

# **PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO. 12-0174

WHEREAS, San Francisco Public Utilities Commission (SFPUC) staff 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. CUW37403, San Antonio Backup Pipeline (Project) in the Sunol area of Alameda County, California; and

WHEREAS, the Project is an improvement facility project approved by the SFPUC as part of the WSIP; and

WHEREAS, a Final Program Environmental Impact Report (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 Mitigation Monitoring and Reporting Program (MMRP) as required by California Environmental Quality Act (CEQA) on October 30, 2008 by Resolution No. 08-200; and

WHEREAS, the PEIR has been made available for review by the SFPUC and the public, and is part of the record before this Commission;

WHEREAS, the objectives of the Project are to provide reliable conveyance capacity for emergency discharges of Hetch Hetchy water supplies during events that impair water quality or during facility outages, and increase operational flexibility and delivery reliability during emergencies and planned maintenance; and

WHEREAS, on September 20, 2012, the San Francisco Planning Commission reviewed and considered the Final Environmental Impact Report (FEIR) for the Project in Planning Department File No. 2007.0039E, consisting of the Draft Environmental Impact Report (EIR) and the Comments and Responses document, and found that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied with the provisions of the CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code and found further that the FEIR 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 FEIR in compliance with CEQA and the CEQA Guidelines in its Motion No. 18705; and

WHEREAS, the FEIR prepared for the Project is tiered from the PEIR, as authorized by and in accordance with CEQA and the CEQA Guidelines; and

WHEREAS, the FEIR analyzed three approaches to dewatering Pit F3-East after a discharge of quality-impaired Hetch Hetchy water. Under Approach 1, a two-step pumping method would be utilized, where water would first be pumped from Pit F3-East to a new Alameda Creek Pumping Station, which would in turn pump water to San Antonio Reservoir. Under Approach 2 (Pumping Variant 1) water would be pumped directly from Pit F3-East to

either San Antonio Reservoir or the Sunol Valley Water Treatment Plant (SVWTP). Under Approach 3 (Pumping Variant 2) water could either be pumped to a new Alameda Creek Pumping Station or to San Antonio Reservoir or the SVWTP directly. The current design of the Project includes Approach 2 (Pumping Variant 1), which is the staff recommended and preferred approach; and

WHEREAS, this Commission has reviewed and considered the information contained in the FEIR, 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 EIR; and

WHEREAS, the Project and EIR files have been made available for review by the SFPUC and the public, and those files are part of the record before this Commission; and

WHEREAS, the Planning Department, Steven H. Smith, is the custodian of records, located in File No 2007.0039E, at 1650 Mission Street, Fourth Floor, San Francisco, California; and

WHEREAS, SFPUC staff prepared proposed findings, as required by CEQA, (CEQA Findings) and a proposed MMRP, which material was made available to the public and the Commission for the Commission's review, consideration and action; now, therefore, be it

RESOLVED, this Commission has reviewed and considered the FEIR, finds that the FEIR 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 Exhibit 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 be it

FURTHER RESOLVED, that this Commission authorizes the General Manager, or his designee, to obtain any necessary permits, consents from, and/or other agreements with the California Department of Water Resources and the Pacific Gas & Electric Company relating to proposed Project construction activities and the relocation of existing utilities owned or operated by these entities within or adjacent to the Project area. 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 require SFPUC to indemnify other parties, those indemnity obligations are subject to review and approval by the San Francisco Risk Manager. The General Manager may 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; and be it

FURTHER RESOLVED, that this Commission authorizes the General Manager, or his designee, to (i) exercise any City or SFPUC right under any deed, easement, lease, permit, or license as required 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 watershed lands, 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. The General Manager's authority so granted includes 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; and be it

FURTHER RESOLVED, that the General Manager or his designee is authorized to apply for, and if necessary, seek Board of Supervisors' approval, and, if approved, accept and execute required approvals by U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, California Department of Fish and Game, Bay Area Air Quality Management District, San Francisco Bay Regional Water Quality Control Board, and any other regulatory approvals as required. To the extent that the terms and conditions of the necessary approvals will require SFPUC to indemnify other parties, 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 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 required approval, as necessary for the Project; and be it

FURTHER RESOLVED, that this Commission hereby approves Project No. CUW37403, San Antonio Backup Pipeline, and authorizes staff to proceed with actions necessary to implement the Project.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of September 25, 2012*



Secretary, Public Utilities Commission

