

1 [CEQA Findings for SFPUC New Irvington Tunnel Project in Alameda County and Fremont.]

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3 **Resolution adopting findings under the California Environmental Quality Act ("CEQA"),**
4 **including the adoption of a mitigation monitoring and reporting program and a statement**
5 **of overriding considerations related to the New Irvington Tunnel Project, CUW 35901;**
6 **and directing the Clerk of the Board of Supervisors to notify the Controller of this action.**

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8 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has developed a
9 project description for the New Irvington Tunnel Project, a water infrastructure project included
10 as part of the Water System Improvement Program (also commonly referred to as the NIT
11 Project and herein as the "Project"). The Project is located in Alameda County and City of
12 Fremont, beginning at the Alameda West Portal near Calaveras Road in Alameda County and
13 ending in Fremont near Mission Boulevard. The Project includes, among other related
14 features, the installation of a 3.5-mile-long tunnel, with a finished internal diameter between
15 8.5 to 10.5 feet, 30 feet to 700 feet underground, reinforced concrete lining, buried portal
16 structures, large diameter pipe lining reinforcement, manifold pipe connections, a 120 feet
17 deep temporary access shaft, temporary and permanent bridge crossing of Alameda Creek,
18 access road and other site improvements, acquisition of necessary temporary and permanent
19 property interests, and environmental mitigation work; and

20 WHEREAS, The objectives of the Project are to improve seismic and delivery reliability
21 of the water system, and provide operational flexibility to allow for planned shutdowns of the
22 existing Irvington Tunnel for inspection and maintenance; and

23 WHEREAS, An environmental impact report ("EIR") as required by the California
24 Environmental Quality Act ("CEQA") was prepared for the Project; and

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1 WHEREAS, The Final EIR ("FEIR") was certified by the San Francisco Planning
2 Commission on November 5, 2009 by Motion No. M-17972; and

3 WHEREAS, The FEIR prepared for the Project is tiered from the Water System
4 Improvement Program Environmental Impact Report ("PEIR") adopted by the San Francisco
5 Public Utilities Commission in Resolution No. 08-200 dated October 30, 2008, as authorized
6 by and in accordance with CEQA and the CEQA Guidelines; and

7 WHEREAS, On November 10, 2009, the San Francisco Public Utilities Commission
8 (SFPUC), by Resolution No. 09-190, a copy of which is included in Board of Supervisors File
9 No. 091326 and which is incorporated herein by this reference: (1) approved the Project; and
10 (2) adopted findings (CEQA Findings), including a statement of overriding considerations, and
11 a Mitigation Monitoring and Reporting Program (MMRP) required by CEQA; and

12 WHEREAS, The Project files, including the FEIR, PEIR and SFPUC Resolution No. 09-
13 190 have been made available for review by the Board and the public, and those files are
14 considered part of the record before this Board; and

15 WHEREAS, The Board of Supervisors has reviewed and considered the information
16 and findings contained in the FEIR, PEIR and SFPUC Resolution No. 09-190, and all written
17 and oral information provided by the Planning Department, the public, relevant public
18 agencies, SFPUC and other experts and the administrative files for the Project; and

19 WHEREAS, This Board of Supervisors adopted Ordinance No. 311-08 that placed
20 Water System Improvement Program appropriated funds on Controller's Appropriation
21 Reserve, by project, making release of appropriation reserves by the Controller subject to the
22 prior occurrence of: (1) the SFPUC's and the Board's discretionary adoption of CEQA
23 Findings for each project, following review and consideration of completed project-related
24 environmental analysis, pursuant to CEQA, the State CEQA Guidelines, and Chapter 31 of
25 the San Francisco Administrative Code, where required, and (2) the Controller's certification

1 of funds availability, including proceeds of indebtedness. The ordinance also placed any
2 project with costs in excess of \$100 million on Budget and Finance Committee reserve
3 pending review and reserve release by that Committee. Therefore, the SFPUC has sent a
4 letter to the Budget and Finance Committee requesting review and release of the portion of
5 those funds necessary for the New Irvington Tunnel Project; now, therefore, be it

6 RESOLVED, That the Board of Supervisors has reviewed and considered the FEIR
7 and record as a whole, finds that the FEIR is adequate for its use as the decision-making
8 body for the action taken herein including, but not limited to, approval of the Project and
9 adopts and incorporates by reference as though fully set forth herein the CEQA Findings,
10 including the statement of overriding considerations, and the MMRP contained in Resolution
11 No. 09-190; and be it

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

15 FURTHER RESOLVED, The Board finds that since the FEIR was finalized, there have
16 been no substantial project changes and no substantial changes in Project circumstances that
17 would require major revisions to the FEIR due to the involvement of new significant
18 environmental effects or an increase in the severity of previously identified significant impacts,
19 and there is no new information of substantial importance that would change the conclusions
20 set forth in the FEIR; and be it

21 FURTHER RESOLVED, That the Board directs the Clerk of the Board to forward this
22 Resolution to the Controller.