responsibilities, applicable mitigation measures, and the roles and authority of the 	(see Hydrology and Water Quality section below)	(see Hydrology and Water Quality section below)	(see Hydrology and Water Quality section below)	(see Hydrology and Water Quality section below)

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SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2008.1388E)**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
BI-2 (cont.)		<p>qualified biologist. Each worker will be presented with an illustrated fact sheet and will be responsible for complying with the guidelines as set forth therein. Any new workers coming onto the site will first undergo such training prior to starting work. Participants will be required to sign a form acknowledging their attendance and understanding of the materials presented.</p> <p>M-BI-2b: Avoidance and Minimization Measures for California Red-Legged Frog During construction work in Zone 1 (the vicinity of Agua Fria Creek), the SFPUC will have a biological monitor present at all times, and will implement the following measures:</p> <ul style="list-style-type: none"> • Within one week before work in Zone 1 begins (including regrading and dewatering of Agua Fria Creek if open-cut excavation is used to cross the creek, vegetation removal) and staging of equipment and supplies, the qualified biologist will supervise the installation of exclusion fencing along the boundaries of the work area at Agua Fria Creek, as deemed necessary by the qualified biologist to prevent California red-legged frogs or other animals from entering the work area. The construction contractor will install fencing with a minimum height of 3 feet with buried footings or sealed tightly to the pavement to prevent California red-legged frogs from crawling under and entering the site. • A qualified biologist will survey the excluded area again within 48 hours before the onset of initial ground-disturbing activities. The biologist will periodically monitor the exclusion fencing to confirm proper maintenance and inspect for frogs. If frogs are found, the SFPUC will halt construction and contact the USFWS for instructions on how to proceed. Construction will resume after approval from the USFWS. • During project activities, excavations deeper than 2 feet will be covered overnight or an escape ramp will be installed; openings such as pipes where California red-legged frogs might seek refuge will be covered when not in use; and all trash that may attract predators or hide California red-legged frogs will be properly contained on a daily basis, removed from the worksite, and disposed of regularly. Following construction, the construction contractor will remove all trash and construction debris from work areas. <p>M-BI-2c: Avoidance and Minimization Measures for Nesting Raptors and other Migratory Birds Construction activities will occur outside of the raptor nesting season (March 1 through August 31), to the greatest extent possible, to avoid disrupting nesting raptors, including Cooper's hawk and white-tailed kite, within the Central Coast riparian scrub (Zone 1) and Staging Areas 2, 3, and 4; and Zones 5, 6, and 8. However, if this is not possible and construction activities take place during the nesting season, the following measures will apply:</p> <ul style="list-style-type: none"> • Preconstruction surveys will be conducted for active raptor nests in suitable nesting habitat within 500 feet of the construction area (access permitting). Surveys will be conducted by a qualified biologist within 14 days prior to the start of construction. • In consultation with the CDFG and/or USFWS, trees with unoccupied raptor nests (stick nests or cavities) may only be removed prior to March 1 or after August 31. • Active raptor nests located within 500 feet of the project will be identified and mapped, to the extent allowed by access. <p>If an active raptor nest is located, work activities will be delayed within 300 feet of the nest location until avoidance measures have been implemented. Appropriate avoidance measures will include the following (alternatively, equally effective measures may be developed as a result of consultation with the CDFG):</p>	<ol style="list-style-type: none"> 1. SFPUC EMB 2. CM Team (Qualified Biologist) 3. CM Team 	<ol style="list-style-type: none"> 1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM 	<ol style="list-style-type: none"> 1. Ensure that contract documents include applicable avoidance and minimization measures for California red-legged frog, including requirement for exclusion fencing. 2. Conduct required monitoring for California red-legged frog and ensure that contractor installs exclusion fencing and implements appropriate avoidance measures. Halt construction if a California red-legged frog is found within the exclusion fencing, and notify USFWS. Obtain approval from USFWS prior to resuming construction activities. 3. Monitor to ensure that contractor implements measures in contract documents. Report non-compliance and ensure corrective action. 	<ol style="list-style-type: none"> 1. Design 2. Preconstruction and Construction 3. Construction
		<p>M-BI-2c: Avoidance and Minimization Measures for Nesting Raptors and other Migratory Birds Construction activities will occur outside of the raptor nesting season (March 1 through August 31), to the greatest extent possible, to avoid disrupting nesting raptors, including Cooper's hawk and white-tailed kite, within the Central Coast riparian scrub (Zone 1) and Staging Areas 2, 3, and 4; and Zones 5, 6, and 8. However, if this is not possible and construction activities take place during the nesting season, the following measures will apply:</p> <ul style="list-style-type: none"> • Preconstruction surveys will be conducted for active raptor nests in suitable nesting habitat within 500 feet of the construction area (access permitting). Surveys will be conducted by a qualified biologist within 14 days prior to the start of construction. • In consultation with the CDFG and/or USFWS, trees with unoccupied raptor nests (stick nests or cavities) may only be removed prior to March 1 or after August 31. • Active raptor nests located within 500 feet of the project will be identified and mapped, to the extent allowed by access. <p>If an active raptor nest is located, work activities will be delayed within 300 feet of the nest location until avoidance measures have been implemented. Appropriate avoidance measures will include the following (alternatively, equally effective measures may be developed as a result of consultation with the CDFG):</p>	<ol style="list-style-type: none"> 1. SFPUC EMB 2. CM Team (Qualified Biologist) 3. CM Team 	<ol style="list-style-type: none"> 1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM 	<ol style="list-style-type: none"> 1. Ensure that contract documents include: 1) the requirement for contractor to provide advance notification to SFPUC of construction activities to allow the SFPUC to perform preconstruction surveys; and 2) applicable avoidance and minimization measures for nesting raptors and other migratory birds. 2. Conduct preconstruction biological surveys as required. Document monitoring activities in logs. If active nests are found, establish buffer zone and restrict activities. Consult with agencies as required. 3. Monitor to ensure that contractor implements measures in contract documents. Report non-compliance and ensure corrective action. 	<ol style="list-style-type: none"> 1. Design 2. Preconstruction and Construction 3. Construction

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SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1388E)**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting		Monitoring and Reporting Actions	Implementation Schedule
			Responsible Party	Reviewing & Approval Party		
BI-2 (cont.)	<p>BIOLOGICAL RESOURCES</p> <p>If a qualified wildlife biologist determines that construction and maintenance activities will not affect an active nest or disrupt breeding behavior, activities may proceed without restriction.</p> <ul style="list-style-type: none"> A no-disturbance buffer may be established around the nest location to avoid disturbance or destruction of the nest site until after the breeding season or after a qualified wildlife biologist determines that the young have fledged (usually late July through August). The extent of no-disturbance buffers will be determined by a qualified wildlife biologist in consultation with the applicable resource agencies (i.e., the USFWS and/or CDFG) and will depend on the level of noise or disturbance, the line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers in order to avoid disrupting nesting raptors. <p>To avoid impacts on nesting migratory birds (i.e., those species protected by the MBTA), construction activities will occur outside of the migratory bird nesting season (February 1 through August 15) within the Central Coast riparian scrub (Zone 1); Staging Areas 2, 3, and 4; and Zones 5, 6, and 8, to the greatest extent possible. If construction activities take place during the nesting season, the following measures will apply:</p> <ul style="list-style-type: none"> Preconstruction surveys will be conducted for active migratory bird nests within 100 feet of the construction area. If an active migratory bird nest is located, work activities will be delayed within 100 feet of the nest location until avoidance measures have been implemented. Appropriate avoidance measures will include the following (alternatively, equally effective measures may be developed as a result of consultation with the CDFG): <ul style="list-style-type: none"> If the qualified wildlife biologist determines that construction and maintenance activities will not affect an active nest, activities may proceed without restriction. A no-disturbance buffer may be established around the nest location to avoid disturbance or destruction of the nest site until after the breeding season or after a qualified wildlife biologist determines that the young have fledged. The extent of no-disturbance buffers will be determined by a qualified wildlife biologist in consultation with the applicable resource agencies (i.e., the USFWS and/or CDFG) and will depend on the level of noise or disturbance, the line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. <p>M-BI-2d: Avoidance and Minimization Measures for Western Burrowing Owls.</p> <p>Measures to avoid and minimize impacts on western burrowing owl will be implemented in Staging Area 4 as described below (alternatively, equally effective measures may be developed as a result of consultation with the CDFG):</p> <ul style="list-style-type: none"> Breeding Season Surveys. If construction starts during the breeding season (February 1 to August 31) or if the project schedule permits, a qualified biologist will survey for burrows and burrowing owls during the breeding season immediately preceding construction. Surveys will be conducted within 500 feet of the project boundary (except where permitted) in accordance with the California Burrowing Owl Consortium (1993) guidelines. Any burrows will be inspected for signs of owl activity (tracks, pellets, feathers, etc.). The locations of burrowing owl sightings, occupied burrows, and burrows with signs of owl activity will be marked on a map of the project area at a scale sufficient to accurately show the distance of active burrows to the limits of construction. Surveys will be conducted on at least four separate dates during the breeding 	<p>1. SFPUC EMB 2. CM Team (Qualified Biologist) 3. CM Team 4. SFPUC BEM (Qualified Biologist)</p>	<p>1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM 4. SFPUC BEM</p>	<p>1. Ensure that contract documents include requirement for contractor to provide advance notification to SFPUC of construction activities to allow the SFPUC to perform preconstruction surveys; and 2) applicable avoidance and minimization measures for western burrowing owls. 2. Conduct biological surveys as required. Document monitoring activities in logs. If active nests are found, consult with the CDFG, implement actions required by the CDFG, and continue with construction only as specified by the CDFG.</p>	<p>1. Design 2. Preconstruction and Construction 3. Preconstruction and Construction 4. Post Construction</p>	

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Impact No.	Impact Summary	Monitoring and Reporting Program			Implementation Schedule
		Mitigation Measure	Implementation and Reporting		
			Responsible Party	Reviewing & Approval Party	
BI-2 (cont.)	<p>BIOLOGICAL RESOURCES (cont.)</p> <p>season in areas where suitable burrows are present. If possible, surveys will be conducted during the peak of the burrowing owl breeding season, generally between April 15 and July 15.</p> <ul style="list-style-type: none"> - If occupied owl burrows are found within the survey area, a determination will be made by a qualified biologist, in consultation with the CDFG, as to whether or not work will affect the occupied burrows or disrupt reproductive behavior. - If it is determined that construction will not affect occupied burrows or disrupt breeding behavior, construction will proceed without any restrictions or mitigation measures. - If it is determined that construction will physically affect occupied burrows or disrupt reproductive behavior during the breeding season (February 1 through August 31), then avoidance is the only mitigation available. Construction will be stopped within 250 feet of occupied burrows until it is determined that the subject owls are not nesting or until a qualified biologist determines that juvenile owls are self-sufficient or are no longer using the natal burrow as their primary source of shelter. • Winter Surveys: If birds are not observed during breeding season surveys, or if breeding season surveys are infeasible due to project scheduling, or if construction will occur during the wintering season, a winter survey will be conducted to identify nonbreeding residents of the project site. Winter surveys will be conducted within 500 feet of the Staging Area 4 (access permitting) during the period when wintering owls are most likely to be present (December 1 to January 31). The locations of burrowing owl sightings, occupied burrows, and burrows with signs of owl activity will be marked on a map of the project area at a scale sufficient to accurately show the distance of active burrows to the limits of construction. - If occupied owl burrows are found within the survey area, a determination will be made by a qualified biologist, in consultation with the CDFG, as to whether or not work will affect the occupied burrows, any restrictions or mitigation measures. - If it is determined that construction will not affect occupied burrows, construction will proceed without any restrictions or mitigation measures. - If it is determined that construction will affect occupied burrows, the subject owls will be passively relocated from the occupied burrow(s) using one-way doors prior to the onset of the breeding season. Owls will be encouraged to relocate to alternate burrows that are at least 160 feet from the construction limits. One alternate natural or artificial burrow for each burrow excavated will be in place at least one week before one-way doors are installed on occupied burrows. One-way doors will be in place for a minimum of 48 hours before burrows are excavated. • Fall Surveys: If surveys must be conducted between September 1 and November 30 (which is outside of the timeframes specified above), a qualified biologist will conduct a survey for burrows and burrowing owls no more than 30 days prior to ground-disturbing activity. If necessary, resident owls will be passively relocated from occupied burrows, as described above. Winter surveys will be conducted during December and January if construction activities are still ongoing beyond November 30. • Reopen Surveys: If initial disturbance from construction activity is followed by periods of 30 days or more of inactivity, a survey must be conducted no more than 30 days prior to reintitiation ground-disturbing activity. - If occupied burrowing owl burrows are found and the owls must be relocated, or if suitable habitat is destroyed prior to adequate burrowing owl surveys and habitat is permanently impacted by the 			<p>3. Monitor to ensure that contractor implements measures in contract documents. Report non-compliance and ensure corrective action.</p> <p>4. If necessary, offset the permanent loss of foraging and burrow habitat in the project area by either acquiring mitigation credits or permanently protecting a minimum of 6.5 acres of foraging habitat per each pair or unpaired resident bird that is passively relocated from an occupied burrow (per 1985 CDFG guidance).</p>	

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BDPL Nos. 3 & 4 Seismic Upgr Hayward Fault MMRP

Case No. 2006.1388E
January 2011

**ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM (Continued)
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1388E)**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
BI-2 (cont.)		<p>construction of a project facility, the SFPUC will offset the permanent loss of foraging and burrow habitat in the project area by either acquiring mitigation credits or permanently protecting a minimum of 6.5 acres of foraging habitat per each pair of unpaired resident bird that is passively relocated from an occupied burrow (per 1995 CDFG guidance). The protected lands will be located adjacent to occupied burrowing owl habitat and must provide equal or superior habitat value compared to the affected lands. The location of the protected lands will be determined in coordination with the CDFG. The SFPUC will provide habitat enhancement as necessary to ensure the required habitat value of the protected lands and will also prepare a monitoring plan and provide long-term management and monitoring of the protected lands. The mitigation land will be protected in perpetuity, and the area will be managed as a conservation easement. The monitoring plan will specify success criteria, identify remedial measures, and require an annual report to be submitted to the CDFG for a minimum of five years.</p> <p>M-BI-2a: Mitigation for San Francisco Dusky-Footed Woodrat Middens To avoid impacts on breeding woodrats, the SFPUC will remove middens that would be affected by construction during the nonbreeding season (i.e., September 1 through November 30) and will discourage re-nesting. Immediately preceding construction and in the nonbreeding season, a biologist will survey the area to be disturbed within the Central Coast riparian scrub (Zone 1). If San Francisco Dusky-footed woodrat middens (i.e., nests) are present and would be affected, the middens will be disassembled by hand and the midden material (i.e., sticks) will be removed and disposed of offsite. During the breeding season (December 1 to August 31), if a midden is reconstructed in a previously cleared area that will be affected by construction, a qualified biologist will trap and relocate woodrats out of the construction area (using live traps) prior to the start of construction, or prior to reinitiating construction. In that area, in addition, the biologist will attempt to relocate the midden material to the same area where the woodrats are released. The trapping, location for release of woodrats, and placement of midden materials will be determined in consultation with the CDFG.</p>	<p>1. SFPUC EMB 2. CM Team (Qualified Biologist) 3. CM Team</p>	<p>1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM</p>	<p>1. Ensure that applicable measures are included in contract documents. 2. Conduct surveys and related activities if woodrat middens are found. If middens are located consult with CDFG prior to disturbing midden or trapping. Document monitoring activities in logs. 3. Monitor to ensure that contractor implements measures in contract documents. Report non-compliance and ensure corrective action.</p>	<p>1. Design 2. Preconstruction and Construction 3. Construction</p>
BI-3	Pipeline and trench dewatering effects on riparian habitat and/or aquatic resources	<p>M-HY-1: Construction Water Quality Best Management Practices (see Hydrology and Water Quality section below)</p>	<p>(see Hydrology and Water Quality section below)</p>	<p>(see Hydrology and Water Quality section below)</p>	<p>(see Hydrology and Water Quality section below)</p>	<p>(see Hydrology and Water Quality section below)</p>
BI-4	Conflicts with local policies or ordinances protecting biological resources	<p>M-BI-4a: Tree Replacement For each removed tree protected by the City of Fremont and located outside of the riparian corridor of Agua Fria Creek, the SFPUC will plant a 24-inch box size replacement tree of similar species or of a native species. Removed trees that are located within the existing BDPL Nos. 3 and 4 ROW will be replaced outside the ROW, but in the same general vicinity. If replanting trees on the same site is not feasible, the SFPUC will find a suitable alternative location for each tree that is not replaced onsite. In order to ensure success of the replacement trees, a qualified professional will monitor the planted trees annually for five years following planting. If the monitoring indicates that a tree has not survived, or is not being maintained in a healthy condition, corrective actions such as additional plantings will be initiated. Native trees to be removed that are located within the existing BDPL Nos. 3 and 4 ROW adjacent to the Agua Fria Creek (in Zone '1') will be replaced at a nearby location or suitable offsite location along the SFPUC and acceptable to the CDFG.</p>	<p>1. SFPUC EMB 2. CM Team / SFPUC NRLMD / SFPUC WS&T (Qualified Biologist or Arborist) 3. CM Team / SFPUC NRLMD (Qualified Biologist or Arborist)</p>	<p>1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM 4. SFPUC BEM</p>	<p>1. Ensure that contract documents include tree replacement measures. 2. If replanting trees is feasible within the existing BDPL Nos. 3 and 4 ROW, ensure that the contractor implements tree replacement measures according to the SFPUC's Right of Way Integrated Vegetation Management Policy. If replanting trees is not feasible within BDPL Nos. 3 and 4 ROW along or adjacent to Agua Fria Creek, identify a nearby location or suitable offsite location that is acceptable to the CDFG. 3. Monitor to ensure that contractor implements measures in contract documents. Report non-compliance and ensure corrective action.</p>	<p>1. Design 2. Construction 3. Construction 4. Post Construction Monitoring (up to five years)</p>

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ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM (Continued)
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.13880E)

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
BIOLOGICAL RESOURCES (cont.)						
BI-4 (cont.)						
320		<p>M-BI-4b: Tree Protection Measures For trees to be retained at the construction site, a qualified professional will review and approve all tree protection measures to be implemented prior to the start of construction and will also conduct inspections during construction. Measures to be implemented may include: establishing and demarcating a Tree Protection Zone that will be avoided to the greatest extent possible; pruning low limbs to provide for equipment access and work; piling mulch to prevent compaction from machinery; wrapping tree trunks in protective material to avoid contact with machinery; and cleanly cutting, trimming, and covering roots as soon as possible if they are severed. Post-construction monitoring of trees subject to root or limb pruning will be done according to the professional's recommendations. If it becomes necessary to remove a tree originally meant to be retained, its removal will be mitigated consistent with Mitigation Measure M-BI-5a.</p>	<ol style="list-style-type: none"> SFPUC EMB CM Team SFPUC NRLMD 	<ol style="list-style-type: none"> SFPUC BEM SFPUC BEM SFPUC BEM 	<ol style="list-style-type: none"> Perform and document long-term monitoring of landscape plantings, and implement corrective action as appropriate. Ensure that contract documents include applicable tree protection measures, including requirement to consult with qualified professional. Monitor to ensure that contractor implements measures in contract documents. Report noncompliance and ensure corrective action. Conduct post-construction monitoring of trees subject to root or limb pruning, and implement corrective action as appropriate. 	<ol style="list-style-type: none"> Design Construction Post Construction Monitoring
GEOLOGY AND SOILS						
GE-1	Erosion and loss of topsoil	<p>M-HY-1: Construction Water Quality Best Management Practices (see Hydrology and Water Quality section below)</p>	(see Hydrology and Water Quality section below)	(see Hydrology and Water Quality section below)	(see Hydrology and Water Quality section below)	(see Hydrology and Water Quality section below)
HYDROLOGY AND WATER QUALITY						
HY-1 (and AE-1, GE-1, and HZ-3)	Degradation of water quality as a result of erosion and sedimentation or a hazardous materials release during construction	<p>M-HY-1: Construction Water Quality Best Management Practices Consistent with the requirements of the SWRCB General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, the proposed project would be undertaken in accordance with a project-specific SWPPP. The RWQCB, the primary agency responsible for protecting water quality within the project area, is responsible for reviewing and ensuring compliance with the SWPPP. This review is based on the general permit issued by the SWRCB. The recommended Best Management Practices (BMPs), subject to the review and approval of the RWQCB, include the following measures. However, the measures themselves may be altered, supplemented or deleted during the RWQCB's review process, since the RWQCB has final authority over the terms of the SWPPP.</p> <p>Sedimentation</p> <ul style="list-style-type: none"> Schedule construction to minimize ground disturbance during the rainy season Sequence construction activities to minimize the amount of time that soils remain disturbed Stabilize all disturbed soils as soon as possible following the completion of ground-disturbing work in any area of the project site Provide plans to stabilize soil with vegetation or physical means in the event rainfall is expected Install erosion and sediment control BMPs prior to the start of any ground-disturbing activities 	<ol style="list-style-type: none"> SFPUC EMB CM Team/SFPUC PMB CM Team 	<ol style="list-style-type: none"> SFPUC BEM SFPUC BEM SFPUC BEM 	<ol style="list-style-type: none"> Ensure that the contract documents require that the contractor design, install, and maintain stormwater controls and prepare a SWPPP. Review SWPPP to ensure that it complies with requirements and submit to RWQCB. Monitor to ensure that the contractor implements measures in contract documents and SWPPP. Report noncompliance and ensure corrective action. 	<ol style="list-style-type: none"> Design Preconstruction Construction

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**ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM (Continued)
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1388E)**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program		
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions
HY-1 (and AE-1, GE-1, and HZ-3) (cont.)		<p>Erosion and Sedimentation</p> <ul style="list-style-type: none"> Preserve existing vegetation at areas where no construction activity is planned or where construction activity will occur at a later date Stabilize and revegetate disturbed areas as soon as possible after construction with planting, seeding, and/or mulch (e.g., straw or hay, erosion control blankets, hydromulch, or other similar material) except in actively cultivated areas Install silt fences, fiber rolls, and other suitable measures around the perimeter of the project site and sloping areas and around riparian buffers, storm drains, temporary stockpiles, spoil areas, stream channels, swales, down-slopes of all exposed soil areas, and in other locations determined necessary to prevent onsite sedimentation Install temporary slope breakers during the rainy season on slopes greater than 5 percent where the base of the slope is less than 50 feet from a water body, wetland, or road crossing at spacing intervals required by the RWQCCB Use storm drain inlet protection, filter fabric, or other appropriate measures to prevent sediment from entering storm drain inlets Detain and treat stormwater and water produced by construction site dewatering using sedimentation basins, sediment traps, biker tanks, or other measures to ensure that discharges to receiving waters meet applicable water quality objectives <p>Groundwater/Dewatering</p> <ul style="list-style-type: none"> Prepare a dewatering plan prior to trench dewatering activities specifying methods of water collection, transport, treatment, and discharge of all water produced by construction site dewatering to avoid degradation of water quality and downstream flooding Impound water produced by dewatering in sediment retention basins or other holding facilities to settle the solids and provide treatment as necessary prior to discharge to receiving waters to meet San Francisco Bay Basin Plan water quality objectives Control discharges of water collected by dewatering to prevent erosion Locate sedimentation basins and other retention and treatment facilities away from waterways to prevent silt-bearing water from reaching streams <p>Tracking Controls</p> <ul style="list-style-type: none"> Grade and stabilize construction site entrances and exits to prevent runoff from the site and to prevent erosion Install a fire washing facility at the site access to allow for fire washing when vehicles exit the site, if necessary Remove any soil or sediment tracked off paved roads during construction by street sweeping 			

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ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM (Continued)
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1388E)

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program		
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions
HY-1 (and AE-1, GE-1, and HZ-3) (cont.)		<p>Non-stormwater Control</p> <ul style="list-style-type: none"> Place dip pans under construction machinery and all parked equipment near Agua Fria Creek Check construction equipment for leaks regularly Refuel vehicles and equipment away from Agua Fria Creek and other waters to prevent run-on, runoff, and to contain spills Contain fueling areas to prevent run-on and runoff and to contain spills Cover all storm drain inlets when paving or applying seals or similar materials to prevent the offsite discharge of these materials <p>Waste Management and Hazardous Materials Pollution Control</p> <ul style="list-style-type: none"> Clean-up trash, including food waste and wrappers, at the project area daily. Provide an adequate number of waste containers with watertight covers throughout the work site. Locate sanitary facilities a minimum of 300 feet from Agua Fria Creek and other surface waters (e.g., Seep in Staging area 4). Maintain sanitary facilities regularly Store all hazardous materials in a bermed area protected from rainfall and stormwater run-on and prevent the offsite discharge of leaks or spills Minimize the potential for contamination of Agua Fria Creek and other waters by maintaining spill containment and cleanup equipment onsite, and by properly labeling and disposing of hazardous wastes Locate waste collection areas close to construction entrances and away from roadways, storm drains, Agua Fria Creek, and other waters and prohibit dumping within the creek Inspect dumpsters and other waste and debris containers regularly for leaks and remove and properly dispose of any hazardous materials and liquid wastes placed in these containers Train construction personnel in proper material delivery, handling, storage, cleanup, and disposal procedures <p>BMP Inspection, Maintenance, and Repair</p> <ul style="list-style-type: none"> Inspect all BMPs on a regular basis to confirm proper installation and function Inspect all stormwater BMPs daily during storms Inspect sediment basins, sediment traps, and other detention and treatment facilities regularly throughout the construction period. Provide sufficient devices and materials (e.g., silt fence, fiber rolls, erosion blankets, etc.) throughout project construction to enable immediate repair or replacement of failed BMPs Inspect all seeded areas regularly for failures, and remediate or repair immediately 			

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BDPL Nos. 3 & 4 Seismic Upgr Hayward Fault Mitig Case No. 2006.1388E January 2011

ATTACHMENT B: MITIGATION MONITORING AND REPORTING PROGRAM (Continued)
SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1388E)

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
HY-1 (and AE-1, GE-1, and HZ-3) (cont.)		<p><i>Monitoring and Repairing</i></p> <ul style="list-style-type: none"> Provide the required documentation for SWPPP inspections, maintenance, and repair requirements Maintain written records of inspections, spills, BMP-related maintenance activities, corrective actions, and visual observations of offsite discharges of sediment or other pollutants, as required by the RWQCB Monitor water quality to assess the effectiveness of control measures <p><i>Post-construction BMPs</i></p> <ul style="list-style-type: none"> Revegetate all temporarily disturbed areas as required after construction activities are completed Remove any remaining construction debris and trash from the project site and area upon project completion Phase the removal of temporary BMPs as necessary to ensure stabilization of the site Maintain post-construction site conditions to avoid any unintended drainage channels, erosion, or areas of sedimentation Correct post-construction site conditions as necessary to comply with the SWPPP and any other pertinent RWQCB requirements 				
323						
HY-3	Degradation of water quality and flooding due to discharges during dewatering of trenches	<p>M-HY-3: Coordination with Alameda County Flood Control and Water Conservation District and City of Fremont</p> <p>The SFPUC or its contractor will contact the ACFWCD and the City of Fremont prior to beginning the discharge of water produced during trench dewatering or water drained from BDPL Nos. 3, 3X, or 4 to verify with the appropriate ACFWCD staff that the flow rate can be accommodated by the existing storm drain system, and will obtain the necessary permits from the ACFWCD for the discharge. The flow rate will be managed in coordination with these agencies to avoid downstream flooding.</p>	<p>1. SFPUC EMB 2. CM Team</p>	<p>1. SFPUC BEM 2. SFPUC BEM</p>	<p>1. Ensure that contract documents include the requirement for the contractor to contact ACFWCD and City of Fremont prior to discharging waters to the drainage system and to obtain necessary permits and conduct discharges in accordance with specified requirements. 2. Monitor to ensure that the contractor implements measures in contract-documents. Report noncompliance and ensure corrective action.</p>	<p>1. Design 2. Construction</p>
HY-4	Erosion, degradation of water quality, and flooding due to construction-related discharges of treated drinking water (from pipelines)	<p>M-HY-1: Construction Water Quality Best Management Practices (see above)</p> <p>M-HY-3: Coordination with Alameda County Flood Control and Water Conservation District and City of Fremont (see above)</p>	<p>(see M-HY-1) (see M-HY-3)</p>	<p>(see M-HY-1) (see M-HY-3)</p>	<p>(see M-HY-1) (see M-HY-3)</p>	<p>(see M-HY-1) (see M-HY-3)</p>

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SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1388E)

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
324	<p>HAZARDS AND HAZARDOUS MATERIALS</p> <p>Potential to encounter hazardous materials in soil and groundwater and interference with groundwater remediations</p>	<p>M-HZ-1a: Update Environmental Database Review</p> <p>The SFPUC will update the environmental database review to identify permitted hazardous materials uses and environmental cases within 1/4 mile of the project area no more than three months before commencement of construction. If the environmental database review identifies sites that could potentially affect soil or groundwater quality within areas where project excavation or dewatering would occur, the SFPUC will retain an environmental professional to review site-specific information for those sites and evaluate the potential these sites to affect soil or groundwater quality where excavation or dewatering would occur. The environmental professional will present the findings of the review in a report to the SFPUC with recommendations for additional sampling to assess soil and/or groundwater quality in the project area, if needed.</p>	1. SFPUC EMB (Environmental Professional)	1. SFPUC EMB.	1. Update Environmental database no more than 3 months before the start of construction and perform follow-up analysis as required in this measure. Document findings in a report or technical memo to SFPUC.	1. Preconstruction.
		<p>Mitigation Measure M-HZ-1b: Perform Soil Sampling</p> <p>The SFPUC will retain a qualified environmental professional to conduct soil sampling to: (1) assess concentrations of metals for which California has established hazardous waste criteria (Title 22 metals) in soil and (2) evaluate soil and/or groundwater quality in the vicinity of any sites identified by the updated environmental database review required by Mitigation Measure M-HZ-1a as having the potential to affect soil or groundwater quality where excavation or dewatering would occur. The environmental professional will prepare a report documenting the sampling performed, summarizing the results, and making recommendations for appropriate handling and disposal of soil and groundwater during construction.</p>	1. SFPUC EMB (Qualified Professional) 2. SFPUC EMB 3. CM Team	1. SFPUC EMB 2. SFPUC BEM/CM Team 3. SFPUC BEM	1. Develop a soil sampling plan and perform soil sampling to characterize soils for waste disposal and handling; test for Title 22 metals and other parameters determined on the basis of the environmental database review conducted in accordance with Mitigation Measure M-HZ-1a. Summarize testing results for the SFPUC in a report or technical memo. 2. Incorporate appropriate measures from report into contract documents. 3. Monitor to ensure that the contractor implements measures in contract documents. Report noncompliance and ensure corrective action.	1. Preconstruction 2. Preconstruction 3. Construction
		<p>Mitigation Measure M-HZ-1c: Hazardous Spills Disposal Plan</p> <p>The SFPUC will require the contractor to prepare and successfully implement a 'Hazardous Spills Material Disposal Plan' using the results of the soil sampling performed under Mitigation Measure M-HZ-1b, above. The plan will specify the disposal method and approved disposal site for the soil, including written documentation that the disposal site will accept the waste, which will be submitted to the SFPUC for verification. The plan will also include requirements for sampling and analysis of potentially hazardous materials and coordination with the appropriate regulatory agencies in the event that previously unidentified hazardous materials are encountered during construction. Evidence of potential hazardous contamination includes soil discoloration, suspicious odors, presence of underground storage tanks, or buried building material.</p>	1. SFPUC EMB 2. CM Team 3. CM Team	1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM	1. Ensure that contract documents include requirements for preparing a hazardous spills disposal plan. 2. Ensure that contractor prepares and submits a hazardous spills disposal plan and verify that it complies with requirements cited in Mitigation Measure M-HZ-1c. 3. Monitor to ensure that the contractor implements measures in the contract documents and hazardous spills disposal plan. Report noncompliance and ensure corrective action.	1. Design 2. Preconstruction 3. Construction
	<p>M-HZ-1d: Health and Safety Plan</p> <p>The SFPUC will require the contractor to prepare a site-specific health and safety plan in accordance with federal OSHA regulations (29 CFR 1910.120) and Cal-OSHA regulations (8 CFR 5192), using the results of the soil sampling performed under Mitigation Measure M-HZ-1b, above. The health and safety plan will list and characterize the chemicals identified in the project area, discuss potential health and safety hazards associated with those chemicals, describe the monitoring to be performed during site activities, identify soil-handling methods to minimize the potential for exposure to contaminants, discuss the types and uses of appropriate personal protective equipment, outline emergency response procedures, and list emergency contact information.</p>	1. SFPUC EMB 2. CM Team 3. CM Team	1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM	1. Ensure that contract documents include the requirement for preparing a health and safety plan. 2. Ensure that contractor prepares and submits a health and safety plan and verify that it includes information cited in Mitigation Measure M-HZ-1d. 3. Monitor to ensure that the contractor implements measures in the contract documents and health and safety plan. Report noncompliance and ensure corrective action.	1. Design 2. Preconstruction 3. Construction	

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SEISMIC UPGRADE OF BDPL NOS. 3 & 4 AT HAYWARD FAULT PROJECT (MEA CASE NO. 2006.1388E)**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program				Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule	
HAZARDS AND HAZARDOUS MATERIALS (cont)							
HZ-3	Accidental hazardous materials release from construction equipment	M-HY-1 Construction Water Quality Best Management Practices (see Hydrology and Water Quality section above)	(see Hydrology and Water Quality section above)	(see Hydrology and Water Quality section above)	(see Hydrology and Water Quality section above)	(see Hydrology and Water Quality section above)	(see Hydrology and Water Quality section above)
HZ-4	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan	M-TR-1 Traffic Control Plan (see Transportation and Circulation section above)	(see Transportation and Circulation Section above)	(see Transportation and Circulation Section above)	(see Transportation and Circulation Section above)	(see Transportation and Circulation Section above)	(see Transportation and Circulation Section above)
C-HZ 325	Cumulative impacts related to a release of hazardous materials into the environment and impairment of or interference with implementation of an adopted emergency plan	M-C-TR: SFPUC Project Construction Traffic Coordinator (see Transportation and Circulation section above)	(see Transportation and Circulation section above)	(see Transportation and Circulation section above)	(see Transportation and Circulation section above)	(see Transportation and Circulation section above)	(see Transportation and Circulation section above)

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File # 110176

SEISMIC UPGRADE OF BAY DIVISION PIPELINES NOS. 3 AND 4 AT HAYWARD FAULT

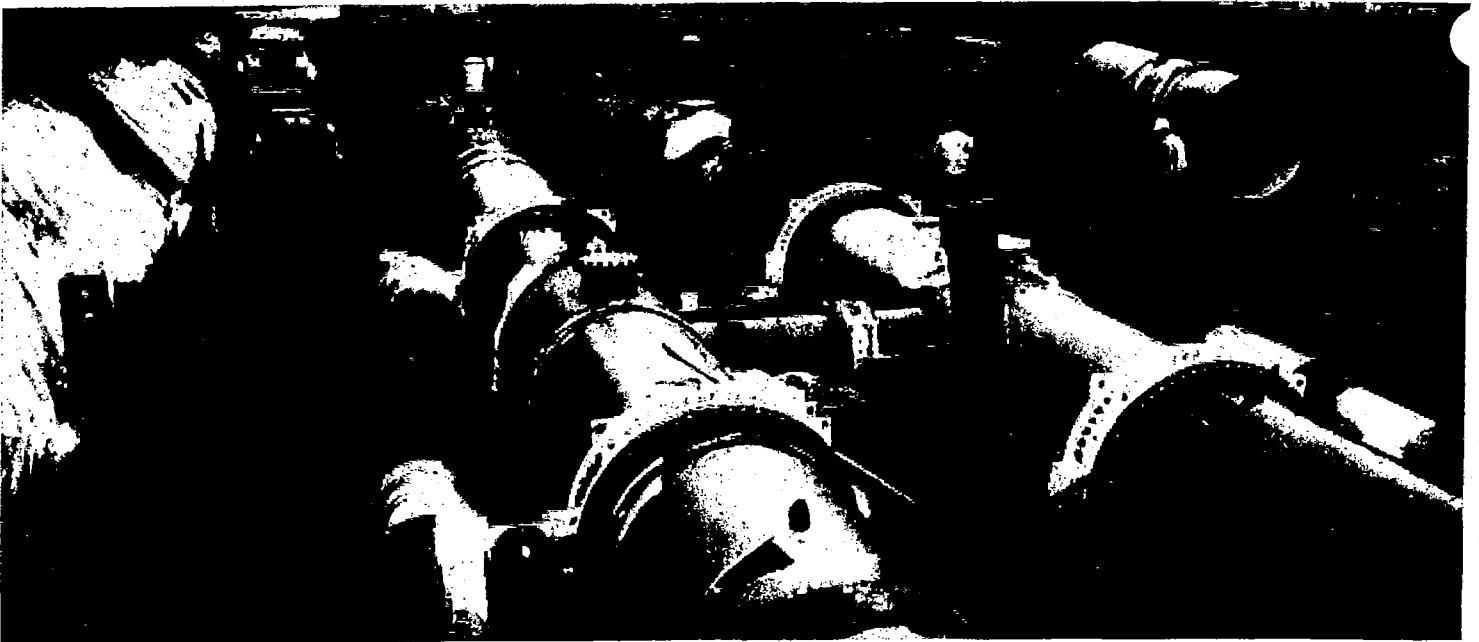
Draft Environmental Impact Report

Planning Department Case No. 2006.1388E
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City and County of San Francisco
San Francisco Planning Department



Important Dates:

DEIR Publication Date: December 23, 2009
DEIR Public Comment Period: December 24, 2009 to
February 8, 2010
DEIR Public Hearing Dates: January 26, 2010, Fremont
January 28, 2010, San Francisco

Written comments should be sent to:

Environmental Review Officer
Seismic Upgrade of BDPL Nos. 3 and 4 at Hayward Fault
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

**** Due to size, the complete document can be found
in File No. 110176
326**



SAN FRANCISCO PLANNING DEPARTMENT

DATE: December 23, 2009

TO: Distribution List for the Seismic Upgrade of BDPL Nos. 3 and 4 at Hayward Fault Project Draft EIR

FROM: Bill Wycko, Environmental Review Officer

SUBJECT: Request for the Final Environmental Impact Report for the Seismic Upgrade of BDPL Nos. 3 and 4 at Hayward Fault Project (Planning Department File No. 2006.1388E)

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

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415.558.6409

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Information:
415.558.6377

This is the Draft of the Environmental Impact Report (EIR) for the Seismic Upgrade of BDPL Nos. 3 and 4 at Hayward Fault Project. A public hearing will be held on the adequacy and accuracy of this document. After the public hearing, our office will prepare and publish a document titled "Comments and Responses," which will contain a summary of all relevant comments on this Draft EIR and our responses to those comments. It may also specify changes to this Draft EIR. Those who testify at the hearing on the Draft EIR will automatically receive a copy of the Comments and Responses document, along with notice of the date reserved for certification; others may receive a copy of the Comments and Responses and notice by request or by visiting our office. This Draft EIR together with the Comments and Responses document will be considered by the Planning Commission in an advertised public meeting and will be certified as a Final EIR if deemed adequate.

After certification, we will modify the Draft EIR as specified by the Comments and Responses document and print both documents in a single publication called the Final EIR. The Final EIR will add no new information to the combination of the two documents except to reproduce the certification resolution. It will simply provide the information in one document, rather than two. Therefore, if you receive a copy of the Comments and Responses document in addition to this copy of the Draft EIR, you will technically have a copy of the Final EIR.

We are aware that many people who receive the Draft EIR and Comments and Responses have no interest in receiving virtually the same information after the EIR has been certified. To avoid expending money and paper needlessly, we would like to send copies of the Final EIR in Adobe Acrobat format on a compact disk (CD) to private individuals only if they request them. Therefore, if you would like a copy of the Final EIR, please fill out and mail the postcard provided inside the back cover to the Major Environmental Analysis division of the Planning Department within two weeks after certification of the EIR. Any private party not requesting a Final EIR by that time will not be mailed a copy.

Thank you for your interest in this project.

File # 110176 *

SEISMIC UPGRADE OF BAY DIVISION PIPELINES NOS. 3 AND 4 AT HAYWARD FAULT

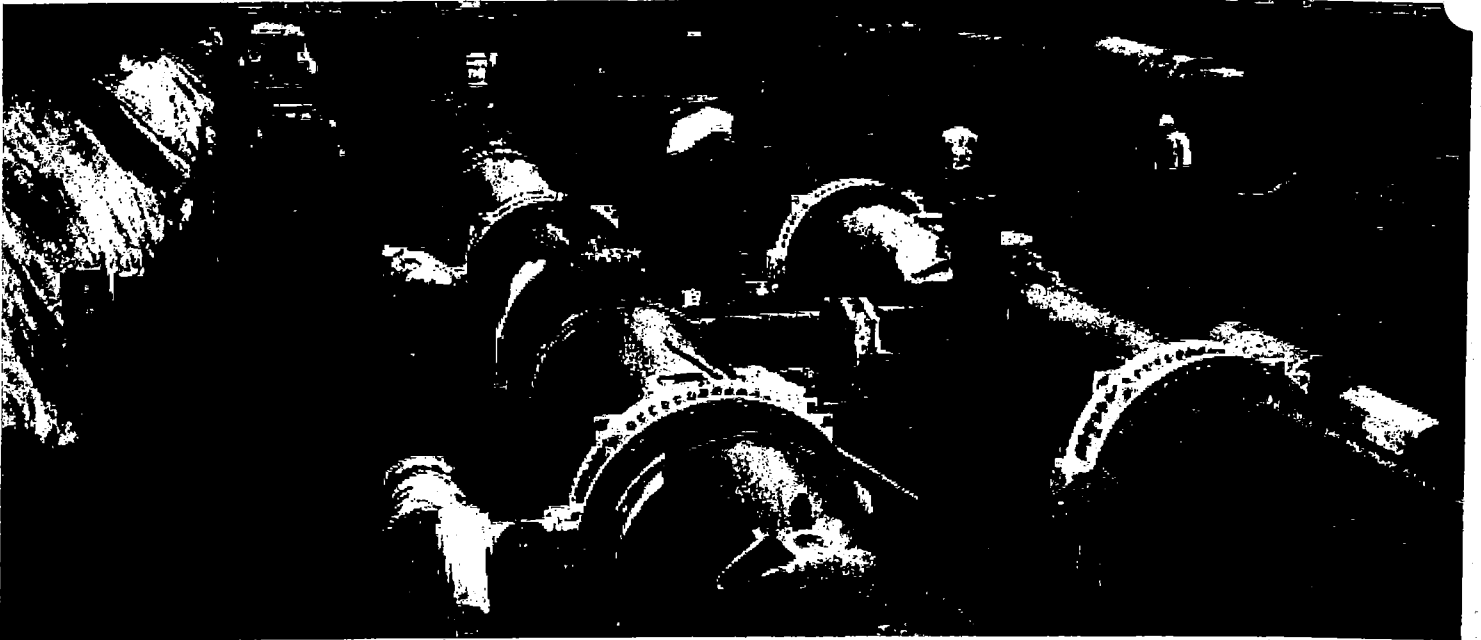
Environmental Impact Report

Comments and Responses
Volume 2

San Francisco Planning Department Case No. 2006.1388E
State Clearinghouse No. 2008042007

December 2010

City and County of San Francisco
San Francisco Planning Department



Important Dates:

Draft EIR Publication Date: December 23, 2009
Draft EIR Public Comment Period: December 24, 2009 to February 8, 2010
Draft EIR Public Hearing Dates: January 26, 2010, Fremont
January 28, 2010, San Francisco
EIR Certification Date: January 20, 2011

**** Due to size, the complete document can be found
in File No. 110176**



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: December 22, 2010
TO: Members of the Planning Commission and Interested Parties
FROM: Bill Wycko, Environmental Review Officer
RE: Comments and Responses on the Draft Environmental Impact Report for Case No. 2006.1388E, Seismic Upgrade of Bay Division Pipelines Nos. 3 and 4 at Hayward Fault Project

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Attached for your review please find a copy of the Comments and Responses document for the Draft Environmental Impact Report (EIR) for the above-referenced project. **This document, along with the Draft EIR, will be before the Planning Commission for Final EIR certification on January 20, 2011.** Please note that the Draft EIR public review period ended on February 8, 2010.

The Planning Commission does not conduct a hearing to receive comments on the Comments and Responses document, and no such hearing is required by the California Environmental Quality Act. Interested parties, however, may always write to Commission members or to the President of the Commission at 1650 Mission Street and express an opinion on the Comments and Responses document, or on the Commission's decision to certify the Final EIR for this project.

Please note that if you receive the Comments and Responses document in addition to the Draft EIR, you technically have the Final EIR. If you have any questions concerning the Comments and Responses document or the environmental review process, please call or email the EIR Coordinator, Diana Sokolove at (415) 575-9046 or diana.sokolove@sfgov.org.

Thank you for your interest in this project and your consideration of this matter.

Attachment: Comments and Responses Document

Memo

