

1 [California Environmental Quality Act Findings for Water System Improvement Program
2 Habitat Mitigation Actions

3 **Resolution adopting findings under the California Environmental Quality Act (CEQA),**
4 **including the adoption of a mitigation and monitoring reporting program and a statement**
5 **of overriding considerations, related to full implementation of Habitat Mitigation Actions**
6 **at two sites in Alameda County for the San Francisco Public Utilities Commission Sunol**
7 **Valley Water Treatment Plant Expansion and Treated Water Reservoir project**
8 **[CUW38101] and other Water System Improvement Program projects, and directing the**
9 **Clerk of the Board of Supervisors to notify the Controller of this action.**

10
11 WHEREAS, Implementation of habitat compensation mitigation measures for water
12 infrastructure projects included as part of the San Francisco Public Utilities Commission
13 ("SFPUC") Water System Improvement Program ("WSIP") are proposed at compensation
14 sites developed in consultation with state and federal regulatory agencies, including, but not
15 necessarily limited to, sites on SFPUC property. Satisfaction of the requirements of these
16 regulatory agencies in connection with approval of the habitat compensatory mitigation at
17 these habitat compensation mitigation sites will include construction, long term monitoring and
18 management, financial assurances and mechanisms to ensure retention of the sites for their
19 intended purpose as habitat compensation (collectively, "Habitat Mitigation Actions"); and

20 WHEREAS, Two habitat compensation mitigation sites, among others, have been
21 identified by the SFPUC in Alameda County, known as Goat Rock and Goldfish Pond. The
22 Goat Rock site, an approximately 630 acre site located north of upper Alameda Creek, would
23 include improvements to and the long term management of grassland habitat and a seasonal
24 wetland. The Goldfish Pond site, an approximately 20 acre site located in the southern part of
25

1 the Alameda watershed near Calavaras Creek, would include habitat restoration and
2 enhancement, and the creation and long term management of three seasonal wetlands; and

3 WHEREAS, The Goat Rock and Goldfish Pond sites are proposed by the SFPUC to
4 satisfy mitigation requirements for the Sunol Valley Water Treatment Plan Expansion and
5 Treated Water Reservoir project ("SVWTP-TWR Project"), a WSIP infrastructure project for
6 which a final environmental impact report ("FEIR") was certified by the San Francisco
7 Planning Commission by Motion No. 17992 adopted December 3, 2009 (City Planning File
8 No. 2006.0137E), and that has been approved, and CEQA findings, including a statement of
9 overriding considerations and a Mitigation Monitoring and Reporting Program ("MMRP")
10 adopted, by the SFPUC by Resolution No.09-0203, on December 8, 2009, a copy of which is
11 included in Board of Supervisors File No. 091478 and is incorporated herein by this reference,
12 and for which the Board of Supervisors ("Board") adopted CEQA Findings by its Resolution
13 No. 25-10, adopted January 26, 2010, a copy of which is included in Board of Supervisors File
14 No. 091478 and which is incorporated herein by this reference; and

15 WHEREAS, The FEIR, a copy of which is included in Board of Supervisors File No.
16 091478, is tiered from the WSIP Program Environmental Impact Report ("PEIR") certified by
17 the Planning Commission on October 30, 2008 by Motion No. 17734 (City Planning File No.
18 2005.0159E); and

19 WHEREAS, The SFPUC approved the WSIP and adopted findings and a Mitigation
20 Monitoring and Reporting Program ("PEIR MMRP") as required by CEQA on October 30,
21 2008 by Resolution No. 08-200; and

22 WHEREAS, The SFPUC proposes that the Goat Rock and Goldfish Pond sites also
23 provide mitigation for and satisfy certain mitigation requirements for other WSIP facility
24 improvement projects, including the New Irvington Tunnel Project ("NIT Project"), Bay Division
25 Pipeline Reliability Upgrade Project ("BDPL 5 Project"), Alameda Siphon #4 Project ("Siphon

1 Project"), and possibly the proposed Calavaras Dam Replacement Project ("Calavaras
2 Project") and proposed San Antonio Backup Pipeline Project ("SABPL Project"); and

3 WHEREAS, The SFPUC adopted CEQA Findings and approved the NIT Project by
4 Resolution No. 09-0190 adopted November 10, 2009, for which the Board of Supervisors
5 adopted CEQA Findings by its Resolution No. 505-09 on December 15, 2009, (copies of both
6 Resolutions are included in Board of Supervisors File No. 091326 and are incorporated herein
7 by this reference); the SFPUC adopted CEQA Findings and approved the BDPL 5 Project by
8 Resolution No. 09-0120 adopted July 14, 2009, for which the Board of Supervisors adopted
9 CEQA Findings by its Resolution No. 371-09 on September 22, 2009 (copies of both
10 Resolutions are included in Board of Supervisors File No. 090979 and are incorporated herein
11 by this reference); the SFPUC adopted CEQA Findings and approved the Siphons Project by
12 Resolution No. 08-0120 adopted July 8, 2008, for which the Board of Supervisors adopted
13 CEQA Findings by its Resolution No. 94-09 adopted March 31, 2009 (copies of both
14 Resolutions are included in Board of Supervisors File No. 090281 and are incorporated herein
15 by this reference); and

16 WHEREAS, The proposed Calavaras and SABPL Projects are undergoing
17 environmental review and have not been approved by the SFPUC or the Board; and

18 WHEREAS, The FEIR identified project mitigation measures to be implemented in
19 connection with the Goat Rock site and by Note to the File for the SVWTP-TWR Project (City
20 Planning File No. 2006.0137E) dated June 14, 2010, a copy of which is included in Board of
21 Supervisors File No. 100901, the San Francisco Planning Department, Major Environmental
22 Analysis Division, determined that implementation of habitat compensation at the Goldfish
23 Pond site will not result in any additional significant impacts beyond those disclosed for the
24 SVWTP-TWR Project in the FEIR, and that implementation of proposed project mitigation
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1 measures for the habitat compensation sites as described in the FEIR will reduce all
2 associated impacts to a less than significant level; and

3 WHEREAS, The FEIR and Note to File, and the SFPUC and Board Resolutions
4 referred to above are contained in the files identified above and have been made available for
5 review by the Board and the public, and are considered part of the record before this Board;
6 and

7 WHEREAS, Mitigation measures identified in the FEIR that would reduce potentially
8 significant impacts associated with implementation of the Goat Rock and Goldfish Pond
9 habitat mitigation sites to a less than significant level will be implemented in connection with
10 those habitat mitigation sites; and

11 WHEREAS, The Goat Rock and Goldfish Pond habitat compensation mitigation sites
12 were selected and designed using the conservation principles required by the PEIR and
13 subsequent SFPUC adoption of the PEIR MMRP, which prescribe a coordinated approach in
14 developing mitigation for biological resource impacts of individual WSIP facility projects in
15 order to avoid habitat fragmentation, preserve wildlife movement corridors and allow for plants
16 and wildlife to disperse over large contiguous habitat areas. The SFPUC proposes to
17 undertake Habitat Mitigation Actions in connection with these compensatory mitigation habitat
18 sites to minimize overall environmental impacts, and to achieve the overall habitat
19 preservation and creation functions of the sites, notwithstanding that mitigation at these sites
20 may provide mitigation, if approved by the state and federal regulatory agencies, for approved
21 WSIP projects, projects still under consideration by the SFPUC, or projects yet to be
22 identified; and

23 WHEREAS, The SFPUC has applied for state and federal regulatory agency permits
24 that would allow for, and intends to proceed with, construction of the Goat Rock and Goldfish
25 Pond sites and other Habitat Mitigation Actions, subject to state and federal regulatory agency

1 approval, award of construction contracts by the SFPUC and other actions and approvals that
2 may be necessary. In a memorandum from the SFPUC to the Board of Supervisors, dated
3 July 1, 2010 ("SFPUC Memo"), a copy of which is included in Board of Supervisors File No.
4 100901 the SFPUC has demonstrated that it is appropriate to proceed with full
5 implementation of the Habitat Mitigation Actions for the Goat Rock and Goldfish Pond sites in
6 order to maximize habitat area creation, minimize overall environmental impacts and to
7 achieve the overall habitat preservation and creation functions of the site, notwithstanding that
8 mitigation at these sites may be in excess of regulatory agency requirements for the SWWTP-
9 TWR Project and other approved WSIP facility improvement projects for which the Board has
10 adopted CEQA findings as identified above; and

11 WHEREAS, The Board adopted Ordinance No. 0092-10 that placed WSIP
12 appropriated funds on Controller's Appropriation Reserve, by project, making release of
13 appropriation reserves by the Controller subject to the prior occurrence of: (1) the SFPUC's
14 and the Board's discretionary adoption of CEQA Findings for each project, following review
15 and consideration of completed project-related environmental analysis, pursuant to CEQA, the
16 State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, where
17 required, and (2) the Controller's certification of funds availability, including proceeds of
18 indebtedness; and

19 WHEREAS, The Board's actions adopting CEQA Findings and approving the SWWTP-
20 TWR Project, and other projects referred to above for which the Board has adopted CEQA
21 findings, authorized the Controller to release appropriation reserves, including funds for
22 mitigation, and

23 WHEREAS, Release of appropriated funds to implement the Habitat Mitigation Actions
24 for the whole of the Goat Rock and Goldfish Pond sites will facilitate implementation of the
25 mitigation identified in the PEIR and PEIR MMRP, and in the environmental review for the

1 SVWTP Project and other projects referred to above for which the Board has adopted CEQA
2 findings, and will do so in a manner that minimizes overall environmental impacts associated
3 with construction at these sites, achieves the overall habitat preservation and creation
4 functions of the sites and is cost and resource efficient; and

5 WHEREAS, By adopting CEQA Findings for the full implementation of the Goat Rock
6 and Goldfish Pond sites, if all requisite approvals are obtained, the Board is not making any
7 commitment to approve any other WSIP project or mitigation, nor does the Board make any
8 determination as to the adequacy of the Goat Rock or Goldfish Pond sites as compensatory
9 habitat mitigation for any WSIP project that has not yet been approved, including but not
10 limited to the Calaveras Project and SABPL Project, and the Board retains full discretion to
11 consider the environmental documents for other WSIP projects, including but not limited to
12 mitigation measures therein, and to adopt or decline to adopt findings required under CEQA
13 for release of funds for those WSIP projects, should such projects be approved by the
14 SFPUC. Funding for the Mitigation Habitat Actions will be provided, in part, from Project No.
15 CUW3880100, referred to as the Habitat Reserve Program in the Supplemental Appropriation
16 Ordinance 0092-10; and

17 WHEREAS, The Board has reviewed and considered the information and findings
18 contained in the FEIR and Note to the File, PEIR, SFPUC and Board Resolutions referred to
19 above, the SFPUC Memo and all written and oral information provided by the Planning
20 Department, the public, relevant public agencies, SFPUC and other experts and the
21 administrative files for this action as identified above; now, therefore, be it

22 RESOLVED, That the Board of Supervisors has reviewed and considered the FEIR
23 and record as a whole, finds that the FEIR is adequate for its use as the decision-making
24 body for the action taken herein adopting findings under CEQA, including a statement of
25 overriding considerations and a MMRP, thereby authorizing the Controller to release

1 appropriation reserves in an amount that will enable the SFPUC to proceed with the Habitat
2 Mitigation Actions for full implementation of the Goat Rock and Goldfish Pond sites subject to
3 approval of the Habitat Mitigation Actions by the resource agencies and SFPUC; and, be it

4 FURTHER RESOLVED, That the Board finds that the project mitigation measures
5 identified in the FEIR to mitigate potential significant impacts associated with the habitat
6 compensation sites and adopted by the SFPUC will be implemented as reflected in and in
7 accordance with the MMRP; and, be it

8 FURTHER RESOLVED, The Board finds that since the FEIR was finalized, there have
9 been no substantial changes in the SVWTP-TWR Project, and no substantial changes in
10 circumstances relating to the project that would require major revisions to the FEIR due to the
11 involvement of new significant environmental effects or an increase in the severity of
12 previously identified significant impacts, and there is no new information of substantial
13 importance that would change the conclusions set forth in the FEIR; and, be it

14 FURTHER RESOLVED, That the Board directs the Clerk of the Board to forward this
15 Resolution to the Controller.
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City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 100901

Date Passed: August 03, 2010

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation and monitoring reporting program and a statement of overriding considerations, related to full implementation of Habitat Mitigation Actions at two sites in Alameda County for the San Francisco Public Utilities Commission Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir project [CUW38101] and other Water System Improvement Program projects, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

August 03, 2010 Board of Supervisors - ADOPTED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 100901

I hereby certify that the foregoing
Resolution was ADOPTED on 8/3/2010 by
the Board of Supervisors of the City and
County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

Date Approved