

1 [Amendment to Memorandum of Understanding - Alameda County Resource Conservation
2 District - Not to Exceed \$775,000]

3
4 **Resolution authorizing the General Manager of the San Francisco Public Utilities**
5 **Commission to execute the first amendment to the Memorandum of Understanding**
6 **with the Alameda County Resource Conservation District for an amount not to exceed**
7 **\$775,000 and with a total duration of fourteen (14) years, pursuant to Charter Section**
8 **9.118.**

9
10 WHEREAS, The SFPUC in Resolution No. 09-1020 dated July 14, 2009, approved
11 findings under the California Environmental Quality Act (CEQA), including a statement of
12 overriding considerations, and a Mitigation and Monitoring and Reporting Program (MMRP)
13 attached to the Final Environmental Impact Report (FEIR) for the Bay Division Pipeline
14 Reliability Upgrade Project (Project); and

15 WHEREAS, The SFPUC, as part of the approved Project MMRP, agreed in mitigation
16 measures BIO 15 and 16 to provide compensation for impacts to wetlands, other waters of the
17 United States and State, and to State regulated habitats; and

18 WHEREAS, The Board of Supervisors in Resolution No. 371-09 adopted findings under
19 CEQA, including the adoption of the MMRP previously approved by the SFPUC relating to the
20 funding of the Project; and

21
22 WHEREAS, The construction of the Project resulted in impacts to 1.00 acre and 160 linear
23 feet of creek and riparian scrub habitat and temporal losses in functions associated with
24 temporary impacts to 0.154 acres and 200 linear feet of creek and riparian scrub habitat in
25 Alameda County; and

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WHEREAS, The SFPUC, in order to undertake mitigation for Project impacts BIO 15 and BIO 16, agreed with State and Federal permitting agencies to implement two separate projects on SFPUC property on the Arroyo de la Laguna as part of the SFPUC's Habitat Reserve Program -- the Arroyo de la Laguna Willow Riparian Scrub Enhancement and the Arroyo de la Laguna Streambank Protection and Restoration Projects, which together would restore 1.17 acres and 340 linear feet of creek and riparian habitat and enhance 0.85 acres and 500 linear feet of creek and riparian habitat; and WHEREAS, the environmental effects of the Arroyo de la Laguna Willow Riparian Scrub and Riparian Habitat Restoration project were reviewed by the San Francisco Planning Department on April 6, 2011, in a note to the file for the Project, case no. 2005.0146E, that analyzed the secondary impacts of mitigation in the Project MMRP and concluded that implementation of the proposed habitat conservation activities would not (1) result in any additional significant impacts beyond those disclosed in the Project FEIR, or (2) increase the severity of any significant environmental impacts identified in the FEIR with the inclusion of all mitigation measures identified in the Project MMRP; and

WHEREAS, the Alameda County Resource Conservation District prepared a CEQA categorical exemption, CEQA Guidelines Section 15333, Small Habitat Restoration Projects, for the Arroyo de la Laguna Streambank Protection and Restoration Project filed on April 24, 2006, State Clearinghouse No. 2006038500; and

WHEREAS, The SFPUC in Resolution No. 08-0226 dated December 9, 2008, authorized the General Manager to execute a Memorandum of Understanding (MOU) by and between the San Francisco Public Utilities Commission and the Alameda County Resource Conservation District to plan and, where authorized under CEQA, implement watershed

1 protection projects in the upper Alameda Watershed, including the implementation of
2 mitigation measures included in subsequent project MMRPs; and

3 WHEREAS, The original MOU had a duration of five years and an approved budget of
4 \$2,000,000; and

5 WHEREAS, The parties desire to enter into the first amendment to the Memorandum of
6 Understanding to continue to plan, design, and, where authorized under CEQA, implement
7 watershed protection projects and required mitigation for approved SFPUC capital projects;
8 and

9 WHEREAS, The Board finds that since the Project FEIR, the April 6, 2011 letter to the file,
10 and the March 24, 2006 categorical exemption were finalized, there have been no substantial
11 changes in Project circumstances that would require major revisions to the FEIR, the letter to
12 the file, or the categorical exemption due to the involvement of new significant environmental
13 effects or an increase in the severity of previously identified significant impacts, and there is
14 no new information of substantial importance that would change the conclusions set forth in
15 the FEIR, the letter to the file, or the categorical exemption; and

16 WHEREAS, Funds in the amount of \$575,000 for this amendment will be available from
17 Habitat Reserve Program (HRP) Capital Improvement funds, and \$200,000 will be available in
18 future years from Water Enterprise Operating Budget funds (CUW257 and/or CUW264); now,
19 therefore, be it

20 RESOLVED, That this Board of Supervisors hereby approves and authorizes the General
21 Manager of the San Francisco Public Utilities Commission to execute the first amendment to
22 the Memorandum of Understanding with the Alameda County Resource Conservation District
23 for an amount not to exceed \$775,000 and with a total duration of fourteen (14) years.