PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. **24-0020**

WHEREAS, The San Francisco Public Utilities Commission (SFPUC) is required by the Federal and State Safe Drinking Water Acts to demonstrate the existence of a "watershed control program" for the Tuolumne River watershed above Hetch Hetchy Reservoir within Yosemite National park; and

WHEREAS, The U.S. Department of the Interior - National Park Service has exclusive jurisdiction over management of the Hetch Hetchy watershed within Yosemite National Park, consistent with the terms of the 1913 Raker Act, the National Park Service Organic Act, the Wilderness Act, and the federal Wild and Scenic Rivers Act; and

WHEREAS, The SFPUC and the National Park Service have entered into a series of services agreements since 2005 in which SFPUC funding has been used by NPS to manage and prevent microbiological contamination of surface water within the Hetch Hetchy watershed; and

WHEREAS, The SFPUC and the National Park Service desire to continue their cooperation in the pursuit of their common goals, and acknowledge the SFPUC's financial commitment and the National Park Service's implementation commitment to watershed protection, environmental stewardship and security programs; and

WHEREAS, Services under a new Memorandum of Agreement (MOA) between the SFPUC and the National Park Service are anticipated to begin July 1, 2024 and end June 30, 2028, with a total duration of four years; and

WHEREAS, The not-to-exceed amount to be paid by the SFPUC under the MOA is $40,958,727 and the duration is four years; and

WHEREAS, This action does not constitute a "project" under the California Environmental Quality Act (CEQA) Guidelines section 15378(a) because there would be no physical change in the environment, and because the action is a continuing maintenance activity under CEQA Guidelines section 15378(b)(2); and should funding authorized under the subject MOA involve activities other than personnel-related functions, approval and implementation of those activities by the National Park Service, Yosemite National Park would be subject to compliance with CEQA and the National Environmental Policy Act ; and

WHEREAS, The NPS and the SFPUC will work together to develop a separate "Protection and Nondisclosure of Sensitive Security Information" agreement, which will comply with applicable regulations not limited to Critical Infrastructure Information or protected Critical Infrastructure Information as defined under the Homeland Security Act of 2002 and 6 Code of Federal Regulations § 29.2; and

WHEREAS, Funds will be available from the Hetch Hetchy Water and Power operating budget as appropriated through the City and County of San Francisco's budget process and subject to approval during the City and County of San Francisco's budget cycle and certification by the Controller; now, therefore, be it

RESOLVED, That this Commission hereby approves Contract No. CS-1413, Comprehensive Management of Watersheds within Yosemite National Park Supplying the San Francisco Regional Water System Memorandum of Agreement with the United States Department of the Interior, National Park Service – Yosemite National Park, for an amount not-to-exceed $40,958,727, and with a duration of four years, subject to Board of Supervisors approval under Charter Section 9.118; and be it

FURTHER RESOLVED, that the General Manager is hereby authorized to enter into a non-disclosure agreement with the National Park Service regarding SFPUC's and the National Park Service's protection of any sensitive security information that may be shared in connection with the Memorandum of Agreement and/or its implementation.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of January 23, 2024.

Secretary, Public Utilities Commission