

FILE NO. 170001

Petitions and Communications received from December 6, 2016, through December 30, 2016, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on January 10, 2017.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From the Clerk of the Board, reporting that the following individuals submitted a Form 700 Statement. (1)

Victor Lim - Legislative Aide - Leaving Office

Brittini Chicuata - Legislative Aide - Assuming

From the Clerk of the Board, submitting a memo regarding Mayor's Veto for File No. 161093. Copy: Each Supervisor. (2)

From Lee Wentworth, regarding budget cuts to mental health and homeless. Copy: Each Supervisor. (3)

From concerned citizens, regarding Sharp Park Golf Course. 36 letters. Copy: Each Supervisor. (4)

From the Clerk of the Board, submitting a memo regarding the Prevailing Wage Certification Legislation. Copy: Each Supervisor. (5)

From concerned citizens, regarding free City College appropriation. 61 Letters. File No. 161015. Copy Each Supervisor. (6)

From concerned citizens, regarding Geary Bus Rapid Transit Project. 18 letters. Copy Each Supervisor. (7)

From Josh Miller, regarding Protecting Artists and Tenants after the Ghost Ship tragedy. Copy Each Supervisor. (8)

From concerned citizens, regarding support for John Hamasaki for Police Commission. 5 letters. Copy: Each Supervisor. (9)

From concerned citizens, regarding Julie Soo for Police Commission. 2 letters. Copy: Each Supervisor. (10)

From the Controller's Office, submitting a memo regarding Wells Fargo Bank. File No. 161132. Copy: Each Supervisor. (11)

From the Department of Human Resources, submitting annual report for FY 2015/16. Copy Each Supervisor. (12)

From Lubin, Olson & Niewiadomski, regarding Appeal of Exemption Determination Recusal Request for 3516 and 3526 Folsom Street. Copy: Each Supervisor. (13)

From Recreation & Parks, submitting first quarterly report for FY 2016/17. Copy: Each Supervisor. (14).

From West Area PUC, submitting CPUC Notification Letter for Small City of SF Small Cells. Copy: Each Supervisor. (15)

From concerned citizens, regarding the election of Donald Trump. 3 letters. Copy: Each Supervisor. (16)

From the Treasurer & Tax Collector, submitting a revised 2015 Payroll Expense Tax Exclusion – Stock-Based Compensation Annual Report for calendar year 2015. Copy: Each Supervisor. (17)

From Best Friends Animal Society, regarding support for a retail pet sales Ordinance. Copy: Each Supervisor. (18)

From Carine O'Neil, submitting signature for petition, entitled, 'Turn The Beast on Bryant Into a Beauty on Bryant.' 194th signer. Copy: Each Supervisor. (19)

From concerned citizens, regarding Van Ness Avenue trees and carbon emission. 2 letters. Copy: Each Supervisor. (20)

From Police Officers Association, regarding the Use of Force Policy. Copy: Each Supervisor. (21)

From Mayor Lee, regarding Charter, Section 3.100(18), appointment to the Citizen's Advisory Committee of the Office of Early Care and Education. (22)

Dr. Jerry Yang - term ending April 8, 2018

From Group i, regarding 950-974 Market Street and 180 Jones Street. File No. 161066. Copy: Each Supervisor. (23)

From Alvin Ja, regarding Unaddressed Flaws in Balboa Reservoir Project. Copy: Each Supervisor. (24)

From the Office of the Mayor, submitting Jason Chan's resignation letter. Copy: Each Supervisor. (25)

From Policy & Government Affairs, submitting a Declaration of Emergency – Replacement and Repair of Equipment at Oceanside Wastewater Treatment Plant. Copy: Each Supervisor. (26)

From Fish and Game Commission, submitting a Notice of Proposed Emergency Action regarding Emergency Abalone Take Reduction Due to Harmful Environmental Conditions. Copy: Each Supervisor. (27)

From the Treasurer and Tax Collector, regarding Wells Fargo suspension from Bank of San Francisco. Copy: Each Supervisor. (28)

From Garavaglia Architecture, regarding 3516/3526 Folsom Street. File No. 161278. Copy: Each Supervisor. (29)

From Mayor Lee, regarding Charter, Section 3.100(18), appointment to the Recreation & Park Commission. (30)

Jason Chan - term ending July 24, 2018

From Dennis Hong, regarding the Mayor's appointment to the Recreation and Park Commission. File Nos. 161332 and 161333. Copy: Each Supervisor. (31)

From Alan Dechert, regarding delays in voting system modernization. Copy: Each Supervisor. (32)

From San Francisco International Airport, submitting Executive Summary for the 2016 Airport Development Plan. (33)

From the Golden Gate Heights Neighborhood Association, regarding affordable senior housing at 250 Laguna Honda Boulevard at the Forest Hill Christian Church site. Copy: Each Supervisor. (34)

From Brent Plater, regarding the Golden Gate National Recreation Area's new rule for dog management. Copy: Each Supervisor. (35)

From Department of Human Resources, submitting S.F. Administrative Code, Chapters 12B and 14B Waiver Request. Copy: Each Supervisor. (36)

From Municipal Transportation Agency, submitting recommendations from the December 2016 meeting of the Balboa Park Station Community Advisory Committee. Copy: Each Supervisor. (37)

From Laurel P. Rest, regarding beds and mental health care for the homeless. Copy: Each Supervisor. (38)

From Sunset Parkside Education and Action Committee, regarding the Jamestown Pier 29 retail project. Copy: Each Supervisor. (39)

From Treasurer & Tax Collector, submitting the CCSF Pooled Investment Report for November 2016. Copy: Each Supervisor. (40)

From San Francisco Public Utilities Commission Financial Services, submitting Grant Budget Revision for Proposition 1E Round 1 Storm-water Flood Management Grant. Copy: Each Supervisor. (41)

From Fish and Game Commission, submitting notice of availability of a document added to the rulemaking file regarding the California Spiny Lobster Fishery Management Plan. Copy: Each Supervisor. (42)

From Fish and Game Commission, submitting notice of proposed regulatory action relating to waterfowl regulations. Copy: Each Supervisor. (43)

From Fish and Game Commission, submitting notice of proposed regulatory action relating to mammal regulations. Copy: Each Supervisor. (44)

From Fish and Game Commission, submitting Notice of Findings regarding the petition to list coast yellow leptosiphon as endangered under the California Endangered Species Act. Copy: Each Supervisor. (45)

From Fish and Game Commission, submitting notice of proposed regulatory action regarding listing the Livermore tarplant as endangered under the California Endangered Species Act is warranted. Copy: Each Supervisor. (46)

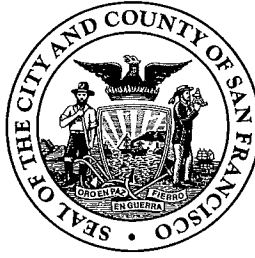
From Fish and Game Commission, submitting notice of proposed regulatory action regarding deer tagging and reporting. Copy: Each Supervisor. (47)

From Fish and Game Commission, submitting notice of proposed regulatory action relating to ocean salmon sports fishing. Copy: Each Supervisor. (48)

From Fish and Game Commission, submitting notice of proposed regulatory action relating to Pacific halibut sport fishing. Copy: Each Supervisor. (49)

From Fish and Game Commission, submitting notice of proposed regulatory action relating to Lower Klamath River Basin sports fishing. Copy: Each Supervisor. (50)

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

MEMORANDUM

Date: December 30, 2016
To: Members, Board of Supervisors
From: Angela Calvillo, Clerk of the Board
Subject: Form 700

This is to inform you that the following individual has submitted a Form 700 Statement:

Victor Lim - Legislative Aide - Leaving Office
Brittni Chicuata - Legislative Aide - Assuming

BOARD of SUPERVISORS



Bos-11, Leg Aides
Deputies, Dep City atty
AC File, C pages
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

MEMORANDUM

Date: December 8, 2016
To: Members, Board of Supervisors
From: *AC* Angela Calvillo, Clerk of the Board
Subject: Mayor's Veto –File No.161093 – Short-Term Residential Rental Limit of 60 Days Per Year and Private Right of Action

Pursuant to Charter Section 3.103, today, December 8, 2016, the Mayor communicated his veto of File No. 161093, Short-Term Residential Rental Limit of 60 Days Per Year and Private Right of Action,

Pursuant to Charter Section 2.106, the Board of Supervisors may override said veto if, within 30 days after such veto, not less than two-thirds of the Board of Supervisors shall vote in favor of such measure.

Due to the Board's winter recess and cancelled meetings during the month of January 2017, the Board is unable to schedule and consider the motion before the Board's deadline to act expires, unless it schedules a special meeting.

Please let me know in writing by Friday, December 9, 2016 11:00 a.m. if you wish to host a meeting on Tuesday at 2:05 p.m. (to meet the noticing deadline) if you would like to schedule a meeting to override the veto.

Attachment

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE

December 8, 2016

Members, Board of Supervisors
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102

RECEIVED
OFFICE OF THE MAYOR
SAN FRANCISCO
2016 DEC -8 PM 4:48
BY en

Dear President Breed and Supervisors:

This letter communicates my veto of the ordinance pending in File Number 161093, finally passed by the Board of Supervisors on November 29, 2016. This ordinance proposes to enact extreme restrictions on residents' ability to rent out their homes or extra rooms on a short-term basis in San Francisco.

In 2014, San Francisco became one of the first cities in the world to adopt new restrictions and regulations on the fast-emerging online short-term rental market, aimed at balancing homeowners and tenants' rights to earn extra income through short-term rental of their homes or spare bedrooms along with our City's utmost priority of preserving and protecting affordable housing opportunities for our residents. This law established clear principles: only residents can share their home, there is currently no limit on hosted short term rentals stays, un-hosted stays are limited to 90-days, registration is mandated, and our City's transient occupancy tax (TOT) must be paid.

In 2015, we created the Office of Short-Term Rentals (OSTR). With the creation of this office, hosts are able to legalize the rental of their units or bedrooms, also a provision was made for an individual within 100 feet with the opportunity to seek judicial relief. We eliminated unnecessary hearings to streamline enforcement. Less than six months ago, the Board of Supervisors passed additional legislation to make Hosting Platforms liable for unregistered listings and to increase fines. That law is currently under challenge and the City Attorney is vigorously defending it.

I acknowledge that as a City we must continue to both incentivize and legally compel residents and platforms to adhere to our regulations, and we must strive to more efficiently and comprehensively enforce those regulations, when necessary. I consider proposed changes to our current regulations in terms of whether they will advance these goals.

Unfortunately, I have concluded that this legislation will make registration and enforcement of our short-term rental regulations more difficult and less effective, and risks driving even more people to illegally rent units instead of complying with our City's current short-term rental regulations.

I have reached this conclusion for five primary reasons:

Voters already rejected a less-stringent cap in 2015

Just one year ago, San Francisco voters rejected Proposition F, a measure that proposed to limit all short-term rentals to 75 days per year. The key provision of this ordinance imposes a 60 day limit on all short term rentals. This is even more severe than the measure rejected by voters last year.

60-Day cap does not distinguish between hosted and un-hosted rentals

Most San Franciscans agree that there is a difference between a resident who is present when guests rent a room and individuals who rent a unit for weeks or months at a time. Current law recognizes this important distinction and the proposed amendments do not.

Losing private right of action within 100 feet

A key provision of my 2015 legislation provided homeowners and renters in a small unit within 100 feet, a private right of action after the administrative process is complete. This ordinance eliminates that right.

Grandfathering provision creates complications with enforcement

The proposed amendments would create grandfathering for existing hosts but lack needed clarity on whether it applies to an individual, a specific property, or both. Were this law to be put in place, those concerned about short-term rentals would file complaints against grandfathered hosts, only to have the City later determine which rules apply.

Lawsuits begin before administrative process is complete

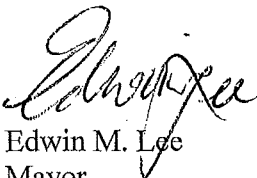
Under current law, the City must complete the administrative process before private right of action can ensue. An alleged violator would exercise his or her due process rights, if he or she elects to have an administrative hearing. Any private right of action must begin after the administrative process is complete.

I do not believe our efforts to achieve compliance and enforcement of our short-term rental regulations are well-served by the perception that they are ever-changing. I also do not believe our residents are well served by a never-ending political debate that produces no new housing and does nothing to make our City more affordable for homeowners and tenants.

I am hopeful that in 2017, we can finally come together and achieve consensus around short-term rental regulations for our City that allow for easy compliance for law abiding home sharers and for aggressive enforcement against abusers. Other cities have found balanced solutions, we can too. I agree strongly that platform companies must be active partners in compliance and enforcement as well. To this end, I along with Supervisor Breed will convene all stakeholder groups early next year to examine strategic and thoughtful regulations to further streamline compliance, registration and enforcement of our short-term rental regulations and propose potential improvements to our existing regulations by February 28, 2017.

I look forward to working with you in the weeks and months ahead to achieve our common goals of keeping San Francisco affordable and preserving and protecting our housing supply for all San Francisco residents.

Sincerely,



Edwin M. Lee
Mayor

Cc: Angela Calvillo, Clerk of the Board of Supervisors

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Budget cuts to mental health and homeless
Attachments: Budget cuts

-----Original Message-----

From: LEE WENTWORTH [mailto:lee3200@sbcglobal.net]
Sent: Monday, December 12, 2016 2:43 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Budget cuts to mental health and homeless

To whom it may concern,

It is OUTRAGEOUS that you would even consider decreasing the budget for mental health and homeless!!! Instead YOU SHOULD INCREASE IT!!!

You spend HUGE amounts on illegal immigrants, gay rights, and your pet projects, but YOU IGNORE THE MOST NEEDY CITIZENS WHO DESERVE HELP. I have a son who has severe untreated bipolar disorder, can't hold a job and is homeless - he gets NO HELP although he has lived here his whole life and is 41 years old. I am 73 years old, and disabled, and can not care for him any longer at home. Why don't you all go live on the streets for a week (without your warm clothes or sleeping bag, or money for food) and get a REAL APPRECIATION FOR THE PROBLEM! You wouldn't last one night.

Instead, charge the wealthy more for what they get from living in San Francisco, or doing business in San Francisco (like special treatment for the very wealthy tech companies), and contractors who build expensive apartments for the wealthy, and put the money into housing, helping with basic needs, and mental health assistance, etc. for the LEGAL citizens of San Francisco who really need help.

It is AMAZING all the benefits illegal immigrants get (like legal help - which I don't get, nor do the homeless), while you destroy the lives of legal citizens. You don't care, because you are all wealthy, live in nice homes, have transportation, jobs, and food, and the homeless and those needing housing, food, clothing, mental health care, etc. are JUST A BUDGET ITEM THAT YOU CAN CUT WITH THE STROKE OF A PEN, and go about business supporting your pet projects. You want to get rid of tent people! How CRUEL. At least they have some shelter from the cold and rain, which the others do not. You are so proud of being a SANCTUARY CITY FOR ILLEGAL IMMIGRANTS, BUT YOU ARE NO SANCTUARY CITY FOR THE NEEDY LEGAL CITIZENS!!! I don't know how you can sleep at night, knowing you are deliberately destroying many lives each day. You are obviously not Christians or Jews (practicing ones) because it would be your DUTY to help your neighbor.

I am a VERY UNHAPPY, OUTRAGED citizen. You should know better. Instead of funding all your liberal, pet projects, put some INCREASED EFFORT into helping those who can't help themselves!

Sincerely,
Lee Wentworth

From: zoi eliou <dr.eliou@icloud.com>
Sent: Monday, December 12, 2016 1:11 PM
To: Board of Supervisors, (BOS)
Subject: Budget cuts

Dear Board,

I am deeply disturbed over the mental health and homeless services budget cuts. The streets of San Francisco have become a state hospital for mentally ill homeless population and we need more services rather than less. The tents all around the city and the public spaces that stink of urine and human feces as well as drug abusers and mentally ill un-medicated persons running around and disturbing tax paying citizens are a shame to all of us. I have lost faith in the mayors office to address these issues despite promises upon promises that seems to finance mainly the pockets of officials.

Sincerely, Dr. Eliou

Sent from my iPhone

Sent from my iPhone

Sent from my iPhone

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear Members,

The Clerk's Office has received 45 similar emails regarding "Remove the Sharp Park Golf Course redevelopment from SNRAMP"

-----Original Message-----

From: KnowWho Services [mailto:noreply@knowwho.services]
Sent: Monday, December 12, 2016 2:29 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Patricia Overall
236 Amber Dr
San Francisco, CA 94131
arev2@pacbell.net
4158242814

From: KnowWho Services <noreply@knowwho.services>
Sent: Sunday, December 11, 2016 5:24 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Christopher Boone
49 Hancock St
San Francisco, CA 94114
sierra@cboone.fea.st
4152528049

From: KnowWho Services <noreply@knowwho.services>
Sent: Sunday, December 11, 2016 6:18 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Stephen Gold
387 Day St.
Stephen, CA 94131
goldroma@mac.com
4158264076

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Monday, December 12, 2016 2:29 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Patricia Overall
236 Amber Dr
San Francisco, CA 94131
arev2@pacbell.net
4158242814

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Sunday, December 11, 2016 6:18 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

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Sincerely,

Stephen Gold
387 Day St.
Stephen, CA 94131
goldroma@mac.com
4158264076

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Sunday, December 11, 2016 5:24 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Christopher Boone
49 Hancock St
San Francisco, CA 94114
sierra@cboone.fea.st
4152528049

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Sunday, December 11, 2016 1:09 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Will Lowry
308 Hill St
San Francisco, CA 94114
will.lowry23@gmail.com
4152952296

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Sunday, December 11, 2016 12:36 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Ron Sundergill
585 9th St Unit 453
Oakland, CA 94607
sundergill@aol.com
5103680115

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Sunday, December 11, 2016 12:12 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Keiko M.
9 Mayfair Dr
San Francisco, CA 94118
anoodlehead@gmail.com
4152166403

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Sunday, December 11, 2016 4:26 AM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Caephren McKenna
64 Fairview Ave
Caephren, CA 94610
caephren@gmail.com
5104201628

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Saturday, December 10, 2016 3:49 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

We have plenty of golf courses, but not so many San Francisco garter snakes and the California red-legged frog. Sharp park is a biologically important site and we need to protect it for all time.

I am embarrassed and angry that my city has failed to fulfill restoration at Sharp Park. This is a very special place and must be set aside for protection of these highly endangered animals and for the future enjoyment of residents of the northern peninsula. Golf is something for just a relatively small number of individuals who can afford the fees and expenses of playing. A wildlife oasis is something everyone can enjoy and millions can learn from. We must set aside this special place for all people to enjoy.

San Francisco must live up to the promises it has made.

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Dorothy Varellas
35 Carr
San Fran, CA 94124
djvarellas@comcast.net
4157223449

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Saturday, December 10, 2016 2:09 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Spencer Decker
673 Mangels Ave
San Francisco, CA 94127
deckerdesign@comcast.net
4154406014

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Saturday, December 10, 2016 1:23 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Douglas Estes
629 Arguello Blvd. #303
San Francisco, CA 94118
dce005@yahoo.com
4158456018

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Saturday, December 10, 2016 1:09 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Ronald Zampa
PO Box 27344
Oakland, CA 94602
organicz@hotmail.com
5104822841

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Saturday, December 10, 2016 11:58 AM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

Thank you for reading my letter.

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

John Oda
2000 post
San Francisco, CA 94115
jandjoda@aol.com
4155677192

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Saturday, December 10, 2016 10:37 AM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Ellen Koivisto
1556 Great Hwy Apt 101
San Francisco, CA 94122
offstage@earthlink.net
4155551212

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Saturday, December 10, 2016 10:16 AM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

The extinction of any species means the tearing out of one more thread from the tapestry of life that hangs between us and the cold of infinity. LIFE BEFORE MONEY! AND GOLF, FOR THAT MATTER!

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

dan richman
4229 21st st
san francisco, CA 94114
danrichman@earthlink.net
1234567890

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Saturday, December 10, 2016 10:09 AM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

James Lovette-Black
584 Castro St #821
San Francisco, CA 94114
jimbonsf@gmail.com
4153476114

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Saturday, December 10, 2016 6:38 AM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Deborah Mulvaney
425 Market Street
San Francisco, CA 94105
debmulvaney@hotmail.com
6464609726

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Friday, December 09, 2016 6:08 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP. We could be great with Natural Areas Program; NOT WITH THIS TRAVESTY OF CORPOROFASCIST GREED.

Dear San Francisco Board of Supervisors,

San Francisco has given itself a chance to be a leader with the Natural Areas Program. Why are we now shooting ourselves and dirtying our city and areas with useless destruction so a few greedy ignoramuses can play golf. To hell with this. Do the intelligent thing, the more difficult thing (but with more fantastic results) and return this area to its natural magnificence. Less playing and more doing.

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Janet Fiore
1857 9th Ave
San Francisco, CA 94122
janetfiore@aol.com
4155668019

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Friday, December 09, 2016 3:01 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

David Kaskowitz
306 Park St
San Francisco, CA 94110
dkasko@gmail.com
4158266105

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Friday, December 09, 2016 2:17 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

Redeveloping the Sharp Park Golf Course would jeopardize the survival of two endangered species: the Red Legged Frog and the San Francisco Garter Snake, as well as many others species this rare and important ecosystem. This is not a natural area restoration, it is the loss of an opportunity to restore a vital coastal wetland.

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Sarah Sawtelle
507 17th Avenue
San Francisco, CA 94121
howmanylights@gmail.com
6038282158

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Thursday, December 08, 2016 6:35 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Annalee Pineda
1035 Sutter St Apt 24
San Francisco, CA 94109
annaleepinedasf@yahoo.com
4156733558

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Thursday, December 08, 2016 12:33 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Jeff Beck
1551 9th Ave Apt 2
San Francisco, CA 94122
jeffbeck674@hotmail.com
4155021074

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Thursday, December 08, 2016 10:32 AM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Senta Tsantilis
2865 Lincoln Way
San Francisco, CA 94122
sptsantilis@gmail.com
4155833809

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Thursday, December 08, 2016 10:07 AM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Molly Ruhl
401 43rd Ave
San Francisco, CA 94121
molly.ruhl@me.com
4155709665

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Wednesday, December 07, 2016 7:34 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Renee Darner
2814 Clay St
San Francisco, CA 94115
reneedarner@yahoo.com
4159905976

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Wednesday, December 07, 2016 6:00 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Michelle Carter
1738 Dolores Street
Michelle, CA 94110
michelle@carterfries.com
4159894800

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Wednesday, December 07, 2016 5:38 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

Your responsibility, as part of the City's commitment to achieving climate change goals, is to protect this Ohlone land and promote native plant regeneration, to protect the water and the natural habitat for wildlife, including threatened species like the red legged frog, and to make a bold statement against the Trump administration that San Francisco is really committed to its climate change goals. Trump builds golf courses. San Francisco leads the way in climate change policy. Here's your opportunity to walk your talk. Thank you for doing the right thing and stopping the golf course in Sharp Park.

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Kristin Tieche
2277 FULTON STREET, APT 304
SAN FRANCISCO, CA 94117
ktieche@gmail.com
3232431585

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Wednesday, December 07, 2016 1:27 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

Please

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Trey Schmit
1110 School Rd.
McKinleyville, CA 95519
treyschmit360@hotmail.com
9107968304

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Wednesday, December 07, 2016 1:10 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I'm a nearby tourist (Sonoma County) that spends a fair amount of time in San Francisco. The last thing I want to see in the city is another golf course.

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Cary Fargo
545 Railroad Street
Graton, CA 95444
cfargo@sonic.net
7074846158

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Wednesday, December 07, 2016 11:45 AM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

As a long time resident of San Francisco, I urge you to remove the Sharp Park Golf Course redevelopment project from the master management plan for the city's natural areas. I am also a consistent voter and active member in my community. I will make sure that that you are all held accountable.

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Deborah Mulvaney
425 Market St Ste 950
San Francisco, CA 94105
debmulvaney@hotmail.com
6464609726

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Wednesday, December 07, 2016 9:30 AM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

SF is supposed to be a great exemplar. Is bulldozing over dwindling species for the sake of yet more golf an example for the rest of the country? If so, then money has won again.

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

dan richman
4229 21st st
san francisco, CA 94114
danrichman@earthlink.net
1234567890

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Tuesday, December 06, 2016 7:25 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Jenna Brager
9175 Barnett Valley Road
Sebastopol, CA 95472
ainajaye@yahoo.com
7073263313

Gosiengfiao, Rachel (BOS)

From: KnowWho Services <noreply@knowwho.services>
Sent: Tuesday, December 06, 2016 5:53 PM
To: Board of Supervisors, (BOS)
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Connie Mar
2 Garfield St
San Francisco, CA 94132
cjmar@comcast.net
4154697511

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Remove Sharp Park Golf Course from the Natural Areas Plan!

From: Jayden Donahue [mailto:info@actionnetwork.org]
Sent: Tuesday, December 20, 2016 11:32 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Remove Sharp Park Golf Course from the Natural Areas Plan!

Angela Calvillo,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review.

The environmental review for SNRAMP is inadequate because it contains a golf course redevelopment project that was inserted into the SNRAMP environmental review years after the review of SNRAMP was initiated, and long after several mandatory CEQA steps were completed. Thus the Sharp Park golf course redevelopment project never completed formal environmental scoping, was never subjected to mandatory public hearings, and did not benefit from early, formal oversight by other public agencies with subject matter jurisdiction.

When A18 was originally released in 2009, the Planning Department seemed to understand this procedural concern. The Department explained in the SNRAMP environmental scoping report, also released in 2009, that the golf course redevelopment project could never be incorporated into the SNRAMP environmental review process.

Despite this promise, in 2011 the draft environmental review for SNRAMP included the golf course redevelopment project, and after the draft was rubber-stamped by the planning and recreation and park commissions, the final environmental review does as well.

You cannot complete your job of fully vetting the environmental issues presented by the golf course redevelopment project, because the document before you skipped key steps in the CEQA process for the golf course redevelopment project.

Only if that portion of SNRAMP is removed and put through a separate environmental review process can we all be assured that San Francisco is making the most informed environmental decisions possible. Unless and until that happens, you must reject the final environmental review document for SNRAMP, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Jayden Donahue

jayden.donahue@gmail.com

525 E 19th St

Oakland, California 94606

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

MEMORANDUM

Date: December 8, 2016
To: Members, Board of Supervisors
From: *ACC* Angela Calvillo, Clerk of the Board
Subject: Prevailing Wage Certification Legislation

The Office of the Clerk of the Board received the attached document from the Civil Service Commission dated December 6, 2016, along with a copy of the report from the Office of Labor Standards entitled "Certification of the Highest Prevailing Rate of Wages of Commercial Vehicle Loading and Unloading on City Property in the City and County of San Francisco."

The Civil Service Commission, at their December 5, 2016 meeting, adopted the report from the Office of Labor Standards Enforcement, in accordance with Charter Section A7.204 and Administrative Code Section 6.22. The Board of Supervisors shall, upon receipt of data for per diem wages, fix and determine the Prevailing Rate of Wages. The Clerk of the Board will open a file on behalf of the Civil Service Commission and on a first come first serve basis, a Member may introduce or assume sponsorship, please contact Alisa Somera at 4-7711.

The 87 page report from the Office of Labor Standards is attached and will be included on the Communications page.



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

December 6, 2016

Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

SUBJECT: **Prevailing Wage Certification Legislation**

Dear Ms. Calvillo:

At its meeting of December 5, 2016 the Civil Service Commission had for its consideration the certification of the highest prevailing rate of wages of commercial vehicle loading and unloading on City property (CSC File No. 0365-16-8-3). A copy of the report prepared by the Office of Labor Standards is attached.

It was the decision of the Civil Service Commission, in accordance with Charter Section A7.204 and Administrative Code Section 6.22, to adopt the Office of Labor Standards Enforcement's report.

The Civil Service Commission requested the City Attorney to draft legislation to accompany the report being forwarded to the Board of Supervisors as required by the Administrative Code. The draft legislation prepared by the City Attorney will be forwarded to you shortly.

Please call me at (415) 252-3250, if there are questions or if further information is needed related to the action of the Civil Service Commission.

Sincerely,

MICHAEL L. BROWN
Executive Officer

Attachment

Cc: Matthew S. Lee, Deputy City Attorney

memo Bas-11, COB, Leg Rep.

CPAGE

RECEIVED
CITY OF SAN FRANCISCO
2016 DEC -8 AM 9:20
BY [initials]

GINA M. ROCCANOVA
PRESIDENT

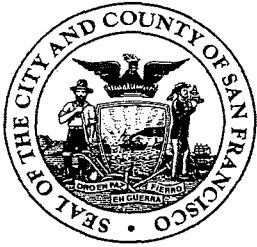
KATE FAVETTI
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

F. X. CROWLEY
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

MICHAEL L. BROWN
EXECUTIVE OFFICER



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent Via Electronic Mail

December 6, 2016

GINA M. ROCCANOVA
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

F. X. CROWLEY
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

NOTICE OF CIVIL SERVICE COMMISSION ACTION

SUBJECT: CERTIFICATION OF THE HIGHEST PREVAILING RATE OF
WAGES OF COMMERCIAL VEHICLE LOADING AND
UNLOADING ON CITY PROPERTY.

At its meeting of **December 5, 2016** the Civil Service Commission had for its consideration the above matter.

The Commission adopted the report and forwarded it to the Board of Supervisors in accordance with Charter Section A7.204 and Administrative Code Section 6.22.

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6

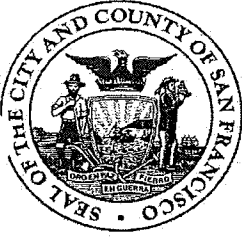
MICHAEL L. BROWN
EXECUTIVE OFFICER

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN
Executive Officer

Attachment

Cc: Matthew Lee, City Attorney's Office
Shamica Jackson, Public Utilities Commission
Masood Ordikhani, Public Utilities Commission
Bill Wong, Airport
Emylene Aspillia, Airport
John Noguchi, Convention Facilities
Suzanne Mason, Department of Human Resources
Steve Ponder, Department of Human Resources
Donald Ellison, Municipal Transportation Agency
Lavena Holmes, Port Commission
Jaci Fong, Office of Contract Administration
Patrick Mulligan, Office of Labor Standards Enforcement
Sean McFadden, Recreation and Park Department
Toks Ajike, Recreation and Park Department
Maurice Williams, Department of Public Works



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent Via Electronic Mail

November 10, 2016

GINA M. ROCCANOVA
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

MICHAEL L. BROWN
EXECUTIVE OFFICER

NOTICE OF CIVIL SERVICE COMMISSION MEETING

**SUBJECT: CERTIFICATION OF THE HIGHEST PREVAILING RATE OF
WAGES OF COMMERCIAL VEHICLE LOADING AND
UNLOADING ON CITY DEPARTMENT.**

The above matter will be considered by the Civil Service Commission at a meeting to be held on **November 21, 2016 at 2:00 p.m.** in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Consent Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

All non-privileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN
Executive Officer

Attachment

Cc: Matthew Lee, City Attorney's Office
Shamica Jackson, Public Utilities Commission
Masood Ordikhani, Public Utilities Commission
Bill Wong, Airport
Emylene Aspilla, Airport
John Noguchi, Convention Facilities
Suzanne Mason, Department of Human Resources
Steve Ponder, Department of Human Resources
Donald Ellison, Municipal Transportation Agency
Lavena Holmes, Port Commission
Jaci Fong, Office of Contract Administration
Patrick Mulligan, Office of Labor Standards Enforcement
Sean McFadden, Recreation and Park Department
Toks Ajike, Recreation and Park Department
Maurice Williams, Department of Public Works

THIS DOCUMENT SUPPORTS
CALENDAR ITEM 9

Notifications:

Matthew Lee
Deputy City Attorney
City Attorney's Office
1 Dr. Carlton B. Goodlett Place, Room 325
San Francisco, CA 94103

Shamica Jackson
Public Utilities Commission
1155 Market Street, 9th Floor
San Francisco, CA 94103

Masood Ordikhani
Director
Workforce and Economic Program Services
Bureau
Public Utilities Commission
525 Golden Gate Ave 9th Floor
San Francisco, CA 94102

Bill Wong
Manager
Employment Quality Standards Section
San Francisco International Airport
P.O. Box 8097
San Francisco, CA 94128

Emylene Aspilla
Director of Social Responsibility and
Community Sustainability
San Francisco International Airport
P.O. Box 8097
San Francisco, CA 94128

John Noguchi
Convention Facilities
747 Howard, 5th Floor
San Francisco, CA 94103

Martin Gran
Employee Relations Director
Employee Relations Division
Human Resources Department
1 South Van Ness Ave., Fourth Floor
San Francisco, CA 94102

Steven Ponder
Classification and Compensation Director
Human Resources Department
1 South Van Ness Ave., Fourth Floor
San Francisco, CA 94102

Donald Ellison
San Francisco Municipal Transportation
Agency
1 South Van Ness Ave., Seventh Floor
San Francisco, CA 94102

Lavena Holmes
Human Resources Manager
Port Commission
Ferry Building
San Francisco, CA 94111

Jaci Fong
Office of Contract Administration
City Hall, Room 430
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Patrick Mulligan
Office of Labor Standards Enforcement
City Hall, Room 430
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Sean McFadden
Manager, Purchasing and Contracts
Recreation and Park Department
McLaren Lodge, 501 Stanyan Street
SF, CA 94117

Toks Ajike
Project Director
Recreation and Park Department
30 Van Ness Avenue, 3rd Floor
SF, CA 94102

Maurice Williams
Department of Public Works
1680 Mission Street, 4th Floor
San Francisco, CA 94103

GENERAL SERVICES AGENCY
OFFICE OF LABOR STANDARDS ENFORCEMENT
PATRICK MULLIGAN, DIRECTOR



DATE: November 11th, 2016

TO: The Honorable Civil Service Commission

SUBJECT: Certification of the Highest Prevailing Rate of Wages for Commercial Vehicle Loading and Unloading on City Property

RECOMMENDATION: Adopt Report; Forward to Board of Supervisors

On October 4, 2016, the Board of Supervisors passed Ordinance No. 187-16 amending Administrative Code 21.C to require that prevailing wages be paid for work loading or unloading materials, good, or products for special events and shows on City property, and the driving of Commercial Vehicles for that purpose.

The Ordinance becomes operative upon the initial setting by the Board of Supervisors of a Prevailing Rate of Wages for loading, unloading, and driving Commercial Vehicles on City property. Administrative Code Section 21C.10(e)(1) requires that the Civil Service Commission submit to the Board of Supervisors data on Prevailing Rate of Wages for loading, unloading, and driving Commercial Vehicles on City property no later than 120 days after the effective date of the Ordinance.

Attachment 1 is the current Collective Bargaining Agreement between Freeman Exposition Inc., GES/Global Experience Specialists, Curtin Convention & Exposition Services, Inc., and all other signatory employers within the greater San Francisco Bay Area and Teamsters Local 2785, Local 287 and Local 70. This Agreement is in effect from April 1, 2014 through March 31, 2017.

Administrative Code Section 21C.7(c)(1) requires that the Civil Service Commission provide data for each craft, classification, and type of work on: (1) the basic hourly wage rate and (2) the hourly rate of each fringe benefit, which together equal the hourly prevailing rate of wages.

Attachment 2 is the summary table with the rates. This table is for reference only and may not include all of the information on prevailing basic hourly wages and fringe benefits described in the Agreement.

The Office of Labor Standards Enforcement (OLSE) recommends that the Civil Service Commission certify the Collective Bargaining Agreement, which reflects the highest prevailing rate of wages paid loading or unloading materials, good, or products for special events and shows on City property, and the driving of Commercial Vehicles for that purpose. If the Civil Service Commission certifies these rates, companion legislation effectuating such proposed changes should be drafted by the City Attorney and transmitted to the Board of Supervisors concurrently with the certification.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Patrick Mulligan", written over a horizontal line.

Patrick Mulligan
Director
Office of Labor Standards Enforcement

Attachment 1

Prevailing Wage Determination

Agreement between Freeman Exposition Inc., GES/Global Experience Specialists, Curtin Convention & Exposition Services, Inc., and all other signatory employers within the greater San Francisco Bay Area and Teamsters Local 2785, Local 287 and Local 70

CONVENTION & TRADE
SHOW AGREEMENT

Between

Teamsters Local 2785

Teamsters Local 287

Teamsters Local 70

April 1st, 2014 to March 31st, 2017

TABLE OF CONTENTS

Page

Preamble	1
Article 1 - Union Security.....	1
Section 1 – Recognition.....	1
Section 2 - Union Membership	1
Section 3 - Scope of Agreement.....	1
Section 4 - Hiring Procedure	2
Hiring and Referral.....	2
License Requirements	3
Hiring Standards	3
Notification.....	3
Hold Harmless	3
Section 5 - Joint Training Committee.....	3
Section 6 - Union Identification Badges.....	4
Article II.....	4
Section 1 - Discharge	4
Section 2 - Seniority.....	4
Section 3 - Notice of layoff and Rehire Procedure.....	5
Section 4 - Saturday and Sunday Work Eligibility	6
Section 5 - Filling All Paid Positions	6
Section 6 - Integrated Seniority and Transfer of Company, Title and Interest	7
Section 7 - Change of Operations.....	7
Section 8 - Job Seniority in Reassignment.....	8

	<u>Page</u>
Section 9 - Union Activities	8
Article III - Overtime	8
Section 1 - Overtime After Meal Period	8
Section 2 - Overtime Limitations - Terminal and/or Satellite	8
Section 3 - Subsistence Expense.....	9
Article IV - Work Not Included	9
Article V - Protection of Rights	9
Section 1 - Picket Lines.....	9
Section 2 - Struck Goods	9
Section 3.....	9
Article VI - Unauthorized Work Stoppage.....	9
Article VII - Grievance Procedure	10
Section 1 - Initial Handling	10
Section 2 - Labor Management Committee.....	10
Section 3 - Use of an impartial Arbitrator.....	11
Section 4 - Limitations of Arbitrators Authority.....	11
Section 5 - Handling of Discharges or Suspensions	11
Article VIII - Holidays.....	13
Article IX - Vacations.....	14
Section 1 - More than Three Years	14
Section 2 - Pro Rata Schedule.....	14
Section 3 - One to Three Years	14
Section 4 - Termination	15
Section 5 - Seniority	15

	<u>Page</u>
Section 6 - Due Consideration.....	15
Section 7 - Vacation Pay.....	15
Section 8 - Staggered Vacation.....	15
Section 9 - Additional Compensation	15
Section 10 - Scheduling	15
Article X - Work Rules.....	16
Section 1 - Work Jurisdiction.....	16
Section 2 - Leave of Absence.....	17
Section 3 - Effect on Vacations - Holidays.....	18
Section 4 - Health & Welfare When on Leave	18
Section 5 - Voting Time.....	18
Section 6 - Payday.....	18
Section 7 - Stewards.....	19
Section 8 - Operating Requirement	19
(A) Defective Equipment.....	19
(B) Traffic Citations.....	20
(C) DMV Records.....	20
(D) Seniority List.....	20
(E) Time Card.....	20
(F) Maintenance of Sanitary Facilities.....	20
(G) Company Meeting.....	20
(H) Inspection Privileges.....	21
(I) Extra Contract Agreements.....	21

Section 9 - Non Discrimination	21
(A) Non-Disabling	
Handicap.....	21
(B)	21
(C) Age.....	21
(D) Blacklisting.....	22
(E) Union Activities.....	22
(F) Equal Employment Opportunity.....	22
Family and Medical Leave Act (FMLA)	22
Section 10 - Telephone Calls.....	22
Section 11 - New Methods.....	22
Section 12 - Dues Check-Off.....	23
Article XI - Work Hours.....	23
Section 1 - Hours	23
Section 2 - Saturday Work	24
Section 3 - Sunday and Holiday Work.....	24
Section 4 - Rotation of Premium Work.....	24
Section 5 - Show Up Time.....	24
Section 6 - Rest Period	25
Section 7 - Lunch Period.....	25
Section 8 - Employee Notification for Weekend Work.....	25
Section 9 - Show Site Allowance	25
Article XII - Hourly Wage Rates	25
Section 1 – Classification.....	25
Section 2 - Non Seniority Employees.....	26

	<u>Page</u>
Section 3 - Work in Higher Classification	26
Section 4 - Machinery Handling	26
Article XIII - Sick Leave.....	26
Article XIV - Health & Welfare.....	27
Section 1 - Health & Welfare Plan.....	27
Section 2 - Employee Benefit Programs	27
Section 3 - Eligibility and Company Contributions	27
RSP	29
Section 4 - Employer Contributions	29
Section 5 - Miscellaneous.....	29
Article XV - Pension Plan.....	29
Section 1 - Employer Contributions	29
Section 2 - Payment During Periods of Absence	30
Section 3 - Definition of Regular Employee	30
Section 4 - Delinquent Contributions	30
Section 5 - Posting Notice	30
Section 6 - Supplemental 401K Plan.....	31
Article XVI - Health & Welfare and Pension Delinquencies	31
Article XVII - Emergency Reopening	32
Article XVIII - Health & Safety.....	32
Article XIX - Funeral Leave.....	32
Article XX - Jury Duty	32
Article XXI - Jurisdiction.....	33
Article XXII - Severability	33

	<u>Page</u>
Article XXIII - Entire Agreement	33
Article XXIV - Term of Agreement	34
Addendum "I" Article and Drugs (NMFA Article 35)	
Addendum "II" Memorandum of Agreement RE: San Francisco Sick Leave Ordinance	
Memorandum of Agreement Addendum "III"	
Amendment to Addendum "III" RE: JC-7 one for one Agreement	
Memorandum of Understanding RE: Diversity and fairness in the Workplace	
Memorandum of Understanding RE: Major topic of Health Care increase	

AGREEMENT

BY AND BETWEEN

FREEMAN EXPOSITION. INC.

GES/GLOBAL EXPERIENCE SPECIALISTS

CURTIN CONVENTION & EXPOSITION SERVICES, INC.

**AND ALL OTHER SIGNATORY EMPLOYERS WITHIN THE GREATER
SAN FRANCISCO BAY AREA**

AND

TEAMSTERS LOCAL 2785, LOCAL 287 AND LOCAL 70

TERM OF AGREEMENT APRIL 1, 2014 TO MARCH 31, 2017

PREAMBLE

This Agreement is made and entered into as of April 1, 2014, by and between Freeman Exposition, Inc., GES/Global Experience Specialist and Curtin Convention & Exposition Services, Inc. hereinafter referred to as the "Employer" or "Company" and the Teamsters Local Unions Nos. 2785, Local 287 and Local 70, hereinafter referred to as the "Union".

ARTICLE I - UNION SECURITY

SECTION 1- RECOGNITION

The Employer hereby recognizes the Union as the exclusive bargaining representative for all employees covered by this Agreement.

SECTION 2 - UNION MEMBERSHIP

All employees shall apply for membership in the Union on or after the thirtieth (30th) day following the beginning of their employment or the effective date of this Agreement, whichever is later, and as a condition of employment shall maintain their membership in the Union in good standing.

SECTION 3 - SCOPE OF AGREEMENT

This Agreement shall cover all drivers, forklift operators, hostlers, warehouse workers, helpers, scanners, scales, rigging and electric pallet jacks and foremen of such

employee's, as they are classified in Article XII, who perform the work of loading, unloading and transferring freight or deco material as enumerated Article X, Section 1, of this Agreement using trucks, vans, forklifts and related equipment (hand trucks, dollies, electric carts, etc.) under the control of the Employer when used in performing work covered by this Agreement. The Operation of all trucks and vans with a capacity of carrying in excess of 1.5 tons of deco material or freight, for purposes of producing Trade Shows, Conference's and Conventions in accordance with this Agreement and current work practices, shall be performed by employee's covered by this Agreement.

The terms of this agreement should be applicable to Employees of Employer's performing work within the jurisdictional boundaries of Local Unions 2785, 287 and 70 and within the radius of two hundred (200) continuous miles outside of the jurisdictional boundaries of Unions 2785, 287 and 70 in effect on July 1, 1989. This Section shall become effective on July 1, 1989.

SECTION 4 - HIRING PROCEDURE

HIRING AND REFERRAL

Whenever the Employer requires workers in addition to their regular seniority employees they shall notify the Local 2785 hiring hall by telephone or other electronic means stating the location, start time, approximate duration of the job, classification and number of workers required. The employer may request 50% of the number of required workers by name. In the event the employer requires workers possessing special skills, the Union will dispatch such qualified workers with the required skills and abilities in addition to the employers 50% call by name. The Union, in accordance with its Hiring Hall procedures, shall dispatch the balance of workers and notify the Employer of their names by facsimile or e-mail. The Employer shall notify the Union of the names of all regular seniority employees scheduled to work on a daily basis. Such notification shall be by facsimile or e-mail by the end of each business day for the following regular workday.

Regular Seniority employees and Casual Workers shall report directly to the work location within Local 2785 jurisdiction as designated by the Employer. For work locations outside Local 2785 jurisdiction, employees shall report directly to the Employer's San Francisco County, or San Mateo County facility. Any Casual worker dispatched by the Union to the Employer for the "move-in" of the trade show, shall be first dispatched by the Union to the Employer for the "move-out" of the same show, if so requested by the Employer.

For each worker dispatched, the Union shall send to the Employer with the worker, or by mail, a written referral slip. The Employer shall have the right to reject any job applicant referred by the Union, provided that he/she shall in no way discriminate against persons because of union membership or activities.

LICENSE REQUIREMENTS

No employee or applicant for employment shall be required to possess a Commercial Driver's License unless such license be required by law for the type of work actually performed by the employee, which shall be specified by the Employer to the Local Hiring Hall. In such case a classification of Commercial Driver's License higher than imposed by law shall not be required.

It will be the Employer's responsibility to provide and pay for physical examinations for Regular Seniority Employees when those employees require such examination to perform driving duties for which they are qualified for the Employer.

HIRING STANDARDS

Upon such receipt of notice, the Local Hiring Hall shall endeavor to furnish the workers with the qualifications and license requested. Selection of applicants for referral to jobs shall be on a non-discriminatory basis and shall not be based on, or in any way affected by, Union membership, bylaws, rules, regulations, membership, policies or requirements.

NOTIFICATION

If the Union is unable to furnish workers after the Employer calls for them, the Employer shall be free to procure workers from any other source or sources as casual employees on a one day basis. Upon completion of the one day of employment, each casual employee hired from a source other than the Union Hiring Hall shall be referred by the Employer to the Union Hiring Hall. He/she shall in such event, notify the Union within twenty-four (24) hours of the names, addresses and social security numbers of workers so hired.

HOLD HARMLESS

The Union shall hold the Employer safe and harmless from any liability whatsoever arising under this Section, "Hiring Procedure", as long as the Employer complies with the provisions of this Section.

SECTION 5 - JOINT TRAINING COMMITTEE

The parties have established a Joint Training Committee (JTC) consisting of six (6) members, three (3) of whom shall be appointed by the Employers and shall maintain an employment relationship with an Employer signatory to this Agreement, and three (3) of whom shall be appointed by the Union and shall maintain membership in the Union.

The purpose of the JTC is to insure an adequate number of trained and qualified employees in the Trade Show and Convention Industry within the jurisdiction of this Agreement. The functions of the JTC shall include, but are not limited to, selecting and maintaining a qualified list of employees for the Union to dispatch as required to Trade

Show Employers, working with the Employers and Union to insure that employees covered by this Agreement, who are eligible to upgrade to a Class A License, have the opportunity to schedule the necessary training time on the required equipment.

The JTC shall meet in regular session at least once each quarter and in executive session as they deem necessary. They shall select a Chair and Secretary on one (1) year terms. These two positions shall be alternately rotated between the Union and the Employers. The JTC shall adopt the necessary rules and procedures to perform their proper function so long as such rules and procedures do not conflict with the Collective Bargaining Agreement or the internal policies of the Union or Employers.

Effective April 1, 2014, the hourly rate shall be twenty-five (\$.25) cents, or on such other date to be determined by the JTC, each signatory Employer shall contribute an amount hourly during this contract term, to the Trust Fund, for each hour paid or worked by employees covered by this Agreement to the Tradeshow Contractors and Teamsters Local 2785 Joint Training Trust Fund. The parties shall be bound to the Trust Fund Document, as amended from time to time by the JTC (which may include changes to the hourly contribution rate), as though they had actually signed the same.

SECTION 6 - UNION IDENTIFICATION BADGES

The Union shall furnish each employee with an appropriate photo identification badge to be properly displayed above the waist while working. Each Employer shall furnish a Company identification sticker to be properly affixed to the designated position on such badge while working for that Employer.

ARTICLE II

SECTION 1 - DISCHARGE

Any employee may be discharged for just cause, subject to the provisions and procedures as contained in Article VII, Section 5.

SECTION 2 - SENIORITY

Regular Seniority Employees shall be called to work in order of seniority, subject to the required qualifications, including license requirements. In the reduction of forces due to the lack of work, the last employee hired shall be the first laid off, and in re-hiring, the last employee laid off shall be the first employee re-hired, until the list of former employees is exhausted. However, a master seniority list shall apply to all the Employer's terminals within the specific territorial jurisdiction. When seniority boundaries other than territorial jurisdiction are mutually agreed to between the Employer and the Union, such defined boundaries shall be reduced to written Rider.

SENIORITY SHALL BE CONSIDERED BROKEN BY:

- (a) Discharge for cause;
- (b) Resignation;
- (c) Thirty-six (36) consecutive months of layoff;
- (d) Failure to notify the Employer of availability for work within one (1) month of layoff.
- (e) **Establishing Seniority** - For purposes of this Agreement, the Union recognizes the need for the Company to have regular, seniority employees. These employees may enjoy wages and benefits apart from temporary employees. The Company recognizes that from time-to-time it shall employ casual, part-time, temporary employees from the Local Hiring Hall. Should a temporary employee work thirty (30) consecutive days he/she will be considered to have gained seniority with the company and will be added to the company's seniority list. No employee covered by this Agreement shall establish or maintain seniority with more than one Employer.
- (f) **Availability** - Regular seniority employees shall be available to work each day for their regular Employer during the regular workweek, except when placed on layoff in accordance with Section 3 of this Article II. Any regular seniority employee who is not available to work for their regular Employer when so scheduled shall not be eligible for work with another Employer signatory to the Convention and Trade Show Agreement.

SECTION 3 - NOTICE OF LAYOFF AND REHIRE PROCEDURE

All Employees are to be given written notice or notice posted on bulletin board of impending layoffs not later than the end of the last shift worked prior to the commencement of such layoffs.

All employees on temporary layoff shall call the Employer between the hours of twelve o'clock (12:00) noon and three o'clock (3:00) PM daily. If no work is provided, they shall report to the Local Hiring Hall each morning not later than seven (7:00) AM, and shall be dispatched to the Employer if he requires additional help that day, according to their seniority. Failure of such employees to be dispatched to the Employer (if additional help is required) because said employees were not available at the Local Hiring Hall, shall relieve the Employer of any liability for pay for those employees in the order of their seniority.

An employee on an indefinite layoff, (i.e.) a layoff in excess of five (5) consecutive working days excluding Saturday, Sunday and Holidays, shall report at the call of the

Employer, which shall be by telephone, or telegram if unable to reach by telephone. If by telephone, such telephone call shall be made to the employee's last known telephone number, as reflected on the Company's personnel records, in the presence of an employee representative or alternate designated by the Union, or in their absence, the most senior employee working on the premises. The Employer shall maintain a record of each call. Such record shall be initialed by the bargaining unit employee. If the Employer calls the employee by telegram, the employee shall respond as soon as possible, if accepted, and physically report for duty within one hundred twenty (120) hours, exclusive of Saturday, Sunday and Holidays, from time of receipt of the telegram. If the employee fails to report for duty within one hundred twenty (120) hours, exclusive of Saturday, Sunday or Holidays from the time of the receipt of said telegram, the employer will advise the employee by registered or certified mail, with a copy to the Local Union, that his/her failure to report has removed him/her from the seniority list, terminating his/her employment. Such notice of removal by registered or certified mail shall be within the time limits provided in Article VII, "Handling of Discharges or Suspensions". Any violation of this Section shall be subject to the grievance and arbitration procedure described herein.

Where the Local Union does not maintain a Hiring Hall, employees laid off shall report to their Employer by phone or in person no less than one (1) hour before the regular shift would begin for such work that might be available each day. Failure to so report shall relieve the Employer of any liability for pay for those employees who do not work that day, providing the Employer works such employees who so reported in order of their seniority. The employee will be responsible to notify the Company in writing with any change of address or telephone.

SECTION 4 - SATURDAY AND SUNDAY WORK ELIGIBILITY

Employees must work two (2) days during the preceding week to qualify for weekend work, providing the employee was not on layoff or vacation. An employee returning from vacation is eligible for Saturday or Sunday work after those who qualify or were available during the week upon notification to the Company as stated above.

An employee laid off on the last work day before a holiday shall be eligible for premium work on that holiday.

SECTION 5 - FILLING ALL PAID POSITIONS

In filling all paid positions under this Agreement, employees working in other classifications under the jurisdiction of this Agreement shall be given reasonable trial on the basis of seniority to demonstrate their ability to qualify for such positions. However, when an employee at his/her own request is placed in a lower paid classification, he/she shall be paid at the rate of the lower classification.

SECTION 6 - INTEGRATED SENIORITY AND TRANSFER OF COMPANY, TITLE OR INTEREST

In the event of the sale, transfer or merger of companies, one or both of which are parties to this Agreement, the employees shall establish seniority in the new operation and be integrated upon the original date of hire recognized by the last employer. Such integration is to apply where the Company operations or terminals involved in the sale, transfer, or merger are entirely within the territorial jurisdiction of one Local Union covered by this Agreement, subject to the provisions of Article II, Section 2.

This Agreement shall be binding upon the parties hereto, their successors, administrators, executors and assigns. In the event an entire operation is sold, leased, transferred or taken over by sale, transfer, lease, assignment, receivership or bankruptcy proceeding, such operation shall continue to be subject to the terms and conditions of this Agreement for the life thereof. (On the sale, transfer or lease of an individual run or runs, only the specific provisions of this contract, excluding other conditions, shall prevail). It is understood by this Article that the parties hereto shall not use any leasing device to a third party to evade this contract. The Employer shall give notice of the existence of this Agreement to any purchaser, transferee, lessee, assignee, etc., of the operation covered by this Agreement or any part thereof. Such notice shall be in writing, with a copy to the Union, at the time the seller, transferee, or lessor executes a contract or transaction as herein described. In the event the Employer fails to give the notice herein required and/or fails to require the purchaser, the transferee, or lessee to assume the obligations of this contract, the Employer shall be liable to the Union and to the employees covered for all damages sustained as a result of such failure to give notice or such failure to require assumption of the terms of this contract, but shall not be liable after the purchaser, transferee or lessee has agreed to assume the obligations of this contract.

SECTION 7 - CHANGE OF OPERATIONS

In the event the Employer completely, closes and relocates its facility or opens another facility within the jurisdiction of the Union or Joint Council No. 7, Regular Seniority employees shall be afforded first work opportunity at the new site or location to perform work which was previously performed by said employees of the Employer under the terms and conditions of this Labor Agreement.

Regular Seniority employees shall be offered work opportunity in the order as their names appear on the seniority list. Any Regular Seniority employee offered such work assignment and who accepts, will perform work under the terms and conditions of the applicable Labor Agreement as may be in effect for the new location. Further, any Regular Seniority employee offered such work opportunity shall notify the Employer within sixty (60) calendar days from the date such offer is made as to whether he/she accepts the assignment. Failure to notify the Employer within this time period shall constitute a waiver of the Employer's obligation to the Regular Seniority employee.

Notwithstanding, the Employer shall only be obligated to offer work opportunity to the number of employees it needs at the new or expanded operation. Should additional employees be required, the Employer shall continue to offer work assignments to Regular Seniority employees until the seniority list is exhausted.

SECTION 8 - JOB SENIORITY IN REASSIGNMENT

Seniority will be used in bidding for assignments to classifications, subject to qualification. Once an employee has established seniority in a classification and is reassigned to a lower paid classification, he/she shall continue to be compensated at the higher wage scale if seniority is not observed in his/her reassignment. However, when an employee at his/her own request is placed in a lower paid classification, he/she shall be paid at the rate of pay of the lower classification.

SECTION 9 - UNION ACTIVITIES

Any member of the Union elected to or selected for office or as a delegate for specific Union activities necessitating a leave of absence shall be granted such leave without loss of seniority, subject to qualification.

ARTICLE III - OVERTIME

SECTION 1 - OVERTIME AFTER MEAL PERIOD

Employees directed to take a one (1) hour meal break shall be guaranteed two (2) hours of employment following the break and shall be required to complete the work assignment. If the employee is directed to take a one-half (1/2) hour meal break, he/she shall be paid for the meal break but no guarantee will be in force and the employee shall be required to complete the work assignment. This should be applicable to dinner break at 5 p.m. only. Not applicable to lunch break at 12 p.m.

SECTION 2 - OVERTIME LIMITATIONS - TERMINAL AND/OR SATELLITE TERMINAL

Employees may refuse to work overtime if in excess of one (1) hour if such refusal is based upon just cause. Abuse of this Section shall be subject to the grievance procedure. The Employer shall post and maintain a current seniority list at all times in a conspicuous place at the terminal and/or satellite terminal. An employee may indicate on such list that he/she is willing work overtime in excess of one (1) hour per day, and may change such indication on Friday of each week. The overtime limitation under this Section shall apply to terminal and/or satellite terminal overtime only.

SECTION 3 - SUBSISTENCE EXPENSE

Employees required to remain out of town overnight shall be reimbursed for actual, reasonable expenses for meals and lodging in accordance with the Employers policy for all employees of that Employer. Meal expense allowance shall not be less than the current Internal Revenue Service allowance in effect at the time of the trip. Employees requesting an expense advance shall submit such request during normal business hours in accordance with the Employers procedure.

ARTICLE IV - WORK NOT INCLUDED

No Employee working under the terms of this Agreement shall be required to perform any work not specifically included in the classifications specified herein.

ARTICLE V - PROTECTION OF RIGHTS

SECTION 1 - PICKET LINES

It shall not be a violation of this Agreement, and it shall not be cause for discharge or disciplinary action in the event an employee refuses to enter upon any property involved in a primary labor dispute, or refuses to go through or work behind any primary picket lines of Unions party to this Agreement, and including primary picket lines at the Employer's place of business.

SECTION 2 - STRUCK GOODS

It shall not be a violation of this Agreement, and it shall not be cause for discharge or disciplinary action, if any employee refuses to perform any service which his/her Employer undertakes to perform as a ally of an Employer or person whole employees are on strike, and which service, but for such strikes, would be performed by the employees of the Employer or persons on strike.

SECTION 3

The Employer agrees that it will not cease or refrain from handling, using, transporting, or otherwise dealing in any of the products of any other Employer or cease doing business with any other person, or fail in any obligation imposed by the Motor Carriers' Act or other applicable law, as a result of individual employees exercising their rights under this Agreement or under law, but the Employer shall not, withstanding any other provision in this Agreement, when necessary, continue doing such business by other employees.

ARTICLE VI - UNAUTHORIZED WORK STOPPAGE

For the period of this Agreement, except as otherwise provided for in this Agreement, there shall be no strikes or lockouts.

ARTICLE VII - GRIEVANCE PROCEDURE

SECTION 1 - INITIAL HANDLING

Any grievance or controversy affecting the mutual relations of the Employer and the Union shall first be taken up between the Local Union and the Employer. If the matter is not resolved between the Employer and the Local Union within five (5) days, excluding Saturdays, Sundays and Holidays, after first being taken up, it shall be reduced to writing by the grieving party within ten (10) days; copies shall be sent to the other party to the case, to his/her collective bargaining representative, and the case shall be referred to the Labor Management Committee and put on its agenda.

Except as provided elsewhere in this Agreement where a lesser time is stipulated, all grievances, claims and disputes shall be submitted to the Labor Management Committee within thirty (30) days of occurrence, or point of knowledge of the matter upon which the grievance, claim or dispute is based, and the Committee shall hear the matter within fifteen (15) days after receiving submission, unless a longer time is mutually agreed upon. Any such grievance, claim or dispute not submitted within such time shall be waived, unless the Labor Management Committee by majority vote for good cause accepts such submission, or unless either party has intentionally concealed the facts upon which the grievance, claim or dispute is based.

SECTION 2 - LABOR MANAGEMENT COMMITTEE

There shall be a Labor Management Committee composed of two (2) representatives selected by the Union and two (2) representatives selected by the Employer. The Committee shall formulate such rules of procedure, consistent with this Agreement, as it may deem advisable, and such rules of procedure will be made known to all the parties under this Agreement. The Union members of the committee shall select a secretary and the Employer members of the committee shall select a secretary to act as the Joint secretaries for the Committee.

Two (2) representatives from the Union and two (2) representatives from the Employer shall constitute a quorum necessary for the Committee to act upon any case. In voting upon any matter, the Employer's panel of the Committee and the Union's panel of the Committee shall have an equal number of votes, regardless of the actual number present on the respective panels. Except for reasons to be agreed upon by the Committee in its rules of procedure, or unless it has been mutually agreed upon between the parties to a case that the Labor Management Committee hearing be postponed, failure of either party to a case to have a representative present and to present its case at a Committee meeting shall result in a default decision against such party.

In the event the parties to a case agree to a postponement, the agreement shall be given to the joint secretaries of the Committee in writing.

No committee member who is an official or an employee of the Employer (at the location where the grievance arose) party to the case, the Union representative of the Local Union party to the case, shall serve on the committee for that particular case being decided by the Committee. In such circumstances, the Committee member shall be replaced by another member for the hearing of the case.

A majority decision by the Committee shall be final and binding upon the parties. Should the parties so agree, the Labor Management Committee step may be bypassed and the grievance submitted directly to an impartial Arbitrator.

SECTION 3 - USE OF AN IMPARTIAL ARBITRATOR

If the Committee reaches a deadlock on any case, the matter may be submitted to an impartial arbitrator by either the Employer or the Union within ten (10) days of the deadlock. If the parties cannot agree on an arbitrator within five (5) working days following such notification, a request shall be made to the Federal Mediation and Conciliation Service for a list of seven (7) names.

The arbitrator is to be chosen by alternating striking of names.

SECTION 4 - LIMITATIONS OF ARBITRATOR'S AUTHORITY

The decision of the arbitrator shall be specifically limited to the matter submitted to him/her, and he/she shall have no authority to amend, alter or change any provisions of this Agreement in any manner. All expenses of the arbitrator shall be borne jointly by the Employer and the Union, except for those individual expenses which the Employer or the Union may incur for the purposes of putting on their case.

SECTION 5 - HANDLING OF DISCHARGES OR SUSPENSIONS

Any case pertaining to a discharge or suspension shall be handled as follows:

- (a) The following offenses shall constitute grounds for discharge and immediate removal from the job, each having occurred in connection with employment; theft, proven intoxication, fighting, physical assault or threats of bodily harm; carrying or discharging any weapon, firearm or explosive devise (including fireworks); demanding tips, gratuities, products or favors from Customers; willful refusal to perform an assigned task or obey a direct order from a Supervisor (except if such refusal is based on a reasonable belief that compliance would jeopardize life or limb); willful falsification of company records or reports; intentional violation of safety rules or regulations; willful destruction of proper of the company, customer, show site or fellow employee; possession, sale or distribution of any illegal drug or narcotic.

In all other cases involving discharge or suspension, the employee shall be allowed to remain on the job without loss of pay, unless and until the discharge is sustained under the grievance machinery.

- (b) Offenses not warranting immediate discharge as set forth in sub-paragraph (a) above, shall be handled as follows:

- 1st Offense - Verbal warning
- 2nd Offense - Written warning
- 3rd Offense - Written reprimand
- 4th Offense - Employee shall be subject to Suspension or Discharge

Disciplinary documents shall remain active in an employee's file for a period of six (6) months from the date the disciplinary document was issued. In the event an employee fails to call in absent and does not report to work or contact the Employer during the scheduled workday such employee shall be subject to final written reprimand for the first offense and subject to discharge for the second offense, providing such second offense is within six (6) months of the first offense.

- (c) Within ten (10) days, excluding Saturdays, Sundays and Holidays, of the occurrence or point of knowledge of the alleged cause for discharge or suspension, the Employer shall give written notice by certified mail to the employee and to the Local Union of its decision to discharge or suspend the employee and such notice shall set forth the reason or reasons for the discharge or suspension. If the Employer fails to give such notice within the specified ten (10) day period, excluding Saturdays, Sundays and Holidays, the right to discharge or suspension for that particular reason shall be waived but this shall not preclude the Employer from introducing as evidence, should a subsequent discharge or suspension occur, any reason or reasons to substantiate unsatisfactory work performance arising out of circumstances which occurred during the six (6) month period immediately preceding the date of the discharge or suspension notice.

However, in order for any such reason to be introduced by the Employer as evidence, the Employer must have given specific written notice by certified mail to the employee and to the Local Union of the circumstances giving rise to such reason within ten (10) days, excluding Saturdays, Sundays and Holidays, of the occurrences of the circumstances. Such written notice may not be submitted for consideration by the Labor Management Committee, except in cases in which the Employer has given the employee a notice of discharge or suspension, and such notice shall not be subject to economic action by either the Union or the Employer. If the Local Union does not file with the Joint Secretaries of the Committee, a written protest of the Employer's action within ten (10) days, excluding Saturdays, Sundays and Holidays, from the time of receipt of the Employer's notice, the right to protest such discharge or suspension shall be waived.

- (d) Should the Local Union file protest of the intended discharge or suspension with the Joint Secretaries of the Labor Management Committee within the time period set forth in sub-section (d), then the case shall automatically be placed on the Agenda of the Committee described in Section 2 above.

- (e) Discharge and suspension cases referred to the Committee will be placed first on the Agenda of the Committee provided that the committee shall not hear the case until the ten (10) days, excluding Saturdays, Sundays and Holidays, specified in sub-section (c) have elapsed.
- (f) If the Committee reaches a deadlock on a discharge or suspension, either party may submit the matter to an impartial arbitrator for final decision within ten (10) days of deadlock.
- (g) **Substance Abuse Testing**

Article 35, Section 3, from the current National Master Freight Agreement, shall be attached to and be a party of this Agreement.

ARTICLE VIII - HOLIDAYS

The following days have been agreed upon as Holidays:

- 1) New Year's Day
- 2) Presidents' Day
- 3) Memorial Day
- 4) Fourth of July
- 5) Labor Day
- 6) Thanksgiving Day
- 7) Day after Thanksgiving Day
- 8) Christmas Eve
- 9) Christmas Day
- 10) Day after Christmas
- 11) The Individual Employee's Birthday
- 12) Floating Holiday (a date mutually agreed upon between employee and company)

Subject to the 1500 hour qualification in the previous calendar year, January 1 to December 31, all employees who have seniority are entitled to holidays off with pay, as follows:

<u>QUALIFYING HOURS</u>	<u>HOLIDAYS</u>
2080 - 1500	12
1499 - 1265	9
1264 - 1050	7
1049 - 630	5
629 - 400	3

Holidays that fall on a Sunday, will be recognized and observed on the Monday following.

The Company will, by each January 31, notify the employee of the previous year's qualifying hours. The employee will advise the Company by February 10 of the holidays they will want to be paid.

Holiday pay shall be based on the highest classification of pay earned by the employee for at least fifty percent (50%) of their work schedule during the previous calendar year.

Upon retirement, resignation, discharge or death, the employee or his/her estate shall collect cash payment for all holidays earned but not used.

ARTICLE IX - VACATIONS

SECTION 1 - MORE THAN THREE (3) YEARS

An employee with more than three (3) years of seniority shall be entitled to vacation with pay based on the following schedule. If that employee has been compensated for a total of 1500 hours (all hours), the previous calendar year, January 1 through December 31, he/she will be fully qualified.

QUALIFYING HOURS

3 Years - Less than 10 Years
10 Years - Less than 20 Years
20 Years or more

VACATION

120 Hours/3 Weeks
160 Hours/4 Weeks
200 Hours/5 Weeks

SECTION 2 - PRO RATA SCHEDULE

In the event any employee with three (3) or more years did not qualify with the 1500 hours, the pro rata schedule will be as follows:

QUALIFYING HOURS

2080-1500
1499-1265
1264-1050
1049- 630

VACATION

100% of Hours/Weeks/Days
80% of Hours/Weeks/Days
60% of Hours/Weeks/Days
40% of Hours/Weeks/Days

SECTION 3 - ONE TO THREE YEARS

Employees with more than one (1) year and less than three (3) years will, upon completion of the qualifying hours, be entitled to the following:

QUALIFYING HOURS

2080-1500
1499-1040
1039- 700

VACATION

80 Hours/2Weeks
40 Hours/1Week
16 Hours/2 Days

SECTION 4 - TERMINATION

Upon retirement, resignation, discharge or death, the employee or his/her estate shall collect cash payment for all vacation days earned, but not used, on a pro-rata basis according to the qualification schedule.

SECTION 5 - SENIORITY

Seniority is to be considered in choice of vacation periods.

SECTION 6 - DUE CONSIDERATION

In arranging vacations, due considerations shall be given to the Employer so that his business will not be crippled or seriously affected by reason of too many workers seeking vacation at the same time.

SECTION 7 - VACATION PAY

All accrued vacation pay for the amount of vacation time to be taken is to be paid to the employee one (1) day before the employee's last shift worked.

Vacation pay shall be based on the highest classification of pay earned by the employee for at least fifty percent (50%) of his/her work during the current anniversary year. Such vacation pay shall be calculated at the weekly withholding rate and paid on one (1) check.

SECTION 8 - STAGGERED VACATION

Wherever possible, and when desired by the employee, he/she may stagger or spread his/her vacation period throughout the year. However, in no case shall any portion of a vacation be less than one (1) week, unless agreed to by the Employer and the Union.

SECTION 9 - ADDITIONAL COMPENSATION

It is agreed by both parties to this Agreement that each employee must take his/her accrued vacation each year and that no arrangement to work for additional compensation during his/her earned vacation will be allowed, except where mutually agreed upon by the Employer and the Union.

SECTION 10 - SCHEDULING

An Employer and the employee may agree on a change in the vacation period of such employee after the vacation schedule has been posted, provided it does not effect the vacation period of any other employees on the vacation schedule.

ARTICLE X - WORK RULES

SECTION 1 -WORK JURISDICTION

Only persons working under the jurisdiction of this Agreement shall:

- (a) Drive, load and unload trucks, trailers, vans, operate forklifts, electric pallet jacks, or any other type of equipment used in connection with trucks.
- (b) Operate power equipment used in connection with loading and unloading of all equipment, freight, deco and material, including but not limited to all lighting and audio-video equipment.
- (c) Pile freight on pallets, skids or boards.
- (d) Be stationed at each end of the roller operations when using conveyor rollers.
- (e) The Company that when it contracts with Sheedy Drayage Company or any other sub-contractor for certain heavy equipment work to be performed, will restrict the work to be performed by the sub-contractor's employees to the work that the sub-contractor was hired to perform.
- (f) Local 2785 Teamster Responsibilities at Showsite
- (g) Scales
- (h) Scanner
- (i) Rigging

MOSCONE CENTER ENTRANCE RAMP - Check's trucks from marshalling yard in on manifest, maintains contract with dock foreman and dispatches trucks into building as required. A Local 2785 Teamster employee shall be posted on ramp anytime Common Carrier's or POV's are delivering or pickup up freight or deco materials. Additional staffing may be needed when justified by freight volume. (POV's meaning Private Owned Vehicles).

SCALES - Certified Local 2785 employees shall staff scales, calculate individual shipments, and complete weight certificates. Primarily during the move-in of the show, when checking individual shipments against the driver's weight certificate. Showsite portable scales and forklift scales (scales do not pertain to marshalling yard scales).

ASSOCIATION FOREMEN - In the assignment of Association Foremen the Employer shall first offer the position to regular seniority employees qualified to perform association work. In the event no regular seniority employees are available, a qualified casual employee shall be selected and assigned by the Employer to the position. Any regular or casual employee(s) assigned as Association Foreman shall not be displaced by a seniority employee for the duration of that particular show.

FLOOR FOREMAN - Supervises all or part of exhibit floor as assigned. Supervises crew in assigned area, monitors freight for correct delivery to proper booths, implements forklift orders, coordinates with General Foreman and management. Ensures employees work in a safe manner. Works under General Foreman direction.

DOCK FOREMAN - Dock Foreman shall call for trucks to be loaded or unloaded from the marshalling yard/ramp. Controls trucks to and from dock and supervises loading/unloading. Tracks empty trucks for return of containers at close of show. Coordinates with General Foreman and management. Ensures employees work in a safe manner. Works under General Foreman direction.

GENERAL FOREMAN - Supervises Foremen assigned to his group. Assigns crews to foreman and to designated work areas. Responsible for all equipment, deco and freight arriving at showsite. Tracks total number of trucks and total weight each day. Coordinates with Account Executive on the showsite each day for crew calls and forklifts, responsible for overall supervision, coordinates with management and steward to resolve problems. Ensures that safe practice and procedures are followed by foremen and crews under his supervision. Works under management direction.

SCANNER - Scanning of crates, freight and/or small packages.

RIGGING - Machinery handling, jacks and rollers.

It is understood that management, as it deems necessary for operational needs, may directly supervise Foremen and other Bargaining Unit employees.

The Employer, in its sole discretion, shall determine the number of Foremen and General Foremen, the size and composition of crews, and the number of crews based on the operational needs.

SECTION 2 - LEAVE OF ABSENCE

APPROVED LEAVE - Any Employee desiring a leave of absence from his/her employment shall secure written permission from both the Local Union Executive Board and the Employer. Except as otherwise provided in this Article, the maximum leave of absence shall be for thirty (30) days and may be extended for like periods. Written permission for such extended periods shall be secured from both the Local Union Executive Board and the Employer. The first approved leave of absence plus approved extended leaves of absence shall not exceed a maximum time period of six (6) months. During an approved leave of absence, the employee shall not engage in gainful employment in the same industry. Leaves of five (5) days or less requires only approval of the Employer.

An employee who is unable to work because of sickness or injury shall be deemed to be on leave of absence. Such leave shall not exceed three (3) years unless extended by written consent of the Union and the Employer. The refusal by either party to give such consent shall not be a violation of this Agreement nor be subject to the grievance procedure. Leave of absence as provided shall not result in the loss of seniority rights.

SECTION 3 - EFFECT ON VACATIONS - HOLIDAYS

All regular employees off the job due to illness or injury shall accumulate vacation rights and holiday pay and sick leave beginning with the date of illness or injury and continuing to the end of the month and ninety (90) days thereafter.

SECTION 4 - HEALTH & WELFARE WHEN ON LEAVE

The employee may, if he/she desires to continue coverage, make suitable arrangements for continuation of Health and Welfare payments consistent with the Health and Welfare policy before the leave is approved by both the Union and the Employer.

SECTION 5 - VOTING TIME

All employees who find it impossible to vote in a general election on their own time shall be allowed reasonable time off to vote without loss of pay after first applying to the Employer and the Union and substantiating inconvenience and voting registration.

SECTION 6 - PAYDAY

- (a) Wednesday of each week shall be established as the regular payday for all employees provided that, if such payday falls on a paid holiday, the preceding work day shall be payday. Employers shall not hold back more than one (1) week's pay. Employees shall receive an itemized statement of straight-time and overtime hours and earnings at the time of receiving their check. Any change to this Section must be by mutual agreement between the Local Union and the Employer.

- (b) **Casual Workers-Status of Payment and Wages:**

Due to the nature of the industry, Casual Workers have always been, and will continue to be, assigned to projects of relatively short duration. Upon completion of such projects, Casual Workers are not (and never have been) considered discharged under the Collective Bargaining Agreement. Instead, they remain covered by the Collective Bargaining Agreement and eligible for continued assignments. In addition, Casual Employees have always been covered by and paid in accordance with the Collective Bargaining Agreement upon completion of their assignments. The parties recognize that the facilities at which employees covered by the Collective Bargaining Agreement work (including without limitation) are venues that host live theatrical or concert events as defined by Labor Code Section 201.9 and employees working at such venues are employed pursuant to Labor Code Section 201.9.

SECTION 7 - STEWARDS

The Employer recognizes the right of the Local Union to designate job stewards and alternates from the Employer's seniority list. The authority of job stewards and alternates so designated by the Local Union shall be limited to, and shall not exceed, the following activities.

- (a) The investigation and presentation of grievance with his Employer or the designated Company representative in accordance with the provisions of the Collective Bargaining Agreement.
- (b) The collection of dues when authorized by appropriate Local Union action.
- (c) The transmission of such messages and information, which shall originate, and are authorized by, the Local Union or its officers, provided such messages and information:
 - (1) Have been reduced in writing, and
 - (2) Are of a routine nature and do not involve work stoppages, slowdowns, refusal to handle goods, or any other interference with the Employers business.

Job Stewards and Alternates have no authority to take strike action, or any action interrupting the Employer's business, except as authorized by official action of the Local Union. The Stewards and their Alternates shall not hold the Union liable for any unauthorized acts. The Employer in so recognizing such limitations shall have the authority to impose proper discipline, including discharge, in the event the Shop Steward has taken unauthorized action, slowdown or work stoppage in violation of this Agreement.

Stewards shall be permitted reasonable time to investigate, present and process grievances on the Company property without loss of time or pay during his/her regular working hours, without interruption of the Employer's operation by calling a group meeting; and where mutually agreed upon by the Local Union and Employer, off the property or other than during his/her regular schedule without loss of time or pay. Such time spent in handling grievances during the Steward's regular working hours in computing daily and/or weekly overtime if within the regular schedule of the Steward.

SECTION 8 - OPERATING REQUIREMENTS

(A) DEFECTIVE EQUIPMENT

No driver shall be required to drive any equipment which is known to be defective, such as steering mechanism, brakes, windshield, door latches, etc.

(B) TRAFFIC CITATIONS

No driver shall be required to violate traffic laws or overloading regulations. The Employer shall be responsible for any citations issued unless there is proven gross negligence on the part of the driver. Citations must be submitted to the Employer within twenty-four (24) hours, and if not, the Employer shall not be responsible for same.

(C) DMV RECORDS

The Company will have the right to review periodically the employee's driving record. The Company shall have the right to withhold driving privileges from any employee who has more than three (3) moving violations in any twenty-four (24) month period, or a DUI, reckless or negligent citation. This section will be subject to the grievance procedure.

(D) SENIORITY LIST

The Employer shall post and maintain a current seniority list at all times in a conspicuous place at the terminal.

(E) TIME CARD

The Employer shall not alter an employee's time card in any manner without clearing the alteration with the employee and the Union.

(F) MAINTENANCE OF SANITARY FACILITIES

The Employer shall maintain hot and cold running water and toilet facilities at the terminal (main or satellite terminals) and shall keep the same in a clean and orderly condition in accordance with State Laws and Regulations. Company will agree to maintain a clean bathroom facility not subject to the grievance procedure but to be monitored by the Joint Training Committee. (At any Satellite terminal)

(G) COMPANY MEETINGS

No employee shall be required to attend a company meeting on their own time. When regular seniority employees are required to attend company meetings for training or information purposes (pre-show meetings) on a day they are not scheduled to work they shall be guaranteed a minimum of four (4) hours pay at the applicable hourly rate.

(H) INSPECTION PRIVILEGES

Authorized agents of the Union shall have access to the Employer's establishment by first applying to the Company office during working hours for the purpose of adjusting disputes, investigating working conditions and ascertaining that the Agreement is being adhered to.

(I) EXTRA CONTRACT AGREEMENTS

The Employer agrees not to enter into any Agreement or contract with its employees, individually or collectively. Any such Agreement shall be null and void.

SECTION 9 - NON-DISCRIMINATION

(A) NON-DISABLING HANDICAP

At no time while this Contract is in force shall the Employer discharge, suspend, discipline or otherwise deal unjustly with or discriminate against, whether directly or indirectly, any employee solely by reason of his/her having incurred a non-disabling physical handicap, provided a mutually agreed upon physician certifies in writing that he/she is physically able to perform his/her duties.

(B) The Employer and the Union agree that with the enactment of the Americans with Disabilities Act (ADA) which took effect July 26, 1992, the Employer may face new legal obligations with respect to the disabled worker. The Employer and the Union agree to meet and confer in good faith to resolve any issues which arise under the ADA that cannot be resolved under the existing language in this agreement and further agree that any issues that cannot be satisfactorily resolved shall be submitted to the interest arbitration and that the arbitrator shall be empowered to reconcile any conflicting requirements of the ADA and this labor agreement. The interest arbitrator shall be selected in accordance with the selection procedures for arbitrators set forth in the arbitration section this agreement.

(C) AGE

The Employer and the Union agree not to discriminate in any manner against any applicant or employee covered by this Agreement because of such Person's Race, Color, Religion, Gender, National Origin, Handicap, Veteran's Status or Age as provided for in applicable State and Federal Law.

(D) BLACKLISTING

The Employer shall not in any way establish, create or become a party to a blacklist which may have as a purpose prevention or interference with the obtaining of employment by a member of the Union with any Employer or Company.

(E) UNION ACTIVITIES

No employee shall be discharged or discriminated against for Union activities or for upholding Union principles.

(F) EQUAL EMPLOYMENT OPPORTUNITY

The Union agrees to cooperate and support the Employer's affirmative action program and equal employment opportunity requirements. All references to "employee" or "his/her" in this Agreement are intended to refer to both male and females and shall be so construed.

FAMILY AND MEDICAL LEAVE ACT (FMLA)

The Employer shall comply with the requirements of the Family and Medical Leave Act (FMLA) as enacted, and as may be amended by law.

SECTION 10 - TELEPHONE CALLS

All employees shall be reimbursed for money spent for telephone calls involving Company business. Particulars of all phone calls must be itemized and settled no later than the next regular working day, with payment by cashier or other authorized office employee.

SECTION 11 - NEW METHODS

If new methods of operation not covered by this Agreement are introduced by the Employer or if the Employer introduces the use of equipment not heretofore used, the matter shall be subject to negotiations between the parties and shall be handled through the grievance procedure contained in this Agreement prior to the institution of such new methods of operation of equipment in so far as possible. Nothing in this paragraph shall prevent the Employer from instituting or continuing in use the operation of any equipment or practices in question during the consideration or establishment or proper rates of pay as provided for in the immediately preceding sentence, provided that the rates of pay shall be retroactive to the date of institution of such operations or equipment.

SECTION 12 - DUES CHECK-OFF

The Employer agrees to deduct from the pay of all employees covered by this Agreement, dues uniformly levied, uniform initiation fees and/or uniform assessments of Local Union 2785 and agrees to remit to said Local Union all such deductions in one lump sum payment no later than the tenth (10th) day of the month following the month in which the deduction is made. The Union shall furnish an authorization form to be signed by the employee. The Union shall certify in a statement to the Employer each month a list of employees who have completed the required authorization for check-off, together with an itemized statement of dues, initiation fees and assessments to be deducted from the pay of each employee for that month. The Employer shall deduct such amount from the first paychecks following receipt of the statement from the Union. The Employer shall notify the Union of any employees covered by the Agreement who have worked during the month and do not appear on the statement and of employees who appear on the statement but have insufficient earnings from which to meet the deductions.

Employer deductions under this provision shall be considered delinquent if not paid in full to the Union within thirty (30) calendar days of the due date. All late payments by the Employer are subject to a ten (10) percent penalty for liquidated damages assessed by the Union.

When an employee has insufficient earnings to meet the required deduction for any reason, such employee shall make arrangements for payment of the required amount directly to the Union. Employees on any unpaid leave shall notify the Union of their status.

In the event an Employer is determined to be in violation of this provision by the Labor Management Committee as provided under Article VII and fails to comply within seventy-two (72) hours of the Committee's decision, the Union may strike to enforce this provision. Such strike shall be terminated by the Union upon the affected Employer's compliance with the Committee's decision. Errors or inadvertent omissions relating to individual employees shall not constitute violation of this provision.

ARTICLE XI - WORK HOURS

SECTION 1 - HOURS

Starting times for Regular Seniority employees shall be on the hour and half hour between 5:00 A.M and 8:00 A.M., and on the hour only between 8:00 A.M. and 10:00 A.M., Monday through Friday, inclusive. Regular Seniority Employees shall be guaranteed eight (8) hours work of pay, except that the guarantee shall be six (6) hours on the first day of the break of the trade show or convention only. Notwithstanding the above, the Employer may start Regular Seniority or casual employees after 7:01 P.M., Monday through Friday, inclusive, and a minimum of four (4) hours work of pay shall be guaranteed if said start does not lead into the regular shift.

The straight-time and overtime provisions of the Labor Agreement shall be applicable to payments made in accordance with this Section. Overtime at the rate of time and one-half (1 ½) shall be paid for all work performed by Regular Seniority employees before eight o'clock (8:00 A.M.) and after five o'clock (5:00 P.M.), Monday through Friday, inclusive. Any employee unable to report for work at his/her scheduled starting time must report his/her inability to work by telephone to his/her Employer no less than one (1) hour before the beginning of his/her shift.

SECTION 2 - SATURDAY WORK

All Drivers and Foremen shall be paid time and one-half (1 ½) for working a minimum of six (6) hours from eight o'clock (8:00 A.M.) to three o'clock (3:00 P.M.) on Saturday's. All work before eight o'clock (8:00 A.M.) and after three o'clock (3:00 P.M.), a minimum of four (4) hours shall be guaranteed. All helpers shall be paid time and one-half (1 ½) for working a minimum of four (4) hours from eight o'clock (8:00 A.M.) to twelve o'clock (12:00 Noon) on Saturday. All work before eight o'clock (8:00 A.M.) and after twelve o'clock (12:00 Noon), a minimum of four (4) hours guaranteed. Time and one-half (1 ½) shall also be paid for all work performed on Saturdays as provided herein.

SECTION 3 - SUNDAY AND HOLIDAY WORK

All Sunday and holiday work will be paid at double time, with a four (4) hour minimum guarantee, either for work performed between eight o'clock (8:00 A.M.) and twelve o'clock (12:00 Noon) time, or for work performed between one o'clock (1:00 P.M.) and five o'clock (5:00 P.M.). Any shift completed prior to eight o'clock (8:00 A.M.) or started after five o'clock (5:00 P.M.) shall be paid at double-time for actual hours worked, but with no less than a four (4) hour minimum. All times for the guaranteed job will be charged against the specific job number for which the employee has been called. Any extra time that he/she may have, before or after the job, will be used to clean trucks, sweep the warehouse, or accomplish any posted job which the supervisor requests be accomplished.

SECTION 4 - ROTATION OF PREMIUM WORK

All work performed on Saturdays, Sundays and holidays and in the evenings which starts after six o'clock (6:00 P.M.) during the regular work week shall be rotated among all employees according to seniority. The Employer reserves the right to work the General Foreman out of rotation on Saturday and Sunday for the purpose of performing administrative work only.

SECTION 5 - SHOW-UP TIME

Show-up time is to be posted Friday for Monday work. When employees are not working Saturday, they shall be notified by phone prior to closing time that day.

SECTION 6 - REST PERIOD

All employees may take a rest period of fifteen (15) minutes approximately midway through the first half of their regular shift and midway through the second half of their regular shift. All employees who work, either prior to or beyond their regular shift may take a rest break of fifteen (15) minutes after two (2) hours of work, and a rest break of thirty (30) minutes after four (4) hours of work.

SECTION 7 - LUNCH PERIOD

One (1) hour shall be allowed for lunch, any time after four (4) hours have been worked, but lunch must be completed before the sixth hour of work begins.

SECTION 8 - EMPLOYEE NOTIFICATION FOR WEEKEND WORK

Employees desiring to work weekends shall notify the Employer by one o'clock (1:00 P.M.) Thursday of their availability for such work. Any employee who fails to so notify the Employer shall not be assigned to work weekends.

SECTION 9 - SHOW SITE ALLOWANCE

Regular Seniority employees scheduled to report directly to a show site shall receive, on each day worked, a show site allowance of ten (\$10.00) dollars. At the option of the employee, actual parking expense up to a maximum of seventeen (\$17.00) dollars, substantiated by receipt, shall be paid for each day, worked at a show site in lieu of the ten (\$10.00) dollars show site allowance.

ARTICLE XII - HOURLY WAGE RATES

SECTION 1 - CLASSIFICATIONS

The following hourly wage rates apply to both regular seniority and casual employees.

<u>Effective Date:</u>	<u>*Class 1 Drivers:</u>	<u>Forklift Operators:</u>	<u>Helpers:</u>
4/1/2014	\$32.82	\$32.07	\$31.75
4/1/2015	\$33.57	\$32.82	\$32.50
4/1/2016	\$34.32	\$33.57	\$33.25

* Regular Seniority Class 1 Drivers shall be paid the Driver rate of pay for all compensable hours. Casual Class 1 Drivers called by name or dispatched to the Employer for a driver position shall be paid at the Driver rate of pay for all duty hours assigned to such Driver position of that particular call irrespective of actual hours spent driving.

Seniority regular foremen, seniority assigned foremen and casual assigned foremen shall be paid fifteen percent (15%) percent over the Forklift Operator rate.

The Union may divert part or all of any scheduled pay increases to pension.

SECTION 2 - NON-SENIORITY EMPLOYEES

Four (4) hours shall constitute a minimum day's work for casual (non-seniority) employees. All Saturday work shall be paid at the time and one-half (1.5X) rate.

All Sunday and holiday work shall be paid at the double (2.0X) time rate. All work performed before eight o'clock (8:00 A.M.) and after five o'clock (5:00 P.M.) Monday through Friday inclusive' shall be paid at time and one-half (1.5X) rate.

All casual employees shall received a five percent (5%) premium in addition for all hours worked, including overtime, for purposes of provided paid days off (PDO's) in lieu of vacation, sick leave and holiday benefits provided to regular seniority employees.

SECTION 3 - WORK IN HIGHER CLASSIFICATION

When an employee is assigned to a job classification for at least four (4) hours which is higher than his/her regular job classification, he/she shall receive the rate of pay for the higher classification for all hours worked that day.

SECTION 4 - MACHINERY HANDLING

Any employee handling machinery or other unusually heavy pieces requiring use of jacks and rollers shall receive five (\$5.00) dollars additional per day. This differential shall not be applicable to shipments of freight where hoisting, cribbing, rollers and planks are necessary.

ARTICLE XIII - SICK LEAVE

All seniority employees with four (4) months of service or more on April 1 of each year shall received the following sick leave allowance: one (1) day of paid sick leave for each month of service up to a maximum of ten (10) days in any contract year.

To receive sick leave pay for the first (1st) day of any illness, notice of intended absence shall be given his/her Employer at least one (1) hour before starting time and provided the Employer has a representative available to receive such notice.

Effective July 1, 1992 employees shall accumulate a maximum of ten (10) days of unused sick leave per contract year, not to exceed thirty (30) days of such paid sick leave. Once during each contract year, an employee may cash out his earned but unused sick leave upon fifteen (15) days notice to the employer.

Any employee who has sick leave credit and is drawing disability insurance or worker's compensation shall, at his/her request, be paid the difference between such benefit payments and his/her straight-time earnings for such time benefit payments are made. These payments shall be charged to the employee's sick leave credit. The request for this procedure shall be made by the employee in writing.

Upon retirement, resignation, discharge or death, an employee or his/her estate shall collect cash payment for all unused accumulated sick leave.

In the event of injury on the job, an employee shall be entitled to the full day's pay.

Sick Leave Pay shall be based on the highest classification of pay earned by the employee for at least fifty percent (50%) of their work schedule during the previous calendar year.

ARTICLE XIV - HEALTH AND WELFARE

SECTION 1 - HEALTH AND WELFARE PLAN - TEAMSTERS BENEFIT TRUST - PLAN I-85

The parties acknowledge that a jointly administered trust fund established under Section 302 of the National Labor Relations Act and called Teamster Benefit Trust Fund, has for many years administered various employee benefit programs for employees covered by Collective Bargaining Agreements to which the Union is a party. The parties hereby agree for the term of this Agreement, and for so long thereafter as negotiations are conducted for a successor agreement to continue participation in said programs. Accordingly, the parties accept and agree to be bound by the Trust Agreement pursuant to which the Fund operates, and by the rules, regulations and policies, which the Trustees of the Fund shall from time to time promulgate for the administration of the Fund's programs.

SECTION 2 - EMPLOYEE BENEFIT PROGRAMS

The employee benefit programs which are presently in effect for active employees, and which shall continue during the term of this Agreement subject to such modifications as the Trustees may make, pursuant to their authority under the Trust Agreement of the Fund, include medical and hospital benefits, dental benefits, vision care benefits, prescription drug benefits, life and accident insurance, sick benefits and additional death benefits.

The benefit programs for retired employees which are presently in effect include medical and hospital benefits, vision care benefits, prescription drug benefits and death benefits. Said benefit programs shall be continued during the term of this Agreement subject to such modifications as the Trustees of the Fund may make based on the availability of funds for such programs.

SECTION 3 - ELIGIBILITY AND COMPANY CONTRIBUTIONS

- (a) Regular Employees. Effective January 1, 2014, a contribution to the Fund in the amount of \$2,396.00 per month shall be made by the Employer for each seniority list employee (i.e., employee on seniority on company seniority list), who completes eighty (80) hours employment in the previous calendar month. Said

contributions shall be made on or before the tenth (10th) day of the month followings which the hours are worked. Employment, for purposes of this section only, shall mean all compensable hours (hours worked, vacation pay, holiday pay, sick leave, jury duty and funeral leave).

- (b) Casual and Probationary. Casual and probationary employees shall have the stipulated sum of \$13.83 for each hour worked contributed to the fund on their behalf by the employer on or before the tenth (10th) day of the month following the month in which the hours were worked. Contribution of the flat monthly rate for employees working eighty (80) or more hours in the preceding calendar month, shall be applicable only to those employees on the Company Seniority List. The Employer shall contribute the monthly contribution rate for each Regular Seniority employee in the employ of the Employer regardless of hours worked in the month providing the employee accepted all available work assignments in that month up to a maximum of eighty (80) hours, unless such absence was excused by the Employer or a term of condition of the Labor Agreement.
- (c) **DEFINITION OF FLAT RATE** - In no case will the Company's contribution exceed the flat monthly rate for either casual or seniority employees in any one calendar month.
- (d) **MAINTENANCE OF BENEFITS** - It is the intention of the parties that the benefits provided by the Teamsters Benefit Trust, Plan I-85, be maintained for the duration of this Agreement. The final determination of the amount of Employer contributions and the level of benefits shall be determined by the joint Board of Trustees of the Plan.
- (d) (1) Effective only for the duration of this Agreement effective 4/1/2014 through 3/31/2017 this provision shall remain in effect, and shall expire on 3/31/2017.

The parties recognize that the Employer must responsibly estimate and budget the cost of MOB during the term of the Agreement. The Employer estimated cost for the years commencing from January 1, 2015 through December 31, 2016 is a seven (7%) percent increase in Health and Welfare cost for each year for a total estimated increase of fourteen (14%) percent over the two (2) year period. This equates to an increase of eighty-seven (\$.87) cents per hour of labor cost for Health and Welfare each year (total of \$1.74 hour) for every employee over the last two (2) years of this Agreement.

The parties also recognize that such projections may be exceeding or underestimated. Therefore it is agreed that if the cost of MOB exceeds fourteen (14%) percent over the years 2015 and 2016 the Employer will continue to contribute the full cost of Health and Welfare as determined by the Teamsters Benefit Trust. In the event the cost of MOB is less that fourteen (14%) percent over that same two (2) year period the savings to the Employer in dollar amount shall be implemented into the hourly base pay effective January 1, 2017. Such increase shall be paid to the eligible employees by February 1, 2017 retroactive to January 1, 2017. The Union may divert all or part of any such increase to pension.

RSP

The Employer shall commence contributions to the Teamsters Benefit Trust Retirement Security Plan (RSP) to provide retiree medical benefits consistent with the RSP Plan summary dated September 2003.

Effective July 1, 2014, the Employer shall make contributions to the RSP for casual employees covered by this Agreement in the amount of \$3.05 per compensable hour.

Effective July 1, 2014, the Employer shall make a contribution to the RSP in the amount of \$528.59 per month for each employee on the Company Seniority List.

Effective July 1, 2015 and July 1, 2016, upon prior notification from Teamsters Benefit Trust, the Employer contribution rate shall increase by \$0.25 per hour each year for regular and casual employees. If the required contribution rate as specified by the Teamsters Benefit Trust exceeds \$0.25 per hour per year, the difference shall be paid by employee contributions.

The calculation for purposes of determining the hourly rate shall be based upon 173.3 hours worked per month.

The Maintenance of Benefits provision provided above in Section 3 (a) shall not apply to RSP benefits. Section 4, Employer contributions shall apply to the RSP Program.

SECTION 4 - EMPLOYER CONTRIBUTIONS

If any seniority employee is absent because of injury or illness, on or off the job, the Company shall continue to make the required contributions for the month in which the injury occurs, until such employees returns to work, however, such contributions shall not be paid for a period of more than twelve (12) months.

In any casual employee is absent because of injury on the job, the Company shall continue to make the required contributions for the month in which the injury occurred, provided, such employee was eligible for benefits from the fund and had worked eighty (80) or more hours in the month he/she was injured or the prior month. Such contribution shall be paid until such employee returns to work, however, such contributions shall not be paid for a period of more than twelve (12) months.

SECTION 5 - MISCELLANEOUS

Article XVI (Health and Welfare and Pension Delinquencies) including the procedure for legal and economic action, shall apply to any Employer delinquency in payments.

ARTICLE XV - PENSION PLAN

SECTION 1 - EMPLOYER CONTRIBUTIONS

The Employer shall contribute to the Western Conference of Teamsters Pension Trust Fund for each regular, casual or probationary employee covered by this Agreement, for each compensable hour up to a maximum of three thousand (3000) hours per calendar year, the following amounts:

<u>Effective Date:</u>	<u>Total:</u>	<u>PEER:</u>	<u>BASE:</u>
April 1,2014	\$8.38	\$0.54	\$7.84
April 1,2015	\$8.63	\$0.57	\$8.06
April 1,2016	\$8.88	\$0.58	\$8.30

Contributions required to provide the Program for Enhanced Early Retirement will not be taken into consideration for benefit accrual purposes under the Plan. The additional contribution for the PEER must at all times be 6.5% of the basic contribution and cannot be decreased at any time.

The Company agrees to remit these monies to the appropriate area administrative office by the date designated.

SECTION 2 - PAYMENT DURING PERIOD OF ABSENCE

If an employee is absent because of illness or off-the job injury and notifies the Employer of such absence, the Employer shall continue to make the required contributions for a period of one (1) month or four (4) weeks after contribution for active employment ceases.

If any employee is injured on the job, the Employer shall continue to pay the required contributions until such employee returns to work, however, such contribution shall not be paid for a period of more than twelve (12) months beginning with the first (1st) month after contribution for active employment ceases. If any employee is granted a leave of absence, The Employer shall collect from said employee, prior to the leave of absence being effective, sufficient monies to pay the required contributions into the Pension Fund during the period of absence. The acceptance of such monies is at the sole discretion of the Board of Trustees.

SECTION 3 - DEFINITION OF REGULAR EMPLOYEE

A regular employee, for the purpose of this Agreement, shall be any employee on the Regular Seniority List as defined by this Agreement.

SECTION 4 - DELINQUENT CONTRIBUTIONS

Action for delinquent contributions may be instituted by the Local Union, the Area Conference or the Trustees. The employer, if delinquent must also pay all attorney fees and costs of collection.

SECTION 5 - POSTING NOTICE

The Employer shall post on employees' bulletin board a duplicate copy of the reporting form sent to the Administrator's Office of payment made to the Western Conference of Teamsters Pension Trust Fund on behalf of the employees at the time payments were made.

SECTION 6 - SUPPLEMENTAL 401K PLAN

As soon as practicable, but no later than the first payday in 1999, the Employer shall deduct up to a maximum amount provided by law and applicable Internal Revenue Service regulations from each affected regular seniority employee's pay check and forward such amount to the Western Conference of Teamsters 401K Plan, or other 401K Plan designated by the Union, for credit to the individual employees account.

Each regular seniority employee who elects to participate in the 401K Plan shall present to the Employer the appropriate voluntary enrollment form within the designated enrollment period. Each participating employee shall indicate a percentage of wages to be deducted, as determined by the plan. All such contributions to the 401K Plan under this Agreement shall consist solely of each employees voluntary payroll deductions. The only cost to the Employer shall be the related payroll processing.

The Employer and the Union shall execute the required trust documents for participation in the Plan.

ARTICLE XVI - HEALTH & WELFARE PENSION DELINQUENCIES

Notwithstanding anything herein contained, in the event any Employer is delinquent at the end of a period in the payment of his/her contribution to the Health and Welfare or Pension Fund or Funds, required to be paid under this Agreement or any supplement hereto, in accordance with the rules and regulations to the Trustees of such funds, after the proper official of the Union have given five (5) days' written notice excluding Saturdays, Sundays and holidays to the Employer of such delinquency in payments, the employees or the Union shall have the right to take any legal or economic action they see fit against such Employer to collect such delinquent amounts.

Whether or not such action is taken, the Employer shall be liable to the Trustees of the Health and Welfare and Pension Fund or Funds for all delinquent amounts or to the employees for any and all benefits under any Health and Welfare plan which the employee would have received if the Employer had not been delinquent in the payment of such contributions. The Trustees shall have the right to bring legal action to collect delinquent amounts or the employee shall have the right to bring legal action to obtain payment of such benefits. In any such action the Employer shall pay: (a) court costs and a reasonable attorney's fee; and (b) in the case of the collection of delinquent amounts by the Trustees or their agent, which collection does not require the institutions of a lawsuit, the collection costs involved.

The sole responsibility of the Employer shall be to pay the indicated contributions into the Health and Welfare and Pension Fund or Funds required to be paid into under this Agreement and herein described.

ARTICLE XVII - EMERGENCY REOPENING

In the event of a declaration of war by the Congress of the United States, either party may reopen this Agreement upon sixty (60) days' written notice and request renegotiation of matters dealing with the wages and hours. Upon failure of the parties to agree in such negotiation, either party shall be permitted all lawful economic, legal recourse to support their request for revisions. If Governmental approval of revisions should become necessary, all parties will cooperate to the utmost to attain such approval.

The parties agree that the notice provided herein shall be accepted by all parties as compliance with the notice requirements of applicable law, so as to permit economic action at the expiration thereof.

ARTICLE XVIII - HEALTH & SAFETY

Refer the Letter of Understanding. Company will agree to maintain the safety and health of workers at the Marshalling yards by monitoring the conditions of dust, but will not be subject to the grievance procedure but to be monitored by the Joint Training Committee.

ARTICLE XIX - FUNERAL LEAVE

In the event of death in the family (mother, father, grandmother, grandfather, wife, husband, sister, brother, daughter, son, stepdaughter and stepson), a seniority employee shall be entitled to a reasonable time off because of such death. Three (3) days' straight- time pay shall be paid to seniority employees for attending the funeral for days that fall within the employee's regularly scheduled work week.

ARTICLE XX - JURY DUTY

Effective January 1, 1996, all regular employees called for jury duty will receive the difference between eight (8) hours' pay at the applicable hourly wage and actual payment received for jury service for each day or jury duty up to a maximum of ten (10) days' pay for each contract year.

When such employees report for jury service on a scheduled workday, they will not unreasonably be required to report for work that particular day.

Time spent on jury service will be considered time worked for purposes of Employer contributions to Health and Welfare and Pension Plans, vacation eligibility and payment, holidays and seniority, accordance with the applicable provisions of this Agreement to a maximum of ten (10) days for each contract year.

ARTICLE XXI - JURISDICTION

The Employer shall not be asked to act upon any question regarding jurisdiction which may arise between the Union and any other Union, whether such Union is affiliated with or independent of the signatory Union or not; and should a jurisdiction question arise, there shall be no strike, work stoppage, or work interruption by the signatory Union pending settlement of the jurisdictional question by the Unions involved. The Employer shall abide by any mutually agreed settlement of the jurisdictional question by the Union involved.

ARTICLE XXII - SEVERABILITY

The provisions of this Agreement are deemed to be severable to the extent that, if and when a court or governmental agency of competent jurisdiction adjudges any provision of this Agreement to be in conflict with any law, rule, or regulation issued thereunder, such decision shall not affect the validity of the remaining provisions of this Agreement, but such remaining provision shall continue in full force and effect.

ARTICLE XXIII - ENTIRE AGREEMENT

This Agreement constitutes the sole and entire existing Agreement between the parties hereby and supersedes all prior agreements or commitments, oral or written, between the Employer or the Union, or the employee, and expresses all the obligations of and restrictions imposed upon each of the respective parties during its term. The parties hereby mutually release each other from any and all other obligations to each other or the employees. This Agreement may be altered or amended only by written agreement between the parties hereto. The waiver of any breach hereof or any term or condition herein by either party shall not constitute a precedent for the future waiver of any breach, term or condition, nor deprive such party of the full benefit of rights hereunder pertaining to any breach, term or condition.

ARTICLE XXIV – TERM OF AGREEMENT

This Agreement shall become effective April 1, 2014, and shall continue in full force and effect, except as otherwise provided herein, to and including March 31st, 2017 and shall be considered as renewed from year-to-year thereafter unless either party hereto shall give written notice to the other of its desire to have the same modified, and such notice must be given at least sixty (60) days prior to the expiration of this Agreement.

In the event timely notice for negotiating contract modifications is given by either party, the other party shall make itself available for negotiations upon the request of the party giving notice, and a good faith effort shall be made by both parties to conclude such negotiations prior to the expiration date of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals by

Their respective Officials duly authorized to do so this _____

day of _____ 2014.

FOR THE UNION:

RETAIL DELIVERY DRIVERS
DRIVER-SALESMEN AND
HELPERS AND AUTO TRUCK
DRIVERS, LOCAL 2785

By Joseph Cilia
Joseph Cilia
Secretary-Treasurer

Dated 8/8/14

By William Cromartie
William Cromartie
Business Representative

Dated 7/29/14

By Marty Frates
Marty Frates
Secretary-Treasurer
Local 70

Dated 8/15/14

By Bill Hoyt
Bill Hoyt
Secretary-Treasurer
Local 287

Dated 9/13/14

By B. V. K. GM, VF
Name and Title
Freeman Exposition, Inc.

Dated 11/22/14

By Ray Lytle Sr. Director, US
Name and Title
GES/Global Experience Specialists

Dated Sept 5th / 2014

By LYLE CURTIN, President
Name and Title
Curtin Convention & Exposition Services, Inc.

Dated 08-19-14

By _____ Dated _____
Arata Exposition, Inc.

By _____ Dated _____
Blaine Convention Service, Inc.

By _____ Dated _____
Concept Services, Inc.

By _____ Dated _____
Czarnowski Display Service, Inc.

By _____ Dated _____
Employco USA II, Inc.

By _____ Dated _____
Event Production, Inc.

By _____ Dated _____
Maxum Exposition Services

By _____ Dated _____
PS Services

By _____ Dated _____
Rennissance Management, Inc.

By _____ Dated _____
San Francisco Exposition Services, Inc.

By _____ Dated _____
Service West, Inc.

By _____ Dated _____
Shepard Exposition Service, Inc,

By _____ Dated _____
T3 Exposition, LLC

By _____ Dated _____
Union Payroll Agency

By _____ Dated _____
Willwork, Inc., Exhibit Service

By _____ Dated _____
ABC Expo Services, LLC

By _____ Dated _____
Aesthetic Visual Production, Inc.

By _____ Dated _____

By _____ Dated _____

By _____ Dated _____

By _____ Dated _____

By _____ Dated _____

By _____ Dated _____

NATIONAL MASTER FREIGHT AGREEMENT
ADDENDUM I

ARTICLE 35

PREAMBLE

While abuse of alcohol and drugs among our members/employees is the exception rather than the rule, the Teamsters National Freight Industry Negotiating Committee and the, Employers signatory to this Agreement share the concern expressed by many over the growth of substance abuse in American Society.

The parties have agreed that the Drug and Alcohol Abuse Program will be modified in the event that further Federal Legislation or Department of Transportation Regulations provide for revised testing methodologies or requirements. The parties have incorporated the appropriate changes required by the applicable DOT Drug Testing Rules under 49 CFR Parts 40 and 382, and agree that if new federally mandated changes are brought about, they too will become part of this Agreement.

The Drug Testing Procedure, agreed to by Labor and Management, Incorporates state-of-the-art employee protections during specimen collection and Laboratory Testing to protect the innocent and ensures the Employer complies with all applicable DOT Drug and Alcohol Testing Regulations. In order to eliminate the safety risks which result from alcohol or drugs, the parties have agreed to the following procedures:

NMFA UNIFORM TESTING PROCEDURE
(A) PROBABLE SUSPICION TESTING

In cases in which an employee is acting in an abnormal manner and at least one (1) Supervisor, two (2) if available, have probable suspicion to believe that the employee is under the influence of controlled substances and/or alcohol, the Employer may require the employee (in the presence of a Union Shop Steward, if Possible) to undergo a urine specimen collection and a breath alcohol analysis as provided in Section 4B. The Supervisor(s) must have received training in the signs of drug intoxication in a prescribed training program which is endorsed by the Employer. Probable suspicion means suspicion based on specific personal observations that the Employer Representative(s) can describe concerning the appearance, behavior, speech or breath odor of the employee. The observations may include the indication of chronic and withdrawal effects of controlled substances. The Supervisor(s) must make a written statement of these observations within twenty-four (24) hours.

A copy must be provided to the Shop Steward or other Union Official after the employee is discharged. Suspicion is not probable and thus not a basis for testing if it is solely on third (3rd) party observation and reports. The employee shall not be required to waive any claim or cause of action under the law. For all purposes herein, the parties agree that the terms "probable suspicion" and "reasonable cause" shall be synonymous.

The Following Collection Procedure Shall Apply To All Types of Testing:

A refusal to provide a urine specimen or undertake a breath analysis will constitute a presumption of intoxication and the employee will be subject to discharge without receipt of a prior warning letter. If the employee is unable to produce 45mL of Urine, he/she shall be offered up to forty (40) ounces of fluid to drink and shall remain at the collection site under observation until able to produce a 45mL specimen, for a period of up to three (3) hours from the first (1st) unsuccessful attempt to provide the urine specimen. If the employee is still unable to produce a 45mL specimen, the Employer shall direct the employee to undergo an evaluation which shall occur within five (5) business days, by a licensed physician, acceptable to the MRO who has the expertise in the medical issues concerning the employee's inability to provide an adequate amount of urine. If the physician and MRO conclude that there is no medical condition that would preclude the employee from providing an adequate amount of urine, the MRO will issue a ruling that the employee refused the test. If an employee is unable to provide sufficient breath sample for analysis, the procedures outlined in the DOT Regulations shall be followed for all employees. Such employees shall be evaluated by a licensed physician, acceptable to the Employer, who has the expertise in the medical issues concerning the employee's failure to provide an adequate amount of breath. Absent a medical condition, as determined by the licensed physician, said employee will be regarded as having refused to take the test. The Employer will adhere to DOT Regulations for employees who are unable to provide a urine or breath specimen due to a permanent or long-term medical condition. Contractual time limits for disciplinary action, as set forth in the appropriate Supplemental Agreement, shall begin on the day on which specimens are taken. In the event the Employer alleges only that the employee is intoxicated on alcohol and not drugs, previously agreed-to procedures under the appropriate Supplemental Agreement for determining alcohol intoxication shall apply.

In the event the Employer is unable to determine whether the abnormal behavior is due to drugs or alcohol, the Drug Testing Procedure contained herein and the Breath Alcohol Testing Procedure contained in Section 4B shall be used. If the laboratory results are not known prior to the expiration of the contractual time period for disciplinary action, the cause for disciplinary action shall specify that the basis for such disciplinary action is for "alcohol and/or drug intoxication."

(B) DOT RANDOM TESTING

It is agreed by the parties that random urine drug testing will be implemented only in accordance with the DOT Rules under 49CFR Part 382, Subpart C.

The method of selection for random Urine Drug Testing will be neutral so that all Employees subject to testing will have an equal chance to be randomly selected. The term "employees subject to testing" under this Agreement is meant to include any employee required to have a Commercial Drivers License (CDL) under The Department of Transportation Regulations.

Employees out on long term injury or disability for any reason shall not be tested.

The provisions of Article 35-Section 3 F 3 (Split Sample Procedures), and Article 35-Section 3 J 1 (One-Time Rehabilitation), shall apply to random Urine Drug Testing.

(C) NON-SUSPICION BASED POST-ACCIDENT TESTING

Non-Suspicion based Post-Accident Testing is defined as Urine Drug Testing as a result of an accident which meets the definition of an accident as outlined in the Federal Motor Carrier Safety Regulations. Urine Drug Testing will be required after accidents meeting the following conditions and drivers are required to remain readily available for testing for thirty-two (32) hours following the accident or until tested.

Employees subject to Non-Suspicion based Post-Accident Drug Testing shall be Limited to those employees subject to DOT Drug Testing, who are involved in an Accident where there is:

- (1) A fatality, or;
- (2) A citation under State or Local Law is issued to the Driver for a moving traffic violation arising from the accident in which
 - (a) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
 - (b) One or more motor vehicles incurring disabling damage as a result of the accident, requires the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

The driver has the responsibility to make himself/herself available for Urine Drug Testing within the thirty-two (32) hour period in accordance with the procedures outlined in this Subsection. The driver is responsible to notify the Employer upon receipt of a citation and to note receipt thereof on the accident report. Failure to so notify the Employer shall subject the driver to disciplinary action.

If a driver receives a citation for a moving violation more than thirty-two (32) hours after a reportable accident, he/she shall not be required to submit to Post-Accident Urine Drug Testing.

The Employer shall make available a Urine Drug Test Kit and an appropriate collection site for the driver to provide specimens.

The provisions of Article 35-Section 3 F 3 (Split Sample Procedures), and Article 35-Section 3 J I (One-Time Rehabilitation), shall apply to Non-Suspicion based Post-Accident Urine Drug Testing.

(D) CHAIN OF CUSTODY PROCEDURES

Any specimens collected for Drug Testing shall follow the DHHS/DOT (Department of Health and Human Services/Department of Transportation) Specimen Collection Procedures. At the time specimens are collected for any Drug Testing, the employee shall be given a copy of the specimen procedures. In the presence of the employee, the specimens are to be sealed and labeled. As per DOT Regulations, it is the employee's responsibility to initial the seals on the specimen bottles, additionally ensuring that the specimens tested by the Laboratory are those of the employee.

THE REQUIRED PROCEDURE FOLLOWS: When urine specimens are to be provided, at least 45mL of specimen shall be collected. At least 30 mL shall be placed in one (1) self-sealing, screw-capped or snap-capped container. A urine Specimen of at least 15mL shall be placed in a second (2nd) such container. They shall be sealed and labeled by the collector, and initialed by the employee without the containers leaving the employee's presence. The employee has the responsibility to identify each container and initial same. Following collection, the specimens shall be placed in the transportation container together with the appropriate copies of the chain of custody form. The transportation container shall then be sealed in the employee's presence. The container shall be sent to the designated testing laboratory at the earliest possible time by the fastest available means.

In this Urine Collection Procedure, the donor shall urinate into a collection container capable of holding at least 55mL, which shall remain in full view of the employee until transferred to tamper-resistant urine bottles, and sealed and labeled, and the employee has initiated the bottles.

It is recognized that the Specimen Collector is required to check for sufficiency of Specimen, acceptable temperature range, and signs of tampering, provided that the employee's right to privacy is guaranteed and in no circumstances may observation take place while the employee is producing the urine specimens, unless required by DOT Regulations. If it is established that the employee's specimen is outside of the acceptable temperature range or has been intentionally tampered with or substituted by the employee, the employee will be required to immediately submit an additional specimen under direct observation. Also, if it is established that the employee's specimen has been intentionally tampered with or substituted by the employee, the employee is subject to discipline as if the specimen tested positive. In order to deter adulteration of the urine specimen during the collection process, physiologic determinations for creatinine, specific gravity, pH, and any substances that may be used to adulterate the specimen shall be performed by the laboratory. If the laboratory suspects the presence of an interfering substance/adulterant that could make a test result invalid, but the initial laboratory is unable to identify it, the specimen must be sent to another HHS certified laboratory that has the capability of doing so.

Any findings by the laboratory that indicate that a specimen is adulterated as a result of the fact that it contains a substance that is not expected to be present in human urine; a substance that is expected to be present is identified at a concentration so high that it is not consistent with human urine; or has physical characteristics which are outside the normal expected range for human urine shall be immediately reported to the Company's Medial Review Officer (MRO).

The parties recognize that the key to chain of custody integrity is the immediate sealing and labeling of the specimen bottles in the presence of the tested employee. If each container is received undamaged at the laboratory properly sealed, labeled and initialed, consistent with DOT Regulations as certified by the laboratory, the Employer may take disciplinary action based upon the MRO's ruling.

(E) URINE COLLECTION KITS AND FORMS

The Contents of the Urine Collection kit shall be as follows:

- (1) The kit shall include a specimen collection container capable of holding at least fifty-five (55) mL of urine and contains a temperature reading device capable of registering the urine temperature specified in the DOT Regulations.

- (2) Two (2) plastic bottles that are capable of holding at least thirty-five (35) mL have screw-on or snap-on-caps, and markings clearly indicating the appropriate levels for the primary (30mL) and split (15mL) specimens.
- (3) A uniquely numbered (i.e., Specimen Identification Number) DOT approved chain of custody form with similarly numbered Bottle Custody Seals, and a transportation kit seal (e.g., Box Seal) shall be utilized during the urine collection process and completed by the collection site person. In the case of probable suspicion or other contractually required testing, a Non-DOT chain of custody form will be used for the testing of Non-DOT employees. The appropriate laboratory copies are to be placed into the transportation container with the urine specimens. The exterior of the transportation kit shall then be secured, e.g., by placing the tamper-proof Box Seal over the outlined area.
- (4) Shrink-wrapped or similarly protected kits shall be used in all instances.

(F) LABORATORY REQUIREMENTS

- (1) **URINE TESTING:** In testing urine samples, the testing laboratory shall test specifically for those drugs and classes of drugs and adulterants employing the test methodologies and cutoff levels covered in the DOT Regulations 49 CFR, Part 40.
- (2) **SPECIMEN RETENTION:** All specimens deemed positive, adulterated, substituted, or invalid by the laboratory, according to the prescribed guidelines, must be retained at the laboratory for a period of one (1) year.
- (3) **SPLIT SAMPLE PROCEDURE:** The split sample procedure is required for all employees selected for urine drug testing. When any test kit is received by the laboratory, the "primary" sealed urine specimen bottle shall be immediately removed for testing, and the remaining "split" sealed specimen bottle shall be placed in secured storage. Such specimen shall be placed in refrigerated storage if it is to be tested outside of the DOT mandated period of time.

The employee will be given a shrink-wrapped or similarly protected urine collection kit. After receiving the specimen, the collector shall pour at least 30mL of urine into the specimen bottle and at least 15mL into the second split specimen bottle. Both bottles shall be sealed in the employee's presence, initialed by the employee, then forwarded to an accredited laboratory for testing.

If the employee is advised by the MRO that the first (1st) urine sample tested positive, adulterated, or substituted, in a random, return to duty, follow-up, probable suspicion or post-accident urine drug test, the employee may, within seventy-two (72) hours of receipt of the actual notice, request from the MRO that the second (2nd) urine specimen be forwarded by the first (1st) laboratory to another independent and unrelated accredited laboratory of the parties' choice for GC/MS confirmatory testing for the presence of the drug, or other confirmatory testing for adulterants, or to confirm that the specimen has been substituted as defined in 49 CFR Part 40. If the employee chooses to have the second (2nd) sample analyzed, he/she shall at that time execute a special check-off authorization form to ensure payment by the employee. Split specimen testing will conform to the regulations as defined in 49 CFR Part 40.

If the employee chooses the optional split sample procedure, and so notifies his Employer, disciplinary action can only take place after the MRO reports a positive, adulterated, or substituted result on the primary test and the MRO reports that the testing of the split specimen confirmed the result. However, the employee may be taken out of service once the MRO reports a positive, adulterated, or substituted result based on the testing of the primary specimen while the testing of the split specimen is being performed. If the second (2nd) test confirms the findings of the first laboratory and the employee wishes to use the rehabilitation options of this Section, the employee shall reimburse the employer for the cost of the second (2nd) sample's analysis before entering the rehabilitation program. If the second (2nd) laboratory report is negative, for drugs, adulterants, or substitution, the employee will be reimbursed for the cost of the second (2nd) test and for all lost time. It is also understood that if an employee opts for the split sample procedure, contractual time limits on disciplinary action in the Supplements are waived.

(4) **LABORATORY ACCREDITATION:** All laboratories used to perform urine drug testing pursuant to this Agreement must be certified by Health and Human Services under the National Laboratory Certification Program (NLCP).

(G) LABORATORY TESTING METHODOLOGY

(1) **URINE TESTING:** The initial testing shall be by immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. The initial cutoff levels used when screening urine specimens to determine whether they are negative or positive for various classes of drugs shall be those contained in the Scientific and Technical Guidelines for Federal Drug Testing Programs (subject to revision in accordance with subsequent amendments to the HHS Guidelines).

All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques. Quantitative GC/MS confirmatory procedures for drugs and confirmatory procedures for specimens that are initially identified as being adulterated or substituted shall comply with the testing protocols mandated by the Scientific and Technical Guidelines for Federal Drug Testing Programs (subject to revision in accordance with subsequent amendments to the HHS Guidelines).

Validity testing shall be conducted on all specimens, pursuant to HHS requirements, to determine whether they have been adulterated or substituted. All specimens which test negative on either the initial test or the GC/MS confirmation test shall be reported only as negative, unless they are confirmed to be adulterated, substituted, or invalid. Only specimens which test positive on both the initial test and the GC/MS confirmation test shall be reported as positive. Specimens that are confirmed to be adulterated shall be reported as such.

When a grievance is filed as a result of a drug test that is ruled positive, adulterated, or substituted, the Employer shall provide a copy of the MRO ruling to the Union.

Where Schedule 1 and 2 drugs are detected, the laboratory is to report a positive test based on a forensically acceptable positive quantum of proof. All positive test results must be reviewed by the certifying scientist and certified as accurate.

(2) **PRESCRIPTION AND NON-PRESCRIPTION MEDICATIONS:** If an employee is taking a prescription or non-prescription medication in the appropriate described manner he/she will not be disciplined. Medications prescribed for another individual, not the employee, shall be considered to be illegally used and subject the employee to discipline.

(3) **MEDICAL REVIEW OFFICER (MRO):** The Medical Review Officer (MRO) shall be a licensed physician with the knowledge of substance abuse disorders, issues relating to adulterated and substituted specimens, possible medical causes of specimens having an invalid result, and applicable DOT Agency Regulations. In addition, the MRO shall keep current on applicable DOT Agency Regulations and comply with the DOT qualification training and continuing education requirements. The MRO shall review all urine drug test results from the laboratory and shall examine alternate medical explanations for tests reported as positive, adulterated, or substituted, as well as those results reported as invalid. Prior to the final decision to verify a urine drug test result, all employees shall have the opportunity to discuss the results with the MRO. If the employee declines to speak with the MRO, or the employee fails to contact the MRO within seventy-two (72) hours of being notified to do so by the Employer, or if the MRO is unable to contact the employee within ten (10) days of the receipt of the drug test result being reported to him by the laboratory, then the MRO may report the result to the Employer.

(4) SUBSTANCE ABUSE PROFESSIONAL (SAP): The substance Abuse Professional (SAP), as provided in the regulations, means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, or employee assistance professional, or a drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse). All must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders and be knowledgeable of the SAP function as it relates to Employer interest in safety- sensitive functions, and applicable DOT Agency Regulations. In addition, the SAP shall comply with the DOT qualification training and continuing education requirements.

(H) LEAVE OF ABSENCE PRIOR TO TESTING

(1) An employee shall be permitted to take leave of absence in accordance with the FMLA or applicable State leave laws for the purpose of undergoing treatment pursuant to an approved program of alcoholism or drug use. The leave of absence must be requested prior to the commission of any act subject to disciplinary action.

(2) Employees requesting to return to work from a voluntary leave of absence for drug use or alcoholism shall be required to submit to testing as provided for in Part J of this Section. Failure to do so will subject the employee to discipline including discharge without the receipt of a prior warning letter.

The provisions of this Section shall not apply to probationary employees.

(1) Disciplinary Action Based on Positive, Adulterated, or Substituted Test Results.

Consistent with past practice under this Agreement, and notwithstanding any other language in any Supplement, the Employer may take disciplinary action based on the test results as follows:

- (1)** If the MRO reports that a urine drug test is positive, adulterated, or substituted, the employee shall be subject to discharge except as provided in Part J.
- (2)** The following actions shall apply in probable suspicion testing based on DOT and contractual mandates.

- (a) If the urine drug test is positive, adulterated, or substituted, according to the procedures described in Part G, the employee shall be subject to discharge.
- (b) If the breath alcohol test results show a blood alcohol concentration equal to or above the level previously determined by the appropriate Supplemental Agreement for alcohol intoxication, the employee shall be subject to discharge pursuant to the Supplement Agreement.
- (c) If the breath alcohol test is negative and the urine drug test is negative, the employee shall be immediately returned to work and made whole for all lost earnings.

(J) RETURN TO EMPLOYMENT AFTER A POSITIVE URINE DRUG TEST

- (1) Any employee with a positive, adulterated, or substituted urine drug test result (other than under probable suspicion testing), thereby subjecting the employee to discipline, shall be granted reinstatement on a one (1) time lifetime basis if the employee successfully completes a course of education and/or treatment program as recommended by the Substance Abuse Professional (SAP). The SAP will recommend a course of education and/or treatment with which the employee must demonstrate compliance prior to returning to DOT safety sensitive duty. The SAP will refer him/her to a treatment program which has been approved by the applicable Health and Welfare Trust Fund, where such is the practice. Any cost of evaluation, education and/or treatment over and above that paid for by the applicable Health and Welfare Trust Fund, must be borne by the employee.
- (2) Employees electing the one time lifetime evaluation and/or rehabilitation must notify the Company within ten (10) days of being notified by the Company of a positive, adulterated, or substituted urine drug test. The evaluation process and education and/or treatment program must take a minimum of ten (10) days. The employee must begin the evaluation process and education and/or treatment program within fifteen (15) days after notifying the Company. The employee must request reinstatement promptly after successful completion of the education and/or treatment program. After the minimum ten (10) day period and re-evaluation by the SAP, the employee may request reinstatement, but must first provide a negative return to duty urine drug test, to be conducted by a clinic and laboratory of the Employer's choice, before the employee can be reinstated. Any employee choosing to protest the discharge must file a protest under the applicable Supplement.

After the discharge is sustained, the employee must notify the Company within ten (10) days of the date of the decision, of the desire to enter the evaluation process and education and/or treatment program.

(3) While undergoing treatment, the employee shall not receive any of the benefits provided by this Agreement or Supplements thereto except the continued accrual of seniority.

(4) Before reinstatement after the minimum ten (10) day period, the employee must be re-evaluated by the Substance Abuse Professional to determine successful compliance with any recommended education and/or treatment program. The employee must then submit to the Employer's return to duty urine drug test (and alcohol test if so prescribed by the SAP) with a negative result. The employee will be subject to at least six (6) unannounced follow up urine drug test in the first (1st) year, as determined by the SAP. If, at any time, the employee tests positive, provides an adulterated or substituted specimen, or refused to submit to a test, the employee shall be subject to discharge.

(a) Return to duty drug test is a urine drug test which an employee must complete with a negative result, after having been reevaluated by a SAP to determine successful compliance with recommended education and/or treatment.

(b) Follow-up drug testing shall mean those unannounced urine drug tests required (minimum of six (6) in a twelve (12) month period) when an employee test positive, provides an adulterated or substituted specimen, or refused to be tested and has been evaluated by the SAP, completed education and/or treatment, been re-evaluated by SAP and returned to work. The requirements of follow up testing follow the employee through breaks in service (i.e., layoff, on the job injury, personal illness/injury, leave of absence, etc.). In addition, the requirements of follow up testing follow the employee to subsequent employers. The SAP has the authority to order any number of follow up urine drug and/or alcohol tests and to extend the twelve (12) month period up to sixty (60) months.

(K) SPECIAL GRIEVANCE PROCEDURE

(1) The parties shall together create a Special Region Joint Area Committee consisting of an equal number of Employer and Union Representatives to hear drug related discipline disputes. All such disputes arising after the establishment of the Special Region Joint Area Committee shall be taken up between the Employer and Local Union involved. Failing adjustment by these parties, the dispute shall be heard by the Special Region Joint Area Committee within Ninety (90) days of the Committee's receipt of the dispute. Where the Special Region Joint Area Committee, by majority vote, settles a dispute, such decision shall be final and binding on both parties with no further appeal. Where the Special Region Joint Area Committee is unable to agree on or come to a decision on a dispute, the dispute will be referred to the National Grievance Committee.

(2) The procedures set forth herein may be invoked only by the authorized Union Representative or the Employer.

(L) PAID FOR TIME

(1) **TRAINING**: Employees undergoing substance abuse training as required by the DOT will be paid for such time and the training will be scheduled in connection with the employee's normal work shift, where possible.

(2) **TESTING**: Employees subject to testing and selected by the random selection process for urine drug testing shall be compensated at the regular straight time hourly rate of pay in the following manner provided that the test is negative:

(a) RANDOM DRUG TESTS:

(1) for all time at the collection site

(2) (a) For travel time one way if the collection site is reasonably en route between the employee's home and the terminal, and the employee is going to or from work; or

(b) For travel time both ways between the terminal and the collection site, only if the collection site is not reasonably en route between the employee's home and the terminal.

(3) When an employee is on the clock and a random drug test is taken any time during the employee's shift, and the shift ends after eight (8) hours, the employee is paid time and one-half for all time past the eight (8) hours.

(4) The Employer will not require the city employee to go for urine drug testing before the city employee's shift, provided the collection site is open during or immediately following the employee's shift.

(5) During an employee's shift, an employee will not be required to use his/her personal vehicle from the terminal to and from the collection site to take a random drug test.

(6) If a road driver is called at home to take a random drug test at a time when the road driver is not en route to or from work, the driver shall be paid, in addition to all time at the collection site, travel time both ways between the driver's home and the collection site with no minimum guarantee.

(b) NON-SUSPICION BASED POST-ACCIDENT TESTING:

(1) In the event of a non-suspicion based post-accident testing situation, where the employee has advised the Employer of the issuance of a citation for a moving violation, but the Employer does not direct the employee to be tested immediately, but sends the employee for testing at some later time (during the thirty-two (32) hour period), the employee shall be paid for all time involved in testing, from the time the employee leaves home until the employee returns home after the test.

(2) When the Employer takes a road driver out of service and directs the employee to be tested immediately, the Employer will make arrangements for the road driver to return to his/her home terminal in accordance with the Supplement Agreement.

SECTION 4 — ALCOHOL TESTING: The parties agree that in the event of further Federal Legislation or DOT Regulations providing for revised methodologies or requirements, those revisions shall, to the extent they impact this Agreement, unless mandated, be subject to mutual agreement by the parties.

(a) **EMPLOYEES WHO MUST BE TESTED:** There shall be random, no suspicion based post-accident and probable suspicion alcohol testing of all employees subject to DOT mandated alcohol testing. This includes all employees who, as a condition of their employment, are required to have a DOT physical, a CDL and are subject to testing for drugs under Article 35-Section 3(b).

Employees covered by this Collective Bargaining Agreement who are not subject to DOT mandated alcohol testing are only subject to probable suspicion testing as provided in Article 35-Section 3 of the NMFA or the appropriate Article of the applicable Supplemental Agreement. The alcohol breath testing methodology outlined in this Section will be utilized for all employees required to undergo probable suspicion testing. (For testing results and discipline refer to NMFA, Article 35-Section 312).

(b) **ALCOHOL TESTING PROCEDURE:** All alcohol testing under this Section will be conducted in accordance with applicable DOT/FMCSA Regulations. All equipment used for alcohol testing must be on the NHTSA Conforming Products List and be used and maintained in compliance with DOT requirements. Breath samples will be collected by a Breath Alcohol Technician (BAT) who has successfully completed the necessary training course that is the equivalent of the DOT model course and who is knowledgeable of the alcohol testing procedures set forth in 49 CFR Part 40 and any current DOT Guidance. Law Enforcement Officers who have been certified by State or Local Governments to conduct breath alcohol testing are deemed to be qualified as Breath Alcohol Technicians. The training shall be specific to the type of Evidential Breath Testing (EBT) device being used for testing. The Employer shall provide the employees with material containing the information required by Section 382.601 of the Federal Motor Carrier Safety Regulations.

(1) **SCREENING TEST:** The initial screening test uses an Evidential Breath Testing (EBT) device, unless other testing methodologies or devices are mandated or agreed upon, to determine levels of alcohol. The following initial cutoff levels shall be used when screening breath samples to determine whether they are negative or positive for alcohol.

Breath Alcohol Levels:

Less than 0.02% BAC - Negative

0.02% BAC and above – Positive (Requires Confirmation Test)

(2) **CONFIRMATORY TEST:** All samples identified as positive on the initial test, indicating an alcohol concentration of (0.02%) BAC or higher, shall be confirmed using an (EBT) device that is capable of providing a printed result in triplicate; is capable of assigning a unique number to each test; and is capable of printing out, on each copy of the printed test result, the manufacturer's name for the device, the device's serial number and the time of the test unless other testing methodologies or devices are mandated or mutually agreed upon.

A confirmation test must be performed a minimum of fifteen (15) minutes after the screening test, but not more than thirty (30) minutes, unless otherwise provided by conditions set forth and defined in 49 CFR Part 40.

The following cutoff levels shall be used to confirm a positive test for alcohol:

Breath Alcohol Levels:

Less than 0.02 % BAC - Negative

0.02% BAC to 0.039% BAC - Positive

0.04% BAC and above -Positive

Refer to Section 4L for Discipline Based on a Positive Test

(c) **NOTIFICATION:** All employees subject to DOT mandated random alcohol testing will be notified of testing by the Employer, in person or by direct phone contact.

(d) **PRE-QUALIFICATION TESTING FOR NON-DOT PERSONNEL**

Section has been deleted

(e) **RANDOM TESTING:** The method used to randomly select employees for alcohol testing shall be neutral, scientifically valid and in compliance with DOT Regulations.

The annual random testing rate for alcohol use shall be the rate established by the Administrator of the FMCSA.

In the event of a grievance or litigation, the Employer shall, upon written request from the employee, release to the employee and the Union (in its capacity as Representative of the grievant and as a decision maker in the grievance process), information required to be maintained under the DOT Alcohol Testing Regulations and arising from the results of an alcohol test which is subject to release under the regulations.

The parties agree that no effort will be made to cause the system and method of selection to be anything but a true random selection procedure ensuring that all affected employees are treated fairly and equally.

Employees subject to random alcohol testing shall be tested within one (1) hour prior to starting the tour of duty, during the tour of duty, or immediately after completing the tour of duty.

Employees who are on long-term illness or injury leave of absence, disability or vacation shall not be subject to testing during the period of time they are away from work.

(f) **NON-SUSPICION BASED POST ACCIDENT TESTING:** Employees subject to Non-Suspicion based Post Accident alcohol testing shall be limited to those employees subject to DOT alcohol testing, who are involved in an accident where there is:

- (1) A fatality, or;
- (2) A citation under State or Local Law is issued to the Driver for a moving traffic violation arising from the accident in which:
 - (a) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
 - (b) One or more motor vehicles incurring disabling damage as a result of the accident, requires the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

Alcohol Testing will be required under the above conditions and employees are required to submit to such testing as soon as practicable. Under no circumstances shall this type of testing be conducted after eight (8) hours from the time of the accident.

It shall be the responsibility of the driver to remain readily available for testing after the occurrence of a commercial motor vehicle accident. It is also the responsibility of the employee to not use alcohol for eight (8) hours or until a DOT Post Accident Alcohol Test is performed, whichever occurs first.

It is not the intention of this language to require the delay of necessary medical attention or to prohibit the driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or necessary medical attention.

Prior to the effective date of the DOT Alcohol Testing Regulations, the Employer agrees to give each employee subject to DOT Non-Suspicion based Post-Accident Testing written notification of the procedures required by the DOT Regulations in the event of an accident as defined by the DOT.

(g) SUBSTANCE ABUSE PROFESSIONAL (SAP):

(1) The Substance Abuse Professional (SAP), as provided in the regulations, means a licensed physician (Medical Doctor or Doctor Osteopathy), or a licensed or certified Psychologist, Social Worker, or Employee Assistance Professional, or a Drug and Alcohol Counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & other drug abuse). All must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders, be knowledgeable of the SAP function as it relates to Employer interest in safety sensitive functions, and applicable DOT Agency Regulations. In addition, the SAP shall comply with the DOT qualification training and continuing education requirements.

(2) The Employer will provide the employee with a list of resources available to the driver in evaluating and resolving problems with the misuse of alcohol as soon as practicable but no later than thirty-six (36) hours after the Employer's receipt of notice from the BAT that the employee has a BAC of (0.04%) or higher, exclusive of holidays and weekends. The SAP will be responsible for recommending the appropriate course of education and/or treatment required prior to the employee returning to work and is the only person responsible for determining, during the evaluation process, whether an employee will be directed to a Rehabilitation Program, and if so for how long.

(3) Follow up and return to duty test need not be confined to the substance involved in the violation. If the SAP determines that a driver needs assistance with an alcohol and drug abuse problem, the SAP may require drug tests to be performed along with any required alcohol follow-up and/or return-to-duty tests, if it has been determined that a driver has violated the drug testing prohibition.

(4) Any cost of evaluation by the SAP and/or rehabilitation recommended by the SAP associated with the abuse of alcohol while performing or available to perform safety-sensitive functions Under this Agreement, over and above that paid for by the applicable Health and Welfare Trust Fund, must be borne by the employee. The Employer will pay for random; Non-Suspicion based Post-Accident and Probable Suspicion Alcohol Testing. Return to duty and follow up alcohol testing that is prescribed by the SAP, will be paid for by the Employer, provide the employee tests negative.

(h) **PROBABLE SUSPICION TESTING:** Employee subject to DOT probable suspicion alcohol testing under this Section shall be tested in accordance with current, applicable DOT Regulations.

For all purposes herein, the parties agree that the terms "Probable Suspicion" and "Reasonable Cause" shall be synonymous.

Probable suspicion is defined as an employee's specific observable appearance, behavior, speech or body odor that clearly indicates the need for probable suspicion alcohol testing.

In the event the Employer is unable to determine whether the abnormal behavior or appearance is due to alcohol or drugs, the Employer shall specify that the basis for any disciplinary action or testing is for alcohol and/or drug intoxication. In such cases, the employee shall be tested in accordance with Article 35-Section 3A, and applicable DOT Alcohol Testing Regulations.

In cases where an employee has specific, observable, abnormal indicators regarding appearance, behavior, speech or body odor, and at least one (1) Supervisor, two (2) if available, have probable suspicion to believe that the employee is under the influence of alcohol, the Employer may require the employee, in the presence of a Union Shop Steward or other employee requested by the employee under observation, to submit to a breath alcohol test. Suspicion is not probable and thus not a basis for testing if it is based solely on third (3rd) party observation and reports.

The Supervisor(s) must make a written statement of these observations within twenty-four (24) hours. Upon, request, a copy must be provided to the Shop Steward or other Union Official after the employee is discharged or suspended or taken out of service.

All Supervisors and Employer Representatives designated to determine whether probable suspicion exists to require an employee to undergo alcohol testing shall receive specific training on the physical, behavioral, speech and performance indicators of how to detect probable suspicion alcohol misuse and use of controlled substances as required by DOT Regulations.

In the event the Employer requires a probable suspicion test, the Employer shall provide transportation to and from the testing location.

(1) PREPARATION FOR TESTING: All alcohol testing shall be conducted in conformity with the DOT Alcohol Regulations. Any alleged abuse by the Employer, such as proven the harassment of any employee or deliberate violation of the regulations or the contract shall be subject to the Grievance Procedure to provide a reasonable remedy for the alleged violation.

Upon arrival at the testing site, an employee must provide the Breath Alcohol Technician (BAT) with proper identification. The employee shall not be required to waive any claim or cause of action under the law.

A standard DOT approved alcohol testing form will be used by all testing facilities. In the case of probable suspicion or other contractually required testing, a Non- DOT chain of custody form will be used for the testing of Non-DOT employees.

(j) SPECIMEN TESTING PROCEDURES: All procedures for alcohol testing will comply with Department of Transportation Regulations.

No authorization personnel will be allowed in any area of the testing site. Only one (1) Alcohol Testing Procedure will be conducted by a BAT at the same time.

The employee will provide his or her breath sample in a location that allows for privacy. The Employer agrees to recognize all employees' rights to privacy while being subjected to the testing process at all times and at all testing sites. Further, the Employer agrees that in all circumstances the employee's dignity will be considered and all necessary steps will be taken to ensure that the entire process does nothing to demean, embarrass or offend the employee unnecessarily.

Testing will be under the direct observation of a Breath Alcohol Technician (BAT). All procedures shall be conducted in a professional, discreet and objective manner. Direct observation will be necessary in all cases.

The employee shall provide an adequate amount of breath for the Evidential Breath Testing device. If the individual is unable to provide a sufficient amount of breath, the BAT shall direct the individual to again attempt to provide a complete sample.

If an employee is unsuccessful in providing the requisite amount of breath, the Employer then must have the employee obtain, within five (5) days, an evaluation from a licensed Physician selected by the Employer and the Local Union and who has the expertise in the medical issues concerning the employee's inability to provide an adequate amount of breath. If the Physician is unable to determine that a medical condition has, or with a high degree of probability could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath will be regarded as a refusal to take the test and subject the employee to discharge.

(k) LEAVE OF ABSENCE PRIOR TO TESTING: An employee shall be permitted to take a leave of absence in accordance with the FMLA or applicable State Leave Laws for the purpose of undergoing treatment pursuant to an approved program of alcoholism or drug use. The leave of absence must be requested prior to the commission of any act subject to disciplinary action. This provision does not alter or amend the disciplinary provision (Article 35 -Section 4L) of this Section.

Before returning to work from a voluntary Leave of Absence, the employee must have completed any recommended treatment and taken a return to duty test, with a result of less than (0.02%) BAC , and further be subject to six (6) unannounced follow up alcohol tests in the first (1st) twelve (12) months following the employee's return to duty.

The Supplemental Agreements shall address the issue of an extra-board driver who, while at his home terminal, has consumed alcohol, is then called for dispatch and requests additional time off. Requesting time off under this provision shall not be used as a subterfuge to avoid taking a random alcohol (and/or drug) test.

(L) DISCIPLINARY ACTION BASED ON POSITIVE TEST RESULTS:

(1) FIRST POSITIVE TEST

0.02% BAC - 0.039% BAC

Out of Service for twenty-four (24) hours

0.04% BAC less than State DWI/DUI limit

Out of Service for the length of time determined by the SAP with minimum of twenty-four (24) hours.

State DWI/DUI Limit and Above

Subject to Discharge

(2) SECOND POSITIVE TEST

0.02% BAC - 0.039% BAC

Out of Service for a five (5) calendar day Suspension

0.04% BAC - less than State DWI/DUI limit

Out of Service for the length of time determined by the SAP with a minimum of a twenty (20) calendar day Suspension

State DWI/DUI limit and above

Subject to Discharge

(3) THIRD POSITIVE TEST

0.02% BAC - 0.039% BAC

Out of Service for a fifteen (15) calendar day Suspension

0.04% BAC - less than State DWI/DUI limit

Out of Service for the length of time determined by the SAP with a minimum of a thirty (30) calendar day Suspension

State DWI/DUI limit and above

Subject to Discharge

(4) FOURTH POSITIVE TEST

0.02% BAC - 0.039% BAC

Subject to Discharge

0.04% BAC - less than State DWI/DUI

limit Subject to Discharge

State DWI/DUI limit and above

Subject to Discharge

(5) An employee who is tested positive in a Non-Suspension based Post-Accident Alcohol Testing situation shall be subject to the following discipline for the positive alcohol test or the vehicular accident, whichever is greater.

FIRST (1st) Non-Suspicion based Post-Accident Positive Test - 0.02% BAC - 0.039% BAC - thirty (30) calendar day Suspension. 0.04% BAC and higher - subject to Discharge.

SECOND (2nd) Non-Suspicion based Post-Accident Positive Test - 0.02% BAC and Higher - subject to Discharge.

(6) An employee's refusal to submit to any alcohol test will subject the employee to discharge.

(m) **RETURN TO DUTY AFTER A POSITIVE (GREATER THAN (.04) TO THE STATE LIMIT) ALCOHOL TEST:**

Before returning to work the employee must be evaluated by a SAP, comply with Any education and/or treatment recommended by the SAP, be re-evaluated by the SAP to determine compliance with recommended education and/or treatment, and take a return to duty alcohol test, showing a result of less than (0.02%) BAC. The employee will be subject to at least six (6) unannounced follow-up alcohol and/or drug tests as determined by the SAP. The requirements of follow-up testing follow the employee through break in service (i.e., layoff, on the job injury, personal illness/injury, leave of absence, etc.). In addition, the requirements of follow-up testing follow the employee to subsequent employers. The SAP has the authority to order any number of follow up alcohol and/or urine drug test and to extend the twelve (12) month period up to sixty (60) months.

(n) **PAID FOR TIME TESTING:** Employees subject to testing and selected by the random selection process for alcohol testing shall be compensated at the regular straight time hourly rate of pay provided that the test is negative:

(1) RANDOM ALCOHOL TEST

(a) PAID FOR ALL TIME AT THE COLLECTION SITE

(b) 1. For travel time one way if the collection site is reasonably en route between the employee's home and the terminal, and the employee is going to or from work; or

(2) For travel time both ways between the terminal and the collection site, only if the collection site is not reasonably en route between the employee's home and the terminal.

(c) When an employee is on the clock and a random alcohol test is taken any time during the employee's shift, and the shift ends after eight (8) hours, the employee is paid time and one-half for all time past the eight (8) hours.

(d) The Employer will not require the city employee to go for alcohol testing before the city employee's shift, provided the collection site is open during or immediately following the employee's shift.

(e) During an employee's shift, an employee will not be required to use his/her personal vehicle from the terminal to and from the collection site to take a random alcohol test.

(f) If a road driver is called to take a random alcohol test at a time when the road driver is not en route to or from work, the driver shall be paid, in addition to all time at the collection site, travel time both ways between the location of the driver when called and the collection site with no minimum guarantee.

(2) NON-SUSPICION BASED POST-ACCIDENT TESTING:

(a) In the event of a Non-Suspicion-based Post-Accident Testing situation, where the employee has advised the Employer of the issuance of a citation for a moving violation, but the Employer does not direct the employee to be tested immediately, but sends the employee for testing at some later time (during the eight (8) hour period), the employee shall be paid for all time involved in testing, from the time the employee leaves home until the employee returns home after the test.

(b) When the Employer takes a driver out of service and directs the employee to be tested immediately, the Employer will make arrangements for the driver to return to his/her home terminal in accordance with the Supplemental Agreement.

(o) **RECORD RETENTION:** The Employer shall maintain records in a secure manner so that disclosure of information to unauthorized persons does not occur. Each Employer or its Agents is required to maintain the following records for two

(2) years.

1. Records of the inspection and maintenance of each (EBT) used in employee testing
2. Documentation of the Employer's compliance with the Quality Assurance Program for each (EBT) it uses for alcohol testing and
3. Records of the training and proficiency testing of each (BAT) used in employee testing
4. It is agreed that the parties will engage in Reasonable Suspicion Training for Forepersons and Supervisors during the term of this Agreement. Training will be conducted through Teamsters Assistance Program.

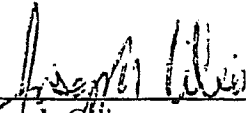
The Employer must maintain for five (5) years records pertaining to the calibration of each (EBT) used in alcohol testing, including records of the results of external calibration checks.

(P) SPECIAL GRIEVANCE PROCEDURE

- (1) The parties shall together create a Special Region Joint Area Committee consisting of an equal number of Employer and Union Representative to hear drug and alcohol related discipline disputes. All such disputes arising after the establishment of the Special Region Joint Area Committee shall be taken up between the Employer and Local Union involved. Failing adjustment by these parties, the dispute shall be heard by the Special Region Joint Area Committee within ninety (90) days of the Committee's receipt of the dispute. When the Special Region Joint Area Committee, by majority vote, settles a dispute, such decision shall be final and binding on both parties with no further appeal. Where the Special Region Joint Area Committee is unable to agree or come to a decision on a dispute, the dispute will be referred to the National Grievance Committee.**
- (2) The procedures set forth herein may be invoked only by the authorized Union Representative or the Employer.**
- (3) Any Employer requiring casual or probationary employees to have a Current Negative Drug Screen in compliance with DOT regulations, shall reimburse the employee five dollars (\$5.00) per shift. Payment shall be made on a separate check.**

FOR THE UNION:

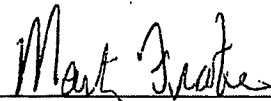
Retail Delivery Drivers,
Driver-Salesmen and Helpers
and Auto Truck Drivers
Local Union No.2785

By 
Joseph Cilia
Secretary-Treasurer


Dated 8/8/2014

By 
William Cromartie
Business Representative

Dated 7/29/14

By 
Marty Frates
Secretary-Treasurer
Teamsters Local 70

Dated 8/15/14

By 
Bill Hoyt
Secretary-Treasurer
Teamsters Local 287

Dated 7/13/14

FOR THE EMPLOYERS:

By BMKK GM/VP
Name and Title
Freeman Exposition, Inc.

Dated 8/22/14

By Jim Lylin Sr. Director LR
Name and Title
GES/Global Experience Specialists

Dated Sept 5th / 2014

By Alia K. Curtin, President
Name and Title
Curtin Convention & Exposition Services, Inc.

Dated 08.19.16

MEMORANDUM OF AGREEMENT
ADDENDUM II

By and Between

TEAMSTERS LOCAL UNION NO. 2785


TRADE SHOW INDUSTRY

RE: SAN FRANCISCO SICK LEAVE ORDINANCE

To the fullest extent permitted, this Agreement shall operate to waive any provisions of the San Francisco Paid Sick Leave Ordinance, San Francisco Administrative Code Section 12W and shall supersede and be considered to have fulfilled all requirements of said Ordinance as presently written, and or amended during the Life of this Agreement.

For the Union

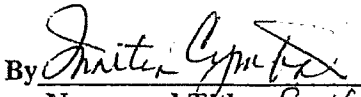
RETAIL DELIVERY DRIVERS, DRIVER-
SALESMEN & HELPERS & AUTO TRUCK
DRIVERS LOCAL UNION NO. 2785

By 
William Cromartie
Business Representative

Dated 7-22-2011

JB:WC:yb
opeiu3(50)

For The Trade Show Industry
Contractors

By 
Name and Title St. Vincent President

Dated 7/22/11

1.

MEMORANDUM OF AGREEMENT
ADDENDUM III

This Memorandum of Agreement by and between the Tradeshow Employers signatory to the Convention and Tradeshow Agreement and Teamsters Local 2785, Local 287, Local 70 constitutes an amendment to such Agreement, Under the following terms and conditions.

Local 2785 Convention and Tradeshow Agreement is hereby considered the entire Bay Area Collective Bargaining Agreement within the jurisdiction of Joint Council of Teamsters No. 7 covering workers employed at Tradeshows irrespective of such workers Local Union affiliation.

Local 287 shall establish a Tradeshow and Convention pool of twenty-five (25) existing members trained and qualified to work Tradeshows under the Agreement. Such training shall be accomplished under the direction of the Local 2785 Convention Trades Training Trust and completed within three (3) months from the effective date of this Memorandum of Agreement.

Local 287's pool are casual employees and shall be dispatched by Local 287 from the Tradeshow and Convention Pool, to the extent they are available, to Tradeshows within the geographical jurisdiction of Local 287, prior to dispatch of casual employee members of Local 2785.

Such Local 287 members shall also be eligible to work Tradeshows within the geographical jurisdiction of Local 2785 following the dispatch of available casual employee members of Local 2785. The Employer may request fifty (50) percent of the number of required workers by name. Geographical jurisdiction for purpose of this Memorandum of Agreement shall be as determined by Joint Council No. 7 and accepted by the signatory Employers. The parties recognize the Tradeshow Employers right and obligation to work their regular employees, including, but not limited to, foremen and drivers prior to employing Local 287 and Local 2785 casual employees. However, within the jurisdiction of Local 287, to the extent practicable and event specific, this number shall be limited to one (1) foreman and two (2) drivers. Qualified Local 287 casuals shall be used to fill remaining positions until the list is exhausted. Thereafter, any remaining positions may be filled by regular employees or Local 2785 casuals as applicable. Nothing herein shall be construed to require that seniority employees be placed on layoff to facilitate employment of casual employees. In the event there is no work available within the jurisdiction of Local 2785 for seniority employees, either with their own employer or another signatory employer, they may be assigned one on one to work for their regular employer within Local 287 jurisdiction.

Within the jurisdiction of Local 70 the Employers continue to reserve their right to work their regular employees. However, to the extent practicable and event specific, this shall be limited to the minimum number of required foreman and drivers. If additional forklift operators as required they shall be worked (1) on (1) with Local 70 casuals, with the first (1st) forklift position filled by Local 70. If insufficient Local 70 qualified casuals are available, remaining positions may be filled by regular employees or Local 2785 casuals as applicable.

In the event of deco material or freight delivered to any venue by drivers and helpers who are members of a Teamsters Local Union affiliated with Joint Council No. 7 and employed by a signatory Employer of such Local Union, no more than two (2) such employees may be utilized to unload or assist in the unloading of their one (1) truck or trailer at that venue.

In the event of a dispute of the implementation of this Memorandum, the Convention Trades Training Trust (CTTT) shall review the facts and circumstances of the case and render a final and binding resolution.

If the CTTT fails to reach a decision either party may elect to bypass the initial grievance procedure and submit the dispute directly to an expedited arbitration. Local 2785 may appoint a Local 287 Representative to vacancy on the CTTT.

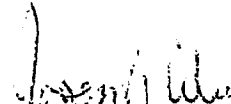
It is the intent of the parties that this Memorandum of Agreement continues and formalizes the current work practice of the below signatory Employers within the jurisdiction of Local 287 in effect since March, 2010.

This Memorandum of Agreement is applicable only to such Employer


Signatory to both the Master Agreement and this Memorandum. Further this Memorandum modifies and amends only such provisions of the current Local 2785 Convention and Tradeshow Agreement as stated herein. All other terms and conditions of such Agreement remain in full force and effect.

FOR THE UNION:

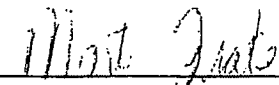
**Retail Delivery Drivers,
Driver-Salesmen and Helpers
and Auto Truck Drivers
Local Union No.2785**

By 
**Joseph Cilia
Secretary-Treasurer**

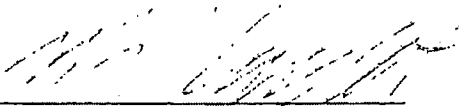
Dated 8/2/2014

By 
**William Cromartie
Business Representative**

Dated 7/29/14

By 
**Marty Frates
Secretary-Treasurer
Teamsters Local 70**

Dated 8/13/14

By 
**Bill Hoyt
Secretary-Treasurer
Teamsters Local 287**

Dated 7-31-

FOR THE EMPLOYERS:

By B. K. K. GM
Name and Title
Freeman Exposition, Inc.

Dated 8/22/14

By Phyllis M. Dredge, Ltd
Name and Title
GES/Global Experience Specialists

Dated Sept 5th / 2014

By Mike O'Connell
Name and Title
President
Curtin Convention & Exposition Services, Inc.

Dated 08.19.14

AMENDMENT TO ADDENDUM III

MEMORANDUM OF AGREEMENT RE TRADE SHOW WORK WITHIN JC-7

EFFECTIVE APRIL 1, 2014 THROUGH MARCH 31, 2017

This Amendment to Addendum III applies only to Article X Work Rules Section 1 Work Jurisdiction of page 16 of the current Collective Bargaining Agreement and relates only to work solely within the jurisdiction of Teamsters Local 287 and it is agreed and understood there is no change in or effect to the work practice of any current signatory Employers to the Bay Area Collective Bargaining Agreement within Teamsters Joint Council Number 7. The scope of this Amendment shall apply to all special events and concerts only within the jurisdiction of Local 287.

In accordance with the foregoing; Article X, Section 1, paragraph (a) is amended as follows (new language is underlined):

(a) Drive, load, unload trucks, trailers and vans; operate forklifts, electric pallet jacks or any other type of equipment used in connection with trucks: the loading and unloading of trucks, trailers and vans includes the transporting of all material from the truck, trailer or van to its final point of rest and transporting of all material from the final point of rest to the truck, trailer or van.

FOR THE UNION:

By [Signature]
Bill Hoyt
Secretary-Treasurer
Teamsters Local 287

Dated 4/13

FOR THE EMPLOYER:

By [Signature] W/G/T
Name and Title
Freeman Exposition, Inc.

Dated 4/22/14

By [Signature] SR. Director, LE
Name and Title
GES/Global Experience Specialist

Dated Sept 5th / 2014

By [Signature]
Name and Title President
Curtin Convention & Exposition Services, Inc.

Dated 08.19.14.

MEMORANDUM OF UNDERSTANDING

By and Between

TEAMSTERS LOCAL UNION 2785

and

CONVENTION AND TRADE SHOW EMPLOYERS

During the course of negotiations for the current Collective Bargaining Agreement Effective April 1, 2014 through March 31, 2017 the cost of employee Health and Welfare, specifically coverage under Plan 1-85 and the Maintenance of Benefits Provision Article XIV Section 3 was a major topic of concern.

The result of these discussions is the parties agree to review the provisions of Plan 1-85 through the Local 2785 Advisory Committee of the Teamsters Benefit Trust with intent to continue providing affordable healthcare for the members of the plan and recommending possible cost reductions where practicable and necessary to maintain the integrity and affordability of the plan. It is the intent of the parties to complete such review and present any mutually agreed changes to the full Trust within the first (1st) year of the effective date of the current Collective Bargaining Agreement in time for possible implementation in the successor Agreement.

FOR THE UNION:

FOR THE EMPLOYERS:

RETAIL DELIVERY DRIVERS,
DRIVER-SALESMEN AND
HELPERS AND AUTO TRUCK
DRIVERS LOCAL UNION NO. 2785

By

Joseph Cilia
Secretary-Treasurer

By

Blum
Name and Title
Freeman Exposition

Dated

8/21/14

Dated

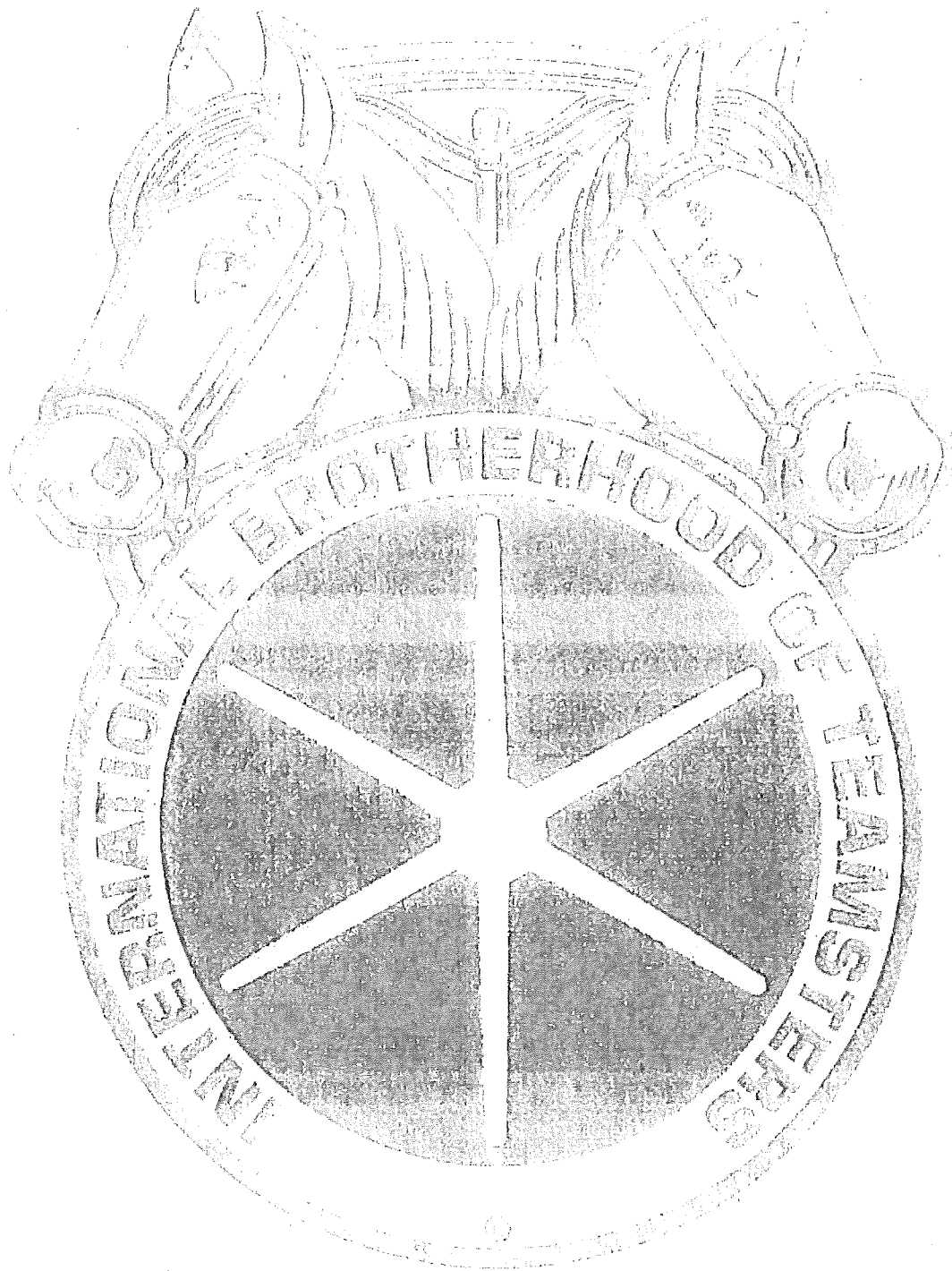
8/22/14

By [Signature] Sr. Director, LL
Name and Title
GIS/Global Experience Specialist

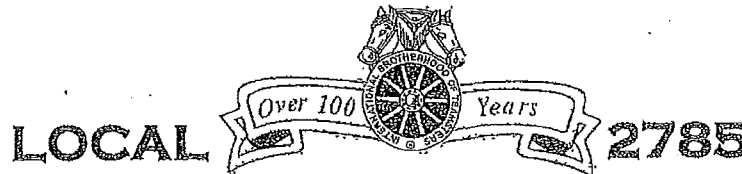
Dated Sept 5th / 2014

By [Signature]
Name and Title President
Curtin Convention & Exposition Services, Inc.

Dated 08.19.14.



**RETAIL DELIVERY DRIVERS,
DRIVER-SALESMEN AND HELPERS,
AND AUTO TRUCK DRIVERS,
SAN FRANCISCO AND SAN MATEO COUNTIES, CALIFORNIA**



5 THOMAS MELLON CIRCLE, SUITE 130 SAN FRANCISCO, CALIFORNIA 94134
(415) 467-0450 FAX (415) 467-5677

CONVENTION AND TRADE SHOW AGREEMENT 1-1-2017

BENEFITS: (Hourly and Monthly)

- \$14.68 Health and Welfare (Seniority rate \$2,543.00)
- \$ 3.55 Retirement Security Fund (RSP) July 1, 2017 (Seniority Rate \$615.25)
- \$ 8.88 Western Conference Pension Trust Fund
- \$.25 Joint Training Fund

	<u>DRIVERS</u>	<u>FOREMAN</u>
Regular	$\$35.02 + 5\% = \36.77	$\$39.41 + 5\% = \41.38
1 - ½	$\$52.53 + 5\% = \55.16	$\$59.12 + 5\% = \62.08
Double	$\$70.04 + 5\% = \73.54	$\$78.82 + 5\% = \82.76

	<u>FORKLIFT</u>	<u>HELPERS</u>
Regular	$\$34.27 + 5\% = \35.98	$\$33.95 + 5\% = \35.65
1 - ½	$\$51.41 + 5\% = \53.98	$\$50.93 + 5\% = \53.48
Double	$\$68.54 + 5\% = \71.97	$\$67.90 + 5\% = \71.30

we:mg
open(29)AFL-CIO
revised 11-2-16

Attachment 2

Summary Chart of Rates for Highest Prevailing Wages for Commercial Vehicle Loading and Unloading on City Property

From: Timothy Mathews <info@actionnetwork.org>
Sent: Tuesday, December 13, 2016 9:48 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
Subject: Support Free City College appropriation - Like WE voted for!

City Council,

I commend and thank the Board of Supervisors for pledging to make City College FREE for San Franciscans. I urge you to support the next crucial step in this process by voting yes on Supervisor Kim's ordinance to appropriate \$9 million of Real Property Transfer Tax in FY2016-2017 to fund the Community College Fund and make City College of San Francisco tuition-free for all San Francisco residents starting in 2017. This budget appropriation is a critical step to fulfill the wishes of the overwhelming majority of San Francisco voters who supported Proposition W on November 8th. Thank you in advance for your support of this important effort to expand access to higher education for all San Franciscans.

Timothy Mathews
mathews.timothy@gmail.com
716 Page Street
San Francisco, California 94117

From: Michael Conrad <info@actionnetwork.org>
Sent: Tuesday, December 13, 2016 9:46 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Michael Conrad
michaelC@gmail.com
2520 Ryan Rd., APT: 111
Concord, California 94518

From: Ann Jo Foo <info@actionnetwork.org>
Sent: Tuesday, December 13, 2016 9:36 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Ann Jo Foo
afoo333@hotmail.com
740-10th Ave
San Francisco, California 94118

From: Michele McKenzie <info@actionnetwork.org>
Sent: Tuesday, December 13, 2016 9:10 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Michele McKenzie
lakisane@yahoo.com
514 Norvell Street
El Cerrito, California 94530

From: Stephanie Levin <steph.levin@mail.ccsf.edu>
Sent: Tuesday, December 13, 2016 8:58 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Stephanie Levin
steph.levin@mail.ccsf.edu
1368 Sanchez St.
San Francisco, California 94131

From: Tonya Hough <though@ccsf.edu>
Sent: Tuesday, December 13, 2016 8:53 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Tonya Hough
though@ccsf.edu
1135 Valencia way
pacific, California 94044

From: Jenny Huang <info@actionnetwork.org>
Sent: Tuesday, December 13, 2016 8:43 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Jenny Huang
ynnejh@gmail.com
1202 21st Avenue
San Francisco, California 94122

C

From: Suzanne Martindale <info@actionnetwork.org>
Sent: Tuesday, December 13, 2016 8:30 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
Subject: Support Free City College appropriation

City Council,

Please respect the will of the voters and by implementing Prop W without delay. I was born in San Francisco and my mother took classes at City College. Today, it is more important than ever to ensure that our communities can access an education beyond High School without crushing debt.

I commend and thank the Board of Supervisors for pledging to make City College FREE for San Franciscans. I urge you to support the next crucial step in this process by voting yes on Supervisor Kim's ordinance to appropriate \$9 million of Real Property Transfer Tax in FY2016-2017 to fund the Community College Fund and make City College of San Francisco tuition-free for all San Francisco residents starting in 2017. This budget appropriation is a critical step to fulfill the wishes of the overwhelming majority of San Francisco voters who supported Proposition W on November 8th. Thank you in advance for your support of this important effort to expand access to higher education for all San Franciscans.

Suzanne Martindale
smmartindale@gmail.com
505 Alcatraz Ave Apt 14
Oakland, California 94609

From: Peggy Pang <info@actionnetwork.org>
Sent: Tuesday, December 13, 2016 8:27 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Peggy Pang
peggy.monshweyi@gmail.com
478 Arch Street
San Francisco, California 94132

From: Beth Ericson <info@actionnetwork.org>
Sent: Tuesday, December 13, 2016 8:19 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Beth Ericson
ericsonova@aol.com
258 Eden roc
Sausalito, California 94965

From: John Carrese <info@actionnetwork.org>
Sent: Tuesday, December 13, 2016 8:14 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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John Carrese
john.carrese@gmail.com
3938 Maybelle Ave.
Oakland , California 94619

From: chrisbhanson@sbcglobal.net
Sent: Tuesday, December 13, 2016 7:43 AM
To: Board of Supervisors, (BOS)
Subject: Vote today for Prop W Free City College

Please deliver this message to our Board of Supervisors in time for today's vote:

Dear Board of Supervisors,
A vote for Free City College IS a vote for homeless services.

After three years of watching City College maligned by the SF Chronicle, this morning's FRONT PAGE above the fold article, sculpting information that somewhere on the second page finally shows how the school has gone through its own records with a fine tooth comb and scrubbed itself squeaky clean--I KNOW that this article is not about City College but about the Board of Supervisors vote whether to uphold the voter mandate for the Prop W funding of free City College.

BUT the rest of the City hasn't followed the accreditation story (untold by the Chronicle) as thoroughly as I have, and when I see this type of a story all I can think is Ed Lee wants his money and he really doesn't care if he kills the school to get it. The front page headline handed more doubt about the hard work done by the school to the state and the crooked accreditor trying to close the school, all to benefit the Mayor and his budget.

---A recent study found that 1/3 of community college students are either homeless or close to homeless.
---People interviewed recently by NPR who are going to school while homeless are clear that school is their only way forward, out of poverty.
---A graduate from City College's Radiology program ENTERS THE WORKFORCE making \$120K a year.
---Those who qualify for fee waivers can attend City College for free already, yes and in order to support the programs that they will attend the school **must** have enough students and this is not happening yet—in part thanks to the anemic marketing campaign put together by administrator Jeff Hamilton WHO IS INTERVIEWED PROMINENTLY IN THIS HIT PIECE ARTICLE.

PLEASE UPHOLD THE VOTERS MANDATE FOR FREE CITY COLLEGE.

Please do not appease those in this City who would risk the future of City College to balance their own budgets and we're going to need the extra enrollment now because without Free City College, this front-page article will just about kill the school.

Please know, a vote for Free City College IS ALSO a vote for homeless services.

Sincerely,
Christine Hanson
San Francisco Voter

(

From: Wendy Kaufmyn <info@actionnetwork.org>
Sent: Tuesday, December 13, 2016 6:17 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
Subject: Support Free City College appropriation

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Wendy Kaufmyn
wendyPalestine@gmail.com
50 Phelan Avenue Mailbox S48
San Francisco, California 94112

From: Cynthia Vazquez <info@actionnetwork.org>
Sent: Tuesday, December 13, 2016 5:57 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
Subject: Support Free City College appropriation

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Cynthia Vazquez
lunaitque912@gmail.com
127 Madrid St
SF, California 94112

From: Andrew Sheppard <mediawork@eircom.net>
Sent: Tuesday, December 13, 2016 3:36 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Andrew Sheppard
mediawork@eircom.net
17 The hase, Ramsgate Village
Gorey, Washington Y25 C983

From: Muriel Parenteau <info@actionnetwork.org>
Sent: Tuesday, December 13, 2016 2:44 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
Subject: Support Free City College appropriation

City Council,

I commend and thank the Board of Supervisors for pledging to make City College FREE for San Franciscans. I urge you to support the next crucial step in this process by voting yes on Supervisor Kim's ordinance to appropriate \$9 million of Real Property Transfer Tax in FY2016-2017 to fund the Community College Fund and make City College of San Francisco tuition-free for all San Francisco residents starting in 2017. This budget appropriation is a critical step to fulfill the wishes of the overwhelming majority of San Francisco voters who supported Proposition W on November 8th. Thank you in advance for your support of this important effort to expand access to higher education for all San Franciscans.

Muriel Parenteau
Muriel764@yahoo.com
1221 Masonic Ave #1
San Francisco , California 94117

From: John Steponaitis <steponaj@takas.lt>
Sent: Tuesday, December 13, 2016 2:09 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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John Steponaitis
steponaj@takas.lt
910 Geary 20
San Francisco, California 94109-7095

From: William Mc Guire <liamcguire@comcast.net>
Sent: Tuesday, December 13, 2016 12:23 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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William Mc Guire
liamcguire@comcast.net
258 Ninth Ave.
San Francisco, California 94118

From: Tami Bryant <info@actionnetwork.org>
Sent: Tuesday, December 13, 2016 12:16 AM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
Subject: Support Free City College appropriation

City Council,

I actively campaigned for Prop W to find free CCSF, we MUST keep our word to the voters!

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Tami Bryant

tamibryant@aol.com

15 Galilee Lane #3

San Francisco, California 94115

C

From: Bruce Neuburger <info@actionnetwork.org>
Sent: Monday, December 12, 2016 11:14 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Bruce Neuburger
bruceneu@gmail.com
25 Ellington Ave
San Francisco, California 94112

From: Janet Tom <info@actionnetwork.org>
Sent: Monday, December 12, 2016 11:31 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Janet Tom
janet.tom@gmail.com
85 Western Shore Lane #3
San Francisco, California 94115

From: Nancy Mackowsky <mackowsky@earthlink.net>
Sent: Monday, December 12, 2016 11:11 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Nancy Mackowsky
mackowsky@earthlink.net
95 Red Rock Way
San francisco, California 94132

From: Felix Portillo <info@actionnetwork.org>
Sent: Monday, December 12, 2016 10:58 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Felix Portillo
fportillo94@gmail.com
115 Blanken Avenue
San Francisco, California 94134

From: Jorge A Portillo <info@actionnetwork.org>
Sent: Monday, December 12, 2016 10:56 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Jorge A Portillo
blanken1@aol.com
115 Blanken Avenue
San Francisco, California 94134-2406

From: Jimmy Xu <info@actionnetwork.org>
Sent: Monday, December 12, 2016 10:33 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Jimmy Xu
jimmyxu123@outlook.com
415-683-8957
San Francisco, California 94122

From: Gail Wechsler <info@actionnetwork.org>
Sent: Monday, December 12, 2016 10:32 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
Subject: Appropriate \$\$ for free City College

City Council,

Dear Supervisors:

Pledging to make City College free for all San Franciscans was a wonderful thing. Now, please take the critical next step and approve Supervisor Kim's proposal to appropriate \$9 million of real estate transfer tax in FY 2016-17 for the Community College Fund. This appropriation will make City College tuition free beginning in 2017, which is what I and other voters asked for when we voted on Prop W in November.

With thanks in advance,

Gail Wechsler

Gail Wechsler

gwechslerpi@yahoo.com

221 San Jose Ave Apt 5

San Francisco, California 94110

From: madeline mueller <info@actionnetwork.org>
Sent: Monday, December 12, 2016 10:21 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
Subject: Support Free Cities College appropriation

City Council,

The results of last month's election showed that City College remains the single most supported and trusted public entity in San Francisco despite unfair and illegal attacks against it by various governmental and privatizing forces, along with much completely spurious negative publicity coming from highly suspicious media sources. This especially includes the latest ludicrous hit piece in the SF Chronicle regarding CCSF's on line education, considered by many a model of excellence in the State. Shame on the Chronicle for again sinking to publishing false news!

Over 200,000 San Francisco voters (an astonishing number!) recently passed Proposition B for CCSF by a "super majority" of almost 80%. This vote of confidence is unique in San Francisco and indeed in any California city. It should serve as a warning to those who want to not support the college.

Breaking promises made to help City College students which led to the passage of Proposition W will not be tolerated by the voters of San Francisco. They will no doubt view this correctly as an attack on a much beloved Institution.

In the late 80's, CCSF won 3 campaigns against anti- City College proposals attempted by the then Mayor's Office, which also led to the defeat at that time of the incumbent. With current voter numbers still strong for the College this could certainly happen again.

I urge voting yes on Supervisor Kim's ordinance to appropriate \$9 million of Real Property Transfer Tax in FY2016-2017 to fund the Community College Fund and make City College of San Francisco tuition-free for all San Francisco residents starting in 2017. This budget appropriation is a critical step to fulfill the wishes of the overwhelming majority of San Francisco voters who supported Proposition W on November 8th. Thank you in advance for your support of this important effort to expand access to higher education for all San Franciscans.

madeline mueller

madelinenmueller@gmail.com

1163 naples

San Francisco, California 94112

From: Deborah Brooks <info@actionnetwork.org>
Sent: Monday, December 12, 2016 10:21 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Deborah Brooks
dancinggiraffe@yahoo.com
453 Holly Park Circle
San Francisco, California 94110

From: Maggie Harrison <maggaha@att.net>
Sent: Monday, December 12, 2016 10:17 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Maggie Harrison
maggaha@att.net
307 Nevada St
San Francisco, California 94110

From: cheryl rosenthal <info@actionnetwork.org>
Sent: Monday, December 12, 2016 9:36 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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cheryl rosenthal
truetolifefilms@gmail.com
112 lundys lane
san francisco, California 94110

From: Kalicia Piviotto <info@actionnetwork.org>
Sent: Monday, December 12, 2016 9:31 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Kalicia Piviotto
kalicia.piviotto@gmail.com
120 Cortland Ave
San Francisco, California 94110

From: Alan Townsend <info@actionnetwork.org>
Sent: Monday, December 12, 2016 9:17 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Alan Townsend
alantech@gmail.com
520 S. Van Ness Ave #281
San Francisco, California 94110

C

From: magdalena soul <mcrispi@mail.ccsf.edu>
Sent: Monday, December 12, 2016 9:06 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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magdalena soul
mcrispi@mail.ccsf.edu
san francisco
san francisco, California 94107

From: Lily Eng <info@actionnetwork.org>
Sent: Monday, December 12, 2016 8:52 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Lily Eng
lilyeng888@gmail.com
2247 24th Ave
San Francisco, California 94116

From: Terri Klein <info@actionnetwork.org>
Sent: Monday, December 12, 2016 8:51 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Terri Klein
turby1234@aol.com
161 Morningside Drive
San Francisco, California 94132

From: Maria Germinario <info@actionnetwork.org>
Sent: Monday, December 12, 2016 8:51 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Maria Germinario
abacuspb@hotmail.com
2247 24th Ave
San Francisco, California 94116

From: Jusef White <info@actionnetwork.org>
Sent: Monday, December 12, 2016 8:44 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Jusef White
whitejb2902@aol.com
1333 Peralta
Fremont, California 94536

From: Giovana Maria Montaño <info@actionnetwork.org>
Sent: Monday, December 12, 2016 8:41 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Giovana Maria Montaño
gio122593@gmail.com
37 Sharon Street
San Francisco , California 94114

From: Rahul Malik <info@actionnetwork.org>
Sent: Monday, December 12, 2016 8:39 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Rahul Malik
rmalik2@gmail.com
8 , Buchanan St
San Francisco, California 94102

From: pam gill <gilladmin@mac.com>
Sent: Monday, December 12, 2016 8:39 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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pam gill
gilladmin@mac.com
4072 25th street
san francisco , California 94114

From: Avni Desai <info@actionnetwork.org>
Sent: Monday, December 12, 2016 8:38 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Avni Desai
avni825@gmail.com
8 , Buchanan St
San Francisco, California 94102

From: Angelica Campos <info@actionnetwork.org>
Sent: Monday, December 12, 2016 8:36 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
Subject: Support Free City College appropriation

City Council,

I commend and thank the Board of Supervisors for pledging to make City College FREE for San Franciscans. I urge you to support the next crucial step in this process by voting yes on Supervisor Kim's ordinance to appropriate \$9 million of Real Property Transfer Tax in FY2016-2017 to fund the Community College Fund and make City College of San Francisco tuition-free for all San Francisco residents starting in 2017. This budget appropriation is a critical step to fulfill the wishes of the overwhelming majority of San Francisco voters who supported Proposition W on November 8th. Thank you in advance for your support of this important effort to expand access to higher education for all San Franciscans.

City College is loved by all and if it weren't for this school, I wouldn't be able to achieve my dreams of striving to be a social worker to give back to the homeless youth in our beloved city, many of which would benefit from free City college. Please follow through and make these underrepresented populations of the city have access to achieving their own dreams of a better life.

Angelica Campos
campos.angelica96@gmail.com
1866 48th Ave, Apt #1
San Francisco, California 94122

From: Rebecca Cervantes <info@actionnetwork.org>
Sent: Monday, December 12, 2016 8:30 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Rebecca Cervantes
rebeccasdance@yahoo.com
113 Bartlett Street
San Francisco, California 94110

From: Marco Mojica <info@actionnetwork.org>
Sent: Monday, December 12, 2016 8:28 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Marco Mojica
marcomojica_2000@yahoo.com
130 Captains Cove Dr
San Rafael, California 94903

From: Chiara Manodori <info@actionnetwork.org>
Sent: Monday, December 12, 2016 8:27 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Chiara Manodori
shimmietta@yahoo.com
926 Alabama
San Francisco, California 94110

From: Siamak Vossoughi <info@actionnetwork.org>
Sent: Monday, December 12, 2016 8:25 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Siamak Vossoughi
siamakv@yahoo.com
2930 Sacramento St. #7
San Francisco, California 94115

From: Isabelle Motamedi <imotamed@ccsf.edu>
Sent: Monday, December 12, 2016 8:20 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Isabelle Motamedi
imotamed@ccsf.edu
2616 Russell Street
Berkeley, California 94705

From: Davon Terry <info@actionnetwork.org>
Sent: Monday, December 12, 2016 8:20 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Davon Terry
davonl.terry@gmail.com
4445 3rd Street #305
San Francisco, California 94124

From: Jaime Becker <jsbecker@ucdavis.edu>
Sent: Monday, December 12, 2016 8:16 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Jaime Becker
jsbecker@ucdavis.edu
1332 67th St.
Berkeley, California 94702

From: Martin Horwitz <info@actionnetwork.org>
Sent: Monday, December 12, 2016 8:15 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Martin Horwitz
martin7ahorwitz@yahoo.com
1326 23rd Avenue
San Francisco, CA, California 94122

From: Richard Price <info@actionnetwork.org>
Sent: Monday, December 12, 2016 7:40 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Richard Price
Rwpricemd@gmail.com
111 Clifford Terrace
San Francisco, California 94117

From: Ellen Price <ellen.price@sonic.net>
Sent: Monday, December 12, 2016 7:36 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Ellen Price
ellen.price@sonic.net
111 Clifford Terrace
San Francisco, CA, California 94117-4505

From: carole fitzgerald <info@actionnetwork.org>
Sent: Monday, December 12, 2016 7:30 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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carole fitzgerald
cfitz68@hotmail.com
906 madison street
albany, California 94706

From: Clara Pinsky <clara@abdproductions.org>
Sent: Monday, December 12, 2016 7:25 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Clara Pinsky
clara@abdproductions.org
1785 Alabama St
San Francisco, California 94110

From: Lindsey Hanson <info@actionnetwork.org>
Sent: Monday, December 12, 2016 7:13 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Lindsey Hanson
glitterinyourgruel@gmail.com
1900 Gough Street
San Francisco , California 94109

From: Rachel Messer <info@actionnetwork.org>
Sent: Monday, December 12, 2016 6:01 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
Subject: Support Free City College appropriation

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Rachel Messer
messer.rachel@gmail.com
720 Capp St
San Francisco, California 94110

From: Ligia Montano <info@actionnetwork.org>
Sent: Monday, December 12, 2016 5:51 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Ligia Montano
ligiamovi@gmail.com
2718 San Bruno ave #2
San Francisco , California 94134

From: Bill Quirk <info@actionnetwork.org>
Sent: Monday, December 12, 2016 5:07 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Bill Quirk
edibleellwood@gmail.com
301 Northgate Dr
Goleta, California 93117

From: alisa messer <amesser@aft2121.org>
Sent: Monday, December 12, 2016 4:30 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
Subject: Support Free City College appropriation

City Council,

I commend and thank the Board of Supervisors for pledging to make City College FREE for San Franciscans and urge you to support the next crucial step in this process by voting yes on the \$9 million supplemental.

And we must do more: if CCSF is to be free to San Franciscans as of Fall 2017, CCSF's Chancellor Lamb has been very clear that we need to seed the fund in January with funding for the upcoming year. Students will register in the spring for Fall 2017 classes, and we should not leave them or the college hanging or worried about false promises or about how or whether the City will provide the funds.

Thank you for your continuing support of City College of San Francisco, its students, and its workers and for your support of this important effort to expand access to higher education for all San Franciscans. Let's make City College of San Francisco tuition-free!

alisa messer
amesser@aft2121.org
440 Otsego Ave
San Francisco, California 94112

From: Martin Madrigal <info@actionnetwork.org>
Sent: Monday, December 12, 2016 4:04 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); BreedStaff, (BOS); Yee, Norman (BOS); Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Board of Supervisors, (BOS)
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Martin Madrigal
titomlm@gmail.com
20 S 9th St
San José , California 95112

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Remove the Sharp Park Golf Course redevelopment from the SNRAMP
Attachments: Remove the Sharp Park Golf Course redevelopment from the SNRAMP; Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear Supervisors,

We received 2 emails similar to the one below.

-----Original Message-----

From: KnowWho Services [mailto:noreply@knowwho.services]
Sent: Thursday, December 15, 2016 9:08 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Remove the Sharp Park Golf Course redevelopment from the SNRAMP

Dear San Francisco Board of Supervisors,

I urge you to remove the Sharp Park Golf Course redevelopment project, originally known as proposal "A18", from the environmental review for San Francisco's Significant Natural Resource Area Management Plan ("SNRAMP"). If you do not, you must reject the entire SNRAMP environmental review, because the fiscal, environmental, and recreational consequences of the Sharp Park Golf Course redevelopment project are so grave that it will wipe out any and all environmental benefits proposed in all other areas affected by SNRAMP.

Sincerely,

Shelly Erceg
823 Grove St
San Francisco, CA 94117
shelly.erceg@gmail.com
4155098142

Lagunte, Richard (BOS)

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Cc: Wong, Linda (BOS)
Subject: FW: Support Free City College appropriation - File No. 161015
Attachments: Support Free City College appropriation; Support Free City College appropriation;
Support Free City College appropriation; Support Free City College appropriation;
Support Free City College appropriation

Dear Supervisors,

We have received 5 emails similar to the one below.

From: Nathan Taylor [mailto:info@actionnetwork.org]
Sent: Friday, December 16, 2016 11:08 AM
To: Mar, Eric (BOS) <eric.mar@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; BreedStaff, (BOS) <breedstaff@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Support Free City College appropriation

City Council,

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Nathan Taylor
agent.kayosweaver@gmail.com
56 Manchester St., Ste A
San Francisco, California 94110

From: Jamey Frank <jameyfrank@me.com>
Sent: Tuesday, December 13, 2016 11:40 AM
To: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Board of Supervisors, (BOS)
Subject: Re: Geary BRT

This project is a gigantic waste of money, and no one wants it!

This is why the sales tax proposition didn't pass, because SFMTA spends money on projects no one wants, in their zeal to punish drivers.

I'd vote for subway funding, but never for road diets, parking removal, bulb outs, speed bumps, parklets, or road obstacles, and untiming of traffic signals.

Motorist Torment Authority is its nickname.

--Jamey ✉

SFMTA is trying to rush their Geary BRT project through without time for the public review and comments.

[View this email in your browser](#)



Stop the Fast Tracking of the Geary BRT

Let the supervisors and Mayor know that you voted to oppose the sales tax because of these tactics being used by the SFMTA. Let them know that you oppose the fast tracking tactics of the SFMTA Geary BRT hybrid plan. Let them know that you prefer a less expensive plan that will **inconvenience Muni riders and residents less than this plan.**

WHY DOES SFMTA ALWAYS CHOOSE THE MOST EXPENSIVE WAY TO DO EVERYTHING? DIDN'T THEY GET THE MESSAGE THAT THE VOTERS ARE NOT SUPPORTING THEIR SPENDING HABITS WHEN THEY VOTED

AGAINST THE SALES TAX?

Sensible Transit Protests Rush to review Geary BRT Final EIR

The San Francisco County Transportation Authority (Transportation Authority) executives and planners have demonstrated their rejection of the will of the voters in District One by setting an unreasonable schedule in order to push through their recommended Hybrid version of the Geary BRT project, which would kill the boulevard and damage businesses. The voters of District One overwhelmingly voted for the two top women on the ballot who expressed doubt and opposition to the Hybrid option.

After a delay of almost three months in making public the final EIR for the Geary BRT late this past Friday, the Transportation Authority calls for its board to approve the final EIR and the Hybrid on January 5. This gives the public only 10 work days to review, criticize and challenge hundreds of pages of the document during the holiday season when at least two weeks are not available.

This rush to decision negates entirely the assertion that public comment is honored. Instead it is a crude maneuver to assure that the critical thinking of the new District One Supervisor will not be heard by the board. Sandra Fewer will be sworn in a mere four days later and will be handed a flawed project.

Please express your concerns immediately by email to all Supervisors because they constitute the board of the Transportation Authority. If you can, please attend the December 13 meeting of that board at 11 a.m. in Room 250 of City Hall. The agenda is attached at <http://www.sfcta.org/board-december-13-2016>.

Thank you.

David Hirtz

David Dippel

Robert Starzel

Directors of San Franciscans for Sensible

Transit www.sfsensibletransit.org

Supervisors' emails: John.Avalos@sfgov.org; London.Breed@sfgov.org;
David.Campos@sfgov.org; Aaron.Peskin@sfgov.org; Malia.Cohen@sfgov.org;
Mark.Farrell@sfgov.org; Jane.Kim@sfgov.org; Eric.L.Mar@sfgov.org;
Katy.Tang@sfgov.org; Norman.Yee@sfgov.org;
Board.of.Supervisors@sfgov.org; clerk@sfcta.org

For bullet points please see the following:

Additional points for emails or public statements December 13:

The period of review is too short to adequately review the Final EIR. The January 5 meeting should be postponed.

1. **Final EIR was published in the afternoon of Friday December**
9. Currently the Board plans to determine whether to certify the FEIR on January 5, 2017. This period of time for review is only 27 calendar days and that is only 17 working days.
2. **This period of review falls over the Christmas/Hanukah/Winter holiday season** where some members of the public (and even the Board members!) may be traveling and/or spending time with family.
3. **During these 17 days over the holidays, the BOARD MUST ALSO REVIEW the FEIR and it must be able to say that it reflects its independent judgment.**

4. **The Final EIR has many new portions and information**

- a. **Over 600 written and transcribed comment responses.** Appendix B contains 870 pages worth of comments and responses (incorrectly dated “November 2016”, it was published December 9, 2016)
- b. **The comments and responses are dense** – it took SFCTA almost a year to compile and publish them.
- c. **The December 9 package contains a proposed Statement of Overriding Considerations** -- Thus, in addition to 870 pages of comments and responses, the reviewing Board members and public must evaluate the SFCTA’s reasoning for overriding the significant impacts which this massive EIR found could not be mitigated.
- d. **The recommended alternative has modifications since the Draft EIR** -
- Thus, in addition to the comments and responses and the reasoning for overriding the conclusions, the Board members and public must understand a modified proposed alternative.

5. **Non-CEQA findings.** Beyond the CEQA document and findings, the City regulations require certain findings and assessments. **Non-CEQA findings have not been publicized or reviewed.** Again, will the Board be able to review, digest and independently arrive at all these new findings?

In short, this abbreviated period over the holidays is not enough time for the Board to meaningfully review and understand this massive document and to honestly arrive at the conclusion that this document reflects its independent professional opinion. Remember, this is not a rubber stamp.

6. **Release at holiday time is not fair** – members of the public would like to celebrate the holidays and see family and friends, not “cram” for a January 5

hearing.

7. We would like to think maybe the City didn't realize this unfortunate timing. The cynic thinks it is purposeful and that the City is acting in bad faith.

a. The Draft EIR published September 15, 2015 -- 15 months ago.

i. Why is the Board meeting on the Final scheduled so soon?

ii. Why rush now?

b. **Publishing at the holidays punishes the public who take this matter seriously and want to continue participating**

c. **Some believe the January 5 hearing is being scheduled to take advantage of the changing political landscape** -- new Board members come in on January 8. Could this rush, after 15 months between Draft and Final -- be politically motivated?

d. **Even if not politically motivated, the City is acting in bad faith by publishing over the holidays.**

Please postpone the consideration of the Final EIR until after the holidays, at least 30 days after the currently scheduled meeting.

ENUF, Eastern Neighborhoods United Front



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Save San Francisco for the Residents

Our mailing address is:

ENUF

From: Rob Francis <robert.francis@gmail.com>
Sent: Friday, December 30, 2016 12:59 PM
To: MTABoard@sfmta.com; Reiskin, Ed (MTA)
Cc: Lee, Mayor (MYR); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Board of Supervisors, (BOS); clerk@sfcta.org
Subject: Open Letter to the City Authorities: Geary BRT

Open Letter to the City Authorities:

Our plea to San Francisco city authorities is to delay the decision for 30 days and consider what you can better spend \$300 million dollars on than cutting trees and digging holes on Geary and killing more local businesses like you did on Mission Street. We need economic impact and socioeconomic impact reports on all projects that involve shifting traffic on major commercial streets.

Wasting time and taxpayer money on a \$300 million dollar boondoggle when there are thousands of homeless people on the streets who need immediate attention is a criminal act as far as many are concerned. For once the SFMTA should allow the much cheaper and less disruptive public plan to move forward. See if the public is smarter than the SFMTA. Just give us this one street to prove we can do it cheaper and get better results.

Notice there is no mention of safety here, only speeding Muni on Geary. Who ever came up with the idea of moving the BRT lanes from the curb to the center and back again? That cannot be a safe move. Already we have seen the results of merging traffic with the BRT on 3rd Street and merging bike lanes and traffic lanes without warning. What happened to merging lane warning signs? Bike lanes crossing over traffic lanes has got to be the worst way to protect cyclists.

This plan is all about moving more than \$350 million dollars of taxpayer money from our pockets into the contractors' bank accounts. Read the alternative plan and see if you don't agree that it makes sense to try a different approach.

Robert Francis
ENUF, Eastern Neighborhoods United Front

<http://sfenuf.net/>

<http://www.redcarpetmess.org/>

**San Franciscans for Sensible Transit, Inc.**

P.O. Box 210119

San Francisco,

CA-94121

VIA MAIL, FACSIMILE AND ELECTRONIC MAIL

December 12, 2016

San Francisco County Transportation Authority Board

Attn: Geary BRT

1455 Market St., 22nd Floor

San Francisco, CA 94103

GearyBRT@sfcta.org

Re: Request for Postponement of Geary Corridor Bus Rapid Transit Final
Environmental Impact Report January 5, 2017 Board Meeting

Dear San Francisco County Transportation Authority:

We write to respectfully request a postponement of the January 5, 2017 San Francisco County Transportation Authority ("SFCTA") Board meeting which has been called to address one agenda item: whether to certify the Final Environmental Impact Report ("FEIR") assessing the environmental impacts of the Geary Corridor Bus Rapid Transit project ("Geary BRT") and approve the Geary BRT. The FEIR was published on December 9, 2016.

This postponement is necessary to enable members of the public, as well as the San Francisco Board of Supervisors (the "Board"), sufficient time to review the voluminous document and supporting studies and papers. An adequate review takes more time.

There are only 17 working days between the release of the FEIR and the currently-scheduled hearing on certification of the FEIR (27 calendar days) and these days fall during the Winter Holidays – Christmas, Hanukkah, etc. – a time when most people will be spending time with family, perhaps traveling to see them. Seventeen business days over the holiday season is insufficient time to adequately review, digest, and independently consider these documents.

The FEIR contains new material, including nearly 1000 pages of:

- Appendix B -- 870 pages -- of Comments and Responses (erroneously labeled "November 2016");
- Modifications to the Draft EIR's proposed projects;
- Proposed CEQA Findings; and
- Statement of Overriding Conditions.

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COUNTY
TRANSPORTATION
AUTHORITY

Section 21083 of the California Public Resources Code provides that prior to approving a project, the lead agency shall certify that: (1) the FEIR has been completed in compliance with CEQA, (2) the FEIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the FEIR prior to approving the project; and (3) the FEIR reflects the lead agency's independent judgment and analysis. The lead agency must certify the adequacy of the FEIR and certify that the decision-making body reviewed and considered the FEIR in reaching its decision on the project. This review cannot be delegated, and the decision-making body itself must consider the information in the FEIR.

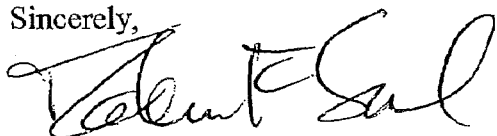
We question whether members of the Board (or anyone!) can actually review and consider the FEIR in 17 working days over the holidays. Will that review allow the Board to certify that it considered 870 pages of the public's comments and the SFCTA's responses? **The Board must certify that it performed "independent judgment and analysis."** It must take this review seriously, or else it will look like it is merely "rubber stamping" the SFCTA's work.

The SFCTA spent fifteen months between Draft and Final EIR, and delayed the publication of the FEIR several times over the last three months. Why the rush to certification?

The SFCTA is acting in bad faith by scheduling the meeting for approval of the FEIR on January 5, 2017. It knows that the public's attention is diverted by the end of the year and holidays, and it is punishing the public who cannot participate because of travel or family obligations. Calling a meeting on January 5 is a political move, designed to squelch public participation and take advantage of the changing political landscape.

There simply is no justification for a rushed schedule to certify the dense and detailed FEIR. We request you postpone the January 5, 2017 hearing date on the FEIR for at least 60 days.

Sincerely,



Robert F. Starzel, Director and Acting Secretary

cc: San Francisco Municipal Transportation Authority

From: Chris Parkes <cparkes@ieeee.org>
Sent: Tuesday, December 13, 2016 8:22 AM
To: Board of Supervisors, (BOS); clerk@sfcta.org; Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Karunaratne, Kanishka (BOS); Kelly, Margaux (BOS); Montejano, Jess (BOS); Johnston, Conor (BOS); CamposStaff, (BOS)
Subject: Request to take action at today's BOS and CTA meetings to postpone vote on Geary BRT Final EIR Scheduled for January 5

Dear Honorable Supervisors and County Transportation Authority (CTA) Directors,

At the Board of Supervisors and CTA December 13, 2016 meetings, **I urge to you to take action to formally postpone the Geary BRT Final EIR decision for a minimum of 90 days.**

There have been many lessons learned from the Van Ness BRT project process.

Many more lessons are being learned currently as the process continue to unfold. **I believe Geary will benefit greatly if the city withholds making a decision on the Geary BRT until first being informed by the Van Ness BRT process. The city intends to begin closing lanes on Van Ness this week.**

Has the city posted signs on all of the Geary trees that may be cut down from each of the EIR alternatives? If not, why not? It makes no sense to wait to post signs on the trees after their fate has been substantially determined by next month's EIR decision. Does the city want input from residents on this?

Please post signs on the Geary trees 60 days in advance of any decision on the EIR.

The EIR should require the city to document Geary project performance in meeting objectives, both positive and negative.

This should include, at a minimum, pre-project and post-project performance on:

- Transit commute time and reliability
- Car commute times
- Traffic related injuries and accidents
- Disabled and elderly transit ridership
- Multimodal traffic flow

"Vision Zero", adopted in 2014, is intended to eliminate traffic fatalities.

Recently released city statistics, however, indicate a record 38 traffic fatalities for the fiscal year ending in 2016.

Compare this to 28 in 2015 and 34 in 2014.

<http://sfgov.org/scorecards/traffic-fatalities>

The latest Vision Zero documents state the city intends to reduce injuries by reducing vehicle flow speeds. Is this what city residents want? How slow is reasonable? This appears counter to most transportation projects which target increased flow to benefit residents.

Thank you for your consideration of my input.

Sincerely,

Chris Parkes

231 States St., #4, SF

From: Patricia Pendergast <QSBQ@msn.com>
Sent: Monday, December 12, 2016 2:08 PM
To: Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Board of Supervisors, (BOS); clerk@sfcta.org; Karunaratne, Kanishka (BOS); Kelly, Margaux (BOS); Montejano, Jess (BOS); Johnston, Conor (BOS); CamposStaff, (BOS); Avalos, John (BOS)
Subject: Vote to Postpone Vote on Geary BRT Final EIR Scheduled for January 5

Dear Supervisors/Board Members of the SF County Transportation Authority,

I strongly urge you as members of the Transportation Authority to vote at your December 13, 2016, meeting to postpone your consideration of the Geary BRT Final EIR for at least 30 days after the currently scheduled SFCTA meeting on January 5, 2017.

Although the Transportation Authority delayed almost three months until this past Friday, December 9, 2016, to make public the Final EIR for the Geary BRT, it scheduled the vote to certify the FEIR for January 5, 2017. This unreasonably leaves the public and your Board only 27 calendar days and only 17 working days to review and analyze a FEIR with many new portions and information, as well as 870 pages of comments. And during this time, many interested members of the public as well as Board members and staff will be traveling or otherwise engaged in holiday celebrations with family and friends for Christmas, Hanukkah, and the New Year.

During these 17 working days over the holidays, the Board must be able to review the FEIR and be able to say that the FEIR reflects its independent judgment. The December 9 package contains a proposed Statement of Overriding Considerations. Thus, in addition to 870 pages of comments and responses, the reviewing Board members and your staff as well as the public must evaluate the SFCTA's reasoning for overriding the significant impacts which this massive FEIR found could not be mitigated. In addition, the recommended alternative has modifications to the Draft EIR. Thus, in addition to the comments and responses and the reasoning for overriding the conclusions, the Board members and your staff as well as the public must understand a modified proposed alternative. And beyond the CEQA document and findings, City regulations require certain findings and assessments. Non-CEQA findings have not been publicized or reviewed. Again, how will the Board be able to review, digest and independently arrive at all these new findings in only 17 working days?

In short, this extremely abbreviated period over the holidays is not enough time for the Board to meaningfully review and understand this massive document and to honestly arrive at the conclusion that the FEIR reflects its independent professional opinion, as the Board is not allowed to just rubber stamp this document. And there is no need to rush through the vote to certify the FEIR.

Although the draft EIR was published on September 15, 2015, it took nearly 15 months to prepare and issue the Final EIR on December 9, 2016. Release at the holidays with a certification vote 17 working days later is not fair to the public, who would like to celebrate the holidays and see family and friends, not "cram" for a January 5, 2017, hearing. This period of review is just too short for the public and the Board to adequately review the Final EIR.

In addition, new District One Supervisor Sandra Fewer will not be sworn in until after the January 5, 2017, SFCTA meeting, thus denying District One representatives the vote by their newly elected Supervisor/SFCTA Board Member on this critical District One issue.

At your December 13, 2016, meeting, please vote to postpone the vote on the Geary BRT FEIR for at least 30 days after the currently scheduled SFCTA meeting on January 5, 2017.

Sincerely,

Patricia M. Pendergast
QSBQ@msn.com

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Geary BRT EIR

From: Denise Sullivan [mailto:denisesullivan@earthlink.net]
Sent: Sunday, December 11, 2016 9:37 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; clerk@sfcta.org
Subject: Geary BRT EIR

Dear Supervisor,

Please postpone the January 5 meeting regarding the EIR on the Geary BRT.

The post-holiday timing is poor and the public awareness inadequate.

This matter needs further attention so as to avoid a red carpet boondoggle like the one we saw in the Mission.

Thank you,

Denise Sullivan
San Francisco, CA

From: Don Clark <c.don.clark@gmail.com>
Sent: Sunday, December 11, 2016 6:07 PM
To: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Board of Supervisors, (BOS); clerk@sfcta.org
Subject: Final EIR for the Geary BRT

The period of review is too short to adequately review the Final EIR. The January 5 meeting should be postponed.

1. **Final EIR was published in the afternoon of Friday December 9.** Currently the Board plans to determine whether to certify the FEIR on January 5, 2017. This period of time for review is only 27 calendar days and that is only 17 working days.
2. **This period of review falls over the Christmas/Hanukah/Winter holiday season** where some members of the public (and even the Board members!) may be traveling and/or spending time with family.
3. **During these 17 days over the holidays, the BOARD MUST ALSO REVIEW the FEIR and it must be able to say that it reflects its independent judgment.**
4. **The Final EIR has many new portions and information**
 - a. **Over 600 written and transcribed comment responses.** Appendix B contains 870 pages worth of comments and responses (incorrectly dated "November 2016", it was published December 9, 2016)
 - b. **The comments and responses are dense** – it took SFCTA almost a year to compile and publish them.
 - c. **The December 9 package contains a proposed Statement of Overriding Considerations** -- Thus, in addition to 870 pages of comments and responses, the reviewing Board members and public must evaluate the SFCTA's reasoning for overriding the significant impacts which this massive EIR found could not be mitigated.
 - d. **The recommended alternative has modifications since the Draft EIR** -- Thus, in addition to the comments and responses and the reasoning for overriding the conclusions, the Board members and public must understand a modified proposed alternative.

5. Non-CEQA findings. Beyond the CEQA document and findings, the City regulations require certain findings and assessments. **Non-CEQA findings have not been publicized or reviewed.** Again, will the Board be able to review, digest and independently arrive at all these new findings?

In short, this abbreviated period over the holidays is not enough time for the Board to meaningfully review and understand this massive document and to honestly arrive at the conclusion that this document reflects its independent professional opinion. Remember, this is not a rubber stamp.

6. **Release at holiday time is not fair** – members of the public would like to celebrate the holidays and see family and friends, not “cram” for a January 5 hearing.

7. **We would like to think maybe the City didn’t realize this unfortunate timing.** The cynic thinks it is purposeful and that the City is acting in bad faith.

a. The Draft EIR published September 15, 2015 -- 15 months ago.

i. Why is the Board meeting on the Final scheduled so soon?

ii. Why rush now?

b. **Publishing at the holidays punishes the public who take this matter seriously and want to continue participating**

c. **Some believe the January 5 hearing is being scheduled to take advantage of the changing political landscape** -- new Board members come in on January 8. Could this rush, after 15 months between Draft and Final – be politically motivated?

d. **Even if not politically motivated, the City is acting in bad faith by publishing over the holidays.**

Please postpone the consideration of the Final EIR until after the holidays, at least 30 days after the currently scheduled meeting.

From: Jim Billings <mediajim1@gmail.com>
Sent: Monday, December 12, 2016 5:26 PM
To: Board of Supervisors, (BOS); clerk@sfcta.org; Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Karunaratne, Kanishka (BOS); Kelly, Margaux (BOS); Montejano, Jess (BOS); Johnston, Conor (BOS); CamposStaff, (BOS)
Subject: Please Vote to Postpone Approval of Geary BRT Final EIR

Dear Supervisors and Board Members of the SF County Transportation Authority,

I am writing to you in your role as a member of the Transportation Authority. At tomorrow's meeting, as a key member of the Authority, I urge to vote to postpone your consideration of the Geary Street BRT Final EIR for a minimum of 30 days after the presently scheduled SFCTA meeting on January 5, 2017.

The Transportation Authority choose to not make public the Final EIR (FEIR) for the Geary BRT until this past Friday, which had been delayed for almost three months. Now the SFCTA wants a rush to judgment to approve and certify the FEIR. This prevents due consideration and review of the FEIR. By scheduling the meeting for January 5, 2017, it leaves the public and your Board only 27 calendar days and only 17 working days to review and analyze a FEIR with many new portions and information, as well as 870 pages of comments. And during this time, many interested members of the public well as Board members and staff will be traveling or otherwise engaged in holiday celebrations with family and friends for Christmas, Hanukkah, and the New Year.

During these 17 working days over the holidays, the Board must be able to review the FEIR and be able to say that the FEIR reflects its independent judgment. The December 9 package contains a proposed Statement of Overriding Considerations. Thus, in addition to 870 pages of comments and responses, the reviewing Board members and your staff as well as the public must evaluate the SFCTA's reasoning for overriding the significant impacts which this massive FEIR found could not be mitigated. In addition, the recommended alternative has modifications to the Draft EIR. Thus, in addition to the comments and responses and the reasoning for overriding the conclusions, the Board members and your staff as well as the public must understand a modified proposed alternative. And beyond the CEQA document and findings, City regulations require certain findings and assessments. Non-CEQA findings have not been publicized or reviewed. Again, how will the Board be able to review, digest and independently arrive at all these new findings in only 17 working days?

In short, this extremely abbreviated period over the holidays is not enough time for the Board to meaningfully review and understand this massive document and to honestly arrive at the conclusion that the FEIR reflects its independent professional opinion, as the Board is not allowed to just rubber stamp this document.

And there is no need to rush through the vote to certify the FEIR.

Although the draft EIR was published on September 15, 2015, it took nearly 15 months to prepare and issue the Final EIR on December 9, 2016. This period of review is just too short for the public and the Board to adequately review the Final EIR.

In addition, new District One Supervisor Sandra Fewer will not be sworn in until after the January 5, 2017, SFCTA meeting, thus denying District One representatives the vote by their newly elected Supervisor/SFCTA Board Member on this critical District One issue.

At your December 13, 2016, meeting, please vote to postpone the vote on the Geary BRT FEIR for at least 30 days after the currently scheduled SFCTA meeting on January 5, 2017.

Thank you for your assistance with this critical matter.

Sincerely,

Jim Billings

San Francisco Resident and Voter

From: Anne Chou <evergree@pacbell.net>
Sent: Monday, December 12, 2016 2:10 PM
To: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Board of Supervisors, (BOS); clerk@sfcta.org; Karunaratne, Kanishka (BOS); Kelly, Margaux (BOS); Montejano, Jess (BOS); Johnston, Conor (BOS); CamposStaff, (BOS)
Cc: bstarzel@gmail.com; evergree@pacbell.net; saveourltaravalstops@gmail.com
Subject: Sensible Transit Protests Rush to review Geary BRT Final EIR

Dear Supervisors/Board Members of the SF County Transportation Authority,

I strongly urge you as members of the Transportation Authority to vote at your December 13, 2016, meeting to postpone your consideration of the Geary BRT Final EIR for at least 30 days after the currently scheduled SFCTA meeting on January 5, 2017.

Although the Transportation Authority delayed almost three months until this past Friday, December 9, 2016, to make public the Final EIR for the Geary BRT, it scheduled the vote to certify the FEIR for January 5, 2017. This unreasonably leaves the public and your Board only 27 calendar days and only 17 working days to review and analyze a FEIR with many new portions and information, as well as 870 pages of comments. And during this time, many interested members of the public as well as Board members and staff will be traveling or otherwise engaged in holiday celebrations with family and friends for Christmas, Hanukkah, and the New Year.

During these 17 working days over the holidays, the Board must be able to review the FEIR and be able to say that the FEIR reflects its independent judgment. The December 9 package contains a proposed Statement of Overriding Considerations. Thus, in addition to 870 pages of comments and responses, the reviewing Board members and your staff as well as the public must evaluate the SFCTA's reasoning for overriding the significant impacts which this massive FEIR found could not be mitigated. In addition, the recommended alternative has modifications to the Draft EIR. Thus, in addition to the comments and responses and the reasoning for overriding the conclusions, the Board members and your staff as well as the public must understand a modified proposed alternative. And beyond the CEQA document and findings, City regulations require certain findings and assessments. Non-CEQA findings have not been publicized or reviewed. Again, how will the Board be able to review, digest and independently arrive at all these new findings in only 17 working days?

In short, this extremely abbreviated period over the holidays is not enough time for the Board to meaningfully review and understand this massive document and to honestly arrive at the conclusion that the FEIR reflects its independent professional opinion, as the Board is not allowed to just rubber stamp this document.

And there is no need to rush through the vote to certify the FEIR.

Although the draft EIR was published on September 15, 2015, it took nearly 15 months to prepare and issue the Final EIR on December 9, 2016. Release at the holidays with a certification vote 17 working days later is not fair to the public, who would like to celebrate the holidays and see family and friends, not "cram" for a January 5, 2017, hearing. This period of review is just too short for the public and the Board to adequately review the Final EIR.

In addition, new District One Supervisor Sandra Fewer will not be sworn in until after the January 5, 2017, SFCTA meeting, thus denying District One representatives the vote by their newly elected Supervisor/SFCTA Board Member on this critical District One issue.

At your December 13, 2016, meeting, please vote to postpone the vote on the Geary BRT FEIR for at least 30 days after the currently scheduled SFCTA meeting on January 5, 2017.

Sincerely,

Thank you

Anne Wang

Email: evergree@pacbell.net

From: Cautn1@aol.com
Sent: Sunday, December 11, 2016 4:25 PM
To: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Board of Supervisors, (BOS); clerk@sfcta.org
Cc: sebraleaves@gmail.com; bobf@att.net
Subject: Fwd: Geary BRT

SaveMuni

Dear Supervisors:

As you can see people are asking for more time to review the Geary BRT Final EIR. Apparently the report wasn't released until December 9th, after having taken staff almost a year to prepare. For this reason getting the matter "wrapped up" by January 5th seems a little rushed. We suggest that the matter be put over until at least February 2nd. Thank you.

Gerald Cauthen
for SaveMuni

From: sebraleaves@gmail.com
To: cautn1@aol.com
Sent: 12/11/2016 2:23:54 P.M. Pacific Standard Time
Subj: Geary BRT

SFMTA is trying to rush their Geary BRT project through without time for the public review and comments.

[View this email in your browser](#)



Stop the Fast Tracking of the Geary BRT

Let the supervisors and Mayor know that you voted to oppose the sales tax because of these tactics being used by the SFMTA. Let them know that you oppose the fast tracking tactics of the SFMTA Geary BRT hybrid plan. Let them know that you prefer a less expensive plan that will inconvenience Muni riders and residents less than this plan.

WHY DOES SFMTA ALWAYS CHOOSE THE MOST EXPENSIVE WAY TO DO EVERYTHING? DIDN'T THEY GET THE MESSAGE THAT THE VOTERS ARE NOT SUPPORTING THEIR SPENDING HABITS WHEN THEY VOTED AGAINST THE SALES TAX?

Sensible Transit Protests Rush to review Geary BRT Final EIR

The San Francisco County Transportation Authority (Transportation Authority) executives and planners have demonstrated their rejection of the will of the voters in District One by setting an unreasonable schedule in order to push through their recommended Hybrid version of the Geary BRT project, which would kill the boulevard and damage businesses. The voters of District One overwhelmingly voted for the two top women on the ballot who expressed doubt and opposition to the Hybrid option.

After a delay of almost three months in making public the final EIR for the Geary BRT late this past Friday, the Transportation Authority calls for its board to approve the final EIR and the Hybrid on January 5. This gives the public only 10 work days to review, criticize and challenge hundreds of pages of the document during the holiday season when at least two weeks are not available.

This rush to decision negates entirely the assertion that public comment is honored. Instead it is a crude maneuver to assure that the critical thinking of the new District One Supervisor will not be heard by the board. Sandra Fewer will be sworn in a mere four days later and will be handed a flawed project.

Please express your concerns immediately by email to all Supervisors because they constitute the board of the Transportation Authority. If you can, please attend the December 13 meeting of that board at 11 a.m. in Room 250 of City Hall. The agenda is attached at <http://www.sfcta.org/board-december-13-2016>.

Thank you.

David Hirtz

David Dippel

Robert Starzel

Directors of San Franciscans for Sensible Transit www.sfsensibletransit.org

Supervisors' emails: John.Avalos@sfgov.org; London.Breed@sfgov.org;
David.Campos@sfgov.org; Aaron.Peskin@sfgov.org; Malia.Cohen@sfgov.org;
Mark.Farrell@sfgov.org; Jane.Kim@sfgov.org; Eric.L.Mar@sfgov.org; Katy.Tang@sfgov.org;
Norman.Yee@sfgov.org; Board.of.Supervisors@sfgov.org; clerk@sfcta.org

For bullet points please see the following:

Additional points for emails or public statements December 13:

The period of review is too short to adequately review the Final EIR. The January 5 meeting should be postponed.

1. **Final EIR was published in the afternoon of Friday December 9.** Currently the Board plans to determine whether to certify the FEIR on January 5, 2017. This period of time for review is only 27 calendar days and that is only 17 working days.
2. **This period of review falls over the Christmas/Hanukah/Winter holiday season** where some members of the public (and even the Board members!) may be traveling and/or spending time with family.
3. **During these 17 days over the holidays, the BOARD MUST ALSO REVIEW the FEIR and it must be able to say that it reflects its independent judgment.**
4. **The Final EIR has many new portions and information**
 - a. **Over 600 written and transcribed comment responses.** Appendix B contains 870 pages worth of comments and responses (incorrectly dated "November 2016", it was

published December 9, 2016)

b. **The comments and responses are dense** – it took SFCTA almost a year to compile and publish them.

c. **The December 9 package contains a proposed Statement of Overriding Considerations** -- Thus, in addition to 870 pages of comments and responses, the reviewing Board members and public must evaluate the SFCTA's reasoning for overriding the significant impacts which this massive EIR found could not be mitigated.

d. **The recommended alternative has modifications since the Draft EIR** -- Thus, in addition to the comments and responses and the reasoning for overriding the conclusions, the Board members and public must understand a modified proposed alternative.

5. Non-CEQA findings. Beyond the CEQA document and findings, the City regulations require certain findings and assessments. **Non-CEQA findings have not been publicized or reviewed.** Again, will the Board be able to review, digest and independently arrive at all these new findings?

In short, this abbreviated period over the holidays is not enough time for the Board to meaningfully review and understand this massive document and to honestly arrive at the conclusion that this document reflects its independent professional opinion. Remember, this is not a rubber stamp.

6. **Release at holiday time is not fair** – members of the public would like to celebrate the holidays and see family and friends, not “cram” for a January 5 hearing.

7. **We would like to think maybe the City didn't realize this unfortunate timing.** The cynic thinks it is purposeful and that the City is acting in bad faith.

a. The Draft EIR published September 15, 2015 -- 15 months ago.

i. Why is the Board meeting on the Final scheduled so soon?

ii. Why rush now?

- b. **Publishing at the holidays punishes the public who take this matter seriously and want to continue participating**
- c. **Some believe the January 5 hearing is being scheduled to take advantage of the changing political landscape -- new Board members come in on January 8. Could this rush, after 15 months between Draft and Final – be politically motivated?**
- d. **Even if not politically motivated, the City is acting in bad faith by publishing over the holidays.**

Please postpone the consideration of the Final EIR until after the holidays, at least 30 days after the currently scheduled meeting.

ENUF, Eastern Neighborhoods United Front



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Save San Francisco for the Residents

Our mailing address is:

ENUF

475 Alabama Street, San Francisco, CA, United States

San Francisco, CA 94110

[Add us to your address book](#)

From: Frannysf <frannysf@mindspring.com>
Sent: Tuesday, December 13, 2016 4:58 PM
To: Board of Supervisors, (BOS); clerk@sfcta.org; Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Karunaratne, Kanishka (BOS); Kelly, Margaux (BOS); Montejano, Jess (BOS); Johnston, Conor (BOS); CamposStaff, (BOS)
Subject: Vote to Postpone Vote on Geary BRT Final EIR Scheduled for January 5

Dear Supervisors/Board Members of the SF County Transportation Authority,

I have written several letters and emails protesting any change in the 38R Geary stop at Laguna/Geary. Please retain these stops where they currently exist.

I strongly urge you as members of the Transportation Authority to vote at your December 13, 2016, meeting to postpone your consideration of the Geary BRT Final EIR for at least 30 days after the currently scheduled SFCTA meeting on January 5, 2017.

Although the Transportation Authority delayed almost three months until this past Friday, December 9, 2016, to make public the Final EIR for the Geary BRT, it scheduled the vote to certify the FEIR for January 5, 2017. This unreasonably leaves the public and your Board only 27 calendar days and only 17 working days to review and analyze a FEIR with many new portions and information, as well as 870 pages of comments. And during this time, many interested members of the public well as Board members and staff will be traveling or otherwise engaged in holiday celebrations with family and friends for Christmas, Hanukkah, and the New Year.

During these 17 working days over the holidays, the Board must be able to review the FEIR and be able to say that the FEIR reflects its independent judgment. The December 9 package contains a proposed Statement of Overriding Considerations. Thus, in addition to 870 pages of comments and responses, the reviewing Board members and your staff as well as the public must evaluate the SFCTA's reasoning for overriding the significant impacts which this massive FEIR found could not be mitigated. In addition, the recommended alternative has modifications to the Draft EIR. Thus, in addition to the comments and responses and the reasoning for overriding the conclusions, the Board members and your staff as well as the public must understand a modified proposed alternative. And beyond the CEQA document and findings, City regulations require certain findings and assessments. Non-CEQA findings have not been publicized or reviewed. Again, how will the Board be able to review, digest and independently arrive at all these new findings in only 17 working days?

In short, this extremely abbreviated period over the holidays is not enough time for the Board to meaningfully review and understand this massive document and to honestly arrive at the conclusion that the FEIR reflects its independent professional opinion, as the Board is not allowed to just rubber stamp this document.

And there is no need to rush through the vote to certify the FEIR.

Although the draft EIR was published on September 15, 2015, it took nearly 15 months to prepare and issue the Final EIR on December 9, 2016. Release at the holidays with a certification vote 17 working days later is not fair to the public, who would like to celebrate the holidays and see family and friends, not "cram" for a January 5, 2017, hearing. This period of review is just too short for the public and the Board to adequately review the Final EIR.

In addition, new District One Supervisor Sandra Fewer will not be sworn in until after the January 5, 2017, SFCTA meeting, thus denying District One representatives the vote by their newly elected Supervisor/SFCTA Board Member on this critical District One issue.

At your December 13, 2016, meeting, please vote to postpone the vote on the Geary BRT FEIR for at least 30 days after the currently scheduled SFCTA meeting on January 5, 2017.

Sincerely

Marsha Seeley
San Francisco, CA

From: Paula Katz <paulagiants@gmail.com>
Sent: Sunday, December 11, 2016 8:40 PM
To: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Board of Supervisors, (BOS); clerk@sfcta.org
Subject: Please Vote at 12/13/16 SFCTA Meeting to Postpone Consideration of the Geary BRT Final EIR for at Least 30 Days After the Scheduled January 5, 2017, Meeting

Dear Supervisors/Board Members of the SF County Transportation Authority,

I strongly urge you as members of the Transportation Authority to vote at your December 13, 2016, meeting to postpone your consideration of the Geary BRT Final EIR for at least 30 days after the currently scheduled SFCTA meeting on January 5, 2017.

Although the Transportation Authority delayed almost three months until this past Friday, December 9, 2016, to make public the Final EIR for the Geary BRT, it scheduled the vote to certify the FEIR for January 5, 2017. This unreasonably leaves the public and your Board only 27 calendar days and only 17 working days to review and analyze a FEIR with many new portions and information, as well as 870 pages of comments. And during this time, many interested members of the public as well as Board members and staff will be traveling or otherwise engaged in holiday celebrations with family and friends for Christmas, Hanukkah, and the New Year.

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In addition, new District One Supervisor Sandra Fewer will not be sworn in until after the January 5, 2017, SFCTA meeting, thus denying District One representatives the vote by their newly elected Supervisor/SFCTA Board Member on this critical District One issue.

At your December 13, 2016, meeting, please vote to postpone the vote on the Geary BRT FEIR for at least 30 days after the currently scheduled SFCTA meeting on January 5, 2017.

Sincerely,

Paula Katz

District 4 resident and District 1 shopper, restaurant diner, and visitor

**SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY
NOTICE OF AVAILABILITY
OF THE
GEARY CORRIDOR BUS RAPID TRANSIT PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT**

PROPOSED PROJECT

The San Francisco County Transportation Authority (Transportation Authority), in cooperation with the San Francisco Municipal Transportation Agency (SFMTA), has prepared a Final Environmental Impact Report (EIR) for the Geary Corridor Bus Rapid Transit (BRT) Project (project) in accordance with the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. The project is designed to improve the speed and reliability of transit service and to increase pedestrian safety along the 6.5-mile corridor served by Muni 38 Geary Local, Rapid, and Express bus routes along Geary Boulevard, Geary Street, and O'Farrell Street. Based on the analysis in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and public input, Transportation Authority and SFMTA staff identified the Hybrid Alternative as the Staff Recommended Alternative (SRA) in the Draft EIS/EIR. The Hybrid Alternative features a combination of center- and side-running bus-only lanes, as well as other project improvements. This Final EIR responds to comments received on the Draft EIS/EIR and includes analysis of several modifications to the SRA made in response to public input received. Although the Draft EIS/EIR was prepared as a joint document to satisfy the requirements of both CEQA and the National Environmental Policy Act (NEPA), the lead NEPA and CEQA agencies have agreed to pursue separate final environmental documents.

The proposed project, and specifically the SRA, would incorporate:

- **Dedicated bus lanes** separated from regular (mixed-flow) traffic to reduce delays and improve reliability.
- **Stop spacing adjustments** to improve efficiency, including relocating and removing bus stops.
- **High-quality stations**, with more room for passengers to wait, canopies for weather protection, seating, vehicle arrival time information, pedestrian-scale lighting, landscaping, and Americans with Disabilities Act (ADA) accessibility.
- **Traffic signal optimization** to improve traffic flow.
- **Improved Transit Signal Priority** to provide additional green light time for buses approaching intersections.
- **Pedestrian safety enhancements** to reduce crossing distances at intersections, increase the visibility of people walking, calm traffic, and improve crossing signals.

AVAILABILITY OF ENVIRONMENTAL DOCUMENT

The Final EIR is available at www.GearyBRT.org. CDs and hard copies of the Final EIR may be viewed and requested from the Transportation Authority at 1455 Market Street, 22nd Floor. Hard copies are also available to view at the following locations:

- San Francisco Public Library, Main Library Branch, 100 Larkin Street
- Richmond Branch Library, 351 9th Avenue
- Anza Branch Library, 550 37th Avenue
- Western Addition Branch Library, 1550 Scott Street
- SFMTA Office, 1 South Van Ness Avenue
- Planning Information Center, 1660 Mission Street, 1st Floor

PROJECT APPROVAL ACTIONS

The Transportation Authority Board will consider certification of the Final EIR, project approval, and selection of the SRA as the Locally Preferred Alternative under NEPA at a hearing on January 5, 2017. At a later date to be determined, the SFMTA Board of Directors will consider approval of legislation necessary to implement the project. The Federal Transit Administration will also consider issuance of a Final Environmental Impact Statement (EIS) and Record of Decision (anticipated Spring 2017).

For more project information and to be added to the project's email list for notifications about upcoming public meetings, visit GearyBRT.org. To view the project meeting and hearing schedule online, visit GearyCAC.org. Contact us by email at gearybrt@sfcta.org, by phone at 415.522.4800, or write to us at:

San Francisco County Transportation Authority
Attn: Geary BRT
1455 Market St., 22nd Floor
San Francisco, CA 94103.

From: Jennifer Ho <jenniferkmho@gmail.com>
Sent: Sunday, December 11, 2016 11:00 PM
To: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Board of Supervisors, (BOS); clerk@sfcta.org; Karunaratne, Kanishka (BOS); Kelly, Margaux (BOS); Montejano, Jess (BOS); Johnston, Conor (BOS); CamposStaff, (BOS)
Subject: Vote to Postpone Vote on Geary BRT Final EIR Scheduled for January 5

Dear Supervisors/Board Members of the SF County Transportation Authority,

I strongly urge you as members of the Transportation Authority to vote at your December 13, 2016, meeting to postpone your consideration of the Geary BRT Final EIR for at least 30 days after the currently scheduled SFCTA meeting on January 5, 2017.

Although the Transportation Authority delayed almost three months until this past Friday, December 9, 2016, to make public the Final EIR for the Geary BRT, it scheduled the vote to certify the FEIR for January 5, 2017. This unreasonably leaves the public and your Board only 27 calendar days and only 17 working days to review and analyze a FEIR with many new portions and information, as well as 870 pages of comments. And during this time, many interested members of the public as well as Board members and staff will be traveling or otherwise engaged in holiday celebrations with family and friends for Christmas, Hanukkah, and the New Year.

During these 17 working days over the holidays, the Board must be able to review the FEIR and be able to say that the FEIR reflects its independent judgment. The December 9 package contains a proposed Statement of Overriding Considerations. Thus, in addition to 870 pages of comments and responses, the reviewing Board members and your staff as well as the public must evaluate the SFCTA's reasoning for overriding the significant impacts which this massive FEIR found could not be mitigated. In addition, the recommended alternative has modifications to the Draft EIR. Thus, in addition to the comments and responses and the reasoning for overriding the conclusions, the Board members and your staff as well as the public must understand a modified proposed alternative. And beyond the CEQA document and findings, City regulations require certain findings and assessments. Non-CEQA findings have not been publicized or reviewed. Again, how will the Board be able to review, digest and independently arrive at all these new findings in only 17 working days?

In short, this extremely abbreviated period over the holidays is not enough time for the Board to meaningfully review and understand this massive document and to honestly arrive at the conclusion that the FEIR reflects its independent professional opinion, as the Board is not allowed to just rubber stamp this document.

And there is no need to rush through the vote to certify the FEIR.

Although the draft EIR was published on September 15, 2015, it took nearly 15 months to prepare and issue the Final EIR on December 9, 2016. Release at the holidays with a certification vote 17 working days later is not fair to the public, who would like to celebrate the holidays and see family and friends, not "cram" for a January 5, 2017, hearing. This period of review is just too short for the public and the Board to adequately review the Final EIR.

In addition, new District One Supervisor Sandra Fewer will not be sworn in until after the January 5, 2017, SFCTA meeting, thus denying District One representatives the vote by their newly elected Supervisor/SFCTA Board Member on this critical District One issue.

At your December 13, 2016, meeting, please vote to postpone the vote on the Geary BRT FEIR for at least 30 days after the currently scheduled SFCTA meeting on January 5, 2017.

Sincerely,

Jennifer

From: Jean Barish <jeanbbarish@hotmail.com>
Sent: Wednesday, December 28, 2016 4:49 AM
To: Board of Supervisors, (BOS); clerk@sfcta.org; Breed, London (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Campos, David (BOS); Yee, Norman (BOS); Karunaratne, Kanishka (BOS); Ronen, Hillary; sandra@sandrafewer.com; ahshaforsupervisor@gmail.com; Montejano, Jess (BOS); Johnston, Conor (BOS); Kelly, Margaux (BOS); Avalos, John (BOS); Angulo, Sunny (BOS); Ruiz, Dyan (BOS); chelsea@sandrafewer.com
Subject: SFCTA Consideration of Geary BRT Final EIR

Dear Supervisors/Board Members of the SF County Transportation Authority,

I strongly urge you, as members and prospective members of the San Francisco County Transportation Authority, to postpone your consideration of the Geary BRT Final Environmental Impact Report for at least thirty days after the currently scheduled SFCTA meeting on January 5, 2017.

This rush to judgement is unfair and unprecedented. The SFCTA waited almost three months, until December 9, 2016, to make public the Final EIR for the Geary BRT. It then scheduled the vote to certify the FEIR for January 5, 2017. This leaves the public and your Board only 27 calendar days and 17 working days to review and analyze a Final EIR with many new sections, new information, and 870 pages of comments. During this time, many interested members of the public well as Board members and staff will be traveling or otherwise engaged in holiday celebrations with family and friends.

This abbreviated comment period during the holidays is not long enough for either the Board or the public to meaningfully review and understand this massive document. The public deserves at least the legally required 30 day review and comment time. There is no need to rush the vote to certify this FEIR.

Additionally, this hearing will be held right before the newly elected members of the Board of Supervisors will be sworn in. One of the new Supervisors is Sandra Lee Fewer, representing District 1. This project will significantly impact her constituents. It is only fair, therefore, that she should be allowed to participate in the SFCTA review.

Instead of rushing to judgement at the expense of full and careful consideration, and in deference to Supervisor-elect Fewer and other newly elected Supervisors, I urge you to vote to continue consideration of the Final EIR for the Geary BRT for at least thirty days after the currently scheduled SFCTA meeting on January 5, 2017.

Thank you very much for your consideration.

Sincerely,

Jean B Barish

From: Corey Urban <clurban@aol.com>
Sent: Wednesday, December 14, 2016 1:43 PM
To: occexp@aol.com
Cc: clerk@sfcta.org; Tang, Katy (BOS); Avalos, John (BOS); Peskin, Aaron (BOS); Campos, David (BOS); dsheehan@sonic.net; Farrell, Mark (BOS); Cohen, Malia (BOS); Yee, Norman (BOS); Breed, London (BOS); Board of Supervisors, (BOS); bstarzel@gmail.com; Kim, Jane (BOS); Mar, Eric (BOS)
Subject: Geary BRT Final EIR - Supervisors on Break, Dec 16-31, 2016. Only 6 Days To Review Final EIR. Postponement of January 5, 2017 Meeting Necessary!

Dear Supervisors-

Since the BOS is on break from December 16-31, that leaves a total of six business days, from the Dec. 9 release, to review the Geary BRT FEIR.

There should be at least a 60-day review period for the Final EIR so that the SF BOS has full understanding. If the BOS refuses a 60-day review period, it will be obvious that there is limited, if any, understanding of the Final EIR, and any approval or disapproval of the Staff Recommended Hybrid Alternative will not have been properly assessed.

Failure to read and fully comprehend the Geary BRT FEIR is a slap in the face to the voters that made you their district supervisors.

Thank You,

Corey Urban
She'll Car Wash
3035 Geary Blvd
San Francisco, CA 94118
415-752-4171
415-722-8245 (mobile)

Sent from my Verizon 4G LTE Droid

On Dec 14, 2016 10:51 AM, Henry Karnilowicz <occexp@aol.com> wrote:

Dear supervisors,

Regarding the proposed BRT EIR.

The period of review is too short to adequately review the Final EIR. The January 5 meeting should be postponed.

1. Final EIR was published in the afternoon of Friday December 9. Currently the Board plans to determine whether to certify the FEIR on January 5, 2017. This period of time for review is only 27 calendar days and that is only 17 working days.
2. This period of review falls over the Christmas/Hanukah/Winter holiday season where some members of the public (and even the Board members!) may be traveling and/or spending time with family.
3. During these 17 days over the holidays, the BOARD MUST ALSO REVIEW the FEIR and it must be able to say that it reflects its independent judgment.

4. The Final EIR has many new portions and information
- a. Over 600 written and transcribed comment responses. Appendix B contains 870 pages worth of comments and responses (incorrectly dated "November 2016", it was published December 9, 2016)
- b. The comments and responses are dense – it took SFCTA almost a year to compile and publish them.

The December 9 package contains a proposed Statement of Overriding Considerations -- Thus, in addition to 870 pages of comments and responses, the reviewing Board members and public must evaluate the SFCTA's reasoning for overriding the significant impacts which this massive EIR found could not be mitigated.

- d. The recommended alternative has modifications since the Draft EIR -- Thus, in addition to the comments and responses and the reasoning for overriding the conclusions, the Board members and public must understand a modified proposed alternative.
5. Non-CEQA findings. Beyond the CEQA document and findings, the City regulations require certain findings and assessments. Non-CEQA findings have not been publicized or reviewed. Again, will the Board be able to review, digest and independently arrive at all these new findings?

In short, this abbreviated period over the holidays is not enough time for the Board to meaningfully review and understand this massive document and to honestly arrive at the conclusion that this document reflects its independent professional opinion. Remember, this is not a rubber stamp.

6. Release at holiday time is not fair – members of the public would like to celebrate the holidays and see family and friends, not "cram" for a January 5 hearing.
7. We would like to think maybe the City didn't realize this unfortunate timing. The cynic thinks it is purposeful and that the City is acting in bad faith.
- a. The Draft EIR published September 15, 2015 -- 15 months ago.
 - i. Why is the Board meeting on the Final scheduled so soon?
 - ii. Why rush now?
- b. Publishing at the holidays punishes the public who take this matter seriously and want to continue participating
- c. Some believe the January 5 hearing is being scheduled to take advantage of the changing political landscape -- new Board members come in on January 8. Could this rush, after 15 months between Draft and Final – be politically motivated?
- d. Even if not politically motivated, the City is acting in bad faith by publishing over the holidays.

Please postpone the consideration of the Final EIR until after the holidays, at least 30 days after the currently scheduled meeting.

Henry Karnilowicz
President
San Francisco Council of District Merchants Associations

1019 Howard Street
San Francisco, CA 94103-2806
415.420.8113 cell
415.621.7583 fax

From: Henry Karnilowicz <occexp@aol.com>
Sent: Wednesday, December 14, 2016 10:51 AM
To: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Board of Supervisors, (BOS); clerk@sfcta.org
Cc: bstarzel@gmail.com; dsheehan@sonic.net; clerk@sfcta.org
Subject: Sensible Transit Protests Rush to review Geary BRT Final EIR - Re; postpone the Jan. 5th meeting- <http://www.sfcta.org/board-december-13-2016>.

Dear supervisors,

Regarding the proposed BRT EIR.

The period of review is too short to adequately review the Final EIR. The January 5 meeting should be postponed.

1. Final EIR was published in the afternoon of Friday December 9. Currently the Board plans to determine whether to certify the FEIR on January 5, 2017. This period of time for review is only 27 calendar days and that is only 17 working days.
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Henry Karnilowicz
President
San Francisco Council of District Merchants Associations

1019 Howard Street
San Francisco, CA 94103-2806
415.420.8113 cell
415.621.7583 fax

From: Dani Sheehan-Meyer <dsheehan@sonic.net>
Sent: Wednesday, December 14, 2016 8:42 AM
To: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Board of Supervisors, (BOS); clerk@sfcta.org
Cc: bstarzel@gmail.com
Subject: Sensible Transit Protests Rush to review Geary BRT Final EIR -Re; postpone the Jan. 5th meeting- <http://www.sfcta.org/board-december-13-2016>.

The period of review is too short to adequately review the Final EIR. The January 5 meeting should be postponed.

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- new Board members come in on January 8. Could this rush, after 15 months between Draft and Final – be politically motivated?
 - d. Even if not politically motivated, the City is acting in bad faith by publishing over the holidays.

Please postpone the consideration of the Final EIR until after the holidays, at least 30 days after the currently scheduled meeting.

Come visit Noe Valley! We are happy to be your hosts.

DANI SHEEHAN-MEYER

Cliche’ Noe Gifts + Home

4175 24th Street

SF, CA 94114

cell 707.486.3387

www.clichenoe.com

<http://www.facebook.com/clichenoe>



From: Josh Miller <heathens.radio@gmail.com>
Sent: Wednesday, December 07, 2016 3:19 PM
To: Board of Supervisors, (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS)
Subject: Protecting Artists and Tenants after the Ghost Ship tragedy

Dear SF Board of Supervisors Members,

We need to pass an emergency law allowing right of return for tenants of warehouses/live-work spaces that are non-compliant with fire codes in San Francisco.

We also need some sort of amnesty for unpermitted living units.

We should backdate the occupancy so that unscrupulous people can't try to swoop in.

In San Francisco we've seen this happen at 1061 Market street, 1049 Market St, and countless other spaces.

In Berkeley we've seen the Drayage Building, a long-time (3 decade) artist warehouse, being evicted for fire codes and the owner demolished the building and now it's market rate units.

In Oakland we've seen this happen to Ghost Town Gallery and 1919 Market (along with many other artist spaces).

UNLESS there is a change in building codes allowing for reoccupancy, this tragedy will lead to even more artists pushed out of our communities.

More warehouses than you'd think actually DO have sprinklers and fire extinguishers, but many do not. Landlords get cold feet and suddenly evict long-time residents in unpermitted units, resulting in even more creative people leaving the area.

Yours,
Josh Miller

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Evans, Derek
Subject: FW: Letter in Support of John Hamasakie for SFPD Commissioner, scheduled on Monday Dec 12, 2016
Attachments: 1523111_1.pdf

From: Petra DeJesus [mailto:pdejesus@kazanlaw.com]
Sent: Friday, December 09, 2016 3:29 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: johnhamasaki@gmail.com
Subject: Letter in Support of John Hamasakie for SFPD Commissioner, scheduled on Monday Dec 12, 2016

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To reply to our email administrator directly, send an email to postmaster@kazanlaw.com.



December 9, 2016

San Francisco Board of Supervisors

Board.of.Supervisors@sfgov.org

Via Email

Re: In support of the appointment of John Hamasaki to the Police Commission

Dear San Francisco Board of Supervisors:

I am writing in support of John Hamasaki's application to serve on the San Francisco Police Commission. I know John as an attorney and an individual who is dedicated to serving the diverse communities of San Francisco in the criminal justice system. John has dedicated his career to defending civil rights and civil liberties, giving voice to those who need it most. Through this work, John has maintained close working relationships with the courts, prosecutors and law enforcement, and has seen first-hand the challenges facing the Commission. I believe that this background, training, and experience makes him uniquely qualified to serve on the Commission.

I currently sit on the SF Police Commission and know how important the policy issues are and how they affect all of our citizens. I also believe we need diversity of opinions on the commission as well as someone that works every day with the SF Police Department and understands how the department interacts with our citizens, especially our minority citizens. John has a different view of how the department operates in the field and understands how implicit bias affects the officers in many different neighborhoods.

Like many people, I believe that the San Francisco Police Department can be a national model in policing and police reform. But I am also realistic that it is going to take hard work and difficult choices to get us there. I trust John to sit down with community members, law enforcement and service organizations to help heal the divide and restore trust and faith in our justice system.

John has an excellent reputation as a leader in the legal community, sitting on the boards of the Asian American Bar Association, the Barristers Club of the Bar Association of San Francisco, and the California Attorneys for Criminal Justice. He is also a member of the Legislative Committee of CACJ helping fight against mass incarceration and for a fairer criminal justice system. He has put on programs on race, policing and implicit bias in the legal system, topics that will inform and guide his work as a commissioner. John has focused much of his work in the legal associations advocating for diversity and inclusivity within the law.

For five years, John helped lead the College Track Mock Trial Program, a program based in the Bayview neighborhood helping coach underserved primarily minority students learn rules of evidence, courtroom presentation and lawyering. He also continues to mentor law students to

help prepare them to become attorneys and work within the justice system to make positive change.

John has dedicated his life to serving underrepresented communities in the San Francisco and the throughout the Bay Area. He has built an excellent reputation for his hard work, dedication, and compassion for everyone involved in the justice system from his clients, to victims, to law enforcement, prosecutors, court staff and the judiciary.

I believe that the choice of a new commissioner can have serious consequences for many minority communities. If we don't begin to follow the lead of the Department of Justice and implement real reform within the SFPD, we are putting our City and our officers at risk. I have faith in John to make the right decisions to provide the police with the right tools and training in order to save lives and stay safe.

Respectfully,

Petra DeJesus

Petra DeJesus

SF Police Commissioner

* For Identification Purposes Only

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Evans, Derek
Subject: FW: John Hamasaki's Appointment to the San Francisco Police Commission

-----Original Message-----

From: steven rease [mailto:reasecriminaldefense@gmail.com]
Sent: Thursday, December 08, 2016 3:14 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: John Hamasaki <john@hamasakilaw.com>
Subject: John Hamasaki's Appointment to the San Francisco Police Commission

Dear Board of Supervisors:

It is with great pleasure and without reservation that I welcome this opportunity to recommend to you that you appoint John Hamasaki to the San Francisco Police Commission.

I have known John for several years through our mutual volunteer work with California Attorneys for Criminal Justice (CACJ). CACJ is California's leading voice on criminal justice issues from the perspective of the criminal defense bar. Our organization has over 100 members statewide and I am proud to say that John is one of them.

John is a thoughtful, dedicated, bright and hard working attorney. In my dealings with him through CACJ I have seen his skills concerning legal issues that would undoubtedly come before the Police Commission. John would bring a clear, compassionate and concerned voice to the Commission and the public for which it serves.

John's many years as a criminal defense attorney will also bring to the Commission an important perspective on the issues that will be of great value to the work before the Commission and allow it to perhaps have a better understanding of those issues.

I have been a criminal defense attorney since 1980. Currently I am Vice-President of CACJ. I am also the Co-Chairperson of CACJ's Legislation Committee which plays an active role in the Legislative branch of California government.

I thank you for the opportunity to speak to you on behalf of John Hamaski's appointment to the Police Commission. Please feel free to contact me if you have any questions.

Steven J. Rease
Attorney at Law
150 W. Gabilan Street, Suite 4
Salinas, CA 93901
Phone: (831) 204-0888
Fax: (831) 422-9913

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Evans, Derek
Subject: FW: Letter of recommendation for John Hamasaki from Jeff Adachi
Attachments: rechamasaki1.pdf

From: Aparton, Tamara (PDR)

Sent: Friday, December 09, 2016 10:45 AM

To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

Cc: john@hamasakilaw.com; Adachi, Jeff (PDR) <jeff.adachi@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Evans, Derek <derek.evans@sfgov.org>; Quizon, Dyanna (BOS) <dyanna.quizon@sfgov.org>; Pagoulatos, Nickolas (BOS) <nickolas.pagoulatos@sfgov.org>; Chan, Yoyo (BOS) <yoyo.chan@sfgov.org>; Chicuata, Brittni (BOS) <brittni.chicuata@sfgov.org>; Hsieh, Frances (BOS) <frances.hsieh@sfgov.org>; Pollock, Jeremy (BOS) <jeremy.pollock@sfgov.org>; Rubenstein, Beth (BOS) <beth.rubenstein@sfgov.org>; AvalosStaff, (BOS) <avalosstaff@sfgov.org>; Roxas, Samantha (BOS) <samantha.roxas@sfgov.org>; Johnston, Conor (BOS) <conor.johnston@sfgov.org>; Dilger, Rosie (BOS) <rosie.dilger@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Chung Hagen, Sheila (BOS) <sheila.chung.hagen@sfgov.org>; Goossen, Carolyn (BOS) <carolyn.goossen@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Hepner, Lee (BOS) <lee.hepner@sfgov.org>; Karunaratne, Kanishka (BOS) <kanishka.karunaratne@sfgov.org>; Kelly, Margaux (BOS) <margaux.kelly@sfgov.org>; Montejano, Jess (BOS) <jess.montejano@sfgov.org>; Ang, April (BOS) <april.ang@sfgov.org>; Lopez, Barbara (BOS) <barbara.lopez@sfgov.org>; Lee, Ivy (BOS) <ivy.lee@sfgov.org>; Taylor, Adam (BOS) <adam.taylor@sfgov.org>; Cretan, Jeff (BOS) <jeff.cretan@sfgov.org>; Power, Andres <andres.power@sfgov.org>; Maybaum, Erica (BOS) <erica.maybaum@sfgov.org>; Choy, Jarlene (BOS) <jarlene.choy@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>

Subject: Letter of recommendation for John Hamasaki from Jeff Adachi

Dear Board of Supervisors,

Attached, please find a letter of recommendation from SF Public Defender Jeff Adachi for John Hamasaki for a position on the San Francisco Police Commission.

Best,

Tamara Barak Aparton
Communication and Policy Assistant
San Francisco Public Defender's Office
415-575-4390
tamara.aparton@sfgov.org

SAN FRANCISCO PUBLIC DEFENDER

JEFF ADACHI – PUBLIC DEFENDER
MATT GONZALEZ – CHIEF ATTORNEY



December 9, 2016

San Francisco Board of Supervisors
Board.of.Supervisors@sfgov.org
Via Email

Re: In support of the appointment of John Hamasaki to the Police Commission

Dear San Francisco Board of Supervisors:

I am writing in support of John Hamasaki's application to serve on the San Francisco Police Commission. I know John as an attorney and an individual who is dedicated to serving the diverse communities of San Francisco in the criminal justice system. John has dedicated his career to defending civil rights and civil liberties, giving voice to those who need it most. Through this work, John has maintained close working relationships with the courts, prosecutors, public defenders and law enforcement, and has seen first-hand the challenges facing the Commission. I believe that this background, training, and experience makes him uniquely qualified to serve on the Commission.

I have served as elected Public Defender of the City and County of San Francisco since March 2002 and worked as a deputy public defender in San Francisco for 15 years. From 1998-2001, I served as the Chief Attorney of the office. I have been a critic of police misconduct and lack of accountability, and an enthusiastic supporter of police reform measures such as crisis intervention training and body cameras.

Our office represents more than 23,000 people each year who are charged with misdemeanor and felony offenses. Fair and honest policing is crucial to their right to impartial justice.

Like many people, I believe that the San Francisco Police Department can be a national model in policing and police reform. But I am also realistic that it is going to take hard work and difficult choices to get us there. I trust John to sit down with community members, law enforcement and service organizations to help heal the divide and restore trust and faith in our justice system.

John has an excellent reputation as a leader in the legal community, sitting on the boards of the Asian American Bar Association, the Barristers Club of the Bar Association of San Francisco, and the California Attorneys for Criminal Justice. He is also a member of the Legislative Committee of CACJ helping fight against mass incarceration and for a fairer criminal justice system. He has put on programs on race, policing and implicit bias in the legal system, topics that will inform and guide his work as a commissioner. John has focused much of his work in the legal associations advocating for diversity and inclusivity within the law.

Adult Division - HOJ
555 Seventh Street
San Francisco, CA 94103
P: 415.553.1671
F: 415.553.9810
www.sfpublicdefender.org

Juvenile Division - YGC
375 Woodside Avenue, Rm. 118
San Francisco, CA 94127
P: 415.753.7601
F: 415.566.3030

Juvenile Division - JJC
258A Laguna Honda Blvd.
San Francisco, CA 94116
P: 415.753.8174
F: 415.753.8175

Clean Slate
P: 415.553.9337
www.sfpublicdefender.org/services

Community Justice Center
P: 415.202.2832
F: 415.563.8506

Bayview Magic
P: 415.558.2428
www.bayviewmagic.org

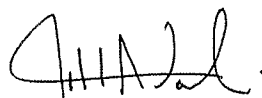
MoMagic
P: 415.567.0400
www.momagic.org

For five years, John helped lead the College Track Mock Trial Program, a program based in the Bayview neighborhood helping coach underserved primarily minority students learn rules of evidence, courtroom presentation and lawyering. He also continues to mentor law students to help prepare them to become attorneys and work within the justice system to make positive change.

John has dedicated his life to serving underrepresented communities in the San Francisco and the throughout the Bay Area. He has built an excellent reputation for his hard work, dedication, and compassion for everyone involved in the justice system from his clients, to victims, to law enforcement, prosecutors, court staff and the judiciary.

I believe that the choice of a new commissioner can have real life and death consequences. If we don't begin to follow the lead of the Department of Justice and implement real reform within the SFPD, we are putting our City and our officers at risk. I have faith in John to make the right decisions to provide the police with the right tools and training in order to save lives and stay safe.

Respectfully,

A handwritten signature in black ink, appearing to read "Jeff Adachi".

Jeff Adachi
San Francisco Public Defender

CC: Alisa.Somera@sfgov.org, Derek.Evans@sfgov.org, Dyanna.Quizon@sfgov.org, Nickolas.Pagoulatos@sfgov.org, Yoyo.Chan@sfgov.org, Brittnei.Chicuata@sfgov.org, Frances.Hsieh@sfgov.org, Jeremy.Pollock@sfgov.org, Beth.Rubenstein@sfgov.org, AvalosStaff@sfgov.org, Samantha.Roxas@sfgov.org, Conor.Johnston@sfgov.org, Rosie.Dilger@sfgov.org, Hillary.Ronen@sfgov.org, sheila.chung.hagen@sfgov.org, Carolyn.Goossen@sfgov.org, Sunny.Angulo@sfgov.org, Connie.Chan@sfgov.org, Lee.Hepner@sfgov.org, Kanishka.Karunaratne@sfgov.org, Margaux.Kelly@sfgov.org, Jess.Montejano@sfgov.org, April.Veneracion@sfgov.org, Barbara.Lopez@sfgov.org, Ivy.Lee@sfgov.org, Adam.Taylor@sfgov.org, Jeff.Cretan@sfgov.org, Andres.Power@sfgov.org, Erica.Maybaum@sfgov.org, Jarlene.Choy@sfgov.org, Jen.Low@sfgov.org

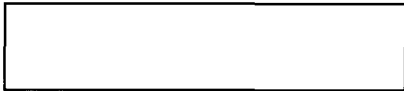
From: Board of Supervisors, (BOS)
To: Evans, Derek
Subject: File 161307 FW:Police oh
Attachments: Letter on behalf of Hamasaki.pdf

From: Asit Panwala [mailto:asit@panwalalaw.com]
Sent: Monday, December 12, 2016 4:08 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Police oh

Dear Board of Supervisors,

On behalf of the South Asian Bar Association of Northern California, we endorsed John Hamasaki for the police commission. Attached is a letter on his behalf.

Yours,
Asit Panwala



4 Embarcadero Center, Suite 1400
San Francisco, CA 94111
(415) 766-3526



December 12, 2016

San Francisco Board of Supervisors
Board.of.Supervisors@sfgov.org

On behalf of the South Asian Bar Association of Northern California, I am writing to support John Hamasaki's application for the San Francisco Police Commission. He is an experienced criminal defense attorney who worked with and on behalf of the community. He is not only a member of the National Lawyers Guild, but has also served as a mock trial coach for the past five years for high school students who would be the first in their family to attend college. I coached alongside with him for one year and saw his commitment to the program. Mr. Hamasaki has dedicated his career to civil rights and liberties, while speaking on behalf of those who lack power in our criminal justice system.

Our organization was the first South Asian Bar Association in the country, and staffs law clinics and is a voice for our community. In our post-9-11 world, our concerns have been heightened by instances when law enforcement has targeted members of our community because of their religion, appearance or background. It is important to us that we continue to strive to have a police department that reflects our diversity as a city and strives to be just in its encounters with the public.

Mr. Hamasaki has been an active member of Asian American Bar Association, Bar Association of San Francisco, and California Attorneys for Criminal Justice. On the legislative committee for California Attorneys for Criminal Justice, he advocated for a fairer criminal justice system and against mass incarceration. This is a crucial time in the evolution of our police department, and we hope that you consider Mr. Hamasaki for commissioner on the police commission.

Yours,

Asit Panwala
SABA-NC, Endorsement Chair

From: Amanda Schapel <aschapel@gmail.com>
Sent: Wednesday, December 07, 2016 10:10 PM
To: Tang, Katy (BOS); Mar, Eric (BOS); Cohen, Malia (BOS); Board of Supervisors, (BOS)
Cc: Quizon, Dyanna (BOS); Pagoulatos, Nickolas (BOS); Chan, Yoyo (BOS); Chicuata, Brittnei (BOS); Evans, Derek; Somera, Alisa (BOS)
Subject: Letter in support of John Hamasaki for Police Commision - Rules Committee 12/8/2016
Attachments: BOS letter.pdf

Please see the attached letter of support of John Hamasaki, applicant for the Police Commission, File # 161307 (Rules Committee hearing 12/8/2016).

Amanda Schapel
760 Treat Avenue #1
San Francisco, CA 94110
aschapel@gmail.com

December 7, 2016

Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Dear Members of the Board of Supervisors:

I am writing to support John Hamasaki's candidacy for member of the San Francisco Police Commission. I live in the Mission District and have been a San Francisco resident for six years. I currently work as an attorney for the Social Security Administration. I am a former Member of the Lawyers' Committee for Civil Rights and I served on the board of directors for the AIDS Legal Referral Panel for four years. I see San Francisco police working hard and being engaged in the community. But I am also gravely concerned by recent incidents of officer-involved killings that have left many mourning and hurting in my neighborhood. I support John because he will work hard to help restore trust in SFPD.

I know John because we volunteered together with the College Track mock trial program. The Bar Association of San Francisco's Justice & Diversity Center runs a mock trial program for San Francisco high school students. John helped to establish a team associated with the nonprofit College Track, which is based in the Bayview and helps students from underserved communities. The students John coached were facing all kinds of challenges. Undocumented status, the foster care system, discrimination, underfunded schools, lack of support. John spent many hours with the students—teaching them about the criminal justice system, challenging them to think critically, and inspiring them with his own passion for lawyering.

John's volunteer coaching demonstrates his commitment to work for positive change in the community. Many of the students John coached are now the first in their families to go to college. They had the chance to put on a suit and argue in a real courtroom, and John was there to cheer them on. That kind of work takes time but it makes a big difference. John cares and he will do the work, and that is why I urge you to appoint John to the Police Commission.

Sincerely,

Amanda Schapel

BOS-11, Rules
Opagl

To: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Kim, Jane (BOS); Peskin, Aaron (BOS); Yee, Norman (BOS); Farrell, Mark (BOS)
Subject: 2 Letters in Support of Julie Soo for Police Commission
Attachments: FW: Julie Soo for Police Commission Letter from Chris Chow; FW: Letter of support for Julie D. Soo for Police Commission.

From: Calvillo, Angela (BOS)
Sent: Wednesday, December 07, 2016 3:46 PM
To: Board of Supervisors, (BOS)
Subject: FW: Julie Soo for Police Commission Letter from Chris Chow
Attachments: Julie Soo for Police Commission Letter of Support From C. Chow 12062016.pdf

From: Christopher Chow [mailto:chowcenter@gmail.com]
Sent: Tuesday, December 06, 2016 9:15 PM
To: Tang, Katy (BOS) <katy.tang@sfgov.org>
Cc: Mar, Eric (BOS) <eric.mar@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Evans, Derek <derek.evans@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Julie Soo for Police Commission Letter from Chris Chow

Dear Supervisor Tang,

Please see below my letter supporting the appointment of Julie D. Soo to serve on the San Francisco Police Commission (signed, printable copy is attached).

December 6, 2016

Hon. Katy Tang, Chair, Rules Committee

Board of Supervisors

City Hall

San Francisco, CA 94102

Cc: Hon. Eric Mar (District 1), Hon. Malia Cohen (District 10)

Dear Supervisor Tang,

My name is Christopher Chow. I am a lifelong San Franciscan who lives and works in our great city. My wife Mary and I own and operate a small business, Chow Associates, a job and immigration services agency with offices in Chinatown and the Richmond District. Our son studies at a public high school. I was the first Asian American television news reporter in San Francisco (KPIX, 1970), the first Commission Secretary and Public

Outreach Coordinator for the Commission and Department of the Environment (1997), and a former Director of the Richmond Village Beacon Youth Center (2006).

As a colleague and ally on many issues for more than 20 years I strongly support Ms. Julie D. Soo to serve on the San Francisco Police Commission.

Julie Soo is a civic-minded, community-based public servant who cares a great deal about protecting the people of San Francisco, and the people who come to San Francisco, from violence, crime and injustice. She cares deeply for the rule of law, equal justice under the law, and equal access to the law by the people it is dedicated to serve.

As a fourth-generation San Franciscan she has grown up with a multicultural perspective, witnessed, experienced and participated in the demographic, social and political changes of San Francisco in the last 40 years, arguably the most aspirational, conscientious, contentious, and accomplished justice-seeking period in our history. In the most recent past two years our City, state and nation have been rocked by issues and controversies in community and police relations and interactions, most acutely concerning officer-involved shootings of civilians. Our Police Commission is tasked with setting policy and providing guidance and support to the men and women who serve to protect us from violence and injustice. It is tasked to do so in a climate of increasingly bitter divisiveness among parts of our community. It is a huge task made more difficult by the diversity and disparities of our society. Thus it is important to empower the Commission with members who have the skills, knowledge, experience and dedication to carry out their responsibilities.

Julie D. Soo, J.D., is one such person who should be appointed to serve on the San Francisco Police Commission.

Julie Soo is well qualified, well-equipped and well-grounded to contribute to the Police Commission's role in guiding the San Francisco Police Department to protect and serve the people of San Francisco. Her professional career and public service to boards, commissions and ad hoc groups are clear and substantial evidence of that.

She is an attorney with experience in enforcing the state's insurance laws and regulations and in outreaching to racial, linguistic and cultural minority populations of California. Upon receiving her law degree she became a public arbitrator for the Financial Regulatory Authority (FINRA is a non-governmental, non-profit, independent organization authorized by Congress to protect America's investors by making sure the securities industry (firms, agents, brokers, etc.,) operates fairly and honestly. This required her to listen to all sides and weigh the facts in light of the rules. In her current position as senior staff counsel for the California Department of Insurance, she has helped to protect consumers and businesses by prosecuting perpetrators of insurance fraud and other violations and advising the Insurance Department on culturally-appropriate and linguistic public outreach and education. These responsibilities required someone with investigatory, mediation and

enforcement skills - skills and experience that would serve someone well on the Police Commission. Ms. Soo has met these requirements outstandingly.

Julie Soo is a former journalist with Asian Week and film producer collaborating on the film , "14: Dred Scott, Wong Kim Ark & Vanessa Lopez," connecting the importance and relevance of the Fourteenth Amendment and the concept of birthright citizenship to the present day. This demonstrates her commitment to and abilities in educating the public about important issues.

As a former president of the San Francisco Commission on the Status Women Ms. Soo led that body in promoting gender equity in the workplace and addressing violence against women. At her request the Commission on the Status of Women held a joint meeting with the Police Commission to shed light on San Francisco's response to domestic and family violence, including the new JUSTIS computer case management system, data collection, and language assistance for victims. This is evidence of her leadership, her collegiality and effectiveness.

Julie Soo's public service most recently and relevantly has focused on work against violence and human trafficking. In 2013 the Asian Women's Resource Center gave her the "Outstanding Giving Back Award" for promoting cultural and linguistic services to families affected by domestic violence and human trafficking. In 2014 she helped to convene a conference on "Exploring the Hidden Epidemic of Human Trafficking" as a co-chair of the San Francisco Collaborative Against Human Trafficking. In 2015, the Korean American Journalists Association bestowed a "Best Community Leader Award" for her work with the Comfort Women Justice Coalition in recognizing the injustices against comfort women (civilian Asian women forced into sexual slavery) as part of mainstream World War II history in the public schools. With her help, the Justice Coalition gained a unanimous resolution by the Mayor and Board of Supervisors for a permanent memorial in San Francisco.

Ms. Soo's public service record is well-rounded. She has served as a legislative aide and advisor to members of the Board of Supervisors working on such matters as the . She is a board member of the Chinese Historical Society of America and has served on National Asian Pacific American Bar Association's Civil Rights Committee, the Board of Trustees for Saint Francis Memorial Hospital, the board of the Asian Law Caucus (now Asian Americans Advancing Justice), and the Insurance Commissioner's Health Care Task Force.

Julie Soo would be a valuable and effective member of the San Francisco Police Commission with her community credibility, public service experience and collaborative accomplishments. Her experience and expertise in community outreach and her ability to converse in Chinese would be efficacious assets to the Commission as it continues to engage and communicate with the various constituencies of our San Francisco community.

Her passion for justice and safety under the law is an admirable quality that would serve our San Francisco Police Commission well.

Please appoint Ms. Julie D. Soo to the San Francisco Police Commission as soon as possible.

Thank you very much.

Sincerely,

Christopher Chow

Christopher Chow

Chow Associates

307 6th Avenue, San Francisco, CA 94118

(415) 298-7662

Christopher Chow
379 12th Avenue, San Francisco, CA 94118

December 6, 2016

Hon. Katy Tang, Chair, Rules Committee
Board of Supervisors
City Hall
San Francisco, CA 94102

Cc: Hon. Eric Mar (District 1), Hon. Malia Cohen (District 10)

Dear Supervisor Tang,

My name is Christopher Chow. I am a lifelong San Franciscan who lives and works in our great city. My wife Mary and I own and operate a small business, Chow Associates, a job and immigration services agency with offices in Chinatown and the Richmond District. Our son studies at a public high school. I was the first Asian American television news reporter in San Francisco (KPIX, 1970), the first Commission Secretary and Public Outreach Coordinator for the Commission and Department of the Environment (1997), and a former Director of the Richmond Village Beacon Youth Center (2006).

As a colleague and ally on many issues for more than 20 years, I strongly Ms. Julie D. Soo to serve on the San Francisco Police Commission.

Julie Soo is a civic-minded, community-based public servant who cares a great deal about protecting the people of San Francisco, and the people who come to San Francisco, from violence, crime and injustice. She cares deeply for the rule of law, equal justice under the law, and equal access to the law by the people it is dedicated to serve.

As a fourth-generation San Franciscan she has grown up with a multicultural perspective, witnessed, experienced and participated in the demographic, social and political changes of San Francisco in the last 40 years, arguably the most aspirational, conscientious, contentious, and accomplished justice-seeking period in our history. In the most recent past two years our City, state and nation have been rocked by issues and controversies in community and police relations and interactions, most acutely concerning officer-involved shootings of civilians. Our Police Commission is tasked with setting policy and providing guidance and support to the men and women who serve to protect us from violence and injustice. It is tasked to do so in a climate of increasingly bitter divisiveness among parts of our community. It is a huge task made more difficult by the diversity and disparities of our society. Thus it is important to empower the Commission with members who have the skills, knowledge, experience and dedication to carry out their responsibilities.

Julie D. Soo, J.D., is one such person who should be appointed to serve on the San Francisco Police Commission.

Julie Soo is well qualified, well-equipped and well-grounded to contribute to the Police Commission's role in guiding the San Francisco Police Department to protect and serve the people of San Francisco. Her professional career and public service to boards, commissions and ad hoc groups are clear and substantial evidence of that.

She is an attorney with experience in enforcing the state's insurance laws and regulations and in outreaching to racial, linguistic and cultural minority populations of California. Upon receiving her law degree she became a public arbitrator for the Financial Regulatory Authority (FINRA is a non-governmental, non-profit, independent organization authorized by Congress to protect America's investors by making sure the securities industry (firms, agents, brokers, etc.,) operates fairly and honestly. This required her to listen to all sides and weigh the facts in light of the rules. In her current position as senior staff counsel for the California Department of Insurance, she has helped to protect consumers and businesses by prosecuting perpetrators of insurance fraud and other violations and advising the Insurance Department on culturally-appropriate and linguistic public outreach and education. These responsibilities required someone with investigatory, mediation and enforcement skills - skills and experience that would serve someone well on the Police Commission. Ms. Soo has met these requirements outstandingly.

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Julie Soo's public service most recently and relevantly has focused on work against violence and human trafficking. In 2013 the Asian Women's Resource Center gave her the "Outstanding Giving Back Award" for promoting cultural and linguistic services to families affected by domestic violence and human trafficking. In 2014 she helped to convene a conference on "Exploring the Hidden Epidemic of Human Trafficking" as a co-chair of the San Francisco Collaborative Against Human Trafficking. In 2015, the Korean American Journalists Association bestowed a "Best Community Leader Award" for her work with the Comfort Women Justice Coalition in recognizing the injustices against comfort women (civilian Asian women forced into sexual slavery) as part of mainstream World War II history in the public schools. With her help, the Justice Coalition gained a unanimous resolution by the Mayor and Board of Supervisors for a permanent memorial in San Francisco.

Ms. Soo's public service record is well-rounded. She has served as a legislative aide and advisor to members of the Board of Supervisors working on such matters as the . She is a board

member of the Chinese Historical Society of America and has served on National Asian Pacific American Bar Association's Civil Rights Committee, the Board of Trustees for Saint Francis Memorial Hospital, the board of the Asian Law Caucus (now Asian Americans Advancing Justice), and the Insurance Commissioner's Health Care Task Force.

Julie Soo would be a valuable and effective member of the San Francisco Police Commission with her community credibility, public service experience and collaborative accomplishments. Her experience and expertise in community outreach and her ability to converse in Chinese would be efficacious assets to the Commission as it continues to engage and communicate with the various constituencies of our San Francisco community.

Her passion for justice and safety under the law is an admirable quality that would serve our San Francisco Police Commission well.

Please appoint Ms. Julie D. Soo to the San Francisco Police Commission as soon as possible.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher Chow', written in a cursive style.

Christopher Chow

From: Calvillo, Angela (BOS)
Sent: Wednesday, December 07, 2016 3:45 PM
To: Board of Supervisors, (BOS)
Subject: FW: Letter of support for Julie D. Soo for Police Commission.
Attachments: Julie Soo support letter Police Commission.doc

From: Michael Wong [mailto:mikevfp69@gmail.com]
Sent: Tuesday, December 06, 2016 9:57 PM
To: Tang, Katy (BOS) <katy.tang@sfgov.org>; Evans, Derek <derek.evans@sfgov.org>
Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Eric Mar - SF Supervisor, District 1 <emailericmar@gmail.com>
Subject: Letter of support for Julie D. Soo for Police Commission.

December 6, 2016

From: Michael Wong

“Comfort Women” Justice Coalition

To: Supervisor Katy Tang

Members of the Rules Committee

I am writing today to support the application to the Police Commission of Julie D. Soo. Julie Soo is a well known leader in the Asian, women, and civil rights communities, who has worked tirelessly for justice for all communities in San Francisco. Her work as a journalist for AsianWeek and New America Media, a legislative aide to members of the Board of Supervisors, a lawyer with the Asian Law Caucus (now named Advancing Justice – San Francisco), past president and present member of the San Francisco Commission on the Status of Women, and her work with the “Comfort Women” Justice Coalition are just a small part of her overall record of service to the San Francisco community.

I urge the Rules Committee to vote to appoint Julie D. Soo to the Police Commission.

Sincerely yours,

Michael Wong, MSW

Executive Committee, "Comfort Women" Justice Coalition

Outreach Coordinator, Veterans for Peace San Francisco chapter #69

mikevfp69@gmail.com



"COMFORT WOMEN"
JUSTICE COALITION

www.RememberComfortWomen.org

December 6, 2016

From: Michael Wong
"Comfort Women" Justice Coalition

To: Supervisor Katy Tang
Members of the Rules Committee

I am writing today to support the application to the Police Commission of Julie D. Soo. Julie Soo is a well known leader in the Asian, women, and civil rights communities, who has worked tirelessly for justice for all communities in San Francisco. Her work as a journalist for AsianWeek and New America Media, a legislative aide to members of the Board of Supervisors, a lawyer with the Asian Law Caucus (now named Advancing Justice – San Francisco), past president and present member of the San Francisco Commission on the Status of Women, and her work with the "Comfort Women" Justice Coalition are just a small part of her overall record of service to the San Francisco community.

I urge the Rules Committee to vote to appoint Julie D. Soo to the Police Commission.

Sincerely yours,

Michael Wong, MSW
Executive Committee, "Comfort Women" Justice Coalition
Outreach Coordinator, Veterans for Peace San Francisco chapter #69
mikevfp69@gmail.com

From: Sesay, Nadia (CON)
Sent: Wednesday, December 07, 2016 9:07 AM
To: Lee, Mayor (MYR); BOS-Supervisors
Cc: Rosenfield, Ben (CON); Calvillo, Angela (BOS); Rose, Harvey (BUD); Campbell, Severin (BUD); Newman, Debra (BUD); Tugbenyoh, Mawuli (MYR); Whitehouse, Melissa (MYR); Rufo, Todd (ECN); Cisneros, Jose (TTX); Marx, Pauline (TTX); Durgy, Michelle (TTX); Kelly, Jr, Harlan (PUC); Sandler, Eric (PUC); Morales, Richard (PUC); Brown, Mike (PUC); Ivar Satero (AIR); Kevin Kone (AIR); Ronda Chu (AIR); Reiskin, Ed (MTA); Bose, Sonali (MTA); Forbes, Elaine (PRT); Huish, Jay (RET); Bohee, Tiffany (CII); Mawhorter, Bree (CII); Daigle, John (CII); BOS-Legislative Aides; Leung, Sally (MYR); Jacobson, Caitlin (MYR); Blake, Mark (CAT); Roux, Kenneth (CAT); Abola, Brooke (CAT); Madhavan, Reeta; Trivedi, Vishal (CON); Querubin, Jamie (CON); Whittaker, Angela (CON)
Subject: Controller's Office Memorandum Regarding Wells Fargo Bank
Attachments: Controller Memo_Wells Fargo 12072016.pdf

Please find attached memorandum reviewing the City's existing and potential business relationships with Wells Fargo Bank and recommended course of action for the City given the recent revelations about fraudulent and unethical consumer banking services.

Please do not hesitate to contact Ben Rosenfield or Nadia Sesay at (415) 554-7500 if you have any questions.

Thank you,

Nadia.

Nadia Sesay
Director, Office of Public Finance
Controller's Office
City & County of San Francisco
Phone: 415.554.5956
Email: nadia.sesay@sfgov.org
www.sfgov.org/opf



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Todd Rydstrom
Deputy Controller

Nadia Sesay
Director
Office of Public Finance

MEMORANDUM

TO: Honorable Mayor Edwin M. Lee
Honorable Members, Board of Supervisors

FROM: Ben Rosenfield, Controller
Nadia Sesay, Public Finance Director

SUBJECT: City Relationships with Wells Fargo Bank, N.A.

DATE: Wednesday, December 7, 2016

This memo will review the City's existing and potential business relationships with Wells Fargo Bank ("Wells Fargo"), and recommend an appropriate course of action for the City given the recent revelations about fraudulent and unethical consumer banking practices (as further described below). The conduct of Wells Fargo contradicts the City's commitment to financial integrity, accountability, and sound financial practices. Based upon our review, staff therefore considers the following set of actions to be a reasonable response, and comparable to or stronger than recent actions taken by Los Angeles, Santa Clara, and Santa Cruz Counties:

1. Suspension for two years of Wells Fargo's provision of broker/dealer, commercial banking, and commercial paper dealer services to the City;
2. Removal of Wells Fargo from consideration for two years for the provision of securities investments and counterparty/repurchase agreements;
3. Staff will monitor the numerous ongoing investigations as well as remediation efforts by Wells Fargo, and may make additional recommendations as necessary; and
4. As an outgrowth of this review, our office will work with the Treasurer and other City departments to more broadly explore and incorporate elements of the Treasurer's social responsibility requirements into other financial service procurement processes.

Background:

On September 8, 2016, the United States Consumer Financial Protection Bureau (CFPB) issued a Consent Order (Administrative Proceeding 2016—CFPB—0015) determining that San Francisco-based Wells Fargo Bank, N.A. engaged in unethical and illegal banking practices. The CFPB found, among other things, that Wells Fargo employees (i) opened unauthorized deposit accounts for existing customers and transferred funds between these accounts, all without their customers' knowledge or consent; (ii) submitted applications for credit cards in their customers' names using their personal information without their knowledge or consent; (iii) enrolled consumers in online banking services they did not request; and (iv) ordered and activated debit cards using consumer information without their knowledge or consent. Those practices affected up to 2 million Wells Fargo customers. These corrupt practices lead to the largest CFPB fine in history of \$185 million (together with \$2.6 million in customer refunds), and the termination/resignation of the Wells Fargo Chief Executive Officer. In a recent regulatory filing, Wells Fargo indicated that it was under investigation by the Securities and Exchange Commission. As well, it has been reported that Wells Fargo is also under investigation by the U.S. Justice Department and the California Attorney General.

The findings contained in the CFPB Consent Order raise serious questions about the banking practices of Wells Fargo, as well as concerns regarding its internal controls. As a result of the CFPB Consent Order and widely publicized Congressional hearings, and multiple states, counties and cities across the U.S. have announced suspensions of business relationships with Wells Fargo, including the State of California and major cities such as Seattle and Chicago. The San Francisco Treasurer's Office also announced on September 23, 2016 that it was suspending Wells Fargo from participation in the City's Bank On San Francisco program, which is a City program encouraging un-banked individuals and families to open bank accounts.

As a major national financial institution, Wells Fargo offers a broad range of services, and operates three separate divisions for its different lines of business:

- The *Wealth and Investment Management* division provides investment and retirement products and wealth management services to a variety of clients. This division does not provide services to the City.
- The *Community Banking* division is the bank's consumer finance arm. The fraudulent practices noted by the CFPB took place in this division. The City's sole relationship with the Community Banking division was its partnership with Wells Fargo in the City Treasurer's Bank on San Francisco program; this relationship was suspended on September 23, 2016.
- Wells Fargo's *Wholesale Banking* division provides financial services to government and institutional customers, and it is this division of Wells Fargo with which the City maintains the vast majority of its business relationships. These relationships range from trustee services, fiscal agent services, letters of credit, commercial banking,

broker/dealer services, commercial paper dealer services, and underwriting. A detailed description of each of these services follows:

Inventory of Existing Relationships Between the City and Wells Fargo

Currently the City obtains the following products and services from Wells Fargo:

- **Trustee Services.** Wells Fargo acts as the trustee for the City's Lease Revenue Bonds Series 2008-1 and 2008-2. The bank receives approximately \$4,750 annually for these services.
- **Commercial Paper Dealer.** Wells Fargo is a dealer for the Series 1 & 2 Commercial Paper program, but currently no commercial paper in those series has been assigned to Wells Fargo. Similarly, the Public Utilities Commission (PUC) has Wells Fargo as a dealer on its Wastewater Commercial Paper program, but currently no commercial paper has been assigned to Wells Fargo.
- **Liquidity & Credit Support.** Wells Fargo provides liquidity and letters of credit for a number of City transactions, including the Airport's \$100 million Commercial Paper program, and \$100 million for Issue 36A, and \$75 million for the PUC's Wastewater Commercial Paper program.
- **Bond Fiscal Agent.** Wells Fargo serves as Fiscal Agent for six different series of Special Tax Revenue Bonds for the San Francisco Office of Community Investment and Infrastructure (OCII).
- **Commercial Banking.** The City Treasurer has a consolidation account with Wells Fargo for Home Banking payments, and is currently developing a transition plan to suspend this banking relationship. OCII has four commercial accounts with Wells Fargo, and expects to close at least two of these accounts in the near future.
- **Surety and Escrow Agent.** Wells Fargo serves as an escrow agent for one Public Works and two Public Utilities Commission construction contract: the War Memorial Veterans Building Replacement Project, the Calaveras Dam Replacement Project and the Harry Tracy Water Treatment Plant Project. Escrow and surety services typically are not direct relationships between the City and Wells Fargo; they are indirect connections through a third party, such as a construction firm with which the City may have a contractual agreement.
- **Underwriting/Remarketing and Investment Banking.** Wells Fargo is a qualified underwriter in the City's Underwriting and Investment Banking Services pool, and regularly submits bids on the City's competitive bond financings. As a qualified underwriter in the City's Underwriting and Investment Banking Service pool, Wells Fargo

is considered for underwriter services for negotiated sales. Wells Fargo currently serves as Remarketing Agent for the Airport's \$40.6 million Issue 36B.

- **Broker/Dealer Services.** Wells Fargo has been among the listed broker/dealers that the City Treasurer can use for the purchase and sale of investment securities on behalf of the City. Wells Fargo's participation in this area of service for the City is currently suspended. Additionally, the San Francisco Employees' Retirement System (SFERS) contracts with fund managers who must satisfy a "best execution" requirement to achieve the lowest transaction brokerage costs, and Wells Fargo is sometimes chosen as the lowest cost brokerage provider. Recent commissions to Wells Fargo average approximately \$3,600 on an annualized basis. These fees are paid by fund managers to Wells Fargo and other brokerage houses, and not by SFERS itself.
- **Capital Management.** The City and County of San Francisco Deferred Compensation Plan (SFDCP) does business with a firm called Galliard Capital Management, which is an independently operated subsidiary of Wells Fargo Bank, N.A. Fees to Galliard are paid by plan participants, and not by the City. Galliard was selected as a fund manager through a competitive RFP bid process in 2013, and is currently under contract for a 5-year term. Galliard at times houses some funds under its management with its parent company Wells Fargo as a custodial institution, which it is able to do at a savings to plan participants due to its subsidiary relationship.

Other Financial Services – No Existing City Relationship with Wells Fargo

- **Securities Issuer.** The City Treasurer has the authority to approve the purchase of debt securities issued by Wells Fargo, in which the proceeds would serve to finance the company's operations. Despite the company's debt rating being one of the highest in the financial services sector, the company has repeatedly failed the City's social responsibility criteria screen. As a result, Wells Fargo has never qualified as an Approved Issuer and as such, the City has no investment in Wells Fargo debt securities.
- **Counterparty/Repurchase Agreement Provider.** The City Treasurer can enter into repurchase agreements with financial institutions, including Wells Fargo, on a short-term basis primarily to fund liquidity needs. The City Treasurer currently has no agreements with Wells Fargo.

Recommended Next Steps

The conduct of Wells Fargo, as detailed in the CFPB Consent Order, contradicts the City's commitment to financial integrity, accountability, and sound financial practices. Accordingly the City must evaluate whether to suspend indefinitely certain of its business relationships with Wells Fargo, and to evaluate the potential impact to the City of such action. If sanctions are thought to be warranted, the fiscal impact of suspending or severing a particular business relationship must be considered. Given the nature of certain services, there may be little, if any,

impact on the City and its operations. In other cases, there may be a significant disruption of City operations or a significant financial costs (i.e. including the costs of obtaining replacement services) if the City determined to suspend an existing Wells Fargo contract.

On September 8, 2016, the City of Los Angeles entered into a Settlement Agreement (the "Los Angeles Agreement") with Wells Fargo in connection with the fraudulent and unethical business practices described above. Under the Los Angeles Agreement, Wells Fargo was suspended from certain business activities and agreed to implement a set of remediation measures within two years, including a detailed compliance and risk management plan designed to deter, detect and remedy improper sales practices nationwide. After a review of the Los Angeles Agreement, staff believes that the remediation measures outlined in the Los Angeles Agreement are appropriate. The Los Angeles Agreement requires that every six months for the next two years, Wells Fargo must provide audit reports about the bank's compliance with the agreement.

In the light of the potential disruptions of City operations, or potential significant cost, staff is not recommending suspending all existing Wells Fargo contracts. We believe that as long as Wells Fargo is performing its services in accordance with its respective agreements those contracts, if any should remain in place. Accordingly, we are not recommending initiating debarment proceedings against Wells Fargo. The City may nonetheless consider suspending for two years the following categories of business relationships with Wells Fargo:

- Broker/dealer services for investment securities with the City Treasurer (already suspended)
- Commercial banking
- Commercial paper dealer services

The length of time Wells Fargo would be suspended from these service areas is largely structured around the remediation period set forth in the CFPB Consent Order, and the view that it is possible to suspend the bank from these services without a significant financial or administrative burden to the City.

Additionally, the following categories of financial services are not currently being provided to the City by Wells Fargo, but the City Treasurer may decide to remove Wells Fargo from consideration for providing these services for the next two years, also without significant cost:

- Securities issuer
- Counterparty/Repurchase agreement provider

There are other financial services categories where it would be financially imprudent or administratively very difficult to suspend or remove Wells Fargo. The following categories of services are currently provided by Wells Fargo on existing City transactions, and would not be advisable or practicable to sever for the full remaining term of the transactions:

- Fiscal agent and
- Surety and escrow agent agreements
- Trustee services

Lastly, the following categories of services currently being provided, or which may in the future be provided to the City by Wells Fargo, should also not be suspended, as it could impose significant fiscal costs on the City to do so:

- Liquidity and Credit Support - Currently there is a limited supply of highly rated letter of credit providers, and removing a highly rated entity with the size and liquidity of Wells Fargo from consideration for this service would constitute a significant limitation on the pool of potential credit providers with whom the City could work, and would be likely to significantly raise transaction and financing costs for the City.
- Underwriting for City debt issuances - Wells Fargo has consistently participated in San Francisco's competitive bond sales, and if the City were to bar Wells Fargo from bond underwriting, it could potentially require the City to pay higher interest rates on hundreds of millions of dollars of debt anticipated to be sold for its various bond programs over the next several years. The exact cost is unknown, and depends on prevailing rates when the bonds are issued, but may be significant.

As the proposed City actions are informed to a certain degree by the Los Angeles Agreement, staff will continue to monitor Wells Fargo's efforts at remediation, and recommend other actions as appropriate.

Staff recommends that the City only suspend the categories of services from Wells Fargo that would not create significant adverse practical and financial impacts to City business (e.g., where there are no commercially reasonable alternatives to Wells Fargo participation), and going forward, consider adding social responsibility criteria to all of its banking solicitations. Taking the combination of the steps outlined above would allow the City to make clear its disapproval of the Wells Fargo's unethical practices, without creating significant disruptions to City financial operations or capital planning. It is hoped that the proposed Wells Fargo sanctions would create a deterrent for unethical behavior in the future for the City's banking partners. The recommendations outlined in this memo are not intended to apply to SFERS or SFDCP, as those entities have an independent fiduciary responsibility. Similarly, any action taken by the Treasurer would be determined by the Office of the Treasurer in their independent fiduciary capacity.

Below is a table summarizing the City's business relationships with Wells Fargo, with an assessment of the potential impact, reflecting financial burden to the City as well as administrative difficulty, of suspending each type of relationship:

Wells Fargo Services	Types of Services	Relationship with City & County			Impact to City		
		Suspended	Existing	New	Low	Medium	High
Wholesale Banking Services	Broker-Dealer	X			X		
	Underwriting & Investment Banking		X	X			X
	Credit Support		X	X			X
	Trustee		X			X	
	Fiscal Agent		X			X	
	Commercial Banking		X		X		
	Counterparty or Repurchase Agreement				X		
	Securities Issuer				X		
	Escrow Agent/Surety		X			X	
Community Banking	Consumer Banking	X			X		

Additional Considerations

While Wells Fargo is not being debarred, the City will provide due process to Wells Fargo should it believe it should be entitled to continue providing all services. In that situation, Wells Fargo may request a hearing. At the hearing, Wells Fargo would be required to identify the specific "Improper Sales Practices" (CFPB Consent Order § III, 3 f (1)-(5)) that took place in San Francisco and on accounts held by San Francisco residents ("San Francisco Affected Customers"). It must identify all San Francisco Affected Customers who incurred fees or others charges as a result of Improper Sales Practices (Consent Order § VIII, 48.), provide the Redress Plan for San Francisco Affected Customers, and evidence that all San Francisco Affected Customers have been repaid consistent with the Consent Order. (Consent Order § VIII et seq. & § VIII, 51 (a)-(f).) It also must provide the Independent Consultant's Report and Compliance Plan, and evidence that it has been implemented as to San Francisco and San Francisco Affected Customers pursuant to terms of the Consent Order. (Consent Order § VI et seq.) The Hearing Officer can request testimony and other evidence to verify the requirement information, and may determine whether Wells Fargo has or has not taken necessary steps sufficient to allow its suspension to be lifted.

As an outgrowth of discussions of banking practices, the City should consider incorporating social responsibility provisions more broadly in its financial services contracting processes. The City Treasurer already incorporates some criteria for "Socially Responsible Banking" in its Request for Proposal (RFP) questionnaire for Banking & Payment Services, requiring submitting banks to provide metrics and data in a number of categories, including mortgage activity, loans to minority businesses, consumer lending policies, and community investment.

Working with City Treasurer and affected departments, the City will work to more broadly adopt such policies in future banking solicitations, as well as adding additional language including a requirement for banks to affirm their commitment to fair and ethical practices, and allowing the City to suspend agreements for a breach of the RFP provisions. This approach is one that can be replicated in solicitations for other banking services, such as fiscal agent, escrow, trustee, and underwriting. We will provide an update to the Mayor and Board of Supervisors as our work to develop these changes is completed.

CC: Angela Calvillo, Clerk of the Board
Harvey Rose, Budget and Legislative Analyst
Mawuli Tugbenyoh, Mayor's Liaison to the Board of Supervisors
Melissa Whitehouse, Mayor's Budget Director
Todd Rufo, Director, Office of Economic Workforce Development
José Cisneros, Treasurer
Pauline Marx, Chief Assistant Treasurer
Harlan Kelly, General Manager, Public Utilities Commission
Ivar Satero, Director, San Francisco International Airport
Ed Reiskin, Director of Transportation
Elaine Forbes, Executive Director, Port of San Francisco
Jay Huish, Executive Director, San Francisco Employees' Retirement System
Tiffany Bohee, Executive Director, OCII
Mark Blake, Deputy City Attorney

City and County of San Francisco*
Well Fargo Bank , N. A.

Department	Service Category	Description	Amount
OPF	Trustee	Lease Revenue Bonds (Moscone West Convention), Series 2008-1, 2008-2	99,062,000
OPF	Commercial Paper Dealer	Lease Revenue Certificates of Participation Commercial Paper Series 1&2	N/A
OPF	Credit Provider	Direct Placement Revolving Certificates of Participation (Transbay Transit Center Project)	160,000,000
SFO	Letter of Credit Provider	Commercial Paper	100,000,000
SFO	Letter of Credit Provider	Issue 36A	100,000,000
SFO	Remarketing Agent	Issue 36B	40,620,000
PUC	LOC	Wastewater	75,000,000
PUC	Commercial Paper Dealer	Wastewater	N/A
PUC	Escrow Agent	Water Contract # WD-2596	914,519
PUC	Escrow Agent	Water Contract # WD-2551	21,890,223
TTX	Commercial Banking	Consolidation Account for Home Banking Payments	TBD
TTX	Broker/Dealer	Purchase/Sale of Securities	N/A
OCII	Bond Fiscal Agent	CFD#6 Special Tax Revenue Bonds Series 2005A, Mission Bay South	13,145,000
OCII	Bond Fiscal Agent	CFD#6 Special Tax Revenue Bonds Series 2005B, Mission Bay South	5,196,000
OCII	Bond Fiscal Agent	CFD#6 Special Tax Revenue Bonds Series 2013A, Mission Bay South	76,055,000
OCII	Bond Fiscal Agent	CFD#6 Special Tax Revenue Bonds Series 2013B, Mission Bay South	16,830,000
OCII	Bond Fiscal Agent	CFD#6 Special Tax Revenue Bonds Series 2013C, Mission Bay South	21,601,000
OCII	Bond Fiscal Agent	CFD#4 Special Tax Revenue Bonds Series 2002A, Mission Bay North	19,565,000
OCII	Commercial Banking	South Beach Harbor Operating Account	3,128,000
OCII	Commercial Banking	Fillmore Garage Operating Account	56,000
OCII	Commercial Banking	Jessie Square Garage Operating Account	1,444,000
OCII	Commercial Banking	Flex Spending Account	18,000

* This list is preliminary, subject to changes/additions as received from other city agencies.

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Department of Human Resources Annual Report for FY 15/16
Attachments: FY1516 DHR Annual Report.pdf

From: Buick, Jeanne (HRD)
Sent: Wednesday, December 07, 2016 10:17 AM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Cc: Gosiengfiao, Rachel (BOS) <rachel.gosiengfiao@sfgov.org>
Subject: Department of Human Resources Annual Report for FY 15/16

Dear Clerk of the Board,

Can you please send the below on behalf of Micki Callahan to the Board of Supervisors?

Thanks,

Jeanne Buick
Executive Assistant to the Director
Department of Human Resources
(415) 557-4815

Dear Supervisors:

I am pleased to present the Department of Human Resources Annual Report for Fiscal Year 2015-2016. As the City's central human resources agency, DHR's mission is to use fair and equitable practices to hire, develop, support, and retain a highly-qualified workforce. This report highlights the many diverse services DHR employees provide to departments citywide in fulfillment of this mission.

The report is organized around DHR's strategic goals and is attached as a PDF. The report is also available in eBook format at https://issuu.com/ccsfdhr/docs/fy1516_dhr_annual_report.

To best view the report in PDF format, on the toolbar, go to "View" -- "Page Display" -- "Two Page View" and uncheck "Show Gaps Between Pages."

Please contact me if you would like more information about any of our programs.

Regards,

Micki Callahan
Human Resources Director
Department of Human Resources

CITY & COUNTY OF SAN FRANCISCO DEPARTMENT OF HUMAN RESOURCES



ANNUAL REPORT

2015-2016

ABOUT US

The City and County of San Francisco is the City's largest employer, with 30,000 people in departments as diverse in size as they are in mission. City employees take on everything from restoring trails at Glen Canyon Park to blazing trails with women's empowerment initiatives.

The Department of Human Resources (DHR) is the City's central human resources agency. DHR's mission is to use fair and equitable practices to hire, develop, support, and retain a highly-qualified workforce. DHR's empowered and diverse employees deliver excellent services to the City and County of San Francisco (City) community through innovation, collaboration, and human-centered values. DHR's work includes administering the City's civil service system, ensuring payment of workers' compensation benefits to injured employees, negotiating and administering labor agreements, ensuring equal employment opportunities for employees and applicants, recruiting talent, training and developing the City workforce, and much more.

TABLE OF CONTENTS

About DHR

Organizational Structure
DHR Divisions

1

What You'll Find in this Report

DHR provides services to all City departments, so this report focuses on DHR programs with citywide impacts. These programs help fulfill DHR's strategic goals, as outlined below and detailed on the following pages.

I. Retain top talent while shaping the future workforce

1249 Trainee Program	Succession Planning
HR Essentials	Apprenticeship SF
HR Academy	Recruitment
San Francisco Fellows	Leadership Development Program

3

II. Utilize technology to coordinate and improve service delivery and make information accessible

Online/Remote Testing
New Bilingual Testing Program
New Website
Contracts Database

7

III. Improve opportunities for employee well-being

Domestic Violence Liaison Program
Paid Parental Leave
City Lactation Policy
Expedited Return to Work

9

IV. Champion diversity, fairness, and equity

Conviction History Program	Anti-Harassment Training
Access to City Employment (ACE)	Implicit Bias
Enhancing Skill Level of EEO Professionals	
Compensation Policy Assessment	

11

V. Design and implement efficient and enhanced user-friendly hiring processes

Project HIRE
ASO Preliminary Review Process
Post-Referral Selection Process
Request to Hire (RTH)

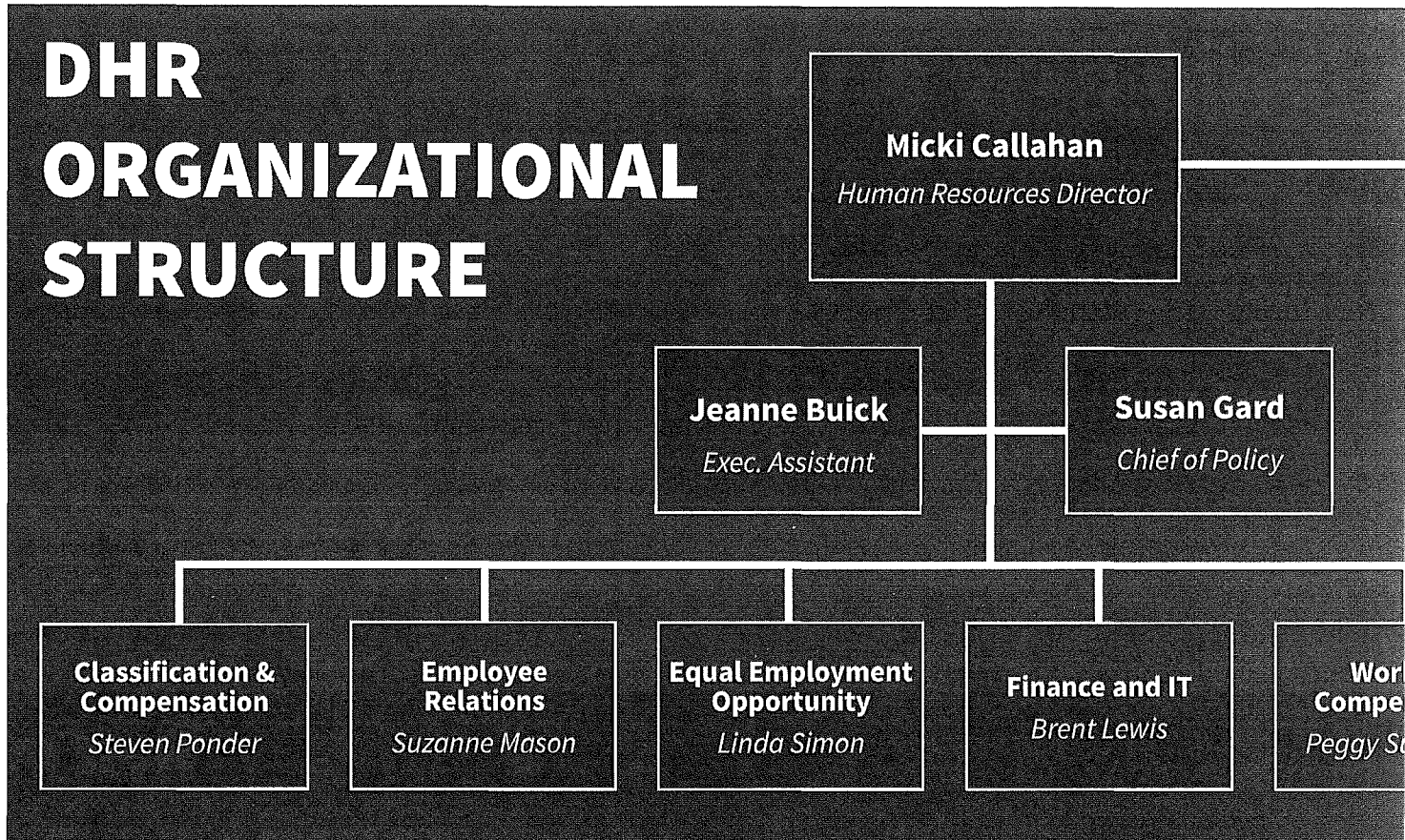
15

VI. Partner with others to identify and solve problems

Negotiations
Hiring Efficiency Partnership with DPH
TechHire

16

DHR ORGANIZATIONAL STRUCTURE



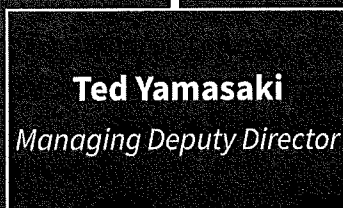
ADMINISTRATION, FINANCE, BUDGET AND INFORMATION SERVICES provide internal administrative support to ensure efficient department operations.

CLASSIFICATION and COMPENSATION (CLASS and COMP) classifies the City's positions and manages Memoranda of Understanding (MOUs) and the Municipal Code related to compensation. In addition, Class and Comp supports the civil service system through management of classification actions and appeals, labor negotiations through performance of salary surveys, costing, and contract administration, and payroll through establishment and maintenance of rates of pay, premiums and lump sum payments.

CLIENT SERVICES CONSULTING (CS-HR) provides human resources (HR) solutions to all City departments on employment, personnel and disciplinary matters, as well as Civil Service Commission (CSC) rule application through direct and indirect services. CS-HR partners with direct service department managers to respond to HR issues, recruit and select candidates, manage eMerge PeopleSoft changes, onboard new employees, manage leaves of absence, and resolve disciplinary matters. CS-HR also reviews and approves department requests for position authorization.

CLIENT SERVICES OPERATIONS (CS-OPS) provides City departments, employees, and the public with information and services related to employment with the City. The CS-Ops team staffs and supports the Employment Information Center in the DHR lobby, Citywide Referral and Certification Programs, validation of appointments into City service, and the City's Pre-Employment Conviction History Program.

EMPLOYEE RELATIONS (ERD) negotiates and administers the provisions of collective bargaining agreements between the City and labor organizations representing City employees. ERD staff advises department personnel representatives in interpreting contract provisions, manages and reviews grievances related to contract interpretation and disciplinary action, determines bargaining unit assignments of City classifications, and conducts meet and confer sessions within the scope of representation.



EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND LEAVE MANAGEMENT provides direct services and consultation to all City departments, including investigating and resolving discrimination issues, harassment prevention and other staff training, reasonable accommodation for individuals with disabilities, and establishing citywide leave management policies and protocols. EEO also prepares workforce composition reports.

RECRUITMENT AND ASSESSMENT SERVICES (RAS) oversees the DHR and citywide civil service examination programs. The team develops and administers innovative job-related hiring processes to meet the changing service demands of the City, incorporates technology into the examination process to enhance efficiencies, and ensures equal employment opportunity and the application of merit system principles in exams. RAS also provides consultation and oversight to City departments and decentralized exam units.

WORKERS' COMPENSATION (WCD) administers workers' compensation benefits and all other benefits related to work injuries and illnesses, in compliance with state and local laws and regulations, and coordinates citywide safety and prevention efforts.

WORKFORCE DEVELOPMENT (WD) is committed to the professional and personal development of the City's workforce. WD, in collaboration with other educational partners, develops and integrates an extensive curriculum of workshops designed to enhance individual or group capabilities. WD also provides data on the City's workforce, performance management services, recruitment services, and citywide fellowship and apprenticeship program coordination.

I. RETAIN TOP TALENT WHILE SHAPING THE FUTURE

Developing the City's Human Resources Professionals

DHR implemented several programs to provide City HR professionals with ongoing development opportunities. First, DHR put a progressive classification series in place, beginning with HR trainees in the 1249 class, and continuing to principal human resources analysts in the 1246 class.

1249 Trainee Program

DHR introduced the 1249 trainee program in partnership with other City departments to ensure the City's HR professionals become well-rounded generalists with knowledge in many HR functions. The trainees in this program spend 12 months learning best practices in employee relations, EEO, classification and compensation, civil service examinations, HR operations, workforce development, workers' compensation, and HR policy.

All DHR divisions provide subject matter expertise to the program. The pilot launched in FY 14/15 and successfully graduated nine trainees who transitioned to the following departments as 1241 personnel analysts: San Francisco International Airport, Human Services Agency, Controller's Office, Assessor Recorder's Office, Department of Public Health, SF Municipal Transportation Agency, SF Port and the Department of Human Resources.



The 1249 Class of FY 14/15 are all smiles on graduation day.

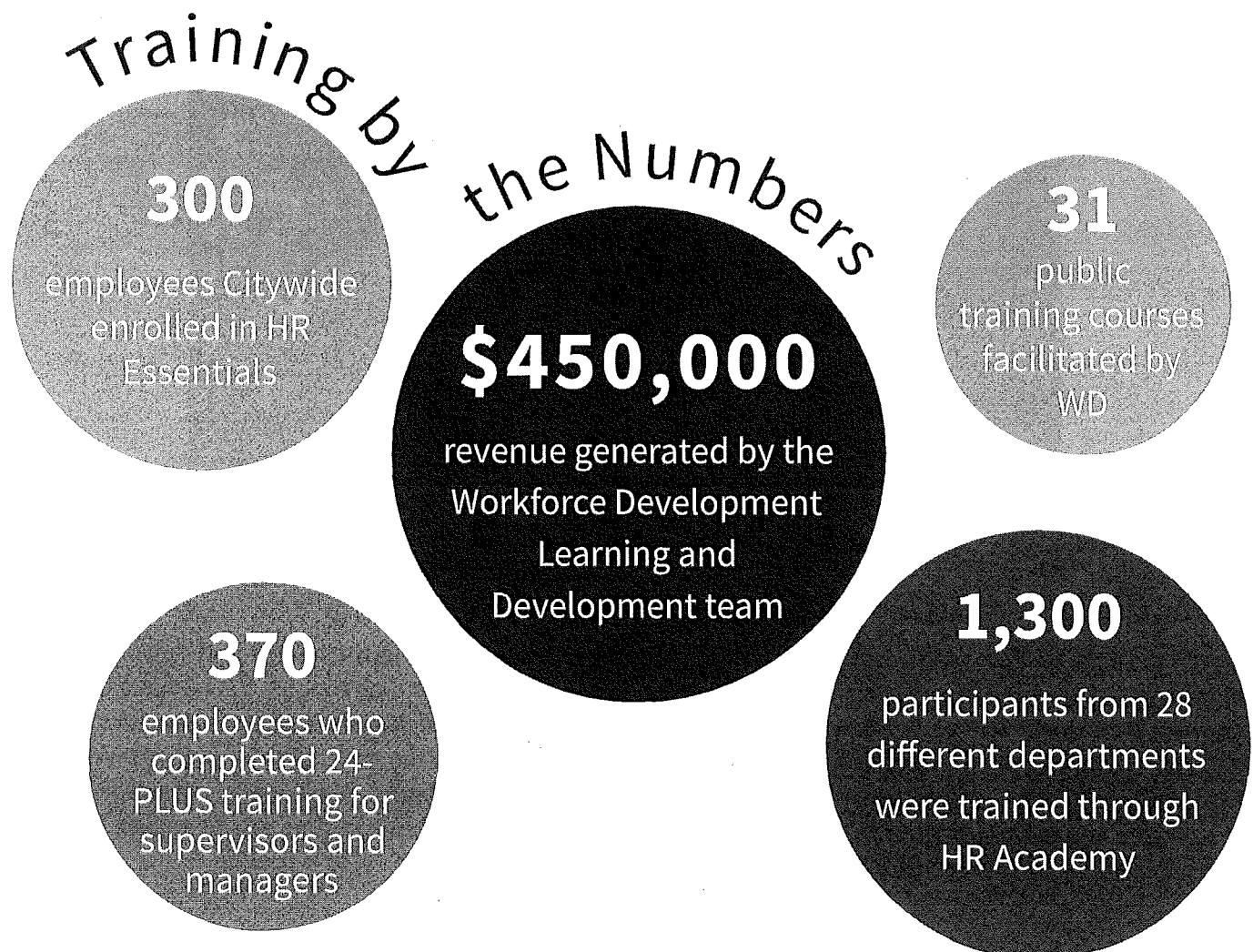
WORKFORCE

HR Essentials

WD partnered with other DHR subject matter experts to create nine online training modules focused on various aspects of HR. These training modules provide an overview to help HR professionals effectively handle challenges related to hiring, managing, and developing their employees. HR Essentials students can take training on the City's personnel system, civil service exams, workers' compensation, reasonable accommodations, protected medical leaves, equal employment opportunity, and the post-referral selection process.

HR Academy

City HR professionals also have access to in-person trainings. Through HR Academy, students learn from subject matter experts who are available to answer questions. Again, WD collaborated with other DHR divisions, including RAS, CS-Ops, and ERD to develop specific courses and supplemental online learning modules.



Other Employee Development Programs

San Francisco Fellows

DHR brought the former City Hall Fellows program in-house to improve administration and recruitment, and re-named it San Francisco Fellows. The program fosters community stewardship by preparing recent college graduates for leadership roles in the public sector. The new program launch included creating a website for the program, in person outreach to City leaders, contact with current and alumni fellows, and application development and recruitment. DHR received nearly 400 applicants for the FY 16/17 program, and over 40 people from across the City reviewed applications and/or participated in interviews. Eighteen San Francisco Fellows finalists were chosen in May 2016 to begin orientation in August.



The FY 16/17 San Francisco Fellows.

Succession Planning

Workforce data reports are a tool for succession planning and support various citywide and departmental initiatives. WD and Class and Comp standardized all DHR succession planning reports, which were then generated for the Sheriff's Department, the Controller's Office accounting series, and several unions. Citywide workforce data analysis reports that provide gender and ethnicity data on the entire workforce, broken down by department, union and job classification were also created. Additionally, retirement projections and ASO data were analyzed to determine hiring needs by classification, and to ensure the examination plan reflects anticipated hiring needs.

Apprenticeship SF

Apprenticeship SF expands and develops new apprenticeship programs and ensures all programs comply with the City Charter, merit system principles, and State of California standards. Highlights include initiating new programs for mechanics and machinists in Local 1414 and electrical workers in IBEW Local 6. The arborist technician program was certified by the state, and participation in the Local 38 plumber and steamfitter program was renewed. DHR also made policy and procedure changes and responded to state audits of other programs.



Recruitment

DHR supported recruiting efforts at 52 departments, specifically focusing on difficult to fill or high-demand positions such as nurses and technologists. DHR also reached out across demographics to ensure veterans, women, and people of color were included in employment programs.

Leadership Development Program

This program helps City leaders build core communication, coaching, and facilitation skills. DHR worked with the Municipal Executives' Association (MEA) on all program components including program content, nominations, and eligibility. The program has been very well received, with 56 City managers participating. Graduates of the program can now also request additional funds for executive coaching.

II. UTILIZE TECHNOLOGY TO COORDINATE AND IMPROVE

New Bilingual Testing Program

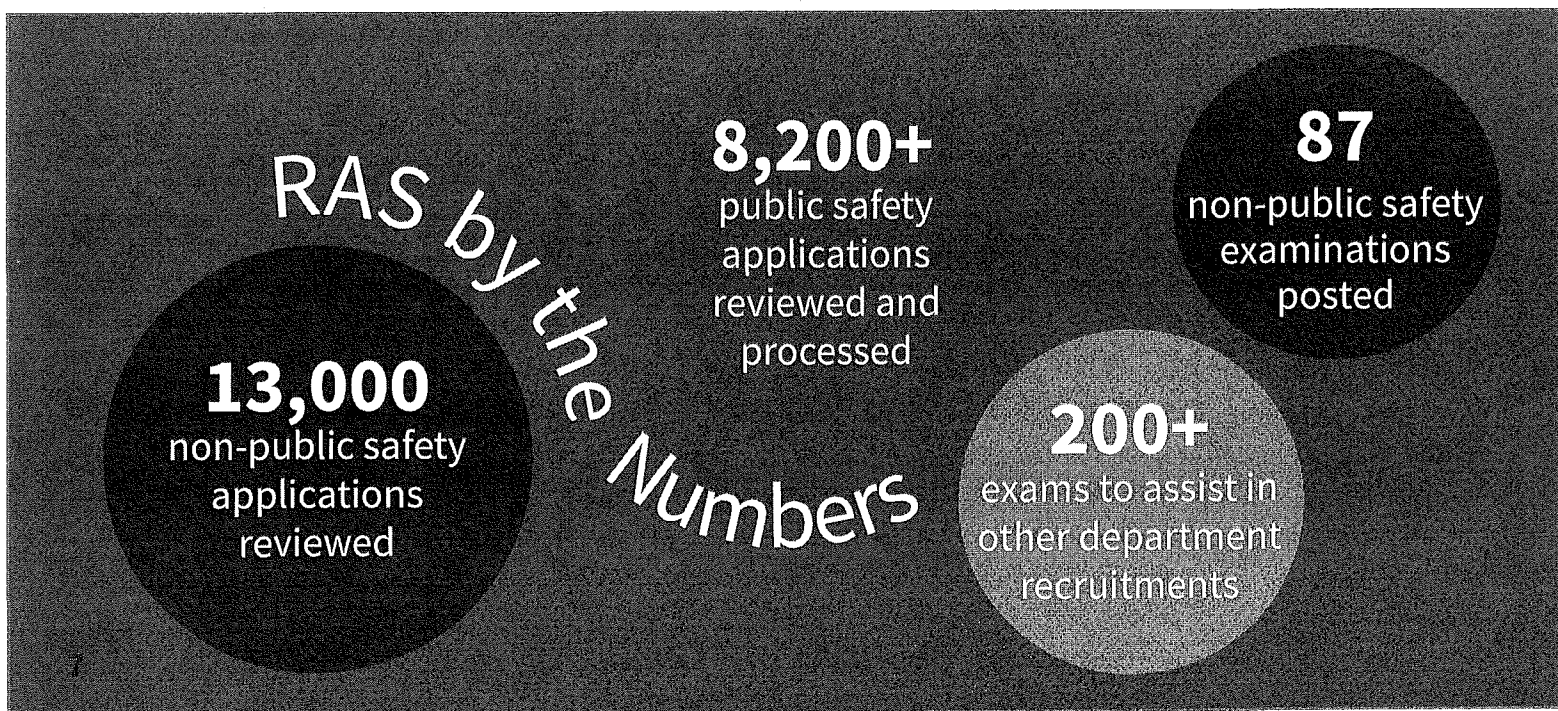
RAS developed a new bilingual testing program that is more efficient and will help departments comply with the Language Access Ordinance. The new test is an online oral conversation simulation for Spanish, Mandarin and Cantonese languages, which are the commonly tested languages citywide. The new test features a written component for departments who need that competency, and will include more languages in FY 16/17.

Online/Remote Testing

RAS also created more computer-based examinations using a platform called FastTest as part of its effort to move away from paper-based exams, and to provide faster results to applicants. This platform also enables out of area applicants to take exams at testing centers near them instead of flying to San Francisco. Tests such as the Management Test Battery, Supervisory Test Battery, Legal Secretary Test, Employee Relations Representative Test, IS Business Analyst Test, and Clerical Eligibility Test, among others, have been administered through FastTest.

New Website

DHR's Finance and Information Technology Division, in coordination with project management and administrative staff, designed and launched a new DHR website based on user feedback. The new website is user-friendly and human centered, featuring many City employees in its photos.



IMPROVE SERVICE DELIVERY

Contracts Database

Personal Services Contracts (PSC) are service agreements between the City and individuals, companies, corporations, nonprofit organizations, and other public agencies that are not City employees. PSCs must be reviewed by the CSC to determine whether the services could and/or should be provided by City employees. Finance and IT worked with the Department of Technology to create the PSC database, which tracks PSCs citywide. The PSC database helps streamline the CSC approval process, sends notifications to ensure transparency and accountability, and expedites the review of proposed PSCs. The database tracked over 500 new contracts and over 200 existing contracts requiring CSC action. The total dollar amount of new PSC contracts in the database was over \$730 million.

The database is tracking **500+** new contracts and **200+** existing contracts.

The total dollar amount of new PSC contracts in the database is **\$730+ million.**

CS-HR by the Numbers

700

City Planner multiple choice exams and supplemental questionnaires reviewed

25

PCS Planners appointed

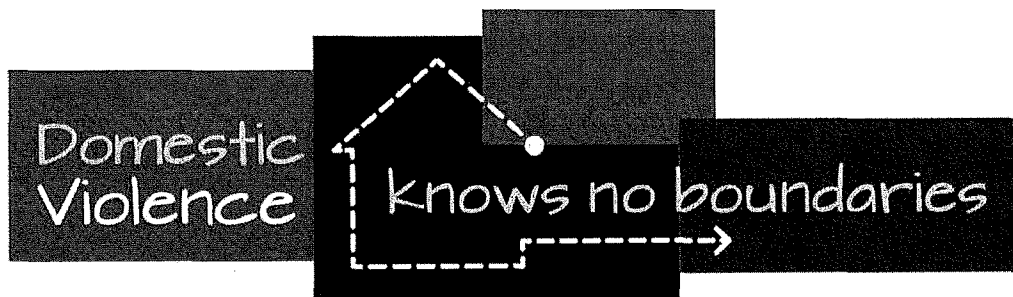
100

HR professionals received post-referral selection process training from CS-HR

III. IMPROVE OPPORTUNITIES FOR EMPLOYEE WELL-

Domestic Violence Liaison Program

DHR and the Department on the Status of Women partnered to create the Domestic Violence Liaison Program. Domestic Violence Liaisons provide support to co-workers experiencing domestic violence and link them with resources and assistance to help with safety planning and workplace accommodations. Forty-two individuals from 25 different departments volunteered for the program and were trained in October 2015. Employees experiencing domestic violence can access a liaison from any department. A list of domestic violence liaisons and other resources can be found on the Domestic Violence and the Workplace page of the Department on the Status of Women's website.



Paid Parental Leave

The EEO team served on Supervisor Katy Tang's Paid Parental Leave Task Force to enhance compensation benefits for City employees on parental leave. A Charter Amendment was passed on Nov. 3, 2015, allowing City employees to maintain 40 hours of accrued sick leave when accessing Paid Parental Leave, and to ensure each parent has access to the full benefits when both are City employees.

City Lactation Policy

EEO convened a focus group on best practices to create a lactation in the workplace policy, and coordinated with Supervisor Tang on a Lactation in the Workplace Ordinance. The ordinance was introduced on May 23, 2016.

Expedited Return to Work

WCD collaborated with the Public Utilities Commission (PUC) to identify job classifications and series that were challenging for the PUC to accommodate under a temporary transitional work program. WCD found a qualified vendor to work with the PUC, reviewed deliverables, presented the program to the City Occupational Health Clinics, and trained the PUC workers' compensation claims adjusters on the program. The PUC program is designed to provide modified or alternate work to accommodate almost any work restriction. The PUC successfully launched this pilot program, which can be used as a model for other departments, in January 2016.

Did you know?

**Focused management
and oversight brought the
workers' comp claim closure
ratio to 116% in FY14/15 and
107% in FY15/16.**

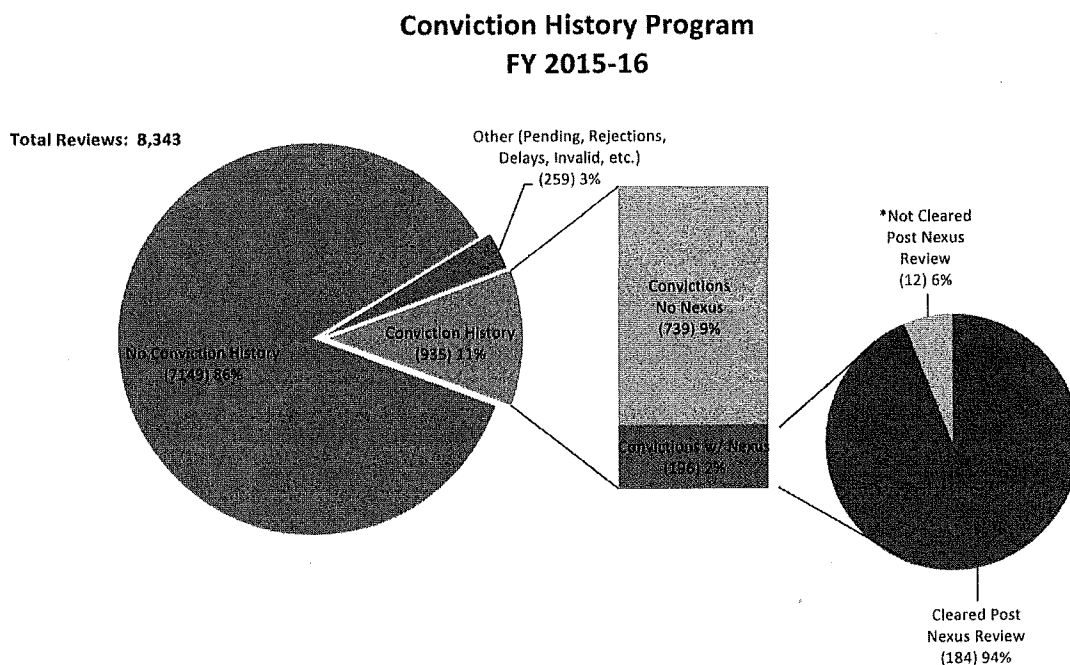
IV. CHAMPION DIVERSITY, FAIRNESS, AND EQUITY

Conviction History Program


Through DHR's centralized Conviction History Review Program, the City reduces both conscious and implicit bias in hiring decisions so qualified, capable, and competent individuals with conviction histories are not denied opportunities to work for the City. This tool is an important contributor to the diversity of the City's workforce, as African-Americans and Hispanics are arrested at a rate two to three times their proportion in the general population.

Between July 2015 and June 2016, DHR conducted conviction history reviews on 8,343 final candidates. Conviction records were received for 935 candidates (about 11 percent). Of these 935 candidates, 739 were cleared for employment because their convictions did not conflict with the requirements, duties and responsibilities of the positions for which they applied. In the remaining 196 cases, a direct connection between the positions and the convictions was established. DHR informed each candidate of the determination and asked them all to submit evidence of rehabilitation. Following DHR staff analysis of the candidates' evidence of rehabilitation, 184 were cleared for employment. A total of 12 candidates were disqualified from employment in the specific jobs for which they applied.

The chart below provides a graphical illustration of these data:



*This figure represents less than two percent of the total for which conviction history was noted, and less than .002 percent of the 8,343 total candidates fingerprinted.



The City has received many accolades for this program, including:

- ▶ The 2015 International Public Management Association for Human Resources (IPMA-HR) Large Agency Award of Excellence
- ▶ An “A” grade in a 2015 University of Redlands study on fair hiring practices—San Francisco is the only public agency to receive an A
- ▶ The National Employment Law Center has called the City’s program a national model

“San Francisco appears to have created a system in which job candidates with conviction records are no less likely to be hired. This represents a successful diminution (if not elimination) of a serious barrier to employment.”

-2016 Stanford University study

The CS-Ops Conviction History team conducted 30 departmental trainings, and trained all of CS-HR staff on the goals, policies, and processes pertinent to a candidate’s conviction history review. Other jurisdictions, including all Northern California counties, have received presentations on the program. The City of Houston adopted the City’s model and now uses it in its hiring process.

Access to City Employment (ACE)

The ACE Program provides an alternative route to City employment for qualified individuals who are severely disabled. Through the ACE Program, individuals with severe disabilities can enter the City workforce without going through the competitive civil service merit process. DHR’s lead recruiter for ACE markets the program to internal and external stakeholders, networks with various agencies, works to educate stakeholders about the program, and recruits candidates. DHR’s lead ACE recruiter created brochures and marketing materials, documented program workflow and processes, and established a talent pool of 150 candidates.

1,100+

pay rates, including implementation of general wage increases, market increases, and wage linkages set by Class & Comp

Compensation Policy Assessment

Class and Comp assessed existing compensation policies to ensure the City is using best practices to set salaries. The assessment was based on provisions of the newly amended Fair Pay Act, California Senate Bill No. 358, which mandates equal pay is provided for work of equal value regardless of gender or race.

95

classification actions implemented, where classifications were amended, established or abolished

Anti-Harassment Training

EEO created online training on preventing discrimination, harassment, and retaliation. The training modules are designed to help managers and HR professionals model appropriate behavior in the workplace, identify inappropriate conduct that may violate the City's policies or the law, and understand their responsibility for addressing employee complaints. The online training was launched in October 2015. Managers and HR professionals have on demand access to the training, including a question board that EEO responds to regularly. The training has been completed by 9,368 supervisors, managers, and HR professionals.

2,200

SFPD employees completed Harassment Prevention training implemented by EEO

Did you know?

For the first time ever, there are zero (0) provisional appointments (PEX) working over the three-year limit.

AND

The number of provisional appointments Citywide is the lowest it has ever been.

Enhancing Skill Level of EEO Professionals

EEO also developed training for citywide EEO staff to enhance the services they provide. The EEO division conducted twice-monthly meetings with HR professionals to review EEO complaint trends, discuss court decisions, and analyze state and federal regulations.

216

HR professionals
received EEO training
on investigations,
reasonable
accommodations,
and leaves

Implicit Bias

Attitudes affecting a person's understanding, actions, and decisions in an unconscious manner are called unconscious, or implicit, biases. These associations generate feelings and attitudes about other people based on characteristics such as race, gender, ethnicity, age, and appearance without conscious knowledge.

Decades of research in psychology and neuroscience have shown that, even when making every effort to be fair and objective, people are influenced in the way they see and treat others by favorable and unfavorable biases hidden in the subconscious. The City seeks to reduce the potential impacts of implicit bias and DHR is creating and launching a multi-step and multi-modal approach to providing City staff with implicit bias training. This training is the key to helping City employees unlearn the implicit biases everyone has. A centralized approach to this topic ensures the training City employees receive is appropriate, effective, and designed specifically for the City.

DHR and the Human Rights Commission partnered to provide classroom-style implicit bias training to executive-level department staff citywide as a first step.

For its next step, DHR will deliver instructor-led, one-day workshops entitled "Creating an Inclusive Environment" to public safety employees in FY 16/17. These workshops provide an opportunity to look more deeply at individual biases and challenges, and to identify inclusive solutions. Once public safety employees are trained, DHR will begin delivering this workshop to City employees who work directly with the public, such as customer service representatives and front-counter staff.

DHR will also launch a Train-the-Trainer workshop for Learning and Development staff. The purpose of this workshop is to enable trainers to deliver instructor-led workshops to other City employees. The target date for this workshop is mid-November 2016.

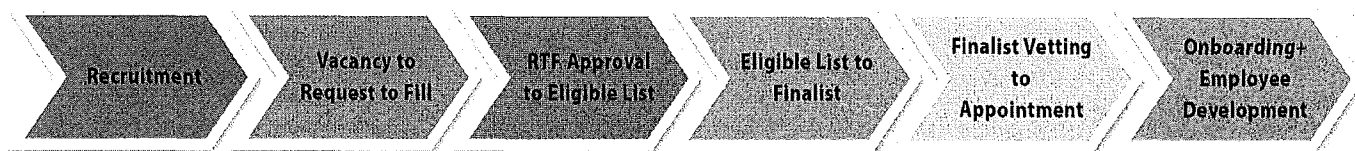
Additionally, DHR has partnered with representatives from the Human Rights Commission, the Department of Public Health, the Mayor's Office on Disability and the City Planning Department to deliver customized implicit bias training to all City employees using e-Learning modules. This training will provide employees with an overview of what implicit bias is and an awareness of how it manifests in each of us. The anticipated roll-out date is January 2017.

DHR is also exploring whether de-identifying candidates during the hiring process would be a useful tool in reducing the influence of implicit biases.

V. DESIGN AND IMPLEMENT EFFICIENT AND ENHANCED USER-FRIENDLY HIRING PROCESSES

Hiring Innovation through Redesign and Resource Efficiencies (Project HIRE)

DHR launched Project HIRE to examine hiring practices end to end, determine where efficiencies can be gained, and design and implement innovative solutions. Project HIRE encompasses all elements of hiring:



Project HIRE includes the following sub-projects:

ASO Preliminary Review Process

CS-HR partnered with the Mayor's Budget Office to create a more efficient and streamlined Annual Salary Ordinance (ASO) approval process. The ASO Electronic Service Request (ESR) was updated to mirror the classification information departments are required to provide when submitting Requests to Fill a Position (RTF). This change helped reduce redundancy in the information departments submit and allows CS-HR to promptly and consistently review ESRs for over 200 position changes. All ASO requests are centrally tracked in a database and updated in real time. Doing so allowed CS-HR, the Mayor's Budget Office, and departmental stakeholders to more effectively communicate and collaborate on position requests.

Post-Referral Selection Process (PSRP)

The CSC amended and clarified selection procedures to enhance the City's ability to compete with public and private sector employers for the best candidates. These changes afford hiring managers increased flexibility in the PSRP. In response to and in support of these changes, CS-HR developed an interactive, online training module on PRSP best practices for use by both HR professionals and hiring managers. Subsequently, CS-HR developed and delivered a PRSP training program to support HR professionals. The program was successfully delivered to nearly 100 HR professionals across the City in March of 2016. The training offered participants the opportunity to collaborate, share experiences, and develop skillsets essential to merit-based hiring.

Request to Hire (RTH)

The RTH system will replace the current, manual, and disparate appointment process with streamlined and automated pre-employment vetting and appointment validation. The new system will include a technologically advanced dashboard to provide transparency and accountability, and will significantly improve the candidate experience.

VI. PARTNER WITH OTHERS TO IDENTIFY AND SOLVE PROBLEMS

Negotiations

ERD works with all City departments and labor unions to negotiate and administer MOUs and resolve disputes. Contracts for SEIU RNs and Teamsters Supervising RNs were negotiated in FY 15/16. In preparation for FY 16/17 bargaining, ERD conducted critical reviews of all non-public safety (miscellaneous) MOUs, and developed proposals to improve their administration and consistency.

Departmental Consulting and Training

WD's Learning and Development Team partners with management in City departments to help address organizational issues through targeted training and facilitation services. The Learning and Development Team partnered with 11 City departments to deliver 19 targeted projects in FY 15/16. Projects included: strategic planning services, team building retreats, and customized versions of standard WD programs, such as presentations skills, customer service, and performance planning and appraisals. The Learning and Development Team also partnered with management teams in two departments to develop basic supervisory training for staff in lead roles. The program, now called "Lead to Succeed," was delivered 15 times to departmental groups, and is now a core WD program for lead and journey level staff assigned to mentor apprentices across the City.

Hiring Efficiency Partnership with DPH

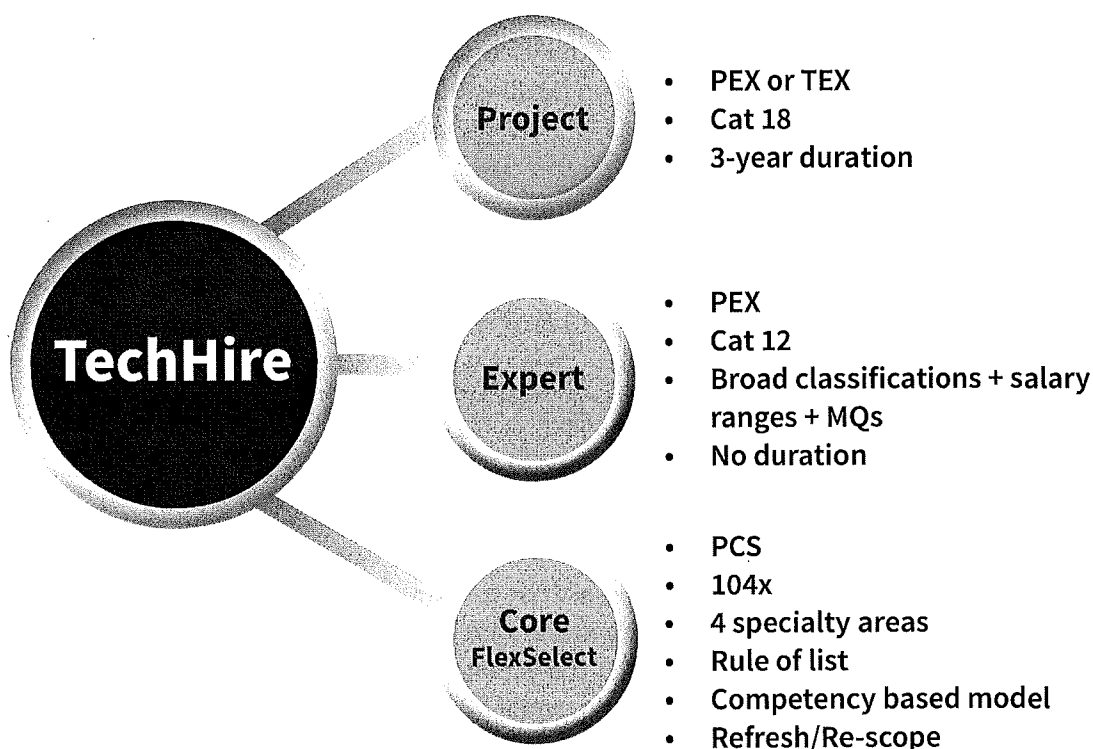
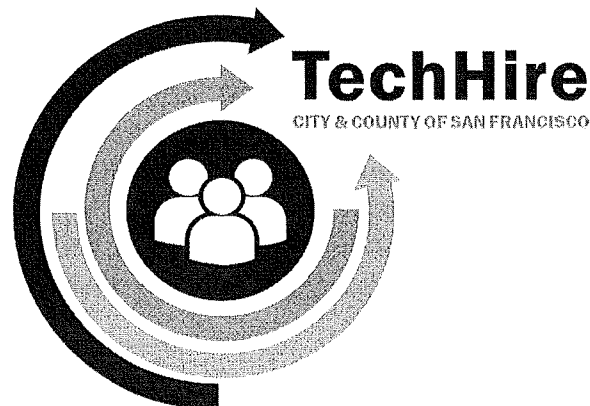
The Controller's Office April 2015 report "How Long Does it Take to Hire in the City and County of San Francisco?" showed it took 200 days to hire a nurse. That timeline wasn't acceptable to the Department of Public Health (DPH), especially as the opening of the new Zuckerberg San Francisco General Hospital and Trauma Center approached. DHR partnered with DPH to create an agile hiring process that gave hiring managers discretion and flexibility, while maintaining the department's labor contract obligations. The project, which was delivered in October 2015, brought the hiring time down to 40 days.



TechHire

TechHire is a project that encompasses all aspects of Project HIRE, but is specifically focused on technologists. TechHire is an unprecedented partnership between DHR, the Department of Technology, the International Federation of Professional and Technical Engineers (IFPTE) Local 21, MEA, and CIOs and HR professionals across the City.

TechHire delivers three expedient ways to hire and retain highly qualified and skilled tech professionals:



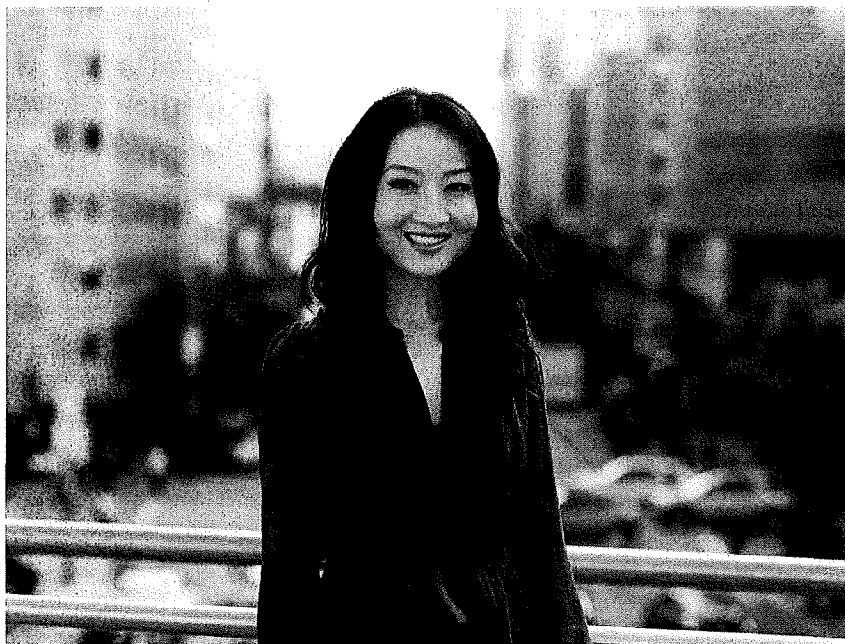
Core Tech, known as FlexSelect, is the City's new agile hiring process that provides hiring managers with continuously refreshed eligible lists by fast tracking top tech talent.

FlexSelect provides:



- ▶ PCS hires in classes 1041, 1042, 1043 and 1044 (IT Engineer Series)
- ▶ Continuous testing (online, on-demand, unproctored)
- ▶ Competency based hiring
- ▶ Rule of list
- ▶ Allows hiring managers to refresh the list or re-scope a position.

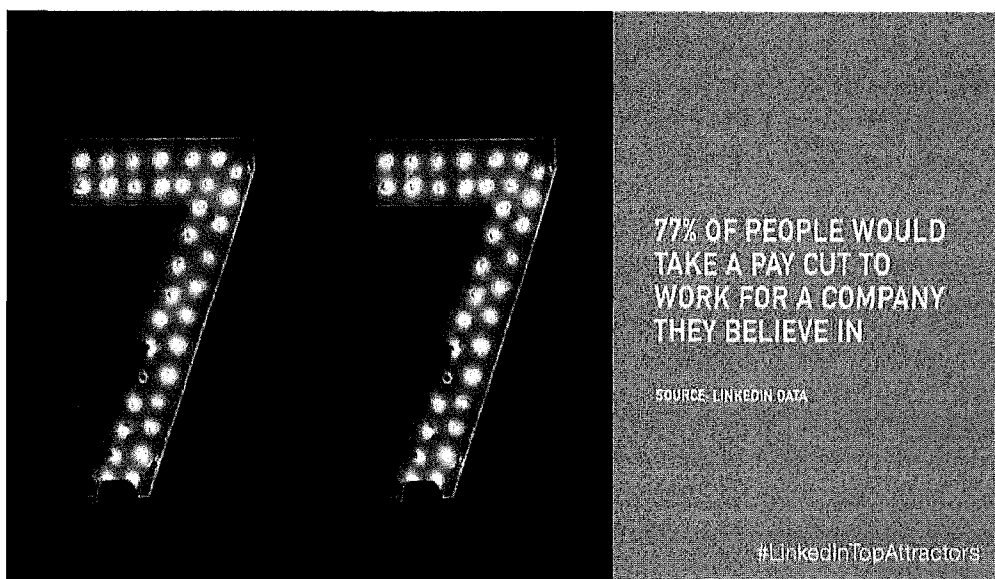
TechHire positions the City as an employer of choice by focusing on the top reason technologists change jobs: careers with purpose. The Purpose Campaign highlights the meaningful work City technologists do every day as a way to inspire and recruit top talent. The campaign highlights a diverse group of technologists working in different City sectors providing services to those who live, visit, and work in San Francisco.



"As a technologist in the San Francisco Bay Area you can choose to work anywhere. When you choose the City and County of San Francisco, you Choose Purpose."

Jane Gong, Director,
SF Digital Service and
Products, Department of
Technology.

This marketing campaign, along with improvements to the candidate experience in the hiring process, will help the City build the technology workforce it needs in the 21st century.



CONCLUSION

According to the Center on Budget and Policy Priorities, the United States went through its longest, and by most measures worst economic recession since the Great Depression between December 2007 and June 2009.¹ Even through 2011, the City was laying off employees, negotiating concessions for remaining employees, and fending off the many candidates applying for few jobs.

However, San Francisco recovered from this downturn faster than the rest of the nation and the City flourished. San Francisco is one of the 20 fastest growing cities in the United States, and is now the second most densely populated city in the country after New York City, with 17,620 people per square mile.²

The City's business climate is also thriving, with three times the growth rate of the state overall. In fact, between 2011 and 2013 San Francisco was the second-fastest growing large county in the United States.³ As a result of all this prosperity, the City's unemployment rate dropped to 3.5 percent in 2015.

The economic recovery meant City budgets began to improve and departments needed more people to keep up with the demand for public service improvements. The City went from layoffs to ramp-up, challenging HR professionals across departments to keep pace. DHR has focused on improvements to systems, rules, and processes, welcoming new ideas and utilizing technology to do just that, while remaining true to merit principles.

DHR's continuing challenge is to be agile and responsive within the merit system. The City hires and promotes employees based on their ability to perform a job, rather than on their political connections, and gives people with the necessary skillsets the chance to impact government, regardless of background or affiliation. The importance of this cannot be overstated, and the results show in a workforce that is more diverse than the available labor market.

Technology moves at light speed, bringing constant change and innovation. And as society becomes unified around important social issues, changing laws and regulations mean DHR must have tools to help City employees respond. DHR's six strategic goals were adopted with that purpose in mind. Using technology for efficiency and transparency, focusing on employee development and wellness, improving how the City hires to attract top-notch talent, partnering internally and externally to get the best outcomes, and always championing diversity, equity and fairness provide the blueprint for success.

DHR is proud of its work, and that of HR professionals across the City who continue to embrace the transformation of our workplaces. But we can't rest there. To attract and retain a 21st Century workforce, DHR must also focus on the future, looking for trends and advances to keep the City on the leading-edge.

1 Center on Budget and Policy Priorities Chart Book: The Legacy of the Great Recession, 2016. <http://www.cbpp.org/research/economy/chart-book-the-legacy-of-the-great-recession>

2 World Population Review, 2014. <http://worldpopulationreview.com/us-cities/san-francisco-population/>

3 City and County of San Francisco Proposed Five Year Financial Plan, 2014. <http://sfcontroller.org/modules/showdocument.aspx?documentid=6056>,



**CITY & COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES**

SFDHR.ORG

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: File 161278 FW: 3516 and 3526 Folsom Street - Appeal of Exemption Determination Recusal Request
Attachments: SF-#579657-v1-Appeal_of_CEQA_Categorical_Exemption_Determination_-_Recus....pdf

From: Lee, Carolyn [mailto:clee@lubinolson.com]
Sent: Thursday, December 08, 2016 2:41 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Olson, Charles <colson@lubinolson.com>; 'fabien@novadesignsbuils.com' <fabien@novadesignsbuils.com>; 'jfogarty@sonic.net' <jfogarty@sonic.net>; 'jwallace@jaywallaceassociates.com' <jwallace@jaywallaceassociates.com>; Campos, David (BOS) <david.campos@sfgov.org>; dennis.herrera@sfgov.org
Subject: 3516 and 3526 Folsom Street - Appeal of Exemption Determination Recusal Request

Ms. Cavillo,

Attached please find our prior request for Campos' recusal. Once again, we request Campos' recusal from the upcoming hearing before the Board on December 13, 2016 regarding the proposed project at 3516-3526 Folsom Street.

Thank you,
Carolyn



Carolyn J. Lee | **LUBIN OLSON**

Lubin Olson & Niewiadomski LLP | The Transamerica Pyramid | 600 Montgomery Street, 14th Floor | San Francisco, CA 94111
Phone: (415) 981-0550 | Facsimile: (415) 981-4343 | www.lubinolson.com | Email: clee@lubinolson.com

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July 5, 2016

Ms. Angela Cavillo
Clerk
San Francisco Board of Supervisors
1 Dr. Carlton Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

RE: Appeal of CEQA Categorical Exemption Determination
Planning Case No. 2013.1383E
Building Permit Application Nos. 2013.12.16.4318 & 2013.16.4322
3516-3526 Folsom Street ("Project Site")

Dear Ms. Cavillo:

I am the owner of 3516 Folsom Street and the applicant for the referenced building permits, which are the subject the subject of this appeal. I am writing to request that Supervisor David Campos, an officer of the City and County of San Francisco, recuse himself from acting on or voting on the above matter.

As you may know, Supervisor Campos owns a home located at 401 Chapman Street, which is within 500 feet of the Project Site.

Pursuant to Section 3.206 of the San Francisco Administrative Code, "No officer ...of the City and County shall make, participate in making, or seek to influence a decision of the City and County in which the officer...has a financial interest within the meaning of California Government Code Section 87100 et. seq. and any subsequent amendments to these Sections."

Government Code Section 87100 states that "No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

Government Code Section 87103 states that "A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family or on any of the following: (b) Any real property which the public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more."

California Code of Regulations, Title 2, Division 6 sets forth the regulations of California's Political Reform Act and Sections 87100 et. seq.

Regulation 18702.2(a) provides a list of circumstances under which the reasonably foreseeable financial effect of a governmental decision on real property in which an official has a financial interest is material. The list of circumstances includes construction of, or improvements to, streets, water, sewer, storm drainage or similar facilities that would:

- Change the development potential of the official's parcel of real property (Regulation 18702.2(a)(7).)
- Change the income producing potential of the parcel of real property (Regulation 18702.2(a)(8).)
- Change the highest and best use of the real property in which the official has an interest (Regulation 18702.2(a)(9).)
- Change the character of the parcel of real property by substantially altering traffic levels, intensity of use, including parking, of property surrounding the official's real property parcel, the view, privacy, noise levels, or air quality, including odors, or any other factors that would affect the market value of the real property party in which the official has a financial interest. (Regulation 18702.2(a)(10).)
- Involve any decision affecting real property value located within 500 feet of the property line of the official's real property, other than commercial property containing a business entity.... (Regulation 18702.2(a)(11).)
- Cause a reasonably prudent person, using due care and consideration under the circumstances, to believe that the governmental decision was of such a nature that its reasonably foreseeable effect would influence the market value of the official's property (Regulation 18702.2(a)(12).)

The FPPC, in its August 2015 Guide To The Conflict of Interest Rules of the Political Reform Act, a copy of which is attached as **Exhibit A**, states that a material financial effect is assumed if the above matters are present. (See pages 7-8.) These laws, regulations and principals were applied as recently as June 21, 2016, in Oakland when its Civil Grand Jury found that City Council President Lynette Gibson McElhaney broke state and city ethics laws by interfering with the approval process for a 5-unit development planned for a lot next door to her home. See, **Exhibit B**.

The Appellants have stated in their Appeal Letter, dated June 3, 2016, that there are at least 19 "facts" that would result in damage to and diminution of value to neighboring residents. Many of the signers of the Appeal Letter live on Chapman Street, the same street that Supervisor Campos owns a home on. Supervisor Campos' interest in his real property would incur the same alleged impacts as those identified by the Appellants. His "injury" or "damage" is not similar to the public at

large, but rather is a localized impact that might affect, if at all, only the neighbors in the nearby vicinity of the project site.

Based on the facts set forth herein, and the applicable conflict of interest laws and regulations, Supervisor David Campos has a clear conflict of interest in this matter and he should immediately recuse himself from taking any action or participating in any vote involving the Project Site.

If for some reason Supervisor Campos will not be recusing himself on all matters and votes involving the Project, please let me know immediately.

Thank you.

Very truly yours,

Fabien Lannoye

CC: Supervisor David Campos
City Attorney Dennis Herrera

Exhibit A

Recognizing Conflicts of Interest

A Guide to the Conflict of Interest Rules of the Political Reform Act

Fair Political Practices Commission
August 2015



This guide is provided by the Fair Political Practices Commission (FPPC) as a general overview of a public official's obligations under the conflict of interest rules provided for in the Political Reform Act (the Act).¹ It is intended to help the user spot situations and issues that may give rise to a conflict. The guide will provide answers to some of the more common questions:

- What is a conflict of interest under the Act?
- Who must be vigilant about conflicts of interest?
- What precautions can be taken to prevent conflicts?
- A conflict of interest exists, what now?
- Where to go for help?

A word of caution - officials should not rely solely on this guide to ensure compliance with the Act, but should also consult the statutes of the Act, the FPPC's regulations, and if necessary, seek legal advice.

What is a conflict of interest under the Act?

In 1974, the voters enacted the Political Reform Act.² In adopting the Act, the voters recognized that conflicts of interest in governmental decision-making by public officials posed a significant danger.

"The people find and declare ...

- a) State and local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth;
- b) Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them...."³

Under the Act, a public official will have a statutory conflict of interest with regard to a particular government decision if it is foreseeable that the outcome of the decision will have a financial impact on the official's personal finances or other financial interests.⁴ In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. In fact, preventing conflicts of interest was of such vital importance to the voters that the Act not only prohibits actual bias in decision-making but also "seeks to forestall ... the appearance of possible improprieties."⁵

Who must be vigilant about conflicts of interest?

Public Officials: The reach of the Act's conflict of interest rules is commonly misunderstood or understated. The Act applies to all "public officials," which is defined as "every member, officer, employee or consultant of a state or local government agency."⁶

It is universally recognized that certain elected public officials, such as city councilmembers, city managers and city attorneys, must refrain from decision-making where a conflict of interest exists. These persons hold high-level positions of trust in government. However, the Act's conflict of interest prohibition reaches much further than high-level state and local officials. The Act's conflict of interest disclosure and disqualification rules apply to thousands of local and state public employees and officials working throughout California.

The Public: The Act relies on individual citizens to monitor the decision-making of their elected and appointed representatives to identify whether they have a conflict of interest with respect to a specific decision. Much of the enforcement of the Act's conflict of interest provisions is based on citizen complaints.⁷

What precautions can be taken to prevent conflicts of interest?

In order to prevent a conflict of interest, a public official should: 1) identify and fully disclose the financial interests that may cause a conflict; 2) understand the different types of financial interests that may be the basis for a conflict; and 3) consider whether the decision's effect on the official's financial interest is reasonably foreseeable and material. Each step is discussed in greater detail below.

1. Identify and fully disclose the financial interests that may cause a conflict.

Public Officials: The most important thing an official can do to comply with this law is to recognize the types of interests from which a conflict of interest can arise. By learning to recognize these interests, an official will be able to spot potential problems and seek help from the agency's legal counsel or from the FPPC.

In fact, officials can take steps to protect themselves and the public from conflict of interest decisions well in advance of making a specific governmental decision. The Act requires that public officials annually disclose their financial interests on a Form 700 (Statement of Economic Interests). This is a requirement because the voters who enacted the law recognized that an important purpose of the Act was to ensure adequate disclosure:

“Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided.”⁸

The financial interests disclosed include many of the interests that form the basis for a conflict and require disqualification under the Act. No one has a conflict of interest under the Act on general principles or because of personal bias regarding a person or subject – conflicts under the Act are based on financial interests. By thoroughly completing the Form 700, the official is on notice of the type of financial interests he or she holds that may cause a conflict of interest. If the official has no interests that governmental decisions can financially affect, the official will not have a conflict of interest.

The Public: Requiring officials to publicly disclose their financial interests allows the general public to monitor an official’s conduct. In other words, any individual citizen can obtain a copy of the Form 700 filed by their local or state official to determine whether the official has a conflict of interest with respect to a specific decision. This serves as an important enforcement mechanism for the Act’s disqualification requirements.

2. Understand the different types of financial interests that may be the basis for a conflict.

There are five types of interests⁹ that may result in disqualification:

- ***Business Investment, Employment or Management.*** An official has a financial interest in a business entity in which the official, or the official’s spouse, registered domestic partner, or dependent children or an agent has invested \$2,000 or more.¹⁰ An official also has a financial interest in a business entity for which the official is a director, officer, partner, trustee, employee, or holds any position of management.
- ***Real Property.*** An official has a financial interest in real property in which the official, or the official’s spouse, registered domestic partner, or dependent children, or an agent has invested \$2,000 or more, and also in certain leasehold interests of terms of more than a month (excluding a month-to-month lease and leases for terms of less than a month).¹¹
- ***Sources of Income.*** An official has a financial interest in anyone, whether an individual or an organization, from whom the official has received (or from whom the official has been promised) \$500 or more in income within 12 months prior to the decision. A “source of income” includes a community property interest in the spouse’s or registered domestic partner’s income. Therefore, a person from

Conflicts of Interest

whom the official's spouse or registered domestic partner receives income of \$1,000 or more, such that the official's community property share is \$500 or more, may also be a source of a conflict of interest.¹²

In addition, if the spouse, registered domestic partner or dependent children own 10 percent or more of a business, the official is considered to be receiving "pass-through income" from the business's clients. In other words, under such circumstances, the business's clients may be considered sources of income to the official as well.

- ***Gifts.*** An official has a financial interest in anyone, whether an individual or an organization, who has given gifts to the official that total \$460 or more¹³ within 12 months prior to the decision.
- ***Personal Finances.*** An official has a financial interest in decisions that affect the official's personal expenses, income, assets, or liabilities, as well as those of the official's immediate family. This is known as the "personal financial effects" rule.

Quick Tip:

Not all of the financial interests that may cause a conflict of interest are disclosed on a Form 700. A good example is an official's home. It is common for financial effects on an official's home to trigger a conflict of interest. Officials are not, however, required to disclose their home on the Form 700.¹

3. Consider whether the decision's effect on the official's financial interest is reasonably foreseeable and material.

The next steps all focus on the specific governmental decision in question. At the heart of deciding whether an official has a conflict of interest in a specific decision is determining whether an effect on the financial interest is reasonably foreseeable (might realistically happen or is too remote a possibility) and is material (financially important enough). Determining whether a decision's effects are foreseeable and material will depend on the nature of the specific decision and the relationship of the official's interest to the effects of the governmental decisions.

IS IT REASONABLY FORESEEABLE?¹⁴

Is it a realistic possibility that the decision will actually affect the official's financial interest or is it too remote or theoretical? Two alternative tests answer this question depending on whether an interest is explicitly involved in a decision.

<p><u>An Interest is Explicitly Involved in a Decision If:</u></p> <ol style="list-style-type: none"> 1) The interest is a named party in or the subject of a governmental decision, or 2) The decision involves the issuance, renewal, approval, denial or revocation of any license, permit, or other entitlement to, or contract with, the interest, or 3) The decision affects the real property of the official as described in Regulation 18702.2(a)(1)-(6). 	<p><u>Then</u></p> <p>It is reasonably foreseeable that the decision will have a material financial effect on the interest.</p>
<p><u>If Not Explicitly Involved in the Decision</u></p> <p>All other decisions, other than those above, are considered not explicitly involved in the decision.</p>	<p><u>Then</u></p> <p>If an interest is not explicitly involved in a decision, the financial effect on the interest is reasonably foreseeable only if the effect can be recognized as a realistic possibility and more than hypothetical or theoretical. A financial effect need not be likely to be considered reasonably foreseeable. However, if the financial result cannot be expected absent extraordinary circumstances not subject to the public official's control, it is not reasonably foreseeable.</p>

Quick Tip:

For purposes of being vigilant to avoid conflict of interest decisions, keep the general rule in mind – if the financial effect can be recognized as a realistic possibility and more than hypothetical or theoretical, it is reasonably foreseeable.

IS IT MATERIAL?

The FPPC has adopted various rules (general and specific) for deciding what kinds of financial effects are important enough to trigger a conflict of interest. Generally, for each of the five interests set forth above, a separate materiality standard exists. The following charts reflect the materiality standards that apply to each type of interest.

Interests in Business Entities¹⁵

(Including investments in, employment or positions with, or income from business entities)

<p>If Business Explicitly Involved = Financial Effect Assumed to be Material</p>	<p>⊗ Not Assumed Material if Business Not Explicitly Involved</p>
<p>A material financial effect is assumed if the business:</p> <ol style="list-style-type: none"> 1) Initiates the proceeding by filing an application, claim, appeal, or request for other government action; 2) Offers to make a sale of a service or a product to the official's agency; 3) Bids on or enters into a written contract with the official's agency; 4) Is the named manufacturer in a purchase order of any product purchased by the official's agency or the sales provider of any products to the official's agency that aggregates to \$1,000 or more in any 12-month period; 5) Applies for a permit, license, grant, tax credit, exception, variance, or other entitlement that the official's agency is authorized to issue; 6) Is the subject of any inspection, action, or proceeding subject to the regulatory authority of the official's agency; or 7) Is otherwise subject to an action the official's agency takes, the effect of which is directed solely at the business entity in which the official has an interest. <p>NOTE: In all other circumstances, the business is considered not explicitly involved in the decision and the financial effect is not assumed to be material.</p>	<p>In all other cases, a financial effect is material <i>if</i> a prudent person with sufficient information would find it is reasonably foreseeable that the decision's financial effect would contribute to a change in the price of the entity's publicly traded stock, or the value of a privately-held business entity.</p>

Interests in Real Property¹⁶

NOTE: There are different materiality standards depending on whether it is an ownership or leasehold interest.

Ownership Interests in Real Property

A material financial effect
is assumed if...

The decision:

- 1) Involves adopting or amending a general or specific plan, that includes the official's property;
- 2) Determines the property's zoning or rezoning, annexation or de-annexation, or inclusion in or exclusion from any city, county, district, or other local government subdivision, or other boundaries (other than a zoning decision applicable to all properties designated in that category);
- 3) Imposes, repeals, or modifies any taxes, fees, or assessments that apply to the property;
- 4) Authorizes the sale, purchase, or lease of the property;
- 5) Involves the issuance, denial or revocation of a license, permit or other land use entitlement authorizing a specific use of or improvement to the property or any variance that changes the permitted use of, or restrictions placed on it;

NOTE: For a financial effect resulting from a governmental decision regarding permits or licenses issued to the official's business entity when operating on the official's real property, the materiality standards under Regulation 18702.1 applicable to business entities would apply instead.

- 6) Involves construction of, or improvements to, streets, water, sewer, storm drainage or similar facilities, and the property in which the official has an interest will receive new or improved services that are distinguishable from improvements and services that are provided to or received by other similarly situated properties in the official's jurisdiction or the official will otherwise receive a disproportionate benefit or detriment by the decision.

<p>Unless it is nominal, inconsequential or insignificant, a material financial effect is also assumed if...</p>	<p>The decision:</p> <ol style="list-style-type: none"> 1) Changes the development potential of the real property; 2) Changes the income-producing potential of the real property; <p>NOTE: If the real property contains a business entity, including rental property, and the nature of the business entity remains unchanged, the materiality standards under Regulation 18702.1 applicable to business entities would apply instead.</p> <ol style="list-style-type: none"> 3) Changes the highest and best use of the parcel of real property in which the official has a financial interest; 4) Changes the character of the parcel of real property by substantially altering traffic levels or intensity of use, including parking, of property surrounding the official's real property parcel, the view, privacy, noise levels, or air quality, including odors, or any other factors that would affect the market value of the real property parcel in which the official has a financial interest; 5) Affects real property value located within 500 feet of the official's property line. However, if the real property is commercial property and contains a business entity, the materiality standards under Regulation 18702.1 applicable to business entities would apply instead;¹⁷ 6) Causes a reasonably prudent person, using due care and consideration under the circumstances, to believe that the governmental decision was of such a nature that its reasonably foreseeable effect would influence the market value of the official's property.
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Leasehold Interests in Real Property¹⁸

<p>A material financial effect is assumed if...</p>	<p>The decision:</p> <ol style="list-style-type: none"> 1) Changes the termination date of the lease; 2) Increases or decreases the potential rental value of the property; 3) Increases or decreases the rental value of the property, and official has right to sublease it; 4) Changes the official's actual or legally allowable use of the real property; or 5) Impacts the official's use and enjoyment of the real property.
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Sources of Income

NOTE: There are different standards depending if income is for goods and services or the sale of personal or real property.

Income Received for Goods and Services Provided in the Ordinary Course of Business, including a Salary¹⁹

<p>A material financial effect is assumed if...</p>	<p>The source of income is:</p> <ol style="list-style-type: none">1) A claimant, applicant, respondent, contracting party, or is otherwise named or identified as the subject of the proceeding;2) An individual and the individual will be financially affected under the standards applied to an official in Regulation 18702.5, or the official knows or has reason to know that the individual has an interest in a business entity or real property that will be financially affected under the standards applied to those financial interests in Regulation 18702.1 or 18702.2, respectively;3) A nonprofit that will receive a measurable financial benefit or loss, or the official knows or has reason to know that the nonprofit has an interest in real property that will be financially affected under the standards applied to a real property interest in Regulation 18702.2; or4) A business entity and the business will be financially affected under the standards applied to a business interest in Regulation 18702.1.
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Income from the Sale of Personal or Real Property of the Official or the Official's Spouse if Community Property²⁰

<p>A material financial effect is assumed if...</p>	<p>The official knows or has reason to know that the source of income:</p> <ol style="list-style-type: none">1) Is a claimant, applicant, respondent, contracting party, or is otherwise named or identified as the subject of the proceeding;2) Has an interest in a business entity that will be financially affected under the standards applied to a financial interest in Regulation 18702.1; or3) Has an interest in real property that will be financially affected under the standards applied to a financial interest in Regulation 18702.2.
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Sources of Gifts²¹

(Including Gifts from Individuals, Nonprofits, and Business Entities)

<p>A material financial effect can be assumed if...</p>	<p>The source is:</p> <ol style="list-style-type: none">1) A claimant, applicant, respondent, contracting party, or is otherwise named or identified as the subject of the proceeding;2) An individual who will be financially affected under the standards applied to an official in Regulation 18702.5, or the official knows or has reason to know that the individual has an interest in a business entity or real property that will be financially affected under the standards applied to those interests in Regulation 18702.1 or 18702.2, respectively;3) A nonprofit that will receive a measurable financial benefit or loss, or the official knows or has reason to know that the nonprofit has an interest in real property that will be financially affected under the standards applied to a financial interest in Regulation 18702.5; or4) A business entity will be financially affected under the standards in Regulation 18702.1.
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Interests in Personal Finances²²

(Including the Personal Finances of Immediate Family Members)

<p>The financial effect is material if...</p>	<p>The official or the official's immediate family member will receive a measurable financial benefit or loss from the decision unless it is nominal, inconsequential, or insignificant.</p>
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Quick Tip:

There are many rules and many exceptions (so numerous we can't discuss them all here). At a big picture level, remember:

- In most cases, if the financial interest is directly or explicitly involved in the decision, the materiality standard is met. This is because an interest that is directly or explicitly involved in a governmental decision presents a more obvious conflict.
- On the other hand, if the financial interest is not directly or explicitly involved, the materiality standard is generally based on a reasonable person standard.

4. Consider whether an exception applies.

Once an official has determined that he or she has a conflict of interest in a particular decision, the official can examine if an exception permits the official's participation despite the conflict. Not all conflicts of interest prevent the official from lawfully taking part in the government decision.

- *The Public Generally Exception:*²³ Even if an official otherwise has a conflict of interest, the official is not disqualified from the participating in the decision if the "public generally" exception applies. This public generally exception applies when the financial effect on a public official or the official's interests is indistinguishable from its effect on the public generally.

NOTE: The "public generally" exception must be considered with care. An official may not just assume that it applies. There are rules for identifying the specific segments of the general population with which the official must compare the official's financial interest, and specific rules for deciding whether the financial impact will uniquely affect the public official as compared to the public generally. Again, officials should contact their agency counsel or the FPPC concerning these specific rules.

- *Legally Required to Participate:*²⁴ Even if an official has a disqualifying conflict of interest, is the participation legally required? In certain rare circumstances, an official may be called upon to take part in a decision despite the fact that the official has a disqualifying conflict of interest. This "legally required participation" rule applies only in certain very specific circumstances in which the government agency would be paralyzed or unable to act. The FPPC or the agency's counsel must generally make this determination and will instruct the official on how to proceed.

A conflict of interest exists, what now?

Once an official determines that they have a conflict of interest and that an exception does not apply, the official must disqualify from all of the following:²⁵

- *Making the governmental decision.* A public official makes a governmental decision if the official authorizes or directs any action, votes, appoints a person, obligates or commits his or her agency to any course of action, or enters into any contractual agreement on behalf of his or her agency.

Conflicts of Interest

- *Participating in making the governmental decision.* A public official participates in a governmental decision if the official provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review.
- *Influencing the governmental decision.* A public official uses his or her official position to influence a governmental decision if he or she: contacts or appears before (1) any official in his or her agency or in an agency subject to the authority or budgetary control of his or her agency for the purpose of affecting a decision; or (2) any official in any other government agency for the purpose of affecting a decision, and the public official acts or purports to act within his or her authority or on behalf of his or her agency in making the contact.

Certain officials (including city council members, planning commissioners, and members of the boards of supervisors) have a mandated manner in which they must disqualify from a decision.²⁶ They must publicly identify in detail the interest that creates the conflict, step down from the dais, and must then leave the room. The official must identify the interest following the announcement of the agenda item to be discussed or voted upon, but before either the discussion or vote commences.

If the decision is to take place during a closed session, the identification of the financial interest must be made during the public meeting prior to the closed session but is limited to a declaration that the official has a conflict of interest. The financial interest that is the basis for the conflict need not be disclosed. The official may not be present during consideration of the closed session item and may not obtain or review any nonpublic information regarding the decision.

There are limited exceptions that allow a public official to participate even when a conflict is present, such as participating as a member of the general public, speaking to the press, or discussing one's own governmental employment. The exceptions are limited and fact-specific, and may require advice from the agency's counsel or the FPPC.

Final thoughts

Generally speaking, here are the keys for public officials to meet their obligations under the Act's conflict of interest laws:

- Know the purpose of the law, which is to prevent biases, actual and apparent, that result from the financial interests of the decision-makers.
- Learn to spot potential trouble early. Understand which financial interests could give rise to a conflict of interest.

- Understand the “big picture” of the rules. For example, know why the rules distinguish between explicitly involved interests, and why the public generally exception exists.
- Realize the importance of the facts. Deciding whether an official has a disqualifying conflict of interest depends just as much - if not more - on the facts of the particular situation as it does on the law.
- Don’t try to memorize all of the specific conflict of interest rules. The rules are detailed, and the penalties for violating them are significant. Rather, look the rules up or ask about the particular rules applicable to a given case.
- Ask for advice. It is available from the agency’s legal counsel and from the FPPC.

Where to go for help?

Email Advice (informal)	advice@fppc.ca.gov
Written Advice (formal and informal)	Fair Political Practices Commission 428 J Street, Suite 620 Sacramento, CA 95814

¹ The Political Reform Act is contained in Government Code §§ 81000 - 91014, and all statutory references are to this code. The FPPC regulations are contained in §§ 18110 - 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Enacted through Proposition 9 at the June 4, 1974 Primary Election.

³ § 81001.

⁴ § 87100.

⁵ *Witt v. Morrow* (1977) 70 Cal. App. 3d 817 at 822-823: "Morrow asserts it is unconstitutional to automatically disqualify a public official from participating in decisions which may affect the investments of an entity which pays him However, the whole purpose of the Political Reform Act of 1974 is to preclude a government official from participating in decisions where it appears he may not be totally objective because the outcome will likely benefit a corporation or individual by whom he is also employed."

⁶ § 82048.

⁷ § 83115.

⁸ § 81002(c).

⁹ § 87103.

¹⁰ Under § 87103, an official has an "indirect interest" in real property owned by a business entity or trust in which the official, the official's immediate family, or their agents own directly, indirectly, or beneficially a 10-percent interest or greater.

¹¹ § 82033.

¹² § 82030.

¹³ The Commission adjusts the gift threshold on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index.

¹⁴ Regulation 18701.

¹⁵ Regulation 18702.1

¹⁶ Regulation 18702.2(a).

¹⁷ Particular facts can rebut this presumption depending on advice given by the FPPC.

¹⁸ Regulation 18702.2(b).

¹⁹ Regulation 18702.3(a).

²⁰ Regulation 18702.3(b).

²¹ Regulation 18702.4.

²² Regulation 18702.5.

²³ Regulation 18703.

²⁴ § 87101 and Regulation 18705.

²⁵ Regulation 18704.

²⁶ § 87105 and Regulation 18707 applicable to persons holding positions specified in § 87200.

Exhibit B

BAY AREA & STATE

Oakland councilwoman broke city, state rules, report says

Rachel Swan | on June 21, 2016

268



Photo: Michael Short, Special To The Chronicle

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Oakland City Council President Lynette Gibson McElhaney speaks during a press conference at the Oakland Museum of California, in Oakland, CA Friday, April 22, 2016.

An Oakland city councilwoman broke state and city ethics rules by interfering with the approval process for a five-unit town house development planned for a lot next door to her home, according to a civil grand jury report released Tuesday.



The councilwoman inappropriately wielded her position and used city resources to contact a department head to argue her objections and cause a re-evaluation that stalled the project, according to the report of the Alameda County grand jury. Although the report does not name the councilwoman, a source with knowledge of the grand jury probe identified her as City Council President Lynette Gibson McElhaney, and city documents show the address of the project lot as 530 32nd St. in West Oakland, which is next door to McElhaney's home.

The interference by the councilwoman led to several revisions and downsizing of the building plans, and the project was approved in 2014, according to the report. But the project has not been built. Instead, the property owner is offering the lot for sale.

"The property owner is concerned that further battles with the city may occur while attempting to obtain permits and constructing the town house project," the report states. "Witnesses to the grand jury testified that developers are reluctant to purchase the property due to the council member's interference."

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McElhaney did not return calls seeking comment.

"As public servants, elected officials are precluded from seeking to influence a decision in which they have a financial interest," the grand jury report stated.

The report noted that "the councilmember had a material financial interest in governmental decisions based on the

proximity of the town house project to her residence and the likelihood that her privacy would be adversely impacted.”

Opposition to project

The saga began in January 2014 as the property owner, who is not identified in the report, was in the midst of working with the city planning department on a design for the five-townhouse project with downtown views in a part of Oakland long starved for development. The property owner was contacted by a “next-door neighbor who stated that his wife was an Oakland city councilmember and further stated that he and his wife would be working to stop the project if the design was not changed to their liking,” according to the report.

Shortly afterward, the report states, the councilwoman contacted Oakland Planning and Building Department chief Rachel Flynn to complain about the town house project. It says Flynn visited the lot, decided the design was subpar and pressured the property owner to make several modifications to mollify the councilwoman and her husband.

Flynn also installed herself as a point person for the project and urged the property owner to submit the revised plans to the councilwoman and other neighbors before turning them in to the city, the report stated.

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Rachel Swan | Oakland Reporter

Promoted Stories





Edwin M. Lee, Mayor
Philip A. Ginsburg, General Manager

December 8, 2016

Ms. Angela Calvillo
Clerk of the Board
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4689

Dear Ms. Calvillo:

Please find attached the Recreation and Park Department's report for the 1st quarter of FY16-17 in response to the requirements of Resolution 157-99 Lead Poisoning Prevention. To date, the Department has completed assessment and clean-up at **182** sites since program inception in 1999.


Given the large cost and logistical issues to abate lead issues at Kezar Pavilion, we have decided to continue with our monitoring and cleaning program.

Additionally, we have started preparation to assess Pine Lake Park and are reassessing select water fixtures. Of the 182 sites we have evaluated, ten had sources selected for reevaluation based on past results. The current assessment showed that six sites could be removed from the program as they met the acceptable standard. Seven fixtures at four sites are currently being repaired or removed.

I hope that you and interested members of the public find that the Department's performance demonstrates our commitment to the health and well being of the children we serve.

Thank you for your support of this important program. Please do not hesitate to contact me with any questions, comments or suggestions you have.

Sincerely,


Philip A. Ginsburg
General Manager

Attachments: 1. FY16-17 Implementation Plan, 1st Quarter Status Report
2. Status Report for All Sites

Copy: K. Cohn, DPH, Children's Environmental Health Promotion

Attachment 1. Implementation Plan Status Report

1st Quarter Status Report

Plan Item	Status
I. Hazard Identification and Control	
a) Program Revision	A revision of the project management procedures was completed in FY13-14. No revision is currently planned; it will be updated again as needed.
b) Site Prioritization	<p>Prioritization is based on verified hazard reports (periodic inspections), documented program use (departmental and day care), estimated participant age, and presence of playgrounds or schoolyards.</p> <p>Sites are selected on a rolling basis; as one site is completed, the next site on the list becomes active.</p>
c) Survey	Pine Lake Park
d) Cleanup	<p>Given the large cost and logistical issues to abate lead issues at Kezar Pavilion, we have decided to continue with our monitoring and cleaning program.</p> <p>Additionally, we have started preparation to assess Pine Lake Park and are reassessing select water fixtures. Of the 182 sites we have evaluated, ten had sources selected for reevaluation based on past results. The current assessment showed that six sites could be removed from the program as they met the acceptable standard. Seven fixtures at four sites are currently being repaired or removed.</p>
e) Site Posting and Notification	Each site has been or will be posted in advance of clean-up work so that staff and the public may be notified of the work to be performed.
f) Next site	Priority 172, Broadway Tunnel West Mini Park
II. Facilities Operations and Maintenance	
a) Periodic Inspection	Annual periodic facility inspections are completed by staff. The completion rate for FY15-16 was 51%.
b) Housekeeping	Staff is reminded of this hazard and the steps to control it through our Lead Safe Work Practice.

c) Staff Training

Under the Department's Injury and Illness Prevention Program, basic lead awareness training is recommended every two years for appropriate staff (e.g. custodians, gardeners, recreation staff, structural maintenance staff, etc.).

Attachment 2. Status Report for RPD Sites

Status Report for RPD Sites

Sites are listed in order in which they were prioritized for survey. Prioritization is done using an algorithm which takes into account attributes of a site that would likely mean the presence of children from 0-12 years old (e.g. programming serving children, or the presence of a playground).

Sites are surveyed on a rolling basis. "Rolling" means that when one site finishes, the next site on the list will begin. Current sites are listed at the top. Sites not be completed in exact order of priority due to re-tests and other extenuating circumstances.

Re-tests of previous sites are completed every 10 surveys to ensure that past work has sustained an acceptable level of protection.

ALL SITES

Priority	Facility Name	Location	Completed	Notes	Retest	FLOW
138	Pine Lake Park	Crestlake/Vale/Wawona	07-08	Programmed retest; survey to be completed.	X	
172	Broadway Tunnel West-Mini Park	Leavenworth/Broadway				
173	Broadway Tunnel East-Mini Park	Broadway/Himmelman				
174	Lake Merced Park	Skyline/Lake Merced		Includes Harding Park, Flemming Golf, Boat House and other sites. Note that the Sandy Tatum clubhouse and maintenance facilities were built in 2004 and should be excluded from the survey.		
175	Ina Coolbrith Mini Park	Vallejo/Taylor				
176	Justin Herman/Embarcadero Plaza	Clay/Embarcadero				
177	Billy Goat Hill	Laidley/30th				
178	Coso/Precita-Mini Park	Coso/Precita				
179	Dorothy Erskine Park	Martha/Baden				
180	Duncan Castro Open Space	Diamond Heights				
181	Edgehill Mountain	Edgehill/Kensington Way				
182	Everson/Digby Lots	61 Everson				
183	Fairmount Plaza	Fairmont/Miguel				
184	15th Avenue Steps	Kirkham/15th Avenue				
185	Geneva Avenue Strip	Geneva/Delano				
186	Grand View Park	Moraga/14th Avenue				
187	Hawk Hill	14th Avenue/Rivera				
188	Interior Green Belt	Sutro Forest				
189	Japantown Peace Plaza	Post/Buchanan/Geary				
190	Jefferson Square	Eddy/Gough				
191	Joseph Conrad Mini Park	Columbus/Beach				
192	Kite Hill	Yukon/19th				
193	Lakeview/Ashton Mini Park	Lakeview/Ashton				
194	Maritime Plaza	Battery/Clay				
195	McLaren Park-Golf Course	2100 Sunnydale Avenue				
196	Mt. Davidson Park	Myra Way				
197	Mt.Olympus	Upper Terrace				
198	Mullen/Peralta-Mini Park	Mullen/Peralta Mini Park				
199	O'Shaughnessy Hollow	O'Shaughnessy Blvd.				
200	Park Presidio Blvd.	Park Presidio Blvd.				
201	Rock Outcropping	Ortega/14th Avenue		Lots 11, 12, 21, 22, 6		
202	South End Rowing/Dolphin Club	Aquatic Park		Land is leased		
203	Russian Hill Open Space	Hyde/Larkin/Chestnut		Hyde Street Reservoir		

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	FLOW
204	Saturn Street Steps	Saturn/Ord				
205	Seward Mini Park	Seward/Acme Alley				
206	Twin Peaks	Twin Peaks Blvd.				
207	Fillmore/Turk Mini Park	Fillmore/Turk				
208	Esprit Park	Minnesota Street				
209	Brotherhood/Chester Mini Park	Chester St. near Brotherhood Way				
210	Sue Bierman Park	Market/Steuart				
211	29th/Diamond Open Space	1701 Diamond/29th		Is not on current list of RPD sites (6/2/10).		
212	Berkeley Way Open Space	200 Berkeley Way		Is not on current list of RPD sites (6/2/10).		
213	Diamond/Farnum Open Space	Diamond/Farnum		Is not on current list of RPD sites (6/2/10).		
214	Joost/Baden Mini Park	Joost/N of Baden				
215	Grand View Open Space	Moraga/15th Avenue		Included in Grand View Park		
216	Balboa Natural Area	Great Highway/Balboa		Is not on current list of RPD sites (6/2/10).		
217	Fay Park	Chestnut and Leavenworth				
218	Guy Place Mini Park	Guy Place				
219	Portola Open Space					
220	Roosevelt/Henry Steps					
221	Sunnyside Conservatory	Monterey & Baden				
222	Topaz Open Space	Monterey & Baden				
1	Upper Noe Recreation Center	Day/Sanchez	99-00			
2	Jackson Playground	17th/Carolina	99-00	Abatement completed in FY05-06.	04-05	
3	Mission Rec/Art Center	745 Treat Street	99-00, 02-03	Includes both the Harrison (Rec) and Treat St. (Art) sides.	06-07	X
4	Palega Recreation Center	Felton/Holyoke	99-00			
5	Eureka Valley Rec Center	Collingwood/18th	99-00			
6	Glen Park	Chenery/Elk	99-00, 00-01	Includes Silver Tree Day Camp		
7	Joe DiMaggio Playground	Lombard/Mason	99-00			
8	Crocker Amazon Playground	Geneva/Moscow	99-00			
9	George Christopher Playground	Diamond Hts/Duncan	99-00			
10	Alice Chalmers Playground	Brunswick/Whittier	99-00			
11	Cayuga Playground	Cayuga/Naglee	99-00			
12	Cabrillo Playground	38th/Cabrillo	99-00			
13	Herz Playground (and Pool)		99-00, 00-01	Includes Coffmann Pool		
14	Mission Playground	19th & Linda	99-00	Notice of Violation abated. Mulch removed and replaced (FY13-14). Entire survey not completed.		
15	Minnie & Lovie Ward Rec Center	Capital Avenue/Montana	99-00			
16	Sunset Playground	28th Avenue/Lawton	99-00			
17	West Sunset Playground	39th Avenue/Ortega	99-00			
18	Excelsior Playground	Russia/Madrid	99-00			
19	Helen Wills Playground	Broadway/Larkin	99-00			
20	J. P. Murphy Playground	1960 9th Avenue	99-00			
21	Argonne Playground	18th/Geary	99-00			
22	Duboce Park	Duboce/Scott	99-00, 01-02	Includes Harvey Milk Center		
23	Golden Gate Park	Panhandle	99-00			
24	Junipero Serra Playground	300 Stonecrest Drive	99-00			
25	Merced Heights Playground	Byxbee/Shields	99-00			
26	Miraloma Playground	Omar/Sequoia Ways	99-00			
27	Silver Terrace Playground	Silver Avenue/Bayshore	99-00			
28	Gene Friend Rec. Center	Folsom/Harriet/6th	99-00			

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	FLOW
29	South Sunset Playground	40th Avenue/Vicente	99-00			
30	Potrero Hill Recreation Center	22nd/Arkansas	99-00			
31	Rochambeau Playground	24th Avenue/Lake Street	00-01, 09-10	No abatement needed.		
33	Cow Hollow Playground	Baker/Greenwich	00-01; 09-10			
34	West Portal Playground	Ulloa/Lenox Way	00-01	No abatement needed		
35	Moscone Recreation Center	Chestnut/Buchanan	00-01			
36	Midtown Terrace Playground	Clarendon/Olympia	00-01	No abatement needed		
37	Presidio Heights Playground	Clay/Laurel	00-01			
38	Tenderloin Children's Rec. Ctr.	560/570 Ellis Street	00-01			
39	Hamilton Rec Center	Geary/Steiner	00-01	Note that the Rec. Center part of the facility is new (2010)		
41	Margaret S. Hayward Playground	Laguna, Turk	00-01			
43	Saint Mary's Recreation Center	Murray St./Justin Dr.	00-01			
44	Fulton Playground	27th Avenue/Fulton	00-01			
45	Bernal Heights Recreation Center	Moultrie/Jarboe	00-01	No abatement needed		
46	Douglass Playground	Upper/26th Douglass	00-01			
47	Garfield Square	25th/Harrison	00-01			
48	Woh Hei Yuen	1213 Powell	00-01			
49	Father Alfred E. Boeddeker Park	Ellis/Taylor/Eddy/Jones	00-01			
50	Gilman Playground	Gilman/Griffiths	00-01			
51	Graffan Playground	Stanyan/Alma	00-01	No abatement needed		
52	Hayes Valley Playground	Hayes/Buchanan	00-01			
53	Youngblood Coleman Playground	Galvez/Mendell	00-01			X
55	Angelo J. Rossi Playground (and Pool)	Arguello Blvd./Anza	00-01			
56	Carl Larsen Park (and Pool)	19th/Wawona	00-01			
57	Sunnyside Playground	Melrose/Edna	00-01	No abatement needed		
58	Balboa Park (and Pool)	Ocean/San Jose	00-01	Includes Matthew Boxer stadium		X
59	James Rolph Jr. Playground	Potrero Ave./Army Street	00-01, 02-03	This was originally supposed to be Rolph-Nicol (Eucalyptus) Park in 02-03, but the consultant surveyed the wrong site.		
60	Louis Sutter Playground	University/Wayland	00-01			
61	Richmond Playground	18th Avenue/Lake Street	00-01			
62	Joseph Lee Recreation Center	Oakdale/Mendell	00-01			
63	Chinese Recreation Center	Washington/Mason	00-01			
64	McLaren Park	Visitacion Valley	06-07		05-06	
65	Mission Dolores Park	18th/Dolores	06-07	No abatement needed	05-06	
66	Bernal Heights Park	Bernal Heights Blvd.	01-02	No abatement needed		
67	Cayuga/Lamartine-Mini Park	Cayuga/Lamartine	01-02, 09-10	No abatement needed		
68	Willie Woo Woo Wong PG	Sacramento/Waverly	01-02, 09-10	No abatement needed.		
70	Jospeh L. Alioto Performing Arts Piazza	Grove/Larkin	01-02	No abatement needed		
71	Collis P. Huntington Park	California/Taylor	01-02			
72	South Park	64 South Park Avenue	01-02			
73	Alta Plaza Park	Jackson/Steiner	01-02			
74	Bay View Playground (and Pool)	3rd/Armstrong	01-02	No abatement needed		

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	FLOW
75	Chestnut/Kearny Open Space	NW Chestnut/Kearny	01-02	No survey done; structures no longer exist.		
76	Raymond Kimbell Playground	Pierce/Ellis	01-02			
77	Michelangelo Playground	Greenwich/Jones	01-02			
78	Peixotto Playground	Beaver/15th Street	01-02	No abatement needed		
80	States St. Playground	States St./Museum Way	01-02			
81	Adam Rogers Park	Jennings/Oakdale	01-02	No abatement needed		
82	Alamo Square	Hayes/Steiner	01-02			
83	Alioto Mini Park	20th/Capp	01-02	No abatement needed		
84	Beideman/O'Farrell Mini Park	O'Farrell/Beideman	01-02	No abatement needed		
85	Brooks Park	373 Ramsell	01-02	No abatement needed		
86	Buchanan St. Mall	Buchanan betw. Grove & Turk	01-02	No abatement needed		
87	Buena Vista Park	Buena Vista/Haight	01-02			
88	Bush/Broderick Mini Park	Bush/Broderick	01-02			
89	Cottage Row Mini Park	Sutter/E. Fillmore	01-02			
90	Franklin Square	16th/Bryant	01-02			
91	Golden Gate Heights Park	12th Ave./Rockridge Dr.	01-02			
92	Hilltop Park	La Salle/Whitney Yg. Circle	01-02	No abatement needed		
93	Lafayette Park	Washington/Laguna	01-02			
94	Julius Kahn Playground	Jackson/Spruce	01-02			
95	Jose Coronado Playground	21st/Folsom	02-03	As of 10/10/02 as per Capital Program Director, G. Hoy, there are no current plans for renovation		
96	Golden Gate Park (playgrounds)	Fell/Stanyan	05-06			
97	Washington Square	Filbert/Stockton	02-03	No abatement needed. Children's play area and bathrooms to be renovated in 3/04.		
98	McCoppin Square	24th Avenue/Taraval	02-03	As of 10/10/02 as per Gary Hoy, no current plans for renovation		
99	Mountain Lake Park	12th Avenue/Lake Sreet	02-03	As of 10/10/02 as per Gary Hoy, no current plans for renovation		
100	Randolph/Bright Mini Park	Randolph/Bright	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
101	Visitacion Valley Greenway	Campbell Ave./E. Rutland	02-03	No abatement needed. Renovation scheduled 3/04.		
102	Utah/18th Mini Park	Utah/18th Street	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
103	Palou/Phelps Park	Palou at Phelps	02-03	No abatement needed. Renovation occurred Summer 2003. Marvin Yee was project mgr. No lead survey/abatement rpt in RPD files.		
104	Coleridge Mini Park	Coleridge/Esmeralda	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
105	Lincoln Park (includes Golf Course)	34th Avenue/Clement	02-03	Renovation scheduled 9/04		

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	FLOW
106	Little Hollywood Park	Lathrop-Tocoloma	02-03	No abatement needed. Renovation scheduled 9/04		
107	McKinley Square	20th/Vermont	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
109	Noe Valley Courts	24th/Douglass	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
110	Parkside Square	26th Avenue/Vicente	02-03	Children's play area and bathrooms to be renovated in 9/03.		
111	Portsmouth Square	Kearny/Washington	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
112	Potrero del Sol	Potrero/Army	02-03	No abatement needed, renovation scheduled 9/04		
113	Potrero Hill Mini Park	Connecticut/22nd Street	02-03	Renovation scheduled 9/04		
114	Precita Park	Precita/Folsom	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
115	Sgt. John Macaulay Park	Larkin/O'Farrell	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
116	Sigmund Stern Recreation Grove	19th Avenue/Sloat Blvd.	04-05	As of 10/10/02 Capital Program Director indicates no current plans for renovation. Funding expired; will complete in FY04-05		
117	24th/York Mini Park	24th/York/Bryant	02-03	Completed as part of current renovation in December 2002, Renovation scheduled 3/04.		
118	Camp Mather	Mather, Tuolumne County	04-05	This site removed from FLOW on 4/12/2016, as it was mistakenly added to the program as evidenced by the SCA report.		
119	Hyde/Vallejo Mini Park	Hyde/Vallejo	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
120	Juri Commons	San Jose/Guerrero/25th	05-06			
121	Kelloch Velasco Mini Park	Kelloch/Velasco	02-03	No abatement needed. Children's play area scheduled for renovation on 9/04		
122	Koshland Park	Page/Buchanan	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
123	Head/Brotherhood Mini Park	Head/Brotherwood Way	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
124	Walter Haas Playground	Addison/Farnum/Beacon	02-03	Capital Projects to renovate in Spring 2003. Mauer is PM		

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	FLOW
125	Holly Park	Holly Circle	02-03	Renovation planned to begin 4/03; Judi Mosqueda from DPW is PM		
126	Page-Laguna-Mini Park	Page/Laguna	04-05	No abatement needed		
127	Golden Gate/Steiner Mini Park	Golden Gate/Steiner		No Facility, benches only		
128	Tank Hill	Clarendon/Twin Peaks	04-05	No abatement needed		
129	Rolph Nicol Playground	Eucalyptus Dr./25th Avenue	04-05	No abatement needed		
130	Golden Gate Park	Carrousel	05-06			
131	Golden Gate Park	Tennis Court	05-06			
132	Washington/Hyde Mini Park	Washington/Hyde	04-05	No abatement needed		
133	Ridgetop Plaza	Whitney Young Circle	05-06	No abatement needed		
134	Golden Gate Park	Beach Chalet	06-07	No abatement needed		
135	Golden Gate Park	Polo Field	06-07			
136	Sharp Park (includes Golf Course)	Pacifica, San Mateo Co.	06-07			
137	Golden Gate Park	Senior Center	06-07			
139	Stow Lake Boathouse	Golden Gate Park	06-07, 11-12	CLPP survey and clean-up completed in FY06-07. Site revisited in FY11-12 in conjunction with site maintenance work. Clearance for occupancy received and working closing out project financials with DPW.		
140	Golden Gate Park	County Fair Building	06-07	No abatement needed		
141	Golden Gate Park	Sharon Bldg.	07-08			
143	Allyne Park	Gough/Green	06-07	No abatement needed		
144	DuPont Courts	30th Ave./Clement	07-08			
145	Golden Gate Park	Big Rec	07-08			
146	Lower Great Highway	Sloat to Pt. Lobos	07-08			
148	Yacht Harbor and Marina Green	Marina	06-07, 07-08	Includes Yacht Harbor, Gas House Cover, 2 Yacht Clubs and Marina Green		
149	Palace of Fine Arts	3601 Lyon Street	09-10	No abatement needed.		
150	Telegraph Hill/Pioneer Park	Telegraph Hill	09-10	Clean-up responsibility transferred to Capital and Planning for incorporation into larger project at site.		
151	Saint Mary's Square	California Street/Grant	09-10	No abatement needed.		
152	Union Square	Post/Stockton	09-10	No abatement needed.		
153	Golden Gate Park	Angler's Lodge	07-08			
154	Golden Gate Park	Bandstand	07-08	No abatement needed		
155	Golden Gate Park	Bowling Green	07-08	Removed from FLOW 4/13/2016. Results less than 20 ppb.		
156	Golden Gate Park	Conservatory	08-09	No abatement needed.		
157	Golden Gate Park	Golf Course	09-10			

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	FLOW
158	Golden Gate Park	Kezar Stadium	07-08			
159	Golden Gate Park	Nursery	09-10	No abatement needed		X
160	Golden Gate Park	Stables	na	Being demolished. Hazard assessment already completed by Capital.		
161	Golden Gate Park	McLaren Lodge	01-02, 02-03	Done out of order. Was in response to release/spill. See File 565.		
162	Corona Heights (and Randall Museum)	16th/Roosevelt	00-01	Randall Museum used to be separate, but in TMA, Randall is part of Corona Heights, so the two were combined 6/10.		
163	Laurel Hill Playground	Euclid & Collins	10-11			
164	Selby/Palou Mini Park	Selby & Palou	10-11	No abatement needed		
165	Prentiss Mini Park	Prentiss/Eugenia	10-11	No abatement needed		
166	Lessing/Sears Mini Park	Lessing/Sears	10-11	No abatement needed		
167	Muriel Leff Mini Park	7th Avenue/Anza	10-11	No abatement needed		
168	10th Avenue/Clement Mini Park	Richmond Library	10-11	No abatement needed		
169	Turk/Hyde Mini Park	Turk & Hyde	10-11	No abatement needed		
170	Exploratorium (and Theater)	3602 Lyon Street	13-14	Eight metal doors with loose and peeling paint were cleaned up; one water source shut off indefinitely.		
171	Candlestick Park	Jamestown Avenue	10-11	Demolished; remove from list		
147	Kezar Pavilion	Golden Gate Park	08-09	Removed from FLOW 4/13/2016. Results less than 20 ppb. Additionally, GM decision on 10/11/16 to NOT pursue abatement at this site, but to monitor quarterly and clean as needed going forward.		
New Facilities: These facilities not to be included in CLPP survey as they were built after 1978.						
	Alice Marble Tennis Courts	Greenwich/Hyde		Not owned by RPD. PUC demolished in 2003 and all will be rebuilt.		
	Richmond Rec Center	18th Ave./Lake St./Calif.		New facility		
	Visitacion Valley Playground	Cora/Leland/Raymond		Original building clubhouse and PG demolished in 2001. Facility is new.		
	King Pool	3rd/Armstrong		New facility		
	Patricia's Green in Hayes Valley	Hayes & Octavia		Built in 2005		
	India Basin Shoreline Park	E. Hunters Pt. Blvd.		Built in 2003		
	Parque Ninos Unidos	23rd and Folsom		Built in 2004		
	Victoria Manolo Draves Park	Folsom & Sherman		Built in 2006		
	Aptos Playground	Aptos/Ocean Avenue		Site demolished and rebuilt in 2006		

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: CPUC Notification- Verizon Wireless - City of SF Small Cells 12-23-16
Attachments: CPUC Notification - Verizon - City of SF Small Cells 12-23-16.pdf

From: West Area CPUC [mailto:WestAreaCPUC@VerizonWireless.com]
Sent: Friday, December 23, 2016 10:57 AM
To: CPC.Wireless <CPC.Wireless@sfgov.org>; Administrator, City (ADM) <city.administrator@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: West Area CPUC <WestAreaCPUC@VerizonWireless.com>
Subject: CPUC Notification- Verizon Wireless - City of SF Small Cells 12-23-16

This is to provide your agency with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC"). This notice is being provided pursuant to Section IV.C.2.

If you prefer to receive these notices by US Mail, please reply to this email stating your jurisdiction's preference.

Thank You



December 23, 2016

Ms. Anna Hom
Utilities Enforcement Branch
Consumer Protection and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
alh@cpuc.ca.gov

RE: Notification Letter for City of SF Small Cells 12/23/16
San Francisco-Oakland, CA / GTE Mobilnet of California Limited Partnership / U-3002-C

This is to provide the Commission with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC") for the projects described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact the representative below.

Sincerely,

Melinda Salem
Engr IV Spec-RE/Regulatory
15505 Sand Canyon Avenue, Irvine, CA 92618
WestAreaCPUC@VerizonWireless.com

CPUC Attachment A

Initial Build (new presence for Verizon Wireless)

	JURISDICTION	WIRELESS PLANNER	CITY ADMINISTRATOR	CLERK OF THE BOARD	COUNTY
nia	City of San Francisco 1 Dr. Carlton B. Goodlett Pl San Francisco, CA 94102	CPC.Wireless@sfgov.org	city.administrator@sfgov.org	Board.of.Supervisors@sfgov.org	San Francisco

Site Address	Site APN	Site Coordinates (NAD 83)	Project Description	Number & type of Antennas	Tower Design	Tower Appearance	Tower Height (in feet)	Size of Building or NA	Type of Approval	Approval Issue Date	Approval Effective Date	AF F N
1097 Howard Street	N/A - public right-of-way	37 46 40.69 N 122 24 33.2 W	Install new telecommunications facility on an existing PGE brown pole in the public right of way. Installation involves: (1) Amphenol CWS070X06 antenna, (2) mRRUs, (1) electrical meter, (1) disconnect switch, and (2) fiber diplexors.	1 cylindrical antenna	PGE brown pole	Antenna RAD of 30'-8"	31'-11"	N/A	Wireless Box Permit	4/23/2015	5/23/2015	15\
450 10th Street	N/A - public right-of-way	37 46 16.19 N 122 24 39.3 W	Install new telecommunications facility on an existing PGE brown pole in the public right of way. Installation involves: (1) Amphenol CWS070X06 antenna, (2) mRRUs, (1) electrical meter, (1) disconnect switch, and (2) fiber diplexors.	1 cylindrical antenna	PGE brown pole	Antenna RAD of 30'-9"	31'-11"	N/A	Wireless Box Permit	4/23/2015	5/23/2015	15\
1155 4th Street	N/A - public right-of-way	37 46 24.73 N 122 23 29 W	Install new telecommunications facility on an existing PGE brown pole in the public right of way. Installation involves: (1) Amphenol CWS070X06 antenna, (2) mRRUs, (1) electrical meter, (1) disconnect switch, and (2) fiber diplexors.	1 cylindrical antenna	PGE brown pole	Antenna RAD of 33'-9"	35'-1"	N/A	Wireless Box Permit	4/23/2015	5/23/2015	16\

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Well Done

-----Original Message-----

From: Dermot Dunnion [mailto:ddunnion@gmail.com]
Sent: Friday, December 23, 2016 11:07 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Well Done

Hi,

Having lived in the Bay Area for most of the 1980's, I spent a lot of time in San Francisco. I still get to visit occasionally and love coming back to my favourite US city.

I just want to say "Well Done" to the Board of Supervisors for your Resolution adopted on Nov.15 responding to the election of Donald Trump.

Although parts of the US are forfeiting their claim to be a "shining city on a hill", San Francisco continue to be just that both physically and metaphorically. Keep it up.

In Gratitude,
Dermot Dunnion

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Thank you - File No. 161235

From: Tova Rabinowitz Deer [mailto:tovayeah@yahoo.com]
Sent: Tuesday, December 20, 2016 5:07 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Thank you

I just read the resolution you passed in response to the election of Donald Trump.

You are so brave and righteous, and you should be very proud for standing up for reason and kindness and human rights in this scary time of change and uncertainty.

Thank you for honoring your positions of leadership by speaking against wrongs and upholding rights.

Thank you,
Tova

November 24, 2016

Dear San Francisco Board of Supervisors;

I recently read your resolution in response to the election of Donald Trump and wanted to thank you sincerely for taking such a public stand not against the election but for the values of individual liberties and the protection and inclusion of all. Thank you for standing for Freedom in it's truest sense, freedom from fear and freedom from tyranny. You are setting the example and assuming a leadership role which matters not just locally and nationally but internationally as well. Your resolution represents the prestige of what "America" should be and reassures the rest of the world that this has not died with the arrival of Trump in the whitehouse. Internationally this is so very important to America's relationship with the citizens of the world. By taking this stand you are taking a stand for freedom and for this I thank you very much!

Sincerely

Grahame MacInnis

Victoria, British Columbia
Canada.

2016 DEC 19 PM 3:38

Office of the Treasurer & Tax Collector
City and County of San Francisco



BOS-11, 00B,
matrix, opaged

José Cisneros, Treasurer

December 21, 2016

Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Re: Annual Report to the Board of Supervisors
Revised 2015 Payroll Expense Tax Exclusion – Stock-Based Compensation

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the revised annual report of businesses that were approved for the Stock-Based Compensation Exclusion from the Payroll Expense Tax for the 2015 calendar year.

Schedule A of the report summarizes the number of businesses approved for the exclusion, the total amount of Stock-Based Compensation Exclusion claimed, and the total Payroll Expense Tax forgone due to the exclusion for the calendar year 2015. One (1) business was approved for the Stock-Based Compensation Exclusion, and excluded a total of \$8,778,889 in payroll expense, which represents \$102,011 in Payroll Expense Tax was forgone.

Schedule B of the report summarizes the Stock-Based Compensation Exclusion for calendar years 2013 through 2015. The revision includes corrected 2013 information. Compared to the preceding calendar year 2014, results for the calendar year 2015 in San Francisco indicate an increase of 1 business approved for the Stock-Based Compensation Exclusion, an increase of 849 eligible employees and an increase of \$102,011 in Payroll Expense Tax forgone.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Sincerely,

David Augustine
Tax Collector

cc: José Cisneros, Treasurer
San Francisco Public Library

Attachment

RECEIVED
OFFICE OF THE TREASURER
CITY AND COUNTY OF SAN FRANCISCO
2016 DEC 22 AM 10:25
AK

**TAX COLLECTOR'S ANNUAL REPORT
STOCK BASED COMPENSATION PAYROLL EXPENSE TAX EXCLUSION
CALENDAR YEAR 2015**

Schedule A

Year	Number of Businesses Approved	Number of Eligible Employees	Stock Based Comp Exclusion Claimed	Payroll Expense Tax Forgone due to Stock Based Compensation
2015	1	849	\$ 8,778,889	\$ 102,011

**TAX COLLECTOR'S ANNUAL REPORT
STOCK BASED COMPENSATION PAYROLL EXPENSE TAX EXCLUSION
FOR CALENDAR YEARS 2013 THROUGH 2015**

Schedule B

Year	Number of Businesses Approved	Number of Eligible Employees	Stock Based Comp Exclusion Claimed	Payroll Expense Tax Forgone due to Stock Based Compensation
2013*	1	1,336	\$ 37,922,351	\$ 568,838
2014	0	0	\$0	\$0
2015	1	849	\$ 8,778,889	\$ 102,011
Change from 2014 to 2015	1	849	\$ 8,778,889	\$ 102,011

*Correction

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; BOS-Legislative Aides
Subject: FW: Support for a retail pet sales ordinance from Best Friends Animal Society
Attachments: SF Pet Sales Ordinance Letter Dec 2016.pdf; AKC Breeders Code of Ethics re Pet Stores.pdf; Dr. Frank McMillan Executive Summary PM Studies.pdf; JAVMA Pet Store Puppies Study.pdf; Jurisdictions with Retail Pet Sales Bans (By State) Dec 2016.pdf; Responsible vs. Irresponsible Breeding.jpg

From: Elizabeth Oreck [mailto:elizabetho@bestfriends.org]
Sent: Friday, December 16, 2016 1:21 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Support for a retail pet sales ordinance from Best Friends Animal Society

Dear Supervisors,

Attached please find a letter from Best Friends Animal Society in support of an ordinance to restrict the retail sale of companion animals in San Francisco pet stores. Also attached are a few resources that may be useful to you.

Best Friends is one of the leading animal welfare organizations in the United States. We are committed to fighting the cruelty of puppy and kitten mills, and we believe that an ordinance to restrict retail pet sales in San Francisco will be a positive step to that end. I have worked on these ordinances throughout California and across the country, so please do not hesitate to contact me if there is anything I can do to help facilitate this measure.

Thank you for your consideration of this important proposal.

Sincerely,

Elizabeth Oreck
National Manager, Puppy Mill Initiatives
Best Friends Animal Society
(818) 922-2445
bestfriends.org
facebook.com/bestfriendsanimalsociety | twitter.com/bestfriends

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: I'm the 194th signer: "Turn The Beast on Bryant Into a Beauty on Bryant"

From: Carine O'Neil [mailto:petitions-noreply@moveon.org]
Sent: Monday, December 12, 2016 3:59 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: I'm the 194th signer: "Turn The Beast on Bryant Into a Beauty on Bryant"

Dear Board of Supervisors,

I just signed a petition addressed to you titled *Turn The Beast on Bryant Into a Beauty on Bryant*. So far, 194 people have signed the petition.

You can reach me directly by replying to this email. **Or, post a response for MoveOn.org to pass along to all petition signers by clicking here:** http://petitions.moveon.org/target_talkback.html?tt=tt-110117-custom-71014-20261212-Ifgg91

The petition states:

"I am a San Francisco resident, and I want responsible development in my community. We can do better as a City to support planned growth that will help alleviate the housing crisis, not exacerbate it."

My additional comments are:

Creative minds in the Bay Area have always created change in many ways (socially, legally, environmentally, culturally, etc.) for the entire nation, and sometimes the world...Nevermind the fact that artists often save their own lives by making art, and they often save others' lives, by reminding them of the beauty, wonder, and value of life, and by often inspiring people in some way that changes their life. This creative, visionary culture of people who want to make the world and lives better has been the heart of the Bay Area since the gold rush, and why tourists come to visit...However, the people who comprise that culture over the past decade or so have more and more quickly become endangered...They can not survive another blow, like the Ghostship warehouse backlash, that is making it even more impossible for them to survive possibly in California or any centralized area at all in the country, which would be very sad, and lead to not only a vacant soul in the Bay Area, but throughout the country...Our society and will suffer a great deficit, which I believe will lead to a huge increase in mental illness.

To download a PDF file of all of your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1915574&target_type=custom&target_id=71014

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:
http://petitions.moveon.org/deliver_pdf.html?job_id=1915574&target_type=custom&target_id=71014&csv=1

Carine O'Neil
Daly City, CA

From: mari eliza <mari.eliza@sbcglobal.net>
Sent: Monday, December 12, 2016 3:44 PM
To: Board of Supervisors, (BOS)
Cc: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Karunaratne, Kanishka (BOS); Kelly, Margaux (BOS); Montejano, Jess (BOS); Johnston, Conor (BOS); CamposStaff, (BOS)
Subject: Van Ness Trees - carbon emissions

December 12, 2016

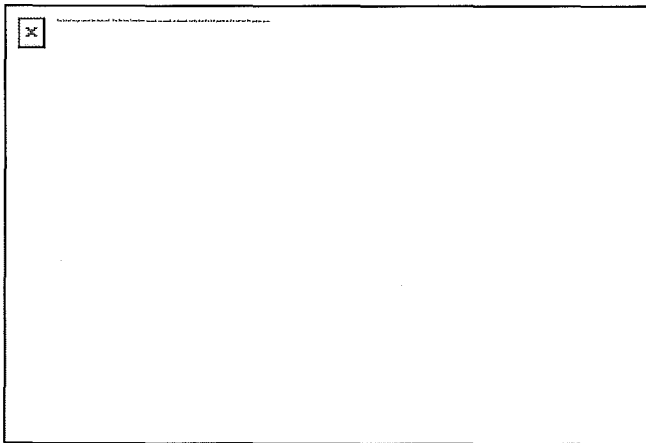
Dear Supervisors/Board Members of the SF County Transportation Authority:

Re: Effect of cutting Trees on the Environment is of major concern to the scientific community. Why San Francisco is ignoring the science is a mystery to me. It appears that we are creating a problem so our city agencies will have a problem to solve.

The USDA Forest Service and the Center for Global Development have done extensive studies and conducted a lot of tests to determine the effects cutting trees has on the environment. They reached the conclusion that "Deforestation harms the atmosphere by releasing a carbon stock and reversing a carbon flow". It has also been determined that mature trees hold a lot more carbon than young trees which is why there is a tremendous effort to preserve the forests we have.

A couple of links to those reports are here: <http://www.cgdev.org/publication/ft/why-forests-why-now-preview-science-economics-politics-tropical-forests-climate-change>

and: http://www.nrs.fs.fed.us/niacs/carbon/forests/carbon_sequestration/



Source: Environmental Protection Agency (EPA)

It appears that San Francisco is creating a problem so they will have a problem to solve.

In elementary school we learned that trees take carbon out of the air and release oxygen back into it. They hold the carbon in their leaves, stems, and roots, and release some of it into the surrounding soil. A lot of studies were done on various types and ages of trees and the conclusive evidence demonstrated that mature trees do a better job of clearing the air than younger trees. Mature trees hold more carbon in the leaves, wood and roots, and release more into the soil surrounding the roots. When a tree is cut, it releases the stored carbon into the air. This is one of the critical reasons for protecting the rain forest. Disrupting the soil to dig up the roots releases all the carbon that is held in the soil. If your goal is to clean the air and reduce carbon emissions, cutting trees and digging up soil is not the solution.

San Francisco is not just planning to cut a few trees on Van Ness Avenue. The plan is to eradicate all non-native species in many San Francisco forests, and to cut down hundreds of street trees to replace them with small young trees in a few years, after all the construction work is done. This is a backwards way of clearing emissions, since the process of cutting trees and digging up the roots will release all the carbon the trees have been storing into the air, and the new trees are not planned to come on line and reach this rate of carbon removal for decades. We will lose all the protection that we currently have for decades. We wouldn't have such a carbon problem if we quit doing stupid things like cutting down trees.

What are these tree killing make work projects really about? Profit. Someone is making a killing by killing the trees. Contractors will be paid to cut them down, after contractors set up the equipment and more contractors clear them away while the tree cutters hack their way down Van Ness Ave. There will be dead trees lying in the road if they don't haul them away. That raises another question. What is the plan for the dead trees? Is there a plan for the bodies once they are cut down? Where will they go? Even if they cut them up, they will take up a lot of space. And the leaves will be really slick on the streets for a while, especially in the rain unless they vacuum them up every night.

Which brings us to the issue of the EIR. Did the EIR take into account all the additional carbon emissions from the cutting and digging while the trees are being cut and releasing their carbon into the air? Is there a mitigation planned to handle this problem? Does the EIR take into account the years without the carbon-capturing trees before they reach maturity? Do these environmental impacts show up in the report?

What about the cumulative effect of cutting all the trees on the other streets and the trees in the native habitat forests?

The Van Ness Corridor plan we last reviewed will lower carbon sequestering for years, while emitting tons of emissions into the air. The new trees they plan to plant will not begin to replace the mature trees for decades. They will not even get around to planting the trees for years, so by killing hundreds of trees and creating traffic jams and slowing traffic, they are adding tons of additional carbon into the air that would exist if the trees were left alone.

Now multiply this by hundreds or thousands of other trees that are also planned for eradication and you have some "planned" bad air quality for San Francisco in the years ahead.

Mari Eliza

From: Diana Scott <dmscott01@yahoo.com>
Sent: Monday, December 12, 2016 6:50 PM
To: Avalos, John (BOS); Kim, Jane (BOS); clerk@sfcta.org; Kelly, Margaux (BOS); Montejano, Jess (BOS); Breed, London (BOS); Campos, David (BOS); Peskin, Aaron (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Board of Supervisors, (BOS); Karunaratne, Kanishka (BOS); Johnston, Conor (BOS); Chung Hagen, Sheila (BOS)
Subject: PLEASE ACT TO HALT TREE CUTTING ON VAN NESS, CUTTING OF SF FORESTS, AND EXTEND REVIEW OF GEARY FEIR
Attachments: Excerpt from BOA brief opposing Van Ness tree-cutting 6-22-16.docx

"The tree which moves some to tears of joy is in the eyes of others only a green thing that stands in the way."

– William Blake, *The Letters*, 1799

See: <https://sfforest.org/2016/12/07/van-ness-trees-on-death-row-chris-parkes/>

Dear SF Board of Supervisors members, and SF County Transit Authority Board Members:

I am writing to you about three related issues that concern me, and request your urgent interventions and your written responses explaining your positions on these.

They are:

- 1) Plans to commence tree-cutting this Wednesday in conjunction with the Van Ness BRT project;
- 2) Plans which the SF Planning Dept. and Rec & Parks Dept. is poised to approve this week, to cut over 18,000 "non-native" trees as part of an outdated, outmoded Natural Areas Plan;
- 3) The intention of the SFMTA Board to meet and presumably approve the FEIR for SFMTA's Geary Ave. BRT on January 3rd, after only making this plan public on December 9th.

The impact of these three items both affects me personally, and San Francisco residents at large, as does their larger impact on global warming.

Please note that while there is a BOS Land Use and Transportation Committee that meets on issues like the ones I'm addressing here, there is no Urban Environmental and Air Quality Committee to assess the impact on city residents -- especially children, seniors, and those with disabilities or compromised respiratory systems like myself -- of construction/destruction projects like these three, taken individually or together, cumulatively. What is good for generating land use revenues, or even speeding transit itself, may be pernicious for city inhabitants, both humans and other living organisms.

Another general, but important consideration never is adequately assessed in the project approval process by the SFMTA and other city/regional agencies, as plans proposed by these agency gain their Boards' approvals, obtain input from selected groups of "stakeholders," and make it through BOS committees and full Board hearings, is that individual projects don't simply impact the areas on which they're imposed -- for longer or shorter periods of implementation.

Projects that release carbon release, cause congestion which increases air pollution, and result in air quality and environmental deterioration are NOT tied to limited project areas; air and pollution migrate and are cumulative -- affecting people who live in all city neighborhoods, the region, and areas beyond.

So, I'm asking you to consider these important omissions from your process for approving projects and do the right thing: rethink and revise some projects, slow down the timeline for review and approval of

others, and/or reverse other plans which have been a long time in the making but now are known to be injurious. PLEASE CONSIDER MORE SENSIBLE ALTERNATIVES.

Starting in reverse order:

Item 3. I object to the compressed timeline from the belated release of the Geary BRT FEIR Dec. 9th (after a 15 month hiatus) to the scheduled vote on whether or not to approve it Jan. 3rd. Review of over 800 pages of the FEIR is simply not feasible, by SFMTA members nor actively engaged city residents, like myself, in what amounts to 17 work days during end-year holidays. **Please revise this timeline for voting whether or not to approve the FEIR in the interest of common sense, fairness, and environmental justice.**

This short window appears like "railroading" - whether or not this is the intent. Since construction will take years, and the changes will be long term ultimately affecting hundreds of thousands of city residents and visitors, as well as merchants - this time frame is NOT acceptable if the outcome is to be fair, efficient/beneficial, and economical.

[NOTE: The Geary FEIR is NOT available in ALL city library branches, as would be fair and sensible, given that residents of all neighborhood USE MUNI transit services and drive along Geary, to get to destinations between their homes and other parts of the city. Many of us cannot read extensive downloads for extended periods of time, and hard copies are needed in all city libraries, given different library hours in different parts of the city.

The SFMTA spends thousands of dollars on public information events and outreach postcards; branch copies of FEIR's should take priority for actual public information/education.]

Item 2. The NAP plan to eliminate over mature 18,000 "non-native" trees, and replant others. While the idea in the '80s and '90s that "non-native" trees were less desirable, even dangerous to the city, more recent scientific evidence suggests the opposite: that eucalyptus trees actually benefit the urban environment; that leaves of mature non-native stands absorb more carbon than do massive replanting of young trees; that the herbicide used to root out their remains ends up as toxic run-off and on vegetation, affecting human and wild life; and that destruction of these persecuted non-indigenous trees release a great deal of carbon into the atmosphere when cut.

In short, this plan, which has gained momentum over a few decades is outmoded and should be seriously revised or abandoned, since its fundamental assumptions are highly questionable. In addition, budgetary constraints on re-planting make forest destruction at this time extremely unwise. Although this is not before you immediately, I urge you proactively revise/reverse it.

Item 1. I have written to many of you as SF BOS members a number of times previously (and to the SFMTA BOARD), and testified about my objections to various aspects of the Van Ness BRT plan, including but not limited to the massive destruction of trees on Van Ness/Highway 101 (both the median trees, for which cutting my begin this Wednesday, and planned later cutting of sidewalk trees).

I am writing to you now primarily in your dual capacity as SFCTA members, and urge you to reconsider this action, and the hardships it will impose -- not only because of disrupting/rerouting traffic for a minimum of three years, but because loss of trees and intensified traffic pollution during this time will impact MY OWN ABILITY TO BREATHE, even though I live in the Outer Sunset! I have asthma and related lung issues, go to medical appointments along Van Ness, events at the Civic Center and City Hall, and at times walk the Avenue, all of which will become less endurable. Currently, elimination of bus stops on Van Ness makes it more difficult for me to navigate the city.

Moving buses from curbside and constructing platforms at the Van Ness median will make it harder for me to make a connection from the L-Taraval exit at Market/Van Ness to Geary buses, by both endangering me as a pedestrian having to cross lanes of traffic, and increasing the level of stress (think constricted breathing) gaining access the elevated platform at one end.

While this project is "set to go" and was a "done deal," it is said, before most of the public had an inkling of what it entailed, I urge you in your capacity as decision makers wearing several hats to do the right thing: intervene and ameliorate a poorly designed, unpopular, and expensive project, before the mature, healthy trees along Van Ness are felled, beginning this week. Redesign could make it much better, virtually as fast, and increase ridership.

I hope you will similarly take wise action regarding the Geary FEIR timeline, and the NAP tree-cutting plan being considered Dec. 15 by Planning Dept. and Rec & Parks.

Sincerely,

Diana Scott
3657 Wawona
San Francisco, CA 94116

Attached: Excerpt from BOA brief filed for June 22 hearing re Van Ness tree removal (by Deanne Delbridge)

Subject:
Attachments:

FW: Letter to Supervisor Malia Cohen from SFPOA President Martin Halloran
Letter to Supervisor Malia Cohen 12-12-16.pdf

For the Board Clerk's records

From: Cyndee Bates [<mailto:Cyndee@sfpoa.org>]

Sent: Monday, December 12, 2016 2:20 PM

To: SFPD, Commission (POL) <SFPD.Commission@sfgov.org>; Chaplin, Toney (POL) <toney.chaplin@sfgov.org>; lawaana.preston@sfgov.org; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>

Subject: Letter to Supervisor Malia Cohen from SFPOA President Martin Halloran

Hard copy to follow via U.S. Mail.

San Francisco Police Officers' Association | 800 Bryant Street, 2nd Floor | San Francisco, CA 94103 | Office: (415)-861-5060 | Fax: (415) 552-5741



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SAN FRANCISCO POLICE OFFICERS ASSOCIATION

800 Bryant Street, Second Floor

San Francisco, CA 94103

415.861.5060 tel

415.552.5741 fax

www.sfpoa.org

December 12, 2016

MARTIN HALLORAN
President

TONY MONTOYA
Vice President

MICHAEL NEVIN
Secretary

JOE VALDEZ
Treasurer

VAL KIRWAN
Sergeant At Arms

Supervisor Malia Cohen
San Francisco City Hall
1 Dr Carlton B Goodlett Pl.
San Francisco, CA 94102

Supervisor Cohen,

On Tuesday December 6, 2016, you introduced a resolution at the Board of Supervisors under the "Imperative" Agenda. Your resolution sought to influence ongoing collective bargaining efforts between the Police Commission, the Department of Human Resources (DHR) and the San Francisco Police Officers' Association (POA) related to the draft Use of Force policy.

The existing Use of Force policy is more than twenty years old and negotiations have been ongoing since July of this year. The process has been robust and largely collaborative, notwithstanding recent efforts by you and others to magnify our differences and vilify the POA for advocating on behalf of its members.

You do not explain why you deemed the resolution "imperative" and why the BOS is interjecting itself into the collective bargaining process. In the POA's experience, this is both highly irregular and highly inappropriate—especially from a body which purports to value the labor rights of city employees.

Your resolution contains inaccurate and false information. Had you taken the time to either conduct the necessary background investigation or ask the POA, these mistakes could have been avoided before you persuaded you colleagues to adopt them.

For example, my June 2016 POA Journal article never specified a suspect in any incident. No names were mentioned at all. My statement references previous incidents, where San Francisco police officers were placed in impossible situations; where suspects disregarded lawful commands; where the mental state and the substance abuse of these suspects was unknown; and where officers were forced to make split-second decisions to save their own lives or those of innocent bystanders.

These officers acted based on the extensive training provided by the Police Department. We again encourage you and your colleagues to accept our invitation to attend a "Forced Options" training simulation at the SFPD Academy. Take the

opportunity to see even a small glimpse of what our men and women go through in these extremely dangerous encounters. It is a far different view than you will get from the second floor of City Hall.

Contrary to what is stated in your resolution, on June 22, 2016, the Police Commission approved the draft Use of Force policy and noted, in open session, that the draft must now go to the Department of Human Resources for the official "meet and confer" process with the POA. The Commission understood that the draft policy could not be adopted until the meet and confer process concluded. During meet and confer, the POA had ultimately agreed to 99% of the draft policy after further concessions were made on both sides. On October 21, 2016 the Police Commission declared impasse after refusing to accept or counter either one of two counter proposals offered by the POA to address shooting at moving vehicles. The Police Commission's proposed language regarding shooting at moving vehicles is vague and ambiguous. The POA has already agreed to a far more restrictive policy; however, we believe there must be language to address extreme and exceptional circumstances. The Police Commission has agreed with this verbally but so far has been unwilling to say so in the policy. Both of the counterproposals offered by the POA have narrow language addressing extreme and exceptional circumstances language in them.

Your resolution cited a DOJ recommendation from October 2016 in your resolution. What you excluded was a DOJ recommendation from March 2016 which states: "May be worth considering allowing this [discharge a firearm at a moving vehicle] under severely limited circumstances when other options are unavailable and the life of the officer or a member of the public is at immediate risk." The POA agrees with the DOJ on exactly this point.

Your resolution further stated that the same prohibition has been adopted successfully by other large metropolitan police departments. Of the over 18,000 police departments throughout the country that have "restrictive circumstances" surrounding shooting at moving vehicles, the vast majority of them also have language of "extreme or exceptional circumstances" within the same policy. In these extreme and exceptional circumstances, failing to neutralize the suspect will lead to the endangerment of the lives of pedestrians and innocent civilians. The POA agrees with the more restrictive policy so long as we include the same "extreme or exceptional circumstances" language that every other large metropolitan police department has. The POA has offered equivalent language to that governing Boston PD, NYPD, and Albuquerque PD, the latter of which is under a DOJ consent decree. All these proposals were rejected.

Your resolution mentioned Philadelphia PD as one of those agencies that prohibits shooting at moving vehicles. The POA would be willing to adopt ALL of the Philadelphia PD language. Were you and your colleagues aware it contains exactly what the POA has been asking we include? To wit:

c. Exceptional circumstances language:

Directive 10.4 – 1

1. POLICY

- A. *Strict standards in the application of force by police personnel are necessary to provide guidance and to safeguard the public from unnecessary or unreasonable force. However, police personnel may be confronted with circumstances that were unknown or unanticipated when Departmental standards were developed. Such circumstances may require extraordinary and unanticipated actions to be taken to protect police personnel or others, including suspects, from imminent serious bodily injury or death. In these extraordinary situations, written policies alone are often insufficient to properly evaluate the appropriateness or reasonableness of police personnel's actions.*

To be clear, the Police Commission declared impasse in October 2016 after it dismissed all of our counter proposals. The POA wanted to continue to meet and confer so that a compromise could be reached but the Police Commission declined. The POA accepts restrictions on shooting at moving vehicles. We ask only for "extreme or exceptional circumstances" language, consistent with other large metropolitan agencies.

The POA's Public Service Announcement is neither misleading nor is it "fear mongering." 86 people died in in Nice, France, when a homicidal suspect used a vehicle to kill innocent bystanders. It has already happened in our country. Tragically, this is not false but an everyday reality that federal agencies, under President Obama's administration, are warning our officers to be prepared for.

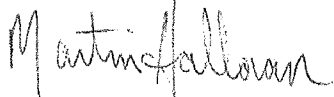
The POA agrees with your resolution about updating SFPD policies and good community-police relations based on mutual trust and transparency. We further agree that the POA and the Police Commission should work to resolve our disagreements. We are hopeful that the Police Commission also agrees.

Returning to the labor themes referenced earlier: *Does the Board recognize that the POA is willing to return to the bargaining table immediately? Is the Board aware that the Police Commission has prematurely declared impasse in order for it to proceed unilaterally? And is the Board aware that San Francisco Charter section A8.590-5 requires the Commission to fulfill impasse resolution procedures before proceeding?*

Supervisor Malia Cohen
San Francisco City Hall
December 12, 2016
4 | Page

This entire dispute could be resolved if the Police Commission agrees to add a simple clause recognizing what it has been willing to say at the bargaining table about exceptional circumstances.

Martin Halloran

A handwritten signature in cursive script that reads "Martin Halloran".

SFPOA President

cc: San Francisco Board of Supervisors
San Francisco Police Commission
SFPD Chief of Police, Toney Chaplin
Lawanna Preston, San Francisco Department of Human Resources

OFFICE OF THE MAYOR
SAN FRANCISCO



Orig: Rules Clerk
O: LOB, Leg Rep. Director
Dep. a, Cpage, ACFile
EDWIN M. LEE
MAYOR

December 12, 2016

Angela Calvillo
Clerk of the Board, Board of Supervisors
San Francisco City Hall
1 Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Ms. Calvillo,

Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

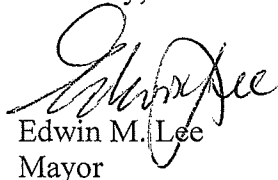
Dr. Jerry Yang to the Citizen's Advisory Committee of the Office of Early Care and Education for a term ending April 8, 2018, to the seat formerly held by September Jarrett.

I am confident that Dr. Yang, an experienced early care and education professional with expertise in Head Start programming, will serve our community well. Attached are his qualifications to serve, which will demonstrate how this appointment will enhance the work of the Office of Early Care and Education to provide comprehensive, life changing services to our city's lowest income families.

Dr. Yang is the Executive Director of the Kai Ming Head Start Program in San Francisco. Head Start is a federally funded early learning program which reaches more than 1,300 of San Francisco's poorest children and families. It provides early care, education, and comprehensive family support services. Head Start represents approximately 20 percent of the child care spaces supported by the Office of Early Care and Education. There are three Head Start programs in San Francisco, but none of the three directors of these programs reside in San Francisco. Given Dr. Yang's unique expertise, the need for Head Start representation on the Citizen's Advisory Committee, and the unavailability of a resident of San Francisco with this expertise and who directs a Head Start Program, I am waiving the residency requirement for Dr. Yang.

Should you have any questions related to this appointment, please contact my Deputy Chief of Staff for Appointments, Francis Tsang, 415-554-6467.

Sincerely,


Edwin M. Lee
Mayor

2016 DEC 14 AM 10:56
RECEIVED
CITY OF SAN FRANCISCO
OFFICE OF THE MAYOR

C u r r i c u l u m V i t a e

JERRY YANG, Ph.D.

Email: director@kaiming.org

EDUCATION

- 2002 Doctor of Philosophy in Curriculum & Instruction (Early Childhood Education),
 Arizona State University, Tempe, AZ
 Dissertation: Parent Expectations of Kindergarten Children in Taiwan
- 1998 Master of Education in Curriculum & Instruction (Early Childhood Education),
 Arizona State University, Tempe, AZ
- 1994 Bachelor of Art in Economics, Chinese Culture University, Taipei, Taiwan

ADMINISTRATIVE EXPERIENCE

- 2008-present Executive Director, Kai Ming Head Start, San Francisco. Oversee 3.5 million program to provide preschool and social services for 265 unserved multicultural families. Implement strategic plan to fulfill regulations from the Federal, State and County. Improve program quality through research. Collaborate with the community to advocate for policy.
- 2007-2008 Resource and Referral Manager, Wu Yee Children's Services. Provide resource and referral services for multicultural families who were seeking community resources.
- 2006-2007 Director, Center for Teacher Education, Minghsin University of Science and Technology. Oversee the department to serve 300 pre- and in-service infant to kindergarten teachers. Responsibilities included strategic planning, grant writing, fund raising, budget monitoring, and professional development of faculty and seeking opportunities to collaborate with the community.
- 2004-2006 Curriculum Coordinator, Center for Teacher Education, Minghsin University of Science and Technology. In charge of curriculum design, supporting grant writing, collaboration with the community.

TEACHING EXPERIENCE

- 2004-2007 Assistant Professor, Center for Teacher Education & Department of Child Development and Education, Minghsin University of Science and Technology, Taiwan. The courses I have been teaching can be categorized into the following three areas: field practicum, child development, family-school-community partnership.

- 2002-2004 Assistant Professor, Department of Early Childhood Education, National Chiayi University, Taiwan. I taught both graduate and undergraduate courses, which included four areas: field practicum, child development, and family-school- community partnership. I also mentored several graduates with their theses. Their areas included educational reform and teacher professional development.
- 1997-2002 Assistant Teacher, Arizona State University College of Education Preschool. In this position I acquired a great deal of first-hand experience working with diverse families. My primary responsibility was to collaborate with head teachers in planning developmentally appropriate curriculum to ensure children learn through play in a constructivist environment. Building partnership with parents was also vital.
- Jan, 2000 - Co-Instructor in the course Child Development. I helped to teach this
May, 2000 undergraduate course in the Early Childhood Education program at Arizona State University, Tempe.

OTHER PROFESSIONAL EXPERIENCE

- 2005-2007 Member of Editorial Board, Journal of Ming Hsin Institute of Technology & Commerce published by Minghsin University of Science and Technology.
- 2006-2007 Coordinator, "Life Education: Dialogues of Theory and Practice" Conference at Minghsin University of Science and Technology University.
- 2006 Guest Speaker, "Foreign Bride" Empowerment seminars sponsored by Department of Health. A seminar that focused on empowerment of "foreign brides" in Taiwanese society.
- 2005-2007 Committee member for the evaluation of child care program in Hsinchu county. I participated in the evaluation of public child care programs in Hsinchu county. I was in charge of assessing toys, play facilities, and environmental safety and overall settings.

- 2005-2006 Executive of Division on Research and Development, Center for Teacher Education, Minghsin University of Science and Technology. My responsibilities are to search funding opportunities, author proposals, hold workshops for in-service teachers, assist the organization of international academic conferences, and organize series of professional development seminars and community services. They include:
- Bridging the Gap: Inclusive Education series
 - Construction of Professional Portfolio series
- 2004-2005 Coordinator, "Early Childhood Education and Multicultural" Conference at Minghsin University of Science and Technology University.
- 2004-2006 Computer Lab Executive, Department of Child Development and Education. My responsibilities include maintaining 65 computers in the departmental lab and the other 30 computers in the department, and designing training programs for students.
- 2004, 2006 Committee member for National Kindergarten Teacher Credentialing.
- 2004-2007 Budget Planning Committee, Department of Child Development and Education, Minghsin University of Science and Technology University.
- 2004-2007 Curriculum Committee, Department of Child Development and Education, Minghsin University of Science and Technology University.
- 2004-2007 Practicum Committee, Department of Child Development and Education, Minghsin University of Science and Technology University.
- 2004 Guest Speaker, Gender Education seminars sponsored by Department of Health. A seminar that focused on the changing role of male in contemporary Taiwanese society.
- 2003 Curriculum Committee, College of Education, National Chiayi University.
- 2003 Commentator at Academic Conference of Education and Consultation for Foreign Brides.
- 2003 Committee member for the evaluation of kindergarten program in Yun-lin county. I participated in the evaluation of private kindergarten programs in Yun-lin county. I was in charge of assessing the curriculum.

RESEARCH EXPERIENCE

- 2007-2010
1. "Multicultural Inclusion through Community Learning" – This is a multi-million project funded by the government. As one of major proposal writers, I am responsible for designing both on-site and on-line curriculum to promote community members to understand people with diverse backgrounds. The ultimate goal is to promote appreciation of multiculturalism in the community.
 2. "Young Children's Language and Literacy Experiences in "Foreign Female Spouse" Families: Patterns and Intervention" – This research is funded by the University. The purpose of this study is to investigate young children's home language and literacy experiences of family with foreign female spouses, and to come up with a home-based intervention to facilitate their environment. Grounded theory will be adopted to discover patterns of home communication.
- 2005-2006
1. "A Comparative Study of Elementary and Kindergarten Teachers' Views toward School Readiness of Children of Foreign Brides in Taiwan" – This research grant was funded by the University. "Foreign brides" refers to south-Asia women married to Taiwan, mostly low SES families. A survey instrument was designed and administered to evaluate how teachers perceive children's school readiness of this particular group. The project tights to the empowerment of families with multicultural backgrounds.
 2. "Analysis of Children's Behaviors on Interactive Computer Software" – This research is funded by Industrial Technology Research Institute, the largest non-profit research organization sponsored by the Taiwanese government. The purpose of this study was to build interaction models for kindergartners' computer play using qualitative grounded theory methodology. This model will be utilized to design interactive software for young children.
 3. "Multidisciplinary Creativity in Service Profession" -- This research grant was funded by Department of Education in Taiwan. There were two goals of this study. First, it was promote creativity of pre-service teachers through community-based initiatives. Second, it attempted to conceptualize a culturally sensitive theory of service-learning. The study tights to the improvement of teacher education and reconceptualization of service-learning.

2003-2004 "Foreign Brides in Taiwan: A Family and Cultural Inclusion Project"-- This research grant was also funded by Department of Education in Taiwan. Twelve students were involved in a community-based initiative to outreach disadvantaged families identified as "foreign brides", south-Asia women married to mostly low SES husband in Taiwan. Goals of this project were to increase self confidence and social competence of participating families. This project has won First Award of Overall Creativity Performance for Creativity Education in a nation-wide contest held by the Department of Education, Taiwan. This study connects to the improvement of teacher education and multiculturalism.

1998-2002 Research Associate, Office of Parent Development International, Arizona State University. As a member of an international team, I was involved in administering and analyzing standardized instruments PAAT and PSI developed by Professor Robert Strom at ASU.

PUBLICATION

Dissertation Yang, C. -T. (2002). Parent Expectations of Kindergarten Children in Taiwan. Unpublished doctoral dissertation, Arizona State University.

Journal Article Cheung, S., Kan, P., & Yang, J. (in review). Effects of home language input on the vocabulary development of Cantonese-English bilingual children. *Journal of Speech, Language, and Hearing Research*.

Yang, C.-T. (2000). The developing brain and early learning experiences. *Early Childhood Minutes*, 115, 2-7. [in Chinese]

Beckert, T., Strom, P., Strom, R., Yang, C.-T., Huang, N.-Y. & Lin, Y.-W. (2004). Parent expectations of young children in Taiwan. *Early Childhood Research and Practice*, 6(2). Retrieved September 24, 2005 from <http://ecrp.uiuc.edu/v6n2/index.html>

Beckert, T., Strom, R., Strom, P., Yang, C.-T & Shen, Y.-L. (2005). Success of Taiwanese Mothers in guiding adolescents. *Adolescence*, 40(159), 475-488.

Yang, C.-T. & Chen, Y.-H. (submitted). Peer interaction styles during computer play: Relationship between computer software and kindergarteners' social interaction. *Journal of Computer Assisted Learning*.

- Conference Cheung, S., Kan, P., Yang, J. (to be presented in July, 2016). The role of language environment on bilinguals' Cantonese and English vocabulary development. National Research Conference on Early Childhood, Washington D.C.
EndFragment
- Kan, P., Winicour, K., & Yang, J. (July, 2014). *Vocabulary Development in Cantonese-English Bilingual Preschool*. Head Start's 12th National Research Conference in Washington D.C.
- Yang & Chen (2013, June). Let Teacher Be A Teacher: Supports From The Administration. NAEYC Annual Conference. San Francisco, CA.
- Yang & Bandelaria (2012, March). Family Literacy Day: Bridging Home and School. CAEYC Annual Conference & Expo, San Diego, CA.
- Yang, C.-T (2002). Taiwanese parents and early childhood educators' views on play and the related culture issues. Santa Fe, NM: Annual conference of The Association for the Study of Play.
- Yang, C.-T., Oh, T.-J. & Hon, Y.-J. (2004). A community-based consulting project for "foreign brides". Proceedings of the Academic Conference of Education and Consultation for Foreign Brides, National Chiayi University, 2-15. [in Chinese]
- Oh, T.-J. & Hon, Y.-J. & Yang, C.-T. (2004). Promoting creativity through community-based team collaboration. Proceedings of the Academic Conference of Creativity and Research, National Chiayi University, 25-34. [in Chinese]
- Book Chapter Yang, C.-T. & Liu, S.-H. (2005). Multiple perspectives of educational issues toward "foreign brides" in Taiwan. In National Academy for Educational Research (Ed.), *Selective reading for "foreign brides" family education* (p. 57-78). Taipei: National Academy for Educational Research Press. [in Chinese]
- Yang, C.-T. & Liu, S.-H. (2005). The problem and solution of facing rapid growth of immigrants. In National Academy for Educational Research (Ed.), *Selective reading for "foreign brides" family education* (p. 79-98). Taipei: National Academy for Educational Research Press. [in Chinese]

HONORS & AWARDS

- 2006 Excellence Award for Improvement of Curriculum, Minghsin University of Science and Technology, Taiwan
- 2004 First Award of Overall Creativity Performance for Creativity Education, Department of Education, Taiwan
- 1999-2000 Graduate Academic Scholarship, Arizona State University
- 1998-2002 Graduate Tuition Scholarship, Arizona State University

GROUP i

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BOS-11, Land use
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CAB Leg. Dep.
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RHB

December 15, 2016

Ms. Angela Calvillo, Clerk of the Board
Hon. Supervisor Jane Kim
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: BOS File No. 161066: 950-974 Market Street and 180 Jones

Dear Ms. Calvillo and Supervisor Kim:

Group i is in receipt of the supplemental transmittal that was forwarded to you by AnMarie Rodgers of the Planning Department on December 9, 2016. That transmittal contained a comparative analysis of development costs, projected revenues and profit for the "base" project providing 31 on-site BMR units at 950-974 Market Street, and the project as enabled by the File No. 151066 ordinance introduced by Supervisor Kim with 68 off-site BMR units at 180 Jones Street. The Planning Department's analysis concludes the base project would yield a profit of \$14.7 million, while the off-site BMR project would yield a profit of \$17.1 million. We believe this analysis was based on figures derived from an analysis that Seifel Consulting conducted for Tenderloin Neighborhood Development Corporation. This is the report which led TNDC to be supportive of the off-site BMR option. Our comments below are based on additional information from the September 2016 report.

We respectfully disagree with the Planning Department's analysis. **Our own pro forma analysis, as shown in Table 1 and Table 2 (on page 3), concludes that the base project would yield a profit of \$3.5 million, while the off-site BMR project would yield a profit of \$2.4 million. The Ordinance enabled project costs \$1,079,418 more than the project without ordinance.** The reasons for this difference are explained below.

1) The Planning Department used the highest end of the price appreciation range indicated by Seifel Consulting, shown in the table to the right that reflects an average market rate price of \$1,438 per square foot. Seifel states this is a 10% increase from current levels, which reflects a 4% annual growth rate through Q1/Q2 2019. This is a very aggressive scenario, and we do not believe this growth rate and condo pricing is likely to be achievable due to several factors.

GROUP i

Selfel Consulting analysis commissioned by TNDC and completed in September 2016

950-974 Market Street Summary Comparison of Results	A	B	C	D	E	F
	2016 Unit Pricing and Parking Price at MOHCD Parking Cost of \$40,000/Space	2016 Unit Pricing and Market Pricing for Parking	No Increase in Market Pricing, 2019 Estimated Affordable Sales Price and Market Pricing for	Pro Forma Future Unit Pricing, 2019 Estimated Affordable Sales Price and Market Pricing for	Higher Future Unit Pricing, Estimated Affordable Sales Price and Market Pricing for	Sensitivity Test
Pricing Year:	(2016\$)	(2016\$)	(2019\$)	(2019\$)	(2019\$)	TBD
Sensitivity Analysis Assumptions						
Residential Market Sales Prices	100%	100%	100%	106%	110%	110%
Average Market Rate Price/SF	\$1,307	\$1,307	\$1,307	\$1,386	\$1,438	\$1,438
Parking Market Sales Prices	100%	100%	250%	250%	250%	250%
Price Per Space	\$40,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Scenario 1: Onsite Inclusionary Housing	\$171,118,818	\$175,257,918	\$175,991,310	\$185,610,564	\$192,023,399	\$192,023,399
Scenario 2: All Market Rate Development	\$186,346,988	\$190,486,088	\$190,486,088	\$201,501,343	\$208,844,847	\$208,844,847
Difference	\$15,228,170	\$15,228,170	\$14,494,778	\$15,890,780	\$16,821,448	\$16,821,448
Potential Discount to 2016 \$ at:	7%					
2019	N/A	N/A	\$14,494,778	\$15,890,780	\$16,821,448	\$16,821,448
2018	N/A	N/A	\$13,546,521	\$14,851,196	\$15,720,979	\$15,720,979
2017	N/A	N/A	\$12,660,300	\$13,879,622	\$14,692,504	\$14,692,504
2016	\$15,228,170	\$15,228,170	\$11,832,056	\$12,971,610	\$13,731,312	\$13,731,312

Recent market reports indicate that condo pricing for new construction has stabilized in San Francisco and projects 0% growth to a slight decline on a year-to-year basis. The Federal Reserve raised interest rates by 25 basis points on December 14, 2016, and signaled a steeper path for borrowing costs in 2017. Higher home mortgage interest rates are expected to dampen demand for home purchases, likely resulting in lower pricing for both market-rate and BMR condo products. Furthermore, studies have shown rising interest rates disproportionately impact overheated housing markets such as San Francisco¹. We conclude that the probable annual condo price growth rate ranges from 0.50% to 2% at best. The project's profit, with and without the ordinance, based on this range of condo price growth rate is shown in Table 3. Our development cost analysis in Table 1 and Table 2 is based on the 1.2% annual growth rate (middle of the probable range) that yields an average market rate price of \$1,347 per square foot.

2) The value of the delayed Section 415 In-Lieu Fee Payment is overstated by the Planning Department's analysis dated December 9, 2016, as it fails to account for the \$4,136,397 land acquisition cost for 180 Jones that has already been paid by the developer, in good-faith, well in advance of the required in-lieu fee due date. The pre-paid amount represents 27.6% of the in-lieu fee. The estimated benefit for deferral of the remaining payments should be reduced to \$580,000 (\$800,000 x 72.4%).

3) The Planning Department's analysis also fails to account for costs to finance the additional \$17 million expenditures incurred under the Ordinance enabled project (\$15 million in-lieu fee + \$2 million gift). Based on current construction loan interest rates of 7.96% and loan fees of 1.5%, we estimate additional financing costs of approximately \$1.6 million in construction loan interest and loan fees resulting from the Ordinance enabled project.

Section 415 In-Lieu Fee	15,002,196
Gift to the City	2,000,000
Additional Project Cost	\$17,002,196
Additional Construction Loan at 70% loan-to-cost	11,901,537
Annual Construction Interest @ (1)	7.960%
Additional construction loan interest (2)	\$1,421,044
Add: Construction loan fees @ 1.5%	178,523
Additional project cost to finance \$17 million expenditure	\$1,600,000

(1) Assumed at Libor +650 to Libor+750. Libor rate is 0.96% as of 12/15/16

(2) Assumed 36-month of construction loan outstanding and 50% duration

¹ <http://www.cnbc.com/2015/09/11/if-mortgage-rates-go-to-6-heres-what-happens-to-housing.html>

GROUP I

Based on the aforementioned three factors, our pro forma analysis concludes that the base project would yield a profit of \$3.5 million (Table 1), while the off-site BMR project would yield a profit of \$2.4 million (Table 2). **Ordinance enabled project costs \$1,079,418 more than the project without ordinance.**

Equivalent Annual Condo Price Growth	1.2%
Residential Market Sales Prices	103%
Average Market Rate Price/SF	\$1,347

Table 1: PROJECT WITHOUT PROPOSED ORDINANCE		
31 On-Site BMR Units		
PROJECT COSTS	Construction & Soft Costs	(175,138,000)
	Non-Potable Water System Cost	(1,750,000)
	Section 415 In-Lieu Fee	-
	TDR Payment	-
	Jobs Housing Linkagae Fee	(400,000)
	Total Cost	(177,288,000)
PROJECT REVENUES	Projected BMR Unit Revenue (2019\$)	10,282,461
	Sales Costs for BMR Units	(565,535)
	Projected Market-Rate Unit Revenue (2019\$)	181,041,282
	Sales Costs for Market-Rate Units	(9,957,271)
	Total Revenue	180,800,937
	Surplus / (Loss)	3,512,937

Table 2: PROJECT WITH ORDINANCE		
68 BMR Units at 180 Jones		
PROJECT COSTS	Construction & Soft Costs	(175,138,000)
	Non-Potable Water System Cost	(1,750,000)
	Section 415 In-Lieu Fee	(15,002,196)
	TDR Payment	(700,000)
	Jobs Housing Linkagae Fee *	(400,000)
	Additional Construction Loan Cost	(1,600,000)
	Total Cost	(194,590,196)
ORDINANCE CREDITS AND DEBITS	Non-Potable Water System Cost	1,750,000
	TDR Payment	700,000
	Value of Delayed 415 In-Lieu Fee Payment	580,000
	Gift to City	(2,000,000)
	Total Credit / (Debit)	1,030,000
	Costs Less Credits	(193,560,196)
PROJECT REVENUES	Projected Market-Rate Unit Revenue (2019\$)	207,400,757
	Sales Costs for Market-Rate Units	(11,407,042)
	Total Revenue	195,993,716
	Surplus / (Loss)	2,433,520

* JHLF is incorrectly estimated at \$1.8M in the current Ordinance and had subsequently been confirmed by Planning Department to be approximately \$400k

GROUP i

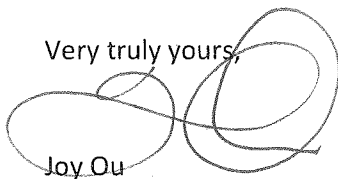
Finally, we also like to point out that Non-Potable Water System Cost should not be part of the base project equation. The reason is that if it weren't for the delay due to a façade redesign ordered by Planning staff, the 950-974 Market Project would have met the October 31, 2016 deadline to be exempted from the Non-Potable Water System. See below for timeline:

- We originally had a planning commission hearing scheduled for August 11, 2016. We submitted the site permit in February 2016 and paid for the expedited review fee so that the site permit can be ready for issuance before 10/31/16.
- On June 24th, Planning informed Group i of their desire for a drastic change in the proposed façade design. As such, Group i worked with Planning on multiple rounds of façade design with the goal of August 11 planning commission hearing date.
- On July 19th, staff informed Group i that the hearing was to be rescheduled from August 11 to October 13 as the revised façade was not satisfactory.
- After multiple meetings throughout the month of August and most of September, staff informed Group i on September 20th that planning commission hearing date was rescheduled from October 13 to October 27, 2016.
- On October 4th, Supervisor Kim introduced the project ordinance.
- On October 5th, staff informed Group i that the October 27 planning commission hearing date was rescheduled to November 3, 2016.
- On October 27th, staff informed Group i of a noticing error by the staff, and hence the planning commission hearing date was again delayed to November 17th.
- At the November 17th hearing, the Planning Commission directed the Planning staff to approve the façade design Group i had proposed back in June 2016 in anticipation of the August 11th hearing.

As such, due to these continued delays beyond the control of Group i, the 950-974 Market project was not able to meet the October 31st exemption date for the Non-Potable Water System.

Thank you for reviewing this corrected analysis in your consideration of the 180 Jones off-site ordinance.

Very truly yours,



Joy Ou

President, Group i

Project Sponsor for 950-974 Market Street

cc: Deputy City Attorneys Andrea Ruiz-Esquide and Jon Givner
Alisa Somera, Office of the Clerk of the Board
AnMarie Rodgers, Planning Department
Kate Hartley, Mayor's Office of Housing and Community Development

GROUP i

Table 3: Development Cost Analysis

		0.0%	0.4%	0.8%	1.2%	1.6%	2.0%	3.9%
Equivalent Annual Condo Price Growth								
Residential Market Sales Prices		100%	101%	102%	103%	104%	105%	110%
Average Market Rate Price/SF		\$1,307	\$1,320	\$1,334	\$1,347	\$1,360	\$1,373	\$1,438
Table 1: PROJECT WITHOUT PROPOSED ORDINANCE								
31 On-Site BMR Units								
PROJECT COSTS	Construction & Soft Costs	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)
	Non-Potable Water System Cost	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)
	Section 415 In-Lieu Fee	-	-	-	-	-	-	-
	TDR Payment	-	-	-	-	-	-	-
	Jobs Housing Linkage Fee	(400,000)	(400,000)	(400,000)	(400,000)	(400,000)	(400,000)	(400,000)
	Total Cost	(177,288,000)	(177,288,000)	(177,288,000)	(177,288,000)	(177,288,000)	(177,288,000)	(177,288,000)
PROJECT REVENUES	Projected BMR Unit Revenue (2019\$)	10,282,461	10,282,461	10,282,461	10,282,461	10,282,461	10,282,461	10,282,461
	Sales Costs for BMR Units	(565,535)	(565,535)	(565,535)	(565,535)	(565,535)	(565,535)	(565,535)
	Projected Market-Rate Unit Revenue (2019\$)	175,951,730	177,648,247	179,344,765	181,041,282	182,737,799	184,434,317	192,916,903
	Sales Costs for Market-Rate Units	(9,677,345)	(9,770,654)	(9,863,962)	(9,957,271)	(10,050,579)	(10,143,887)	(10,610,430)
	Total Revenue	175,991,311	177,594,520	179,197,729	180,800,937	182,404,146	184,007,355	192,023,399
	Surplus / (Loss)	(1,296,689)	306,520	1,909,729	3,512,937	5,116,146	6,719,355	14,735,399
Table 2: PROJECT WITH ORDINANCE								
68 BMR Units at 180 Jones								
PROJECT COSTS	Construction & Soft Costs	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)	(175,138,000)
	Non-Potable Water System Cost	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)	(1,750,000)
	Section 415 In-Lieu Fee	(15,002,196)	(15,002,196)	(15,002,196)	(15,002,196)	(15,002,196)	(15,002,196)	(15,002,196)
	TDR Payment	(700,000)	(700,000)	(700,000)	(700,000)	(700,000)	(700,000)	(700,000)
	Jobs Housing Linkage Fee *	(400,000)	(400,000)	(400,000)	(400,000)	(400,000)	(400,000)	(400,000)
	Additional Construction Loan Cost	(1,600,000)	(1,600,000)	(1,600,000)	(1,600,000)	(1,600,000)	(1,600,000)	(1,600,000)
	Total Cost	(194,590,196)	(194,590,196)	(194,590,196)	(194,590,196)	(194,590,196)	(194,590,196)	(194,590,196)
ORDINANCE CREDITS AND DEBITS	Non-Potable Water System Cost	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000
	TDR Payment	700,000	700,000	700,000	700,000	700,000	700,000	700,000
	Value of Delayed 415 In-Lieu Fee Payment	580,000	580,000	580,000	580,000	580,000	580,000	580,000
	Gift to City	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)
	Total Credit / (Debit)	1,030,000	1,030,000	1,030,000	1,030,000	1,030,000	1,030,000	1,030,000
	Costs Less Credits	(193,560,196)	(193,560,196)	(193,560,196)	(193,560,196)	(193,560,196)	(193,560,196)	(193,560,196)
PROJECT REVENUES	Projected Market-Rate Unit Revenue (2019\$)	201,572,580	203,515,306	205,458,032	207,400,757	209,343,483	211,286,209	220,999,838
	Sales Costs for Market-Rate Units	(11,086,492)	(11,193,342)	(11,300,192)	(11,407,042)	(11,513,892)	(11,620,741)	(12,154,991)
	Total Revenue	190,486,088	192,321,964	194,157,840	195,993,716	197,829,592	199,665,468	208,844,847
	Surplus / (Loss)	(3,074,108)	(1,238,232)	597,644	2,433,520	4,269,396	6,105,272	15,284,651
Surplus / (Loss) Difference:								
"With Ordinance" less "Without Ordinance"		(1,777,419)	(1,544,752)	(1,312,085)	(1,079,418)	(846,751)	(614,084)	549,252

* JHLF is incorrectly estimated at \$1.8M in the current Ordinance and had subsequently been confirmed by Planning Department to be approximately \$400k

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: MESSED UP AGAIN!: correct attachment for updated UNADDRESSED FLAWS is here
Attachments: 2016-12-10 final version-- UNADDRESSED FLAWS IN BALBOA RESERVOIR PROJECT.pdf

I attached the older version of the attachment instead of the updated version.

Sorry for the mess-up.

This time I'll get it right with this attachment. The correct attachment talks about the RFQ.

From: "ajahjah@att.net" <ajahjah@att.net>
To: BRCAC (ECN) <brcac@sfgov.org>; "BalResCACChair@gmail.com" <BalResCACChair@gmail.com>; Michael Ahrens <mahrens@sheppardmullin.com>; Maria Picar
Sent: Saturday, December 10, 2016 8:47 PM
Subject: updated UNADDRESSED FLAWS

BR CAC, City Team, PUC, PUC CAC, BPS CAC, Planning Commission, BOS, BOT, City Attorney:

Attached is the updated version of "Unaddressed Flaws in Balboa Reservoir Project."

I request that "Unaddressed Flaws in Balboa Reservoir Project" be included as a dissenting opinion in the CAC's Report to Board of Supervisors. It is important that this dissenting opinion be presented to the BOS because the public engagement process has been dominated by the City Team to the substantive exclusion of dissenting voices. The Development Parameters reflect the City Team's perspective rather than the community's.

This updated critique adds material to reveal flaws contained in the RFQ:

1. RFQ makes no reference to the PUC's Land Use Framework
2. The fraudulent meaning of "affordable in perpetuity"

Finally, I have also added an additional factor that has not been given due consideration. The Balboa Park Station Area Plan's Objective 1.4 and Policy 1.3.2 **[sic]** says: *"Develop the west basin of the reservoir [for] the greatest benefit of the city as a whole as well as for the surrounding neighborhoods."* A full discussion and analysis of what constitutes "greatest benefit" has never been conducted.

The issues raised in "Unaddressed Flaws" have been repeatedly presented to the City Team and the BR CAC over the course of the past two years. However, in the City Team's rush to judgment to move the Balboa Reservoir Project forward, the City Team has consistently avoided dealing with these issues and concerns.

The Commissions and BOS need to carefully examine the validity of the City Team's work. The Commissions and BOS should not blindly rubber-stamp a Reservoir Project based on faulty assumptions and premises.

Submitted by:

Alvin Ja

UNADDRESSED FLAWS IN BALBOA RESERVOIR PROJECT (9/9/2016)

I have been fairly conscientious in pointing out flaws in the City Team's Principles & Parameters over the course of the past 1-1/2 year. I have submitted my critiques based on research and documentation.

The City Team has sidestepped my critiques. My submissions have been ignored and the concerns raised have not been addressed.

Here is a digest of my critiques from my submissions that have remained unaddressed by the City Team.

CONCEPTUAL FRAMEWORK: PUBLIC LAND FOR THE PUBLIC GOOD

1. Public land should be used for the public good.
2. Affordable housing for homeless, low-income and moderate-income people contributes to the public good.
3. The California State Surplus Land Statute and the City's Surplus City Property/Public Lands Ordinance were set up to help address housing targeted for homeless, low-income and moderate-income people.
4. The intent of both State and City laws were not meant to subsidize high-cost housing.
5. As defined by law, "Affordable Housing" covers moderate-income housing going up to 120% Area Median Income only.
6. Balboa Reservoir Project only requires that 33% of the BR housing to be legally-defined "Affordable Housing." The remaining 67% of housing falls outside the bounds of the original intent of State and City targets of Affordable Housing--as defined by law--for low-income, and moderate-income people.
7. The result of this 33% Affordable Housing/67% non-Affordable Housing ratio is that public land will be transferred to private interests/higher income owners in the guise of "Affordable Housing."
8. Using 33% "Affordable Housing" to subsidize the 67% high-cost housing is contrary to the intent of the original legislation.
9. Distorted meaning of "in perpetuity": Affordable units are supposedly going to be deed-restricted "in perpetuity." Yet, contrary to the normal meaning of "in perpetuity", the City/RFQ defines it as follows: "The project's affordable housing units must remain affordable in perpetuity (i.e. throughout the useful lives of the buildings in which those units are located), ..." What this really means is that after 50-75 years, or even sooner--depending on how the developer defines "useful life"-- even the 33% Affordable will no longer be in existence. The entire Reservoir property will be owned free and clear by private interests with no requirements for affordability: It's the pot at the end of the rainbow for private interests that have a long-term perspectives.
10. Best use of PUC Reservoir:

The Balboa Park Station Area Plan states: *"POLICY 1.3.2 Develop the west basin of the reservoir [for] the greatest benefit of the city as a whole as well as for the surrounding neighborhoods."*

- There has never been any discussion about what constitutes "greatest benefit." The City/Mayor simply declared by fiat that it would be used for housing (without requiring compliance with the intent of State and City Public Lands laws regarding legally-defined Affordable Housing).
- It can be legitimately argued that **using the west basin for educational purposes would be the "greatest benefit."**

CEQA CONSIDERATIONS

1. CEQA requires public agencies to avoid or mitigate significant adverse environmental impacts caused by a project.
 2. City College is a critical public service that serves the entire Bay Area. CCSF is the central economic, educational and cultural feature of the Reservoir vicinity. However the Balboa Reservoir Project has failed to acknowledge CCSF's primacy.
 3. Housing on Balboa Reservoir is a component of the Balboa Park Station Area Plan, based on an Initial Study conducted in 2006, referenced in the BPS Final EIR.
 4. The proposal of 425-500 units in the Reservoir was arbitrary. There was no documentation, evidence, or argumentation presented to support the proposal for 425-500 units in the 2006 BPS Initial Study/BPS Final EIR/BPS Area Plan.
 5. The BPS Area Plan, Final EIR/Initial Study determined that, on the BPS Program-Level, that there would be no significant impact to school facilities.
 6. The BR Project's 2014 AECOM Study incorrectly extended the Program-Level determination of non-significance to the Balboa Reservoir Project's Plan-Level. This has caused the BR Project to ignore adverse impacts that the Project will have on City College and neighboring schools.
 7. The City Team has refused to acknowledge the reality that the use of the Reservoir for student parking is an existing public benefit. It is a benefit that helps provide access to quality education.
 8. Instead, the Balboa Park Station Area Plan mischaracterizes the Reservoir as simply being an "unpleasant void in the neighborhood" despite the reality that it serves an important and needed public purpose for students.
 9. The Balboa Reservoir Project can be characterized as constituting an **eviction of an important Bay Area-wide public service**--City College. A public good is being eliminated for the benefit of private developer interests.
 10. The City Team operates on the unfounded assumption that housing on the Reservoir is of higher importance than the importance of City College to the community.
- The City Team shifts the burden of mitigation of impending adverse impacts of the Project onto the surrounding neighborhoods and CCSF stakeholders. It addresses the BR Project's adverse impacts by calling for the impacttees to bear the burden by practicing TDM (*"reduce single-occupant vehicle trips by college staff, faculty, students, and neighborhood residents"*) and requesting Residential Permit Parking.
11. The City Team argues that it is too expensive to build parking. If the Reservoir were to be left as-is to provide student access to education, there would be no need to build new parking. It's cheaper to keep it as-is.

12. Eviction of CCSF from western Reservoir will harm student access to education.
13. The State Surplus Property Statute (Govt Code 54220) targets use of housing for those of "low" or "moderate" income (up to 120% of Area AMI). It was under this concept that San Francisco's Public Lands for Housing Program was originally formulated. The idea was for surplus public property to be used for the public good to create Affordable Housing (120% AMI).
14. "Affordable Housing" is legally defined as up to 120% AMI (Administrative Code 23.A.4) The Principles & Parameters only requires 33% to be legally-defined Affordable Housing.
15. In reality 67% will be unaffordable housing. Although the City Team presents the Project as market-rate housing subsidizing affordable housing, this is an inversion of reality. In reality, the 33% affordable housing is cover for the reality that this transfer of public property will benefit private interests at the expense of the public. The reality is that the 33% "affordable housing" will be subsidizing private interests.

PUC LAND USE POLICY

1. PUC's Land Use Framework policy allows sale only if: *"Use of the land sold will not result in creating a nuisance."*

PARKING vs. TDM

1. The City Team argues that it is too expensive to build parking. If the Reservoir were to be left as-is to provide student access to education, there would be no need to build new parking. If construction cost is the consideration, then the best option is to leave the western Reservoir as-is.
2. TDM is the third component of the City's Transportation Sustainability Program. TDM requires new developments to provide on-site amenities that prioritize sustainable alternatives to driving.
3. The Balboa Reservoir Project will not exist in isolation from the surrounding neighborhoods. The TDM outcomes within the boundaries of the Project itself will probably be highly successful. However, BR Project's internal TDM success will come at the expense of the surrounding neighborhoods when BR residents park their privately-owned vehicles and drive their privately-owned vehicles outside the Reservoir Project's own boundaries.
4. FROM EARLIER SUBMISSION TO CAC REGARDING TDM:
 - Most importantly: TDM Study is not a comprehensive and unbiased assessment of parking and circulation issues in the Reservoir vicinity; and it was never meant to be a comprehensive study. The scope/parameters of Nelson-Nygaard's study were very specific according to SFCTA documentation:
 - *The Planning Department and SFMTA are proposing a Transportation Demand Management (TDM) study in coordination with CCSF Ocean Campus to reduce single-occupant vehicle trips by college staff, faculty, students, and neighborhood residents.*

○ PROJECT DESCRIPTION AND BENEFITS

The Balboa Area Transportation Demand Study will develop clear strategies for reducing single-occupant vehicle trips and outline a coordinated framework for future TDM programs and policies between CCSF, the Balboa Reservoir project, and the City of San Francisco. Potential TDM activities will produce a wide-range of benefits to individuals and the transportation system as a whole, from reducing traffic congestion, vehicle emissions, and fuel consumption to supporting physical activity and enhancing safety. Additionally, TDM activities will make existing transportation investments perform better, extending the life of existing infrastructure and improving the outcomes for new transportation investments.

- **TDM Program:** proposing TDM solutions unique to the area comprising CCSF Ocean campus, Balboa Reservoir and neighborhoods as consistent with emerging TDM policy.

Bottom-line: TDM solutions, by definition and intent, exclude parking. Within TDM parameters, the issue of parking is given significance only via the TDM solution of making parking "more difficult and expensive." That's why the elimination of student parking is ignored. That's why the City Team promotes 0.5 parking spaces per residential unit.

- Fatuous TDM arguments:
- "Parking Produces Traffic Congestion--Every parking space is a magnet for cars" and "If you build it.....they will come."
- In earlier submissions I had written:

As I have pointed out in another e-mail, there are 3 main traffic magnets in our area: schools, freeway entrance/exits, and the BP Station transit hub. If reduction of car traffic in the area is the goal, these magnets need to be removed. Obviously, this is neither an appropriate nor realistic solution.

BP Station and freeway entrance/exits are part of transportation infrastructure. However CCSF is different. CCSF is not transportation infrastructure. People are not just passing through on the way to someplace else. CCSF is a destination in and of itself.

Rather than parking producing congestion, it's the existence of a desired destination that induces traffic. Parking is but a means to accommodate those who want to get to the desired destination.

Case-in-point: When school is not in session, there are very few cars in the Reservoir parking lot and there's very little traffic on Phelan. This demonstrates the falsehood of the "parking produces traffic congestion" premise.

Bottom line: Parking, in and of itself, does not promote congestion. Rather, congestion is the product of people trying to get to a desired destination. Student access to education, which includes driving and parking, should not be subordinate to the Balboa Reservoir Project.

- "Spillover [parking] from City College"
- Both Sunnyside Neighborhood Assn and Westwood Park Assn have made clear that the neighborhood supports CCSF and its students. The Nelson-Nygaard Study calls for preventing "spillover from City College" by making parking for them difficult via RPP and enforcement. Rather than making parking difficult for students, the neighbors have called for the Balboa Reservoir Project to provide adequate on-site parking for student needs.

Bottom line: Instead of shifting the burden of mitigation for the elimination of student parking by the TDM solution of "reducing single-occupant trips by college staff, faculty, students, and neighborhood residents", the Reservoir Project needs to take responsibility for replacing lost student parking.

--aj

From: Gosiengfiao, Rachel (BOS)
Sent: Monday, December 12, 2016 10:56 AM
To: BOS-Supervisors; Givner, Jon (CAT); Evans, Derek
Subject: File 161332, 161333 FW: Jason Chan resignation
Attachments: Jason Resignation.pdf

From: Calvillo, Angela (BOS)
Sent: Sunday, December 11, 2016 9:56 PM
To: Tugbenyoh, Mawuli (MYR) <mawuli.tugbenyoh@sfgov.org>; Gosiengfiao, Rachel (BOS) <rachel.gosiengfiao@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Cc: Breed, London (BOS) <london.breed@sfgov.org>; Hsieh, Frances (BOS) <frances.hsieh@sfgov.org>; Ginsburg, Phil (REC) <phil.ginsburg@sfgov.org>; Johnston, Conor (BOS) <conor.johnston@sfgov.org>; Dilger, Rosie (BOS) <rosie.dilger@sfgov.org>; Roxas, Samantha (BOS) <samantha.roxas@sfgov.org>; McArthur, Margaret (REC) <margaret.mcarthur@sfgov.org>
Subject: Re: Jason Chan resignation

Thank you Mawuli,
We have received your submittal, will communicate it on Tuesday, add it to the legislative file and provide to the entire Board of Supervisors.

Thank you.

Angela

Angela Calvillo
Clerk of the Board

On Dec 11, 2016, at 9:46 PM, Tugbenyoh, Mawuli (MYR) <mawuli.tugbenyoh@sfgov.org> wrote:

President Breed-

Please find the attached letter of resignation from Jason Chan from his seat on the Recreation and Parks Commission.

Regards,

Mawuli Tugbenyoh 杜本樂
Liaison to the Board of Supervisors
Office of Mayor Edwin Lee
City Hall Room 200
1 Dr Carlton B Goodlett Place
San Francisco, CA 94102
415.554.5168
www.sfgov.org | mawuli.tugbenyoh@sfgov.org

SFGov

www.sfgov.org

The official website for the City and County of San Francisco. Municipal code, services, information for businesses and visitors.



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<Jason Resignation.pdf>

Mayor Edwin Lee
1 Dr. Carlton B. Goodlett Place
Room 200
San Francisco CA, 94102

December 11, 2016

Dear Mayor Lee

I greatly appreciate the trust you have put in me by appointing me to the Recreation and Parks Commission. While I strongly believe in the importance of public service and appreciate the opportunity to once again serve the City and County of San Francisco, it has become apparent that the immediate responsibilities and travel schedule of my day job will make it difficult for me to attend a number of critical upcoming commission meetings.

So, it is with regret and sense of duty and responsibility to the City that I love, that I submit this letter as my official of resignation from from Recreation and Parks Commission. I look forward to working with you in the near future and other opportunities to serve the City and County of San Francisco.

Sincerely,



Jason Chan
Resident, District 8

Cc: London Breed, President, Board of Supervisors
Angela Calvillo, Clerk of the Board of Supervisors

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; BOS Legislation, (BOS)
Subject: FW: Declaration of Emergency - Replacement and Repair of Equipment at Oceanside Wastewater Treatment Plant
Attachments: Declaration of Emergency - Dewatering Equipment OSP.PDF

From: Scarpulla, John [mailto:JScarpulla@sfgwater.org]
Sent: Tuesday, December 13, 2016 9:20 AM
To: Rosenfield, Ben (CON) <ben.rosenfield@sfgov.org>; Lane, Maura (CON) <maura.lane@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Manaois, Carlo (MYR) <carlo.manaois@sfgov.org>
Cc: Jacobo, Carlos (PUC) <cjacobo@sfgwater.org>
Subject: Declaration of Emergency - Replacement and Repair of Equipment at Oceanside Wastewater Treatment Plant

Morning,

Please see attached for a SFPUC Declaration of Emergency for the Temporary Replacement and Repair of Dewatering Equipment at the Oceanside Wastewater Treatment Plant.

Please let me know if you have any questions about this Declaration.

Best,
John

John Scarpulla
Policy & Government Affairs
San Francisco Public Utilities Commission
525 Golden Gate Ave., 13th Floor
San Francisco, CA 94102
jscarpulla@sfgwater.org | 415-934-5782

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San Francisco Water Power Sewer


Services of the San Francisco Public Utilities Commission



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TTY 415.554.3488
www.sfwater.org

INTER-OFFICE MEMORANDUM

DATE: December 9, 2016

TO: The Honorable Anson Moran
President, San Francisco Public Utilities Commission

THROUGH: Harlan L. Kelly, Jr. 
General Manager

FROM:  Tommy T. Moala 
Assistant General Manager, Wastewater Enterprise

SUBJECT: Declaration of Emergency: Temporary Replacement and Repair of
Dewatering Equipment at the Oceanside Wastewater Treatment Plant

In accordance with Chapter 21, Section 21.15 (c) of the Administrative Code of the City and County of San Francisco, I am declaring an emergency on behalf of the San Francisco Public Utilities Commission.

On December 6, 2016, the dewatering system at the Oceanside Wastewater Treatment Plant (OSP) was severely damaged by a significant volume of grit that hit the dewatering screw press. A temporary replacement unit needs to be installed immediately so that dewatering of biosolids can continue while the existing damaged screw press equipment is repaired. As a result of the damage, the OSP is unable to process Biosolids which will affect final effluent quality resulting in risk to public health and other related regulatory sanctions.

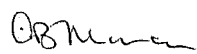
Dewatering is an essential step in wastewater treatment processes, without which, solids build up in the system and reduce liquid treatment capacity. If the dewatering treatment processes are not immediately restored, this will result in violation of the Environmental Protection Agency's, National Pollutant Discharge Elimination System (NPDES) permit for the Oceanside Plant. Effluent discharges in violation of NPDES standards could also trigger significant threats to public health and the environment. As such, immediate action is necessary to address these concerns.

Consequently, the SFPUC Wastewater Enterprise is requesting an emergency be declared to provide for resources to obtain a temporary replacement unit and perform the repair work as soon as possible. The cost is anticipated not-to-exceed \$500,000 and will be funded out of the Enterprise's Repair and Replacement Program.

It is in the best interest of the City to declare an emergency for this work to provide for public health and safety.

I am therefore declaring the existence of an emergency. I trust that this meets with your concurrence and approval.

CONCUR AND APPROVE:


Anson Moran, President
San Francisco Public Utilities Commission

cc: A. Caen V. Courtney I. Kwon F. Vietor

Edwin M. Lee
Mayor

Anson Moran
President

Ike Kwon
Vice President

Ann Moller Caen
Commissioner

Francesca Vietor
Commissioner

Vince Courtney
Commissioner

Harlan L. Kelly, Jr.
General Manager



Commissioners
Eric Sklar, President
 Saint Helena
Jacque Hostler-Carmesin, Vice President
 McKinleyville
Anthony C. Williams, Member
 Huntington Beach
Russell E. Burns, Member
 Napa
Peter S. Silva, Member
 Chula Vista

STATE OF CALIFORNIA
 Edmund G. Brown Jr., Governor

Valerie Termini, Executive Director
 1416 Ninth Street, Room 1320
 Sacramento, CA 95814
 (916) 653-4899
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
 Since 1870

December 8, 2016

NOTICE OF PROPOSED EMERGENCY ACTION

Emergency Abalone Take Reduction Due to Harmful Environmental Conditions

Pursuant to the requirements of Government Code Section 11346.1(a)(1), the Fish and Game Commission (Commission) is providing notice of proposed emergency action with regard to the above-entitled emergency regulation.

SUBMISSION OF COMMENTS

Government Code Section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to OAL, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code Section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail or e-mail, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail or e-mail must be received at OAL within five days after the Commission submits the emergency regulations to OAL for review.

Please reference submitted comments as regarding "Abalone Take Reduction" addressed to:

Mailing Address: Reference Attorney
 Office of Administrative Law
 300 Capitol Mall, Suite 1250
 Sacramento, CA 95814

California Fish and Game Commission
 Attn: Sheri Tiemann
 1416 Ninth Street, Rm. 1320
 Sacramento, CA 95814

E-mail Address: staff@oal.ca.gov
 Fax No.: 916-323-6826

fgc@fgc.ca.gov

For the status of the Commission's submittal to OAL for review, and the end of the five-day written submittal period, please consult OAL's website at <http://www.oal.ca.gov> under the heading "Emergency Regulations."

2016 DEC 12 PM 3:28
 RECEIVED
 CALIFORNIA FISH & GAME COMMISSION
 SACRAMENTO, CA

CALIFORNIA FISH AND GAME COMMISSION
FINDING OF EMERGENCY AND
STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION

Emergency Action to
Amend subsections (b) and (c) of Section 29.15,
Title 14, California Code of Regulations
Re: Emergency Abalone Take Reduction Due to Harmful Environmental Conditions

Date of Statement: December 8, 2016

I. Statement of Facts Constituting the Need for Emergency Regulatory Action

The recreational red abalone (*Haliotis rufescens*) fishery is one of California's most successful and popular fisheries, and is economically important, particularly to Sonoma and Mendocino counties where approximately 95 percent of the multi-million dollar fishery takes place. Over 25,000 fishermen participate in the fishery each year. Red abalone may be taken with a sport fishing license subject to regulations prescribed by the Fish and Game Commission (Commission).

Under existing statute (Fish and Game Code Section 5521) and regulation (Section 29.15, Title 14, CCR), abalone may only be taken for recreational purposes north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay, except in the closed Fort Ross area. The current regulation also specifies the season, hours, daily and annual limits, special gear provisions, measuring devices, abalone report card requirements, and minimum size. Red abalone may only be collected by skin diving (without SCUBA) or rock picking during low tides, so that a deep-water refuge population is maintained to enhance productivity of the fishery. The recreational red abalone season is scheduled to open April 1, 2017.

In 2005, the Commission adopted the Abalone Recovery and Management Plan (ARMP) pursuant to requirements in statute (Fish and Game Code Section 5522), to provide a cohesive framework for recovering depleted abalone populations in southern California, and for managing the northern California fishery and future fisheries, including red abalone. The ARMP articulates a framework for sustaining abalone populations based largely on densities, catch, size, and reproductive success as triggers for adjusting total allowable catch (TAC) and engaging other management measures. Using criteria described in the ARMP, the TAC is adjusted when specific triggers are met, through various management actions such as changes to daily bag limits, seasonal limits, and season length.

In 2013, when average densities in northern California fell below established triggers and site closure triggers were met, the Commission took action to adjust the TAC from 280,000 to 190,000, with the goal to sufficiently reduce take such that densities would stop declining and eventually recover to target densities. The

Commission also took management action to meet the adjusted TAC by amending the annual limit for abalone north of the Mendocino/Sonoma county line from 24 to 18, amending the annual limit south of the Mendocino/Sonoma county line from 24 to 9, and moving the start time for fishing from one half hour before sunrise to 8:00 a.m. The Fort Ross area was closed to abalone fishing as a result of hitting the closure trigger. The new regulations went into effect in 2014, resulting in a 35 percent decline in take to approximately 148,000; in 2015, take was down 31 percent from 2013 at approximately 155,000.

In 2015, a combination of unprecedented environmental and biological stressors began to take their toll on abalone populations, including warmer-than-normal waters and decreasing food resources, leading to starvation conditions. Throughout 2016, the Department of Fish and Wildlife (Department) has conducted surveys, visual assessments, and histological sampling of north coast abalone, and has also been documenting citizen reports of unhealthy or moribund abalone within the fishery. The Department has identified wide-sweeping changes in the density, occurrence, size and health of red abalone and the kelp upon which it depends for food. Specifically, the Department has found:

- **Warm Water Conditions and Kelp and Algae Declines.** Red abalone are herbivores that live on rocky reefs in kelp forests, eating red and brown algae. In 2014, the kelp forests in the abalone fishery region declined by 93 percent due to extreme warm water conditions and an unprecedented increase in herbivorous red and purple sea urchin populations. Unlike abalone, sea urchin populations are generally resilient to food shortages and can survive longer, such that even if water conditions cool, grazing pressure from surviving sea urchins may still keep kelp from wide-spread recovery. Warm water conditions persisted through 2015, impacting kelp recovery and abalone health. Recently there has been some improvement in kelp growth with cooler water this year, but the warm water appears to be returning this fall and current kelp canopies are still very sparse compared to normal years. Recent oceanographic reports suggest that warm-water conditions may return again in 2017.
- **Starvation Conditions.** Red abalone are susceptible to starvation when kelp and algal abundances decline. Kelp and other algal species are being actively cleared from rocky bottom habitat that is dominated by purple sea urchin, which is greater than sixty times more abundant now than prior to 2013. Urchin populations increased, in part, due to large-scale loss of predatory starfish species in 2013 due to sea star wasting disease. Bull kelp and other algal food sources for abalone have remained at extremely low levels since 2014; the large number of purple urchins is likely keeping kelp recovery confined to very limited areas.

Abalone have been observed stacked on top of each other in shallow water, which could be attributed to either abalone moving from deeper water to shallower water where algae is slightly more abundant, or abalone trying to graze whatever algae is growing on the shells of other abalone; shells were observed to be unusually clean of algal growth.

Recent evidence indicates the starvation conditions have not yet abated; additional impacts are expected through the 2017 and 2018 seasons.

- **Density Declines.** In spite of the Commission's 2013 actions to reduce take and recover densities, the actions were ineffective in preventing densities from continuing to decline, from an average of 0.47 per square meter (m^2) in 2013 to 0.44 per m^2 in 2016. The Department believes the density decline is largely due to the environmental conditions described herein.
- **Deep-Water Refuge.** Deep-water refuge is believed to be a critical component in maintaining a highly productive recreational fishery. Deep-water abalone are generally safe from take and can be a source of both adults to replace abalone removed from shallower waters and larvae to enhance abalone reproduction rates. Summer of 2016 surveys showed dramatic reductions in abalone densities in deep water refuges (greater than 28 foot depths). The average density of deep-water red abalone populations over the past four years has declined below the ARMP management trigger and increases the risk that the fishery is not sustainable. It should be noted that abalone movement from deep water into shallow water or from cryptic locations to exposed shallow areas can give the impression that abalone populations are stable or have increased if the absence of abalone in deeper waters is not considered.
- **Abalone Health, Reproduction, and Mortality.** The abundance of warm water, coupled with a lack of algae, has severely impacted the health and reproductive development of abalone. Fishermen and the public have reported weak, shrunk, and dying abalone, as well as unusually high numbers of empty shells of all size classes throughout 2016. Department surveys revealed more than 25 percent of catch at 10 survey sites had body mass that was shrunk (meat smaller than the shell). Reductions in body mass lead to reduced reproductive fitness; just a 20% reduction in body mass can reduce reproduction by 60-90 percent. Red abalone require approximately 12 years to grow to minimum legal size, so that multi-year gaps in reproduction will be observed in the fishery for years to come. Furthermore, recent laboratory feeding studies of starved wild red abalone indicate that reproductive capability may take more than one year to recover to normal levels after algal conditions improve.

The weakened condition of abalone may also reduce their ability to withstand normal storm waves during the winter of 2016 – 2017, and increase mortality. Both 2015 and 2016 were poor reproduction years compared with previous average or good years, which may put future sustainability of the fishery at risk. Lack of kelp and other algae greatly reduces cover for red abalone, making them easier to locate by fishermen.

Existence of an Emergency and Need for Immediate Action

The Department considered the following factors in determining whether an emergency exists: The magnitude of potential harm; the existence of a crisis situation; the immediacy of the need; and whether the anticipation of harm has a basis firmer than simple speculation. Department field surveys in 2015 and 2016 demonstrate that all these factors have been met. The Department is proposing emergency regulatory action because the urgency of the situation requires actions to go into effect prior to the start of the upcoming 2017 season, to allow adequate time to communicate the changes to affected stakeholders and amend abalone report cards. The Department will also recommend making the proposed emergency regulations permanent pursuant to a standard rulemaking because the impacts from the harmful conditions are expected to be long-lasting.

Studies, Reports, or Documents Supporting Factual Emergency

The Department relied on the following documents in proposing this emergency rulemaking action:

- (1) The Abalone Recovery and Management Plan
<https://www.wildlife.ca.gov/Conservation/Marine/ARMP>

Department staff has documented critical negative impacts to red abalone fishing grounds:

- (1) A dramatic decline in sea stars, important sea urchin predators, due to sea star disease.
- (2) A dramatic decline (93 percent) of the kelp canopy in Sonoma and Mendocino counties in 2014.
- (3) A dramatic increase (60 times) in the density of purple sea urchins in 2015, increasing competition with abalone for food.
- (4) Warm seawater conditions in Sonoma and Mendocino counties in 2014 and 2015.
- (5) A lack of kelp, which increases the efficiency of fishing efforts in shallow habitats.
- (6) A decline in deep-water abalone densities.
- (7) Continued decline in overall average abalone densities in spite of significant take reductions implemented in 2014.

Department staff has documented critical negative impacts to red abalone health:

- (1) Visual abalone body health scores for abalone taken in the fishery during the spring of 2016 show that more than 25 percent of abalone were shrunk in body mass at sites in northern California.
- (2) Body condition index declined at Van Damme State Park by 20 percent, but no significant difference was observed at Fort Ross in summer of 2016 (60 abalone per site).

- (3) Department staff and abalone fishermen have observed weak abalone washed up on shore and easy to remove from the rocks as well as many new shells of all size classes, indicating increased natural mortality.

Department staff has documented critical negative impacts to red abalone reproduction:

- (1) Gonad index declined significantly at Van Damme State Park and at Fort Ross in the summer of 2016 (60 abalone per site).
- (2) Small numbers of larval abalone observed in plankton surveys in Sonoma and Mendocino counties in 2015.
- (3) Small numbers of newly settled abalone observed in coralline-covered rock samples from Sonoma and Mendocino counties in 2015.
- (4) Few juvenile (< 21 millimeter) red abalone observed in artificial reefs in Van Damme State Park in 2015.

Regulatory Proposal

The ARMP provides the framework for regulatory proposals that should be designed to maintain the sustainability of the resource and fishery. The Department makes the following determinations in regards to the ARMP:

- (1) The existing TAC is 190,000 (amended 2013).
- (2) The deep density trigger requires 25 percent reduction in TAC, which equates to reducing TAC from 190,000 to 142,500.
- (3) Average densities continue to decline leading to a second trigger requiring an additional 25 percent reduction in TAC, which equates to reducing it from 142,500 to 106,875.
- (4) The new TAC would be 107,000 (rounding to the nearest thousand).
- (5) While considerable uncertainty exists under the current conditions regarding how the abalone population will respond, all factors are currently negative. Marine protected areas provide a benefit in protecting a segment of the population from fishing pressure, but do not necessarily help the fishery or the stock in terms of the current negative environmental conditions that are affecting both.

The proposed regulation to achieve the specified TAC are based on catch patterns, human behavior, and the many uncertainties of future conditions. Public input to date indicates reductions in take should primarily come from the annual limit rather than the daily limit. Season changes can produce savings, but because efforts can shift to other months, yield is unpredictable and likely less than otherwise expected. Considerable uncertainty exists regarding the response by fishermen to new restrictions and, therefore, actual take. Table 1 provides an analysis of likely take using changes to the annual limit along with some season reductions. Fishermen have consistently and clearly indicated that a reduction to the daily bag limit is considered an action of last resort and therefore has not

been considered or recommended in this regulation change as other options provide reasonable alternatives for likely achieving the specified TAC.

Table 1. Estimated take based on changes to annual limit and with season length reductions

Target TAC = 107,000 Daily Bag limit = 3	Annual Limit				
	6	9	12	15	18
Estimated Catch	93,000	119,000	136,000	149,000	155,000
Estimated Catch + November Closure	91,000	118,000	135,000	147,000	155,000
Estimated Catch + November Closure + April Closure	80,000	104,000	119,000	129,000	136,000

Based on the analysis summarized in Table 1, the Department proposes:

- a. Reduce annual limit from 18 to 12, with the exception that the lower limit of "not more than 9 abalone of the yearly trip limit may be taken south of the boundary between Sonoma and Mendocino Counties" found in subsection 29.15(c) will continue to apply.
- b. Reduce season by closing November and April
- c. Estimated take = 119,000

The Department understands the importance of the recreational red abalone fishery and its sustainability. The Department's recommendation is proposed as a result of discussions at the November 15, 2016 Marine Resources Committee, which is designed to achieve the desired take reduction through fewer days on the water (season length) and a lower total take opportunity (annual limit) in the open area above the Mendocino/Sonoma county line.

The Department's recommendation is based on the numerous uncertainties and risks involved and the impacts to fishermen from such dramatic reductions. The current environmental conditions are unprecedented and the impacts to the abalone resource are yet to be fully realized or understood. Not implementing significant reductions in take risks pushing an already stressed population below sustainable levels. We have already witnessed the consequences of inaction, which resulted in the imposition of a statutory moratorium of the fishery south of San Francisco since 1997.

The Department expects a larger savings the first year with a rebound the following year; this is not unusual behavior when drastic changes are made to recreational fisheries. The Department is not recommending closure of the abalone fishery because abalone population densities (0.44 abalone per m²) are above the ARMP's fishery closure trigger of 0.3 abalone per m².

In the absence of this emergency regulation, take of abalone at current levels would continue during the coming season on abalone populations that have declined below minimum sustainable levels prescribed in the ARMP for the deep water (refuge) segment of their range. These emergency regulations are designed to protect broodstock during this period of harmful environmental

conditions when abalone is exceptionally vulnerable to both high natural and fishing mortalities. This period is clearly one of reduced productivity of the abalone population and it is uncertain how long the unfavorable conditions will persist. Even with improved environmental conditions, the fishery will remain at risk due to reduced productivity for more than one year. The decline of the deep-water refuge population, coupled with ongoing starvation conditions and subsequent poor abalone body condition, presents an emergency situation requiring immediate management action to protect the fishery.

The Commission received public input on a potential emergency action at the November 15, 2016 meeting of the Marine Resources Committee, where the Department reported on the most recent survey findings, and at the Commission's December 7-8, 2016 meeting.

II. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

- (a) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (b) Nondiscretionary Costs/Savings to Local Agencies: None.
- (c) Programs Mandated on Local Agencies or School Districts: None.
- (d) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (e) Effect on Housing Costs: None.

III. Authority and Reference

The Commission proposes this emergency action pursuant to the authority vested by sections 200, 202, 240, and 5520 of the Fish and Game Code and to implement, interpret, or make more specific sections 200, 202, 205, 220, 240, and 5520 of said code.

IV. Section 240 Finding

Pursuant to Section 240 of the Fish and Game Code, the Commission finds that the adoption of this regulation is necessary for the immediate conservation, preservation, or protection of birds, mammals, reptiles, or fish (abalone).

Informative Digest (Plain English Overview)

The recreational red abalone (*Haliotis rufescens*) fishery is one of California's most successful and popular fisheries, and is economically important, particularly to Sonoma and Mendocino counties where approximately 95 percent of the multi-million dollar fishery takes place. Over 25,000 fishermen participate in the fishery each year. Red abalone may be taken with a sport fishing license subject to regulations prescribed by the Fish and Game Commission (Commission).

Under existing statute (Fish and Game Code Section 5521) and regulation (Section 29.15, Title 14, CCR), red abalone may only be taken for recreational purposes north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay, except in the closed Fort Ross area. The current regulation also specifies the season, hours, daily limits, special gear provisions, measuring devices, abalone report card requirements, and minimum size. Red abalone may only be collected by skin diving (without SCUBA) or rock picking during low tides. The recreational red abalone season is scheduled to open April 1, 2017.

The Department has identified wide-sweeping changes in the density, occurrence, size and health of red abalone and the kelp upon which it depends for food. Specifically, the Department has found warm water conditions, kelp and algae declines, starvation conditions, abalone density declines, movement from deep-water refuge, and negative impacts on abalone health, reproduction and mortality.

To determine whether an emergency exists, the Department considered the following factors: The magnitude of potential harm; the existence of a crisis situation; the immediacy of the need; and whether the anticipation of harm has a basis firmer than simple speculation. Department field surveys in 2015 and 2016 demonstrate that all these factors have been met.

The Department has confirmed that management triggers under the Abalone Recovery and Management Plan (ARMP) have been reached calling for a reduction of fishery catch and is recommending this reduction be approved due to harmful environmental conditions for abalone.

Proposed Regulatory Action

The proposed emergency regulation will reduce the take of abalone within the entire fishery to levels anticipated to be sustainable under current environmental conditions.

Acting under the guidance contained in the ARMP, the Department requests the Commission take emergency action to reduce allowable take by amending abalone subsections (b) and (c) of Section 29.15, Title 14, CCR, to reduce the red abalone allowable annual take from 18 to 12 abalone, with the exception that the lower limit of "not more than 9 abalone of the yearly trip limit may be taken south of the boundary between Sonoma and Mendocino Counties" found in subsection 29.15(c) will continue to apply, and to close April and November to fishing.

Benefits: The proposed emergency reduction within the abalone fishery will benefit the environment by protecting the valuable abalone resource from excessive fishing mortality, which will allow the resource the opportunity to rebuild and be sustainable for the future.

Consistency and Compatibility with Existing State Regulations: The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (Fish and Game Code, sections 200, 202, and 205). No other state agency has the authority to promulgate such regulations. The Commission has conducted a search of Title 14, CCR and determined that the proposed regulation is neither inconsistent nor incompatible with existing State regulations and that the proposed regulations are consistent with other sport fishing regulations and marine protected area regulations in Title 14, CCR.

Regulatory Language

§ 29.15. Title 14, CCR is amended to read:

§ 29.15. Abalone.

(b) Open Season and Hours:

(1) Open Season: Abalone may be taken only during the months of ~~April~~, May, June, August, September, and October ~~and November~~.

(2) Open Hours: Abalone may be taken only from 8:00 AM to one-half hour after sunset.

(c) Bag Limit and Yearly Trip Limit: Three red abalone, *Haliotis rufescens*, may be taken per day. No more than three abalone may be possessed at any time. No other species of abalone may be taken or possessed. Each person taking abalone shall stop detaching abalone when the limit of three is reached. No person shall take more than ~~48~~ 12 abalone during a calendar year. In the Open Area as defined in subsections 29.15(a) and 29.15(a)(1) above, not more than 9 abalone of the yearly trip limit may be taken south of the boundary between Sonoma and Mendocino Counties.

[No changes to subsections (a) and (d) through (h)]

Note: Authority cited: Sections 200, 202, 205, 210, 220, 240, 5520, 5521, and 7149.8, Fish and Game Code. Reference: Sections 200, 202, 205, 220, 5520, 5521, 7145 and 7149.8, Fish and Game Code.

To: Wong, Linda (BOS); Somera, Alisa (BOS)
Subject: File 161132 FW: Treasurer's letter to Wells Fargo
Attachments: Signed LTR To WF 121316.pdf

From: Fried, Amanda (TTX)
Sent: Tuesday, December 13, 2016 11:02 AM
To: BOS-Supervisors <bos-supervisors@sfgov.org>
Cc: BOS-Legislative Aides <bos-legislative_aides@sfgov.org>
Subject: Treasurer's letter to Wells Fargo

Supervisors,

Attached, and pasted below is a letter the Treasurer is sending today to Wells Fargo. Please let me know if you have any questions or concerns.

Thank you,
Amanda

Amanda Kahn Fried
Policy and Legislative Manager
Office of the Treasurer and Tax Collector
(415) 554-0889

December 12, 2016

Timothy Sloan
Chief Executive Officer and President
Wells Fargo & Company
420 Montgomery Street
San Francisco, CA 94104

Wells Fargo Suspension from Bank On San Francisco

Mr. Sloan,

As you may be aware, in my role as Treasurer of the City and County of San Francisco and leader of the San Francisco Office of Financial Empowerment, I recently decided to suspend Wells Fargo from our Bank On San Francisco program. I made this decision following mounting evidence that Wells Fargo had opened millions of accounts and other financial products without customer consent, using personal information, and in some cases transferring funds into these unauthorized accounts. Further evidence revealed that roughly 85,000 of these accounts incurred more than \$2 million in unauthorized fees. I am writing to formally notify you of Wells Fargo's suspension. I'm also calling on you to provide crucial information about how San Francisco consumers and frontline employees were affected, and how Wells Fargo will work with us to resolve this situation.

Suspending Wells Fargo is not a decision I take lightly. However, the evidence of illegal practices regarding account openings, unauthorized fees, sales practices and compensation incentives has been nothing short of shocking. When I first took office, I was motivated to assist low-income people in San Francisco, many of whom relied on predatory check-cashers and payday lenders, rather than mainstream financial institutions, to safeguard and manage their money.

Working with responsible banks and credit unions, I launched Bank On San Francisco – a pioneering program that for ten years has facilitated low-income people’s access to safe, affordable accounts. Wells Fargo was among the first financial institutions to participate in Bank On.

Central to the success of the Bank On program, in San Francisco and around the country, is the fundamental principle that people can trust the financial institutions where they choose to place their hard-earned money, and that banks are not exploiting that relationship in ways that hurt consumers.

When I met with Greg Morgan following the initial revelation of these practices, I asked him to answer some basic, yet crucial questions to help me and my staff provide trustworthy advice to San Francisco consumers:

- How many San Franciscans were affected?
- Have they been notified?
- What restitution will they receive?

San Franciscans deserve the answers to these questions, yet Mr. Morgan was unable to provide them at our meeting; several months later, they remain unanswered.

In addition to these questions, I would like to understand how decisions were made to fire Wells Fargo employees; many of these employees likely live or work in San Francisco. They were largely low-level employees, and evidence indicates that they were under great pressure to do whatever it took to meet aggressive sales goals that ran counter to customers’ best interest – or face repercussions. We care about the welfare of these individuals and need to understand how their termination was decided, what support has been made available to them, and how the harm done to their careers will be repaired.

I further seek to understand how consumers – and the Office of Financial Empowerment – can trust Wells Fargo in the future. When and how will we know that these exploitive practices no longer represent business as usual? In order to evaluate these questions, I request copies of the quarterly Compliance Committee reports, including comments added by Wells Fargo’s Board, as described in the Consent Order issued by the Office of the Comptroller of the Currency (OCC). These regular reports detail Wells Fargo’s actions to comply with each article of the Consent Order, including sales practices, customer complaints procedures and plan to reimburse customers.

I am outraged at Wells Fargo’s actions because of the impact on millions of bank customers, but also because it sends a message to those residents in San Francisco still unbanked that stashing money under a mattress or relying on fringe financial services, instead of using a mainstream financial institution, are the safest and most affordable options they have. I am further dismayed to learn that Wells Fargo has been seeking to utilize forced arbitration, even for unauthorized accounts, in order to circumvent class action lawsuits. I’m concerned that Wells Fargo’s actions undermine the fundamental trust that makes our financial system possible

Wells Fargo is a longtime partner of the City and the Office of Financial Empowerment, and an important corporate citizen of San Francisco. I hope and trust that you share my strong desire to resolve these issues. I look forward to your response, and to clear answers regarding the actions to be taken in order to remedy the harm to customers and frontline employees.

Sincerely,

José Cisneros
Treasurer, City and County of San Francisco

From: Arevalo, Anna (TTX)
Sent: Tuesday, December 13, 2016 10:01 AM
To: Cisneros, Jose (TTX)
Cc: Fried, Amanda (TTX)
Subject: WF Letter

Please see attached the signed letter to Wells Fargo.

Thanks,

Anna P. Arevalo

Assistant to City and County Treasurer José Cisneros
Office of the Treasurer & Tax Collector
City Hall, Room 140
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4638
Tel: (415) 554-7870
<http://www.sftreasurer.org>



December 13, 2016

Timothy Sloan
Chief Executive Officer and President
Wells Fargo & Company
420 Montgomery Street
San Francisco, CA 94104

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**Office of the Treasurer & Tax Collector
City and County of San Francisco**



José Cisneros, Treasurer

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Sincerely,

José Cisneros
Treasurer, City and County of San Francisco

CC: Mayor Edwin M. Lee
San Francisco Board of Supervisors
Ben Rosenfield, Controller
Greg Morgan, Regional President, San Francisco Market
Mike Rizer, Head of Community Relations
Bank On Cities representatives



582 MARKET ST. SUITE 1800
SAN FRANCISCO, CA 94104
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F: 415.391.9647
www.garavaglia.com

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12 December 2016

RE: 3516 / 26 Folsom Street

To whom it may concern,

The rendering (Exhibit A) depicting the North side of 3516 Folsom Street (view looking South) was prepared in an appropriate manner. Fixed-length story poles were used to establish the proposed building height in a photograph (Exhibit B) and then a sketch of the proposed project was overlaid to provide an accurate rendition of the project as it would be seen from Bernal Heights Blvd. The story poles were placed by measuring off known property corners. All dimensions were taken from the Project Sponsors drawings.

The proposed design will block a public viewshed from a public street and over City- owned property- one of the last panoramic views of the Bay and valley from the South side of Bernal Heights Blvd.

It is interesting to note that the Project's grading / topography and building height elevation data points coincide with a Department of Public Works topographic map (Exhibit C) for the area. The elevation of Bernal Heights Blvd. adjacent to the proposed project aligns with or is below the top of the new building - thus blocking the view from a vantage point on Bernal Heights Blvd. adjacent to the new building.

Also, from my review of the drawings, the driveway design will not be maneuverable for most cars across this area w/o bottoming out. The uphill side of the driveway slopes down at a 38% grade - the City's DPW recommends (or may limit) that to 25%. This would also need transition ramps of about 10%. If they were to raise the building out of the ground they may be better able to accomplish getting cars into the garage. This of course will make the building even higher. Being auto access is so limited by the steep slopes and extreme warping, the project ostensibly is not providing parking. The Folsom Street extension itself calcs out to about a 36% grade - one of the steepest in San Francisco.

Sincerely,

Michael Garavaglia, A.I.A., LEED AP BD+C
President, Garavaglia Architecture, Inc.

MICHAEL GARAVAGLIA, AIA, LEED AP BD+C

PRINCIPAL-IN-CHARGE, PRESERVATION ARCHITECT (LIC. C14833)

Exceeds Secretary of the Interior Professional Qualifications Standards – Historic Architecture

With more than 30 years of experience in the architectural profession and as principal, Mr. Garavaglia leads the firm with preservation architectural services that respond to the specific needs of cultural resources and their environment. He believes strongly in the role of sustainability in historical rehabilitation, its merit in economic development, and the significance of retaining cultural resources for local communities. He seeks opportunities for creative teaming in his staff and consultants to create the most responsive team for each unique project and client. He directs his firm to constantly evolve its preservation services and work products to maintain the relevance and quality control of the firm's work. As such, a preservation project delivery methodology integrating historical knowledge in the design process is key. His work with the preservation community, primarily through involvement with the California Preservation Foundation, focuses on organizational involvement, educational programs, and stewardship development.

Mr. Garavaglia received his professional Bachelor of Architecture degree from California State Polytechnic University at San Luis Obispo, which included a special study program in Historic Preservation. He is a LEED Accredited Professional with specialization in Building Design and Construction, a Conservation Assessment Program (CAP) Assessor, and he is listed in the Heritage Preservation database maintained by the National Institute for Conservation. Mr. Garavaglia is licensed to practice architecture in California, is a qualified Historic Architect with the California Historical Resources Information System (CHRIS) and Nevada SHPO, and is a member of the American Institute of Architects (AIA). Mr. Garavaglia has been included in several publications including *Northern California Home & Garden*, *Architectural Record*, and the *San Francisco Chronicle*.

Select projects with his major technical and management involvement for historic building rehabilitation projects and reports include:

- State of California Department of Parks and Recreation, Multiple Projects for the Northern District Service Center, CA
- Angel Island Immigration Station Rehabilitation, Angel Island State Historic Park, CA
- As-Needed Preservation Services for San Francisco City Hall and Civic Center Campus, San Francisco, CA
- Hangar One Conditions Assessment and Rehabilitation Plan, U.S. Naval Air Station, Moffett Field, Mountain View, CA
- Lorenz Hotel, Redding, CA
- Columbia State Historic Park: Cultural Landscape Report and Burns Cottage Condition Assessment Report, Columbia State Historic Park and National Historic Landmark District
- Palo Alto History Museum, Palo Alto, CA
- Bodie Benton Depot, Bodie State Historic Park, CA
- Presidio Post Chapel Feasibility Study, Presidio of San Francisco, CA
- Doyle Drive Building Relocation Study and Historic Structures Reports, Presidio of San Francisco National Landmark District Buildings 201, 204 and 228, San Francisco, CA
- 450 McAllister Street Window Assessment, San Francisco, CA

Exhibit A

BLOCKED PUBLIC VIEW

FROM SIDEWALK SERVING BERNAL HEIGHTS PARK

ELEVATION: 325.6'

PARAPET: 328'

ELEVATION: 325.6'

OVERLOOKS AND OTHER
VIEWPOINTS FOR
APPRECIATION OF THE CITY
AND ITS ENVIRONS SHOULD
BE PROTECTED AND
SUPPLEMENTED BY
LIMITATIONS OF BUILDINGS
AND OTHER
OBSTRUCTIONS.
SF GENERAL PLAN
URBAN DESIGN ELEMENT,
POLICY 1.1, 2nd Paragraph

Bernal Heights
Community
Garden

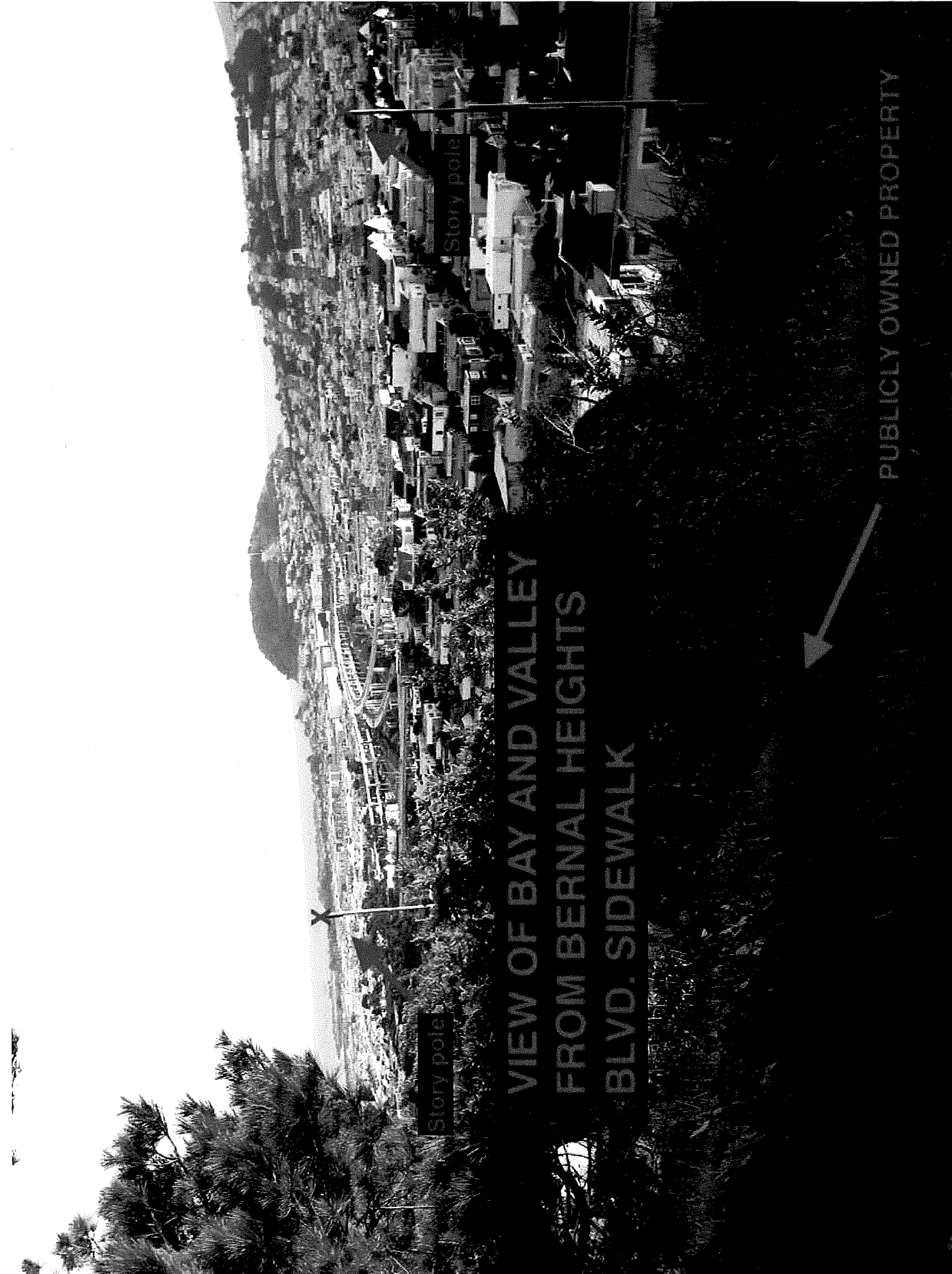
"THE PROPOSED ROOFS OF THE TWO
BUILDINGS WOULD SIT BELOW THE
ELEVATION OF BERNAL HEIGHTS
BLVD."

SF PLANNING DEPT. CATEX, 7/8/2016

ELEVATION OF SIDEWALK AREA ABOVE PROPERTY SITE: 320' - 325'

PUBLIC LAND

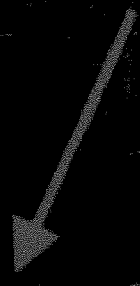
Exhibit B



Story pole

Story pole

VIEW OF BAY AND VALLEY
FROM BERNAL HEIGHTS
BLVD. SIDEWALK



PUBLICLY OWNED PROPERTY

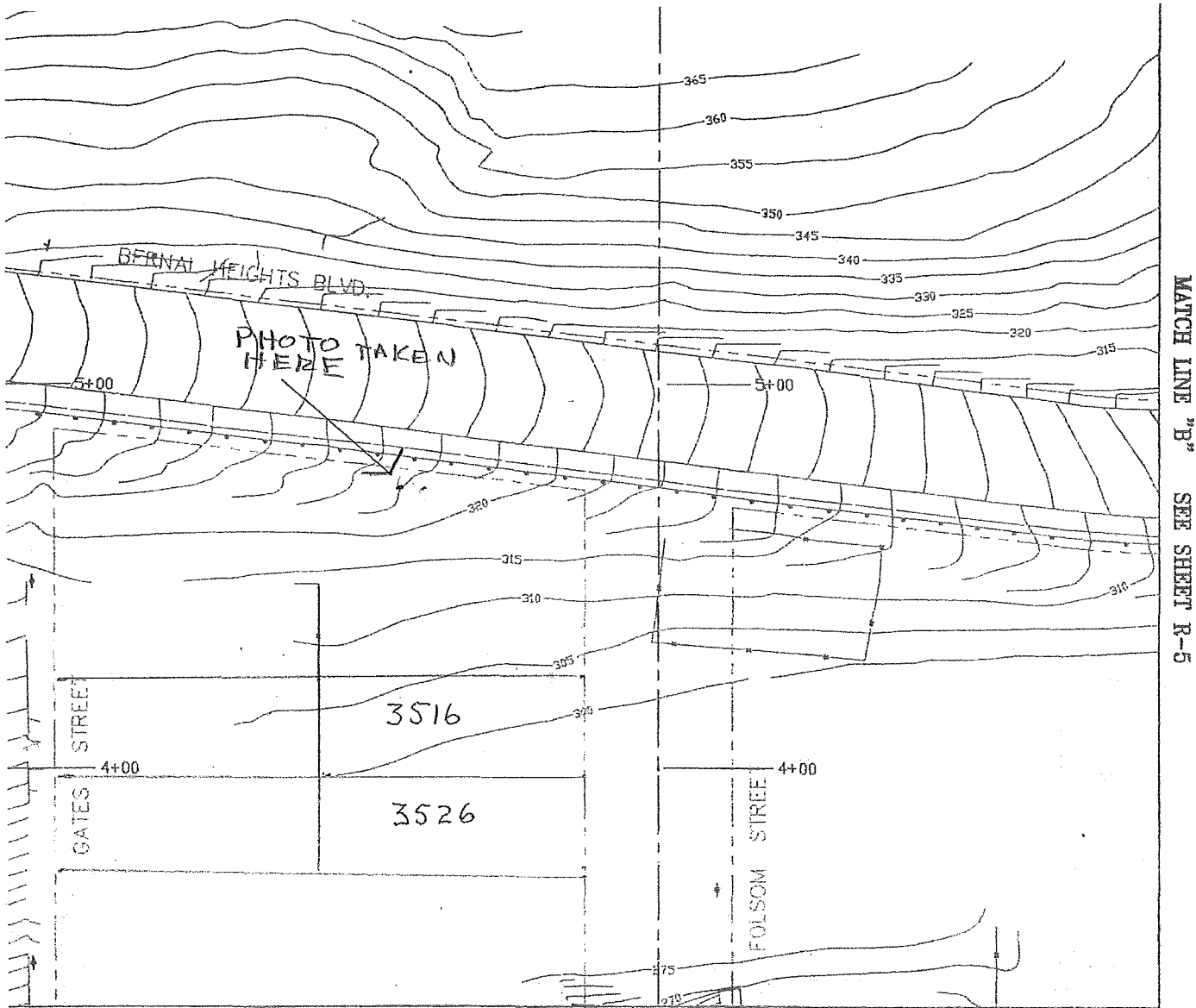
Exhibit C

ELEVATIONS

BERNAL HEIGHTS BLVD

$\frac{1}{2}$
1

FOLSOM STREET



MATCH LINE "A" SEE SHEET R-4

MATCH LINE "B" SEE SHEET R-5

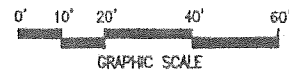
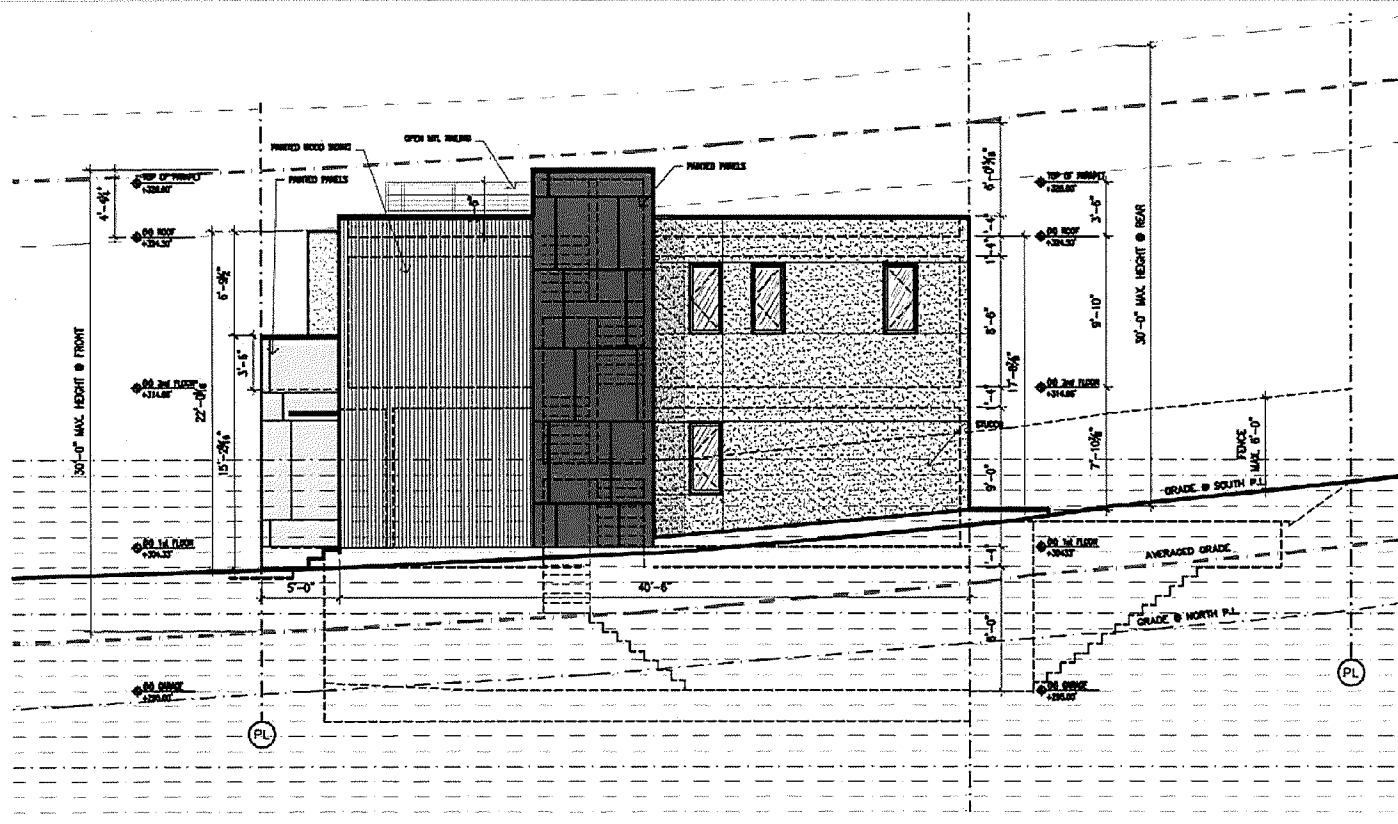


Exhibit D

METHODOLOGY FOR USING STORY POLES ON 3516 NORTH ELEVATION
by Marilyn Waterman

- 1) I REFERRED TO SUBMITTED BLUEPRINTS AND HAD TWO PEOPLE DOUBLE CHECK MEASUREMENTS.
- 2) EASTERN CORNER OF HOUSE OF NORTH ELEVATION WAS MEASURED AT 23'4".
- 3) WESTERN CORNER OF HOUSE OF NORTH ELEVATION WAS MEASURED AT 19.1"
- 4) WE DID NOT INCLUDE ANY OTHER ASPECT OF HOUSE IN MEASUREMENT EXCEPT NORTH ELEVATION CORNERS AND MADE EVERY ATTEMPT TO BE ACCURATE.
- 5) WE MEASURED 24'6" FROM BACK FENCE AND SET FIRST STORY POLE. WE USED FENCE PROPERTY LINE OF ABUTTING HOUSE AS GUIDE FOR NORTH PROPERTY LINE.
- 6) FIRST STORY POLE WAS HELD APROXIMATELY FIVE FEET INSIDE PROPERTY LINE TO ACCOUNT FOR BLUE PRINT DESIGN SET BACK - WHILE TRYING NOT TO STEP ON PROPERTY.
- 7) USING FENCE LINE OF ABUTTING HOUSE AS GUIDE, 40'6' WAS MEASURED FROM WESTERN STORY POLE TO EASTERN STORY POLE.
- 8) PICTURE WAS TAKEN WITH STORY POLES.
- 9) GRAPHIC ARTIST USED DEVELOPER'S RENDITION OF NORTH ELEVATION AND SUPERIMPOSED IT OVER PICTURE, USING STORY POLES AS A GUIDE.

Dec. 11, 2016



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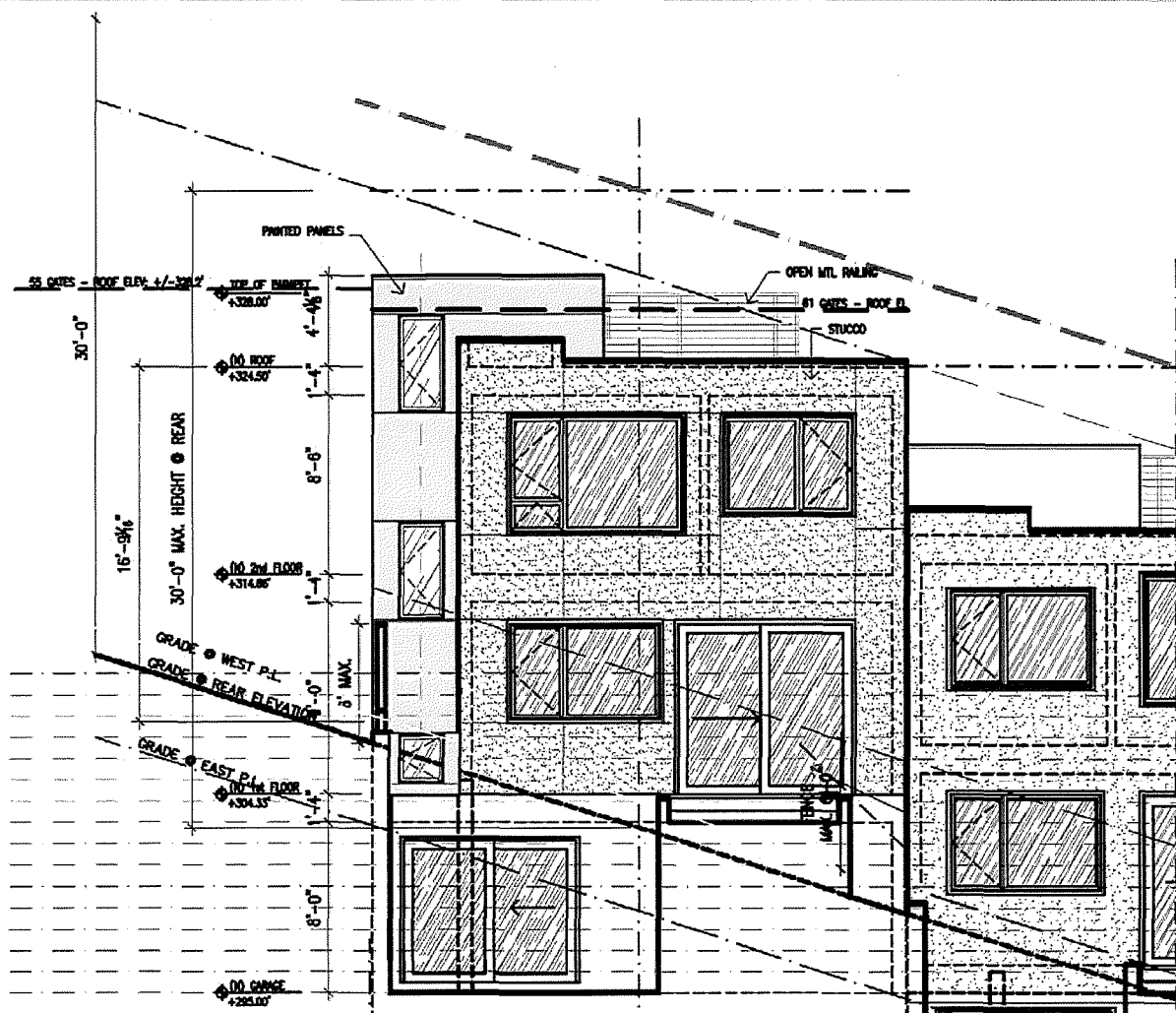
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LSOM Street - Side (North) ELEVATION

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09/30/20

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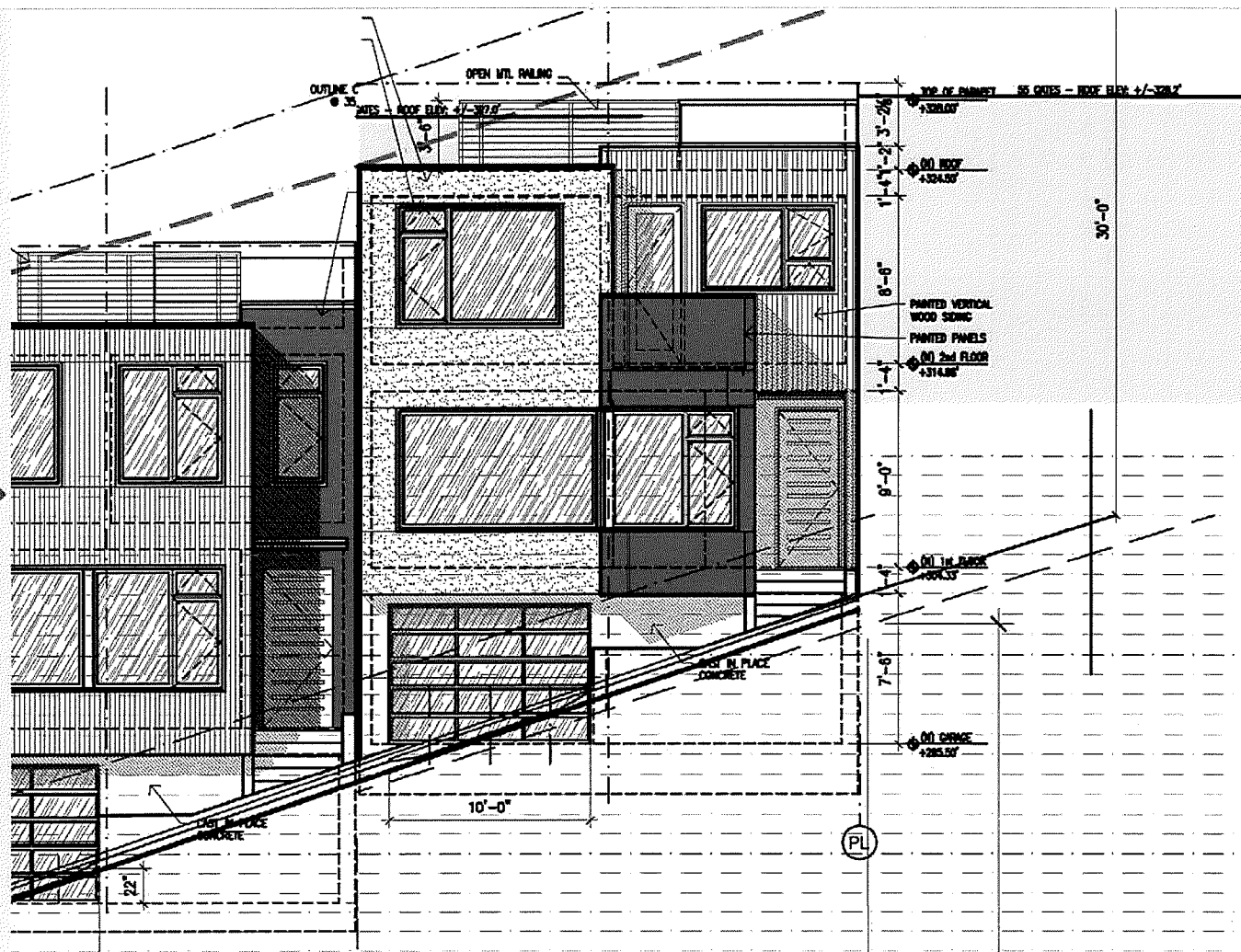
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OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

December 7, 2016

Angela Calvillo
Clerk of the Board, Board of Supervisors
San Francisco City Hall
1 Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Ms. Calvillo,

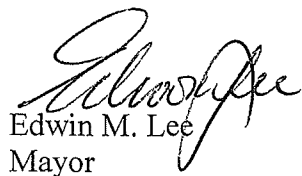
Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointments:

Jason Chan to the Recreation & Park Commission for a term ending July 24, 2018, to the seat formerly held by Maggie Wei.

I am confident that Mr. Chan, an elector of the City and County, will serve our community well. Attached are his qualifications to serve, which will demonstrate how this appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

Should you have any questions related to this appointment, please contact my Deputy Chief of Staff for Appointments, Francis Tsang, 415-554-6467.

Sincerely,


Edwin M. Lee
Mayor

4:30 p.m. DEC 7, 2016
Conditionally
received Pending
Form 700
Angela Calvillo
BOS II, Rules
by Dep't, COB
Coyes

Jason Chan

Jason Chan is currently Director of External Affairs for AT&T, where he leads AT&T's national Asian American and Pacific American Islander (AAPI) engagement. In this role, Jason works to ensure AT&T is an admirable corporate citizen, by strengthening the relationship with the AAPI community. With over a decade of experience in AAPI advocacy, Jason has been instrumental in developing the company's investment in the community.

Prior to joining AT&T, Jason has worked for the City and County of San Francisco for nearly ten years. He has held many positions in the Mayor's Office including Appointments Director for Mayor Gavin Newsom as well as Liaison to District 6 and the Asian American community in the Mayor's Office of Neighborhood Services.

Jason has previously worked for the Hayward Recreation and Parks Department, leading youth recreation programs.

Jason is currently on the board of the Asian Pacific American Institute for Congressional Studies and the Alice B. Toklas LGBT Democratic Club. He also serves on the California 1a District Agricultural Association appointed by Governor Jerry Brown.

Jason holds a Master's Degree in Public Administration from Golden Gate University and a Bachelor's Degree in Business Administration from San Francisco State University.

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION
A PUBLIC DOCUMENT

STATEMENT OF ECONOMIC INTERESTS

COVER PAGE

2016 DEC -8 PM 2:05

Please type or print in ink.

NAME OF FILER (LAST) Chan (FIRST) Jason (MIDDLE) L

1. Office, Agency, or Court

Agency Name (Do not use acronyms)

Rec & Park Commission

Commissioner

Division, Board, Department, District, if applicable

Your Position

► If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: Position:

2. Jurisdiction of Office (Check at least one box)

☐ State

☐ Multi-County

☐ City of

☐ Judge or Court Commissioner (Statewide Jurisdiction)

☒ County of San Francisco

☐ Other

3. Type of Statement (Check at least one box)

☒ Annual: The period covered is January 1, 2015, through December 31, 2015.

-or-

The period covered is 12/7/14 through December 31, 2015.

☐ Assuming Office: Date assumed 12/7/14

☐ Candidate: Election year and office sought, if different than Part 1:

☐ Leaving Office: Date Left (Check one)

☐ The period covered is January 1, 2015, through the date of leaving office.

-or-

☐ The period covered is through the date of leaving office.

4. Schedule Summary (must complete)

► Total number of pages including this cover page:

Schedules attached

☐ Schedule A-1 - Investments - schedule attached

☐ Schedule A-2 - Investments - schedule attached

☐ Schedule B - Real Property - schedule attached

☐ Schedule C - Income, Loans, & Business Positions - schedule attached

☐ Schedule D - Income - Gifts - schedule attached

☐ Schedule E - Income - Gifts - Travel Payments - schedule attached

-or-

☒ None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
(Business or Agency Address Recommended - Public Document)

20 Glenview Dr. SF CA 94131

DAYTIME TELEPHONE NUMBER

(415) 871-8764

E-MAIL ADDRESS

jchan32@gmail.com

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed

12/7/14
(month, day, year)

Signature

(File the originally signed statement with your filing official.)

FPPC Form 700 (2015/2016)

FPPC Advice Email: advice@fppc.ca.gov

FPPC Toll-Free Helpline: 866/275-3772 www.fppc.ca.gov

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Evans, Derek
Subject: File 161332, 161333 FW: Board Meeting set for 12/13/2016

From: Dennis Hong [mailto:dennisj.gov88@yahoo.com]
Sent: Friday, December 09, 2016 1:33 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Lee, Mayor (MYR) <mayoredwinlee@sfgov.org>
Subject: Board Meeting set for 12/13/2016

Good afternoon Honorable Members of the San Francisco Board of Supervisors. It just came to my attention that included in your next weeks agenda on December 13, 2016 items number 161332 and items 161333 - is up for review and your approval - an appointment from the Honorable Mayor Edwin Lee's office / recommending - Mr. Jason Chan for a slot with the Recreation and Parks Commission. I fully support this appointment. Mr. Jason Chan and I go back a ways. When he was working in then Mayor Gavin Newsom's office; we did several key projects together when I was working with (General Services Administration-Fed) over at 450 Golden Gate Ave. Jason was of a tremendous benefit in each project we worked on and Jason represented the City in a very positive and a professional way.

Maybe that's why when I retired from the feds a few years ago I promised several people and as requested that I put - spend some of my time with my civic duty with the City, including with the Planning Department - reviewing and commenting on the Draft Environmental Impact Reports.

With that said, please do not let Jason slip thru the cracks and confirm him as Mayor Edwin Lee has proposed.

Should anyone have any questions on this matter you can reach out to me at dennisj.gov88@yahoo.com As always, I look forward to working and hearing from you on these issues and hope this email made sense.

Sincerely, Dennis Hong

ALAN DECHERT

P. O. Box 2754 ♦ Granite Bay, CA 95746 ♦ dechert@gmail.com ♦ 916.792.1784

9 December, 2016

John Avalos

District 11

Malia Cohen

District 10

Eric Mar

District 1

Aaron Peskin,

District 3

London Breed

District 5

Mark Farrell

District 2

Julie Christensen

District 3

Norman Yee

District 7

David Campos

District 9

Jane Kim

District 6

Katy Tang

District 4

Subject: San Francisco's path to open source voting

Honorable Members of the San Francisco Board of Supervisors:

It has been over a year since your Director of Elections, John Arntz, said he would be proceeding with open source voting software instead of using the secret proprietary system you have been using. I understand that some money was allocated for this work, but now I read that Arntz says it will be years before it's ready. I suggested Director Arntz should be replaced with someone who understands the importance of this project. 1

Director Arntz has blocked our efforts in 2007 in favor of the same salesman (Steve Bennett) from Sequoia (now with Dominion). It's been two years since Supervisor Wiener called for joining CAVO and proceeding with open source software development for elections. The LAFCo report called for by the board was done over a year ago.

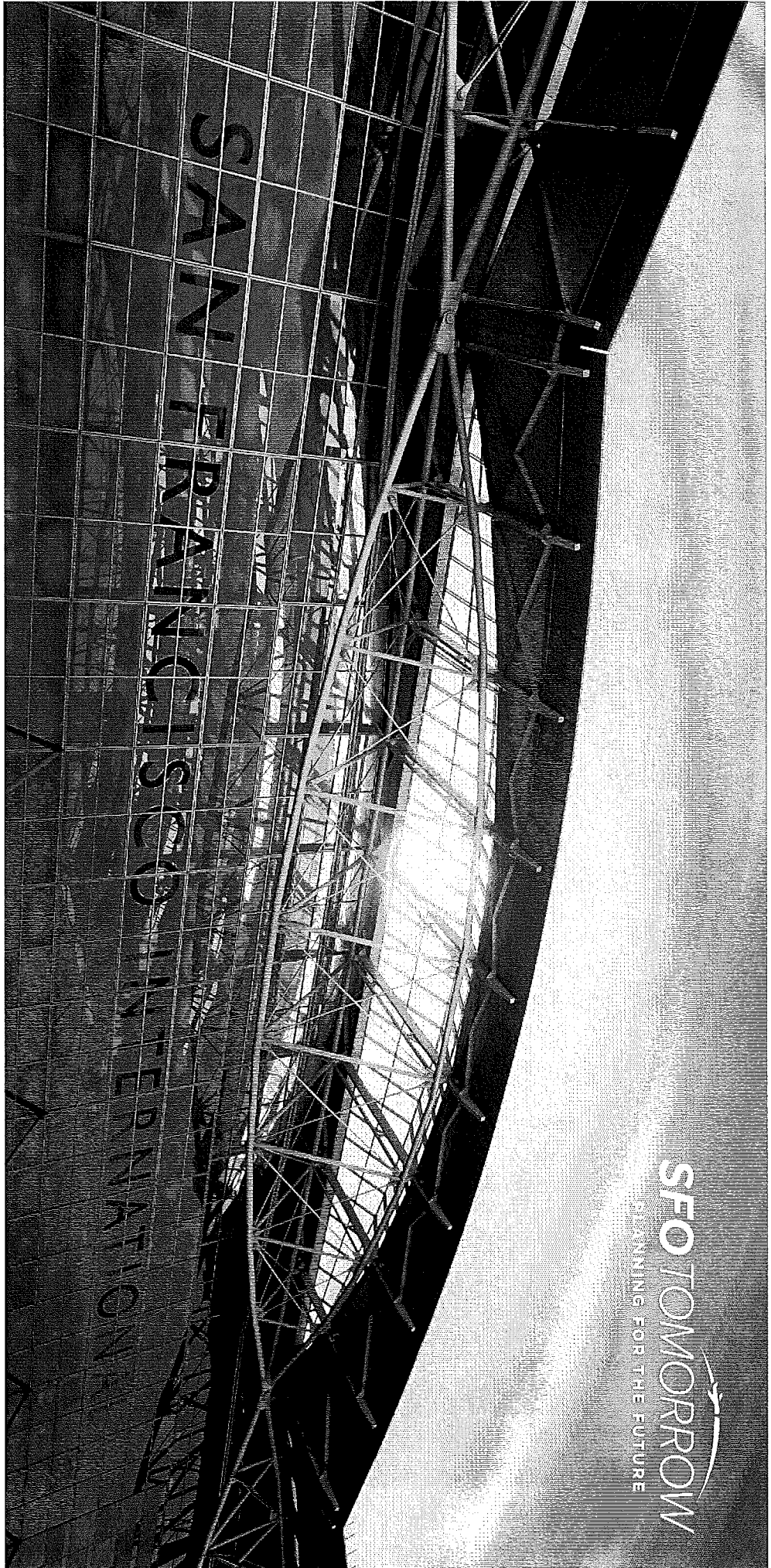
We could have had a system done and certified for you years ago. this would have compelled California and the United States to move forward with secure election systems.

Again, if you take action now, we can have a great system finished and certified for you before the end on 2017. Many experts in the open source software community are ready to help. But we need you to pay for all the documentation, testing, and certification. You should be willing to do that because it will be great savings for CCSF in the long run.

Please get in touch with me or Brent Turner at your earliest convenience so we can discuss a more cost effective and efficient solution for CCSF.

Sincerely, Alan Dechert





SFO TOMORROW
PLANNING FOR THE FUTURE

Airport Development Plan 2016

Executive Summary



San Francisco International Airport

Airport Development Plan 2016

Executive Summary

September 2016

EXECUTIVE SUMMARY

TABLE OF CONTENTS

Introduction1

Goals and Objectives4

Study Process5

Aviation Activity Forecasts6

Airfield9

Passenger Terminal11

Ground Access and Parking15

Support Facilities19

Utilities23

Implementation25

EXHIBITS

Existing Facilities	2
History	3
Long-Term Airport Development Goals	4
Airport Development Plan Study Process.....	5
Historical and Forecast Total Aircraft Operations	8
Historical and Forecast Airline Passengers.....	8
Historical and Forecast Cargo Tonnage – Domestic.....	8
Historical and Forecast Cargo Tonnage – International.....	8
Standard 28-1 Runway Configuration at SFO	9
Airfield Development Projects	10
Terminal Plan	11
Aircraft Gate Supply and Demand.....	12
International Parking Position Supply	12
Terminal Development Projects	13
Baggage Handling System Development Concept	14
Individual Carrier System Conveyor.....	14
Public Parking Spaces – Supply vs. Demand	15

Ground Access Development Projects – Roadways and Public Parking.....	16
Ground Access Development Projects – Rental Car Center and Long-Term Parking	17
Ground Access Development Projects – AirTrain	18
Support Facility Projects – South Field	19
Support Facility Projects – North Field	20
Support Facility Projects – East Field.....	21
Support Facility Projects – West Field.....	22
Utility Projects.....	24
Ongoing Projects.....	27
ADP Projects	28
Near-Term Development Projects	32
Long-Term Development Projects	35
Decision Points for Major ADP Projects	37
Future Facilities	38
Future Facilities Overview	39

TABLES

Forecast Summary.....	7
Runways at SFO	9
Existing Boarding Area Aircraft Gates – April 2015	11
Ongoing Projects.....	26
ADP Projects	26

INTRODUCTION

The San Francisco International Airport (SFO, or the Airport) Master Plan, adopted by the City and County of San Francisco (CCSF) Airport Commission in 1992, provided a long-term plan for Airport facility relocation, expansion, and development to accommodate 51.3 million annual passengers (MAP) forecast for 2006. In 1997, SFO accommodated 40 MAP and traffic continued to grow until the U.S. economy slowed in early 2000. SFO experienced a steady decline in passenger activity in the following years as a result of the recession. Since then, passenger activity at SFO has recovered and the Airport served a record 50 MAP in 2015. Implementation of projects under the Master Plan has continued. The sustained increase in passenger activity coupled with the execution of Master Plan projects prompted the need to develop a new plan to accommodate future growth at SFO. From late 2014 through early 2016, the *San Francisco International Airport | Airport Development Plan 2016* (ADP) was prepared for SFO by Airport management, supported by their consultant team.

The ADP sets forth a long-range plan to guide the Airport's development as the premier long-haul and international gateway of choice, providing the highest

level of international and domestic guest service and facilitating the economic growth of the San Francisco Bay Area. Building upon ongoing projects at SFO, the ADP defines recommended facility development that would accommodate long-term demand at the Airport, forecast to reach 71.1 MAP.

Industry evolution and the challenges associated with predicting the future must be considered in any planning effort. A successful plan establishes flexible development concepts based on historical events, considerations for change, and industry familiarity to guide Airport management toward a recommended outcome. The SFO ADP was prepared using this approach and accounts for the dynamic aviation industry by forecasting demand over time to establish a plan for incremental facility expansion.

Since improvement needs at SFO are fluid, the ADP assessment incorporates Master Plan and other projects currently being implemented, projects under consideration to meet current and near-term requirements, and projects to meet long-term needs. The basis of ADP planning analyses was developed with the

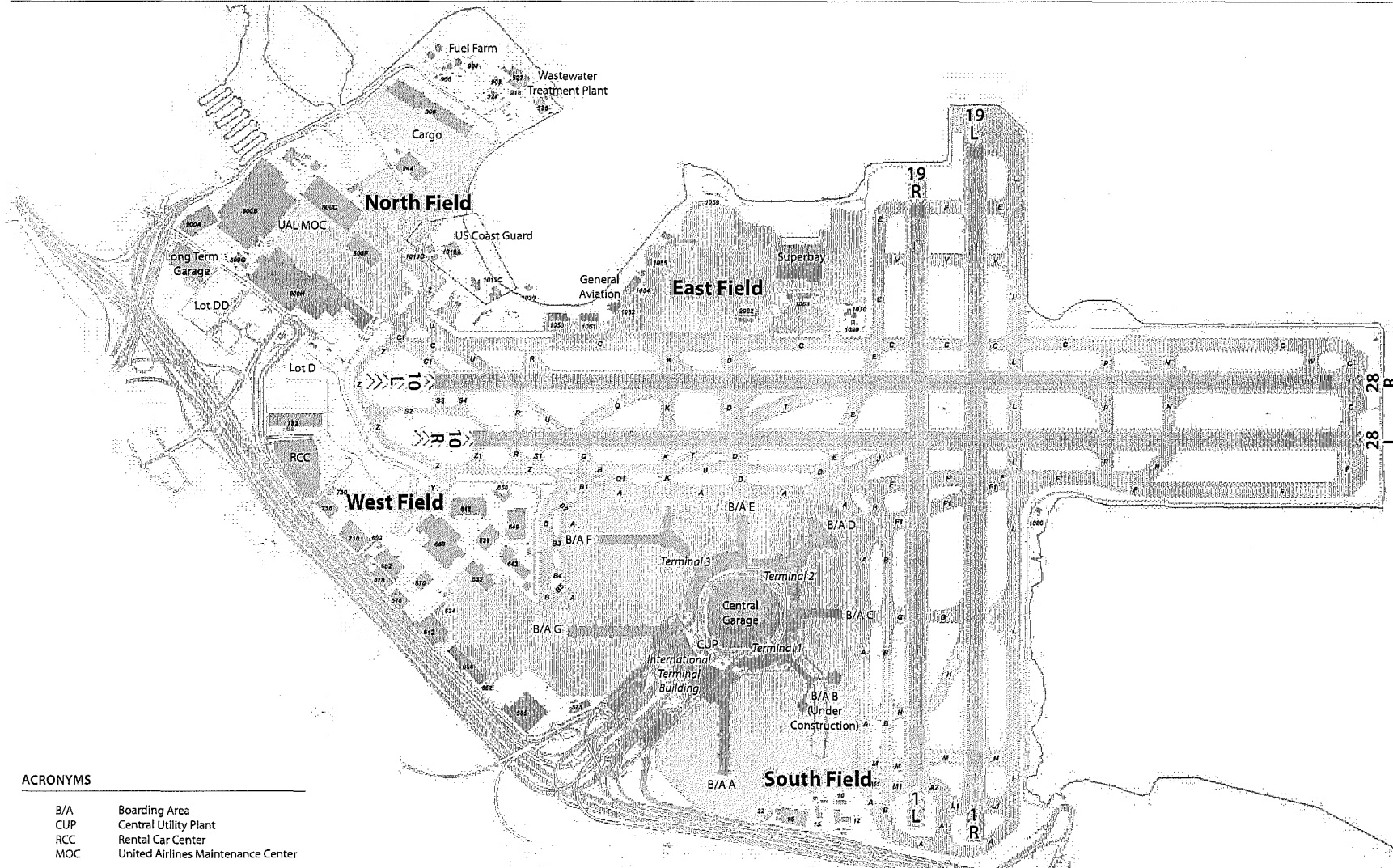
flexibility to adapt to aviation activity demand materializing sooner or later than forecast. The timing of some projects may change; however, the recommendations for future projects remain relevant.

Practical decisions concerning service levels, market competition, feasibility, and finances must be made before a project evolves from analysis to a construction commitment. The ADP implementation and feasibility analyses identify critical decision points in the execution timeline to help determine when to advance or defer facility implementation. This flexibility enables the ADP to serve as a roadmap to the future, helping Airport stakeholders, management, and governing organizations to respond pragmatically as air service grows and Airport facilities must expand to accommodate that growth.

The purpose of this ADP Executive Summary is to summarize the recommended long-term development plan for SFO. The ADP, including the technical appendices, should be reviewed for additional information on the assumptions, methodologies, analyses, and alternatives evaluation supporting the ADP findings and recommendations.



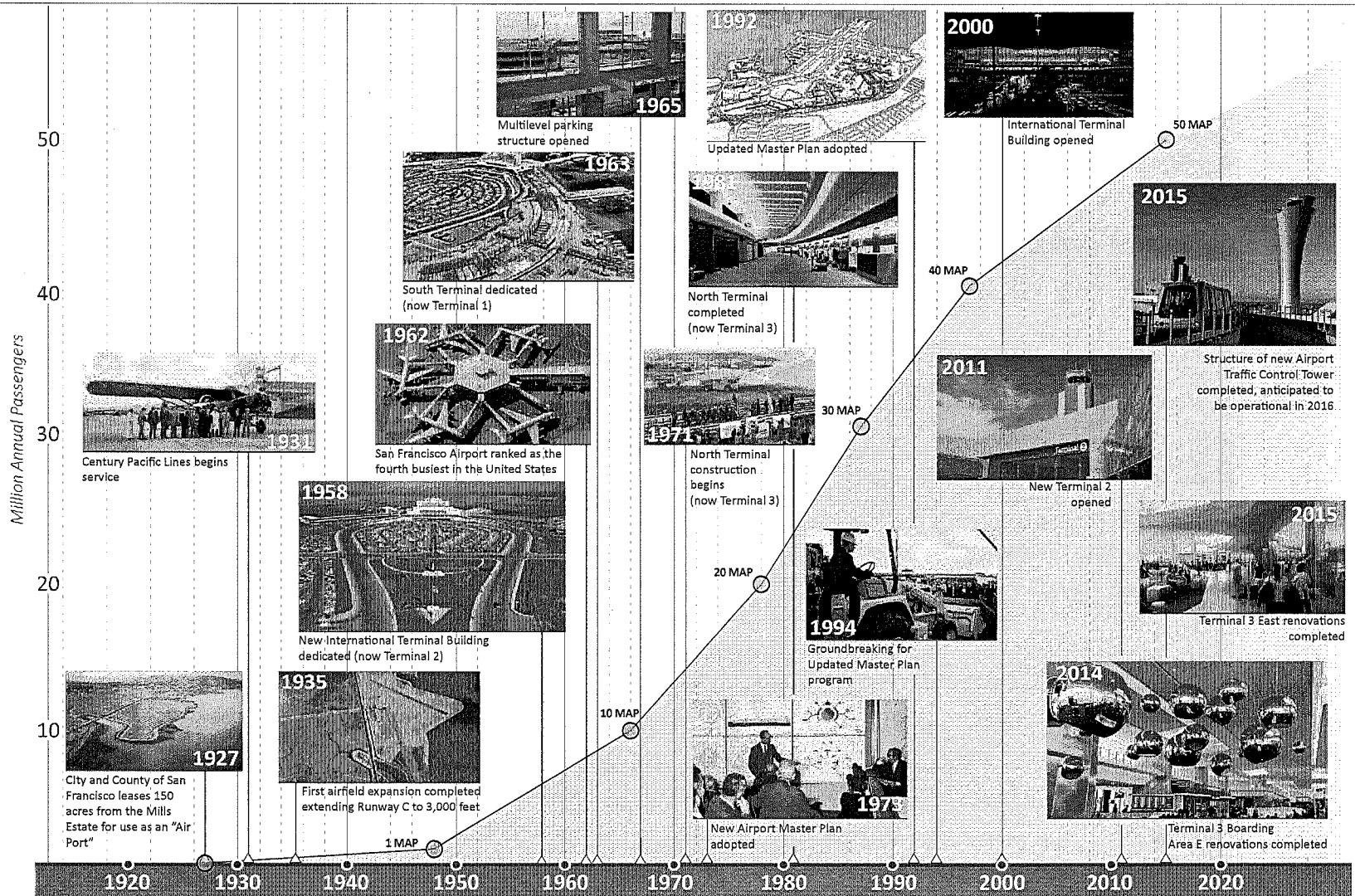
Existing Facilities



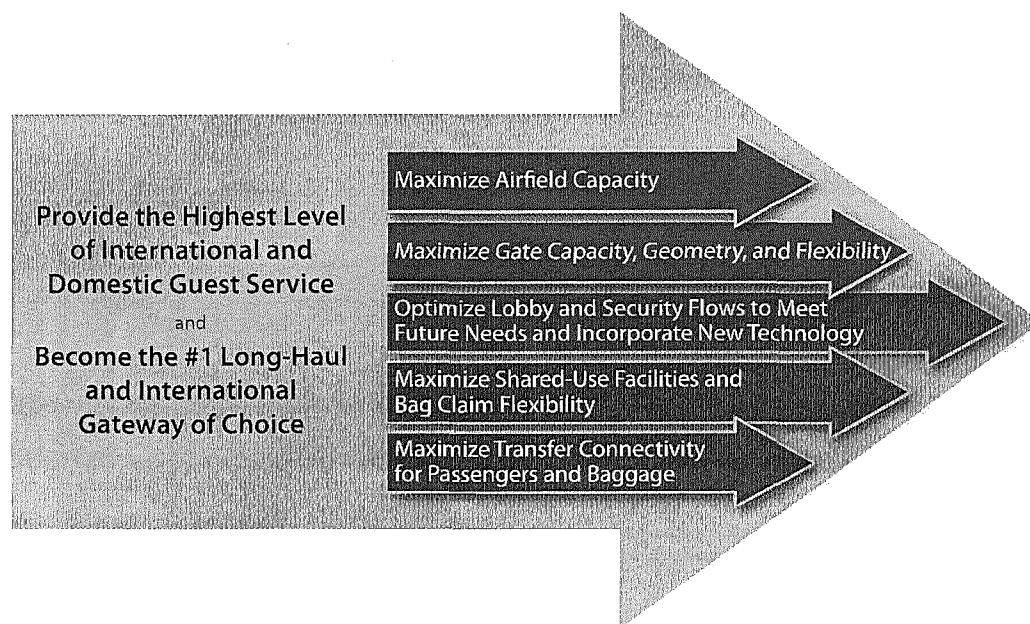
ACRONYMS

B/A	Boarding Area
CUP	Central Utility Plant
RCC	Rental Car Center
MOC	United Airlines Maintenance Center

History



Long-Term Airport Development Goals



GOALS AND OBJECTIVES

The ADP represents the beginning of a new planning cycle and defines the recommended development needed to accommodate long-term demand at SFO while supporting the Airport's strategic objectives. In establishing the inventory of SFO facilities, the ADP includes projects currently being implemented to meet immediate or near-term Airport needs. Projects proposed through the ADP alternatives analysis account for these ongoing developments.

Airport management has identified overarching goals to improve and enhance safety, the guest experience, the use of public transit, sustainability, technology, operational and organizational capacity, and economic stability at SFO. These goals led to the tangible objectives that shaped the specific ADP development alternatives. The potential development solutions were evaluated to determine how they would advance the Airport's overarching goals.

The ADP assumes that the existing runway system will remain unchanged, constraining future aircraft activity. The ADP provides a strategy to accommodate future Airport demand in a safe, cost-effective, operationally efficient, and flexible manner given forecasts of aviation activity constrained by the existing runway layout.


The *SFO Five-Year Strategic Plan (2011-2016)* is the basis for objectives related to business operations, sustainability, and the development of terminal, airside, and landside functional areas analyzed in preparing the ADP. *The Principles of R.E.A.C.H.*,¹ or Revenue Enhancement And Customer Hospitality, establish the aspirational standard for guest experience at the Airport to maintain SFO as a world-renowned facility and a premier gateway to the Pacific. The collection of goals and objectives reinforces SFO's mission "to provide an exceptional airport in service to our communities."

¹ *The Principles of R.E.A.C.H. 2013* is an aspirational document for architects, designers, tenants, and SFO employees who work in and with SFO. *The Principles of R.E.A.C.H.* is an effort to enhance the customer experience, drive revenue generation, and bring a cohesive character to the entire Airport campus. The document is designed to provide an overview of SFO and how the terminals work and function as a whole. In addition, the document explores the different typologies of guests who frequent the Airport in order to better understand their needs. The guiding principles of the document have influenced the development of the ADP, where appropriate.


STUDY PROCESS

The ADP serves as a roadmap for guiding future Airport development. The planning process began with an inventory of the physical, operational, and functional characteristics of the Airport. Workshops and ongoing coordination between the planning consultants and stakeholders from various divisions of the Airport were used during the process.

As part of the inventory process, projects already in the environmental review, programming, design, or construction phase were identified. These include the continued implementation of 1992 Master Plan projects. Ongoing projects were inventoried as part of the ADP assessment to provide a complete picture of future development opportunities and constraints. The ADP document differentiates these Ongoing Projects from ADP Projects with the symbols as indicated below:

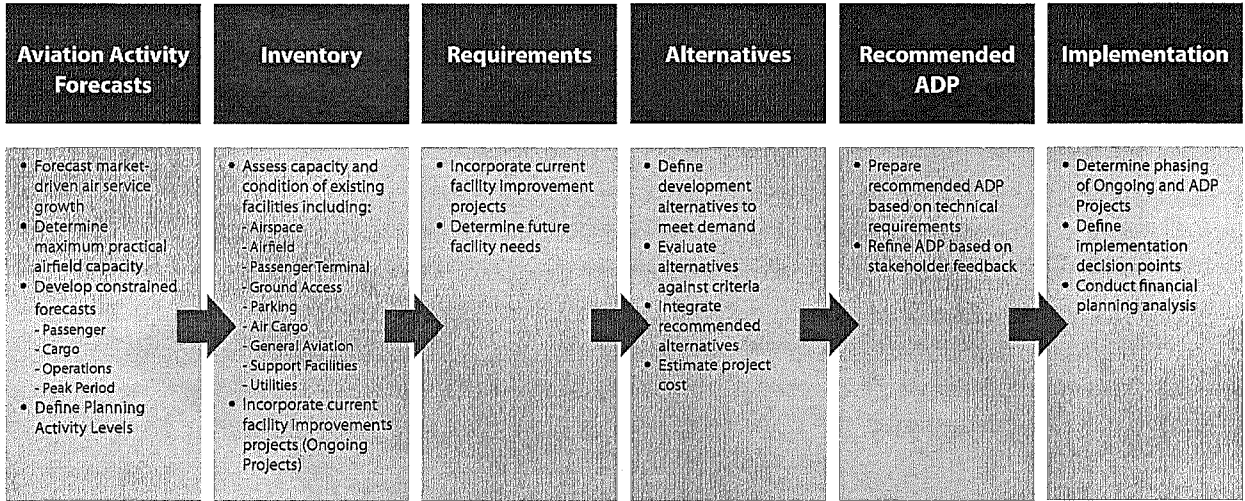
 **Ongoing Projects**

These projects have been authorized to proceed by the Airport Commission or have been identified by Airport management as needing to be implemented in the near future, subject to Airport Commission and other necessary approvals. They are in various stages of planning, programming, design, or construction. Appropriate environmental reviews, as required under the California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA), are completed, in process, or will be conducted. These projects are proceeding, or would proceed if approved, irrespective of any ADP projects and do not address long-term demands and capacity needs. The redevelopment of Terminal 1 and Boarding Area B and the Airport hotel are examples of the projects in this category.

 **ADP Projects**

These are ADP recommended long-term projects and are anticipated to undergo appropriate environmental review, financial assessment, programming, and design prior to consideration for approval and implementation.

Airport Development Plan Study Process



The designations for Ongoing Projects and ADP Projects are used throughout this Executive Summary. All projects are described in greater detail in the Implementation section of this Executive Summary.

Runway capacity was analyzed and aviation activity at the Airport was forecast based on the airfield's practical capacity. Near-term and long-term activity was developed from the forecasts and used to define incremental facility requirements to accommodate long-term growth at SFO.

Facility expansion alternatives for the airfield, terminal, baggage handling systems, ground access, support facilities, and utilities were developed based on the aviation activity forecast requirements. A number of existing planning studies were also incorporated into the alternatives analyses. The alternatives for each development area were evaluated within the context of the entire Airport,

including the Ongoing Projects, to identify a recommended alternative. Each recommended alternative was then incorporated into the recommended ADP and the Airport Layout Plan (ALP).

An implementation strategy was developed based on demand triggers for development, which define decision points to advance or defer projects. Construction and financial considerations influenced the phasing of recommended ADP projects.

The ADP contains the most current information available at the time of its publication, but the aviation environment will continue to evolve over time. To incorporate updated demand forecasts and to reflect the most current vision for the Airport, elements of the ADP will be updated regularly in consultation with Airport management and advisors.

AVIATION ACTIVITY FORECASTS

To assess Airport facilities and evaluate the need for new or expanded facilities, aviation activity forecasts were developed for airline passengers, cargo tonnage, and aircraft operations. The forecasts show how air service could increase based on market trends while understanding that the existing runway system at SFO constrains potential growth. The forecasts were based on calendar year 2013 data and developed for four future planning activity levels: 2018, 2023, Base Constrained, and High Constrained. These demand levels provide an enduring and adaptable framework for understanding long-term facility needs at SFO.

The maximum practical capacity of an airport is the maximum demand that can be accommodated while maintaining an acceptable level of service. Because maintaining airline schedule integrity is the primary operational goal of airport level of service, the maximum practical capacity of an airport is the maximum demand that can be accommodated without causing severe or unrecoverable delays. Based on simulation modeling, the current configuration of the SFO runway system has a maximum practical capacity between 1,400 and 1,425 daily operations. With the implementation of technological procedures and adjustments to flight schedules, the practical capacity of the airfield could increase to between 1,475 and 1,500 daily operations.

The 2018 and 2023 demand levels reflect unconstrained growth based on the market-driven demand for air service, notwithstanding facility constraints. In other words, the activity forecasts for 2018 and 2023 are based on the assumption that facilities will be able to accommodate demand.

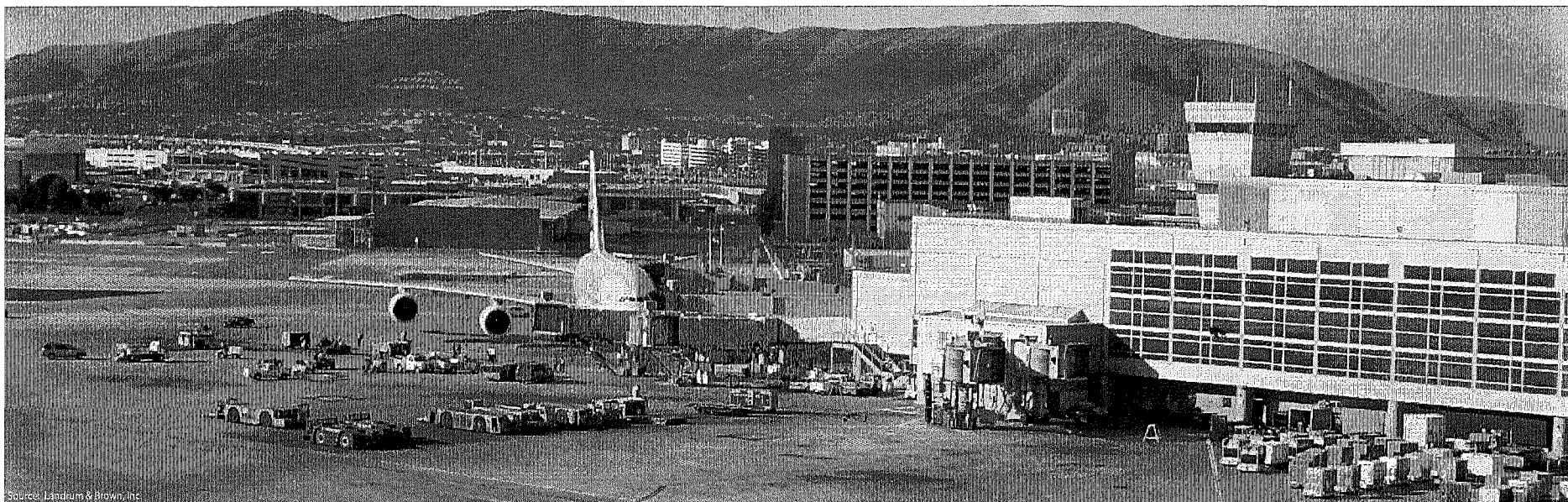
Beyond 2023, the forecasts are constrained based on the maximum runway capacity at SFO. While the number of aircraft operations approaches this practical limit, passenger growth is forecast to continue through increased load factors (i.e., the number of passengers per aircraft operation) and larger aircraft.

To reflect the potential variability of the constrained forecast analysis, two demand levels were developed. The Base Constrained demand forecast was based on the assumption that the average size and capacity ("gauge") of the aircraft types serving SFO will increase and load factors will reach an average of 88 percent. Aircraft operating in peak hours would achieve 95 percent to 100 percent load factors. The High Constrained forecast was based on the assumption that the average gauge of the aircraft types serving SFO will continue to increase, load factors will reach an average of 95 percent, and airlines will operate additional flights in off-peak periods. These additional flights were assumed to have the same domestic-to-international split as in the Base Constrained case.

The commercial passenger aircraft operations forecasts are driven by the passenger forecasts, load factors, aircraft gauge assumptions, and runway capacity. Annual passenger aircraft operations are forecast to increase by 20 percent between 2013 and the High Constrained planning activity level. Cargo, general aviation, and air taxi aircraft operations forecasts are also driven by industry and national trends. Military aircraft operations are forecast to remain constant throughout the planning horizon.

The passenger forecasts reflect the economic outlook for the local, national, and global markets; historical airline activity trends; the demographic base for air travel demand; and other factors that may affect the demand for air travel over the planning horizon.

The cargo tonnage forecasts are based on the assumption that long-term economic growth in the Bay Area and the broader U.S. economy will increase demand for the shipment of goods and services.



Sources: Landrum & Brown, Inc.



Source: Saxe and Brown, Inc.

In 2013, connecting passengers at the Airport numbered 10.2 million, which accounted for approximately 22.4 percent of total annual passengers at the Airport. By 2023, the number of connecting passengers is forecast to increase to 13.1 million, which would account for approximately 22.6 percent of total passengers forecast for the Airport in 2023. The share of connecting passengers at SFO is forecast to remain at 22.6 percent under the Base Constrained and the High Constrained demand levels, which equates to 14.1 million and 16.1 million connecting passengers, respectively.

The forecasts represent an average growth rate over time, which accounts for the cyclical nature of economics. However, all forecasts are subject to uncertainty. Factors such as airline mergers and acquisitions, market shares, local and global events, and aircraft replacement vary with time. Therefore, actual results will vary from the forecasts presented herein. However, the planning analyses maintain flexibility by focusing on needs associated with planning activity demand levels rather than specific forecast years.

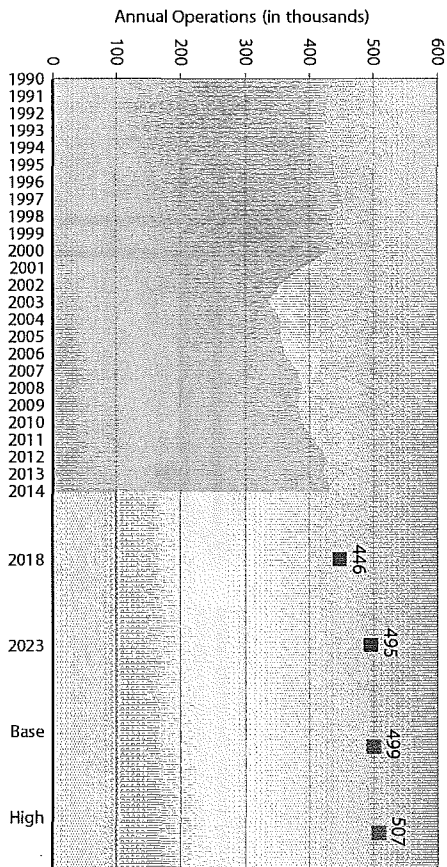
Forecast Summary

Demand Level	Annual Passengers (Millions)	Peak Hour Passengers	Annual Passenger Aircraft Operations	Annual Total Aircraft Operations	Design Day Passenger Aircraft Operations	Design Day Total Aircraft Operations	Peak Hour Passenger Aircraft Operations	Peak Hour Total Aircraft Operations	Forecast Implications
Historical 2013	44.84	10,543	386,400	421,400	1,142	1,237	95	96	
2018	50.48	12,721	407,800	446,100	1,203	1,307	98	102	Increased demand on all facilities
2023	57.66	14,852	451,900	494,500	1,340	1,456	107	114	Increased demand on all facilities
Base	62.22	15,711	455,400	498,900	1,368	1,475	108	117	Constrained operational activity, larger aircraft, increased saturation of facilities
High	71.07	18,020	463,100	506,600	1,393	1,500	111	120	Constrained operational activity, larger aircraft, increased saturation of facilities

Note: Base and High refer to Base Constrained demand level and High Constrained demand level.

Sources: SFO Year End Traffic Reports 2007-2014; SFO Forecast Update, 2013

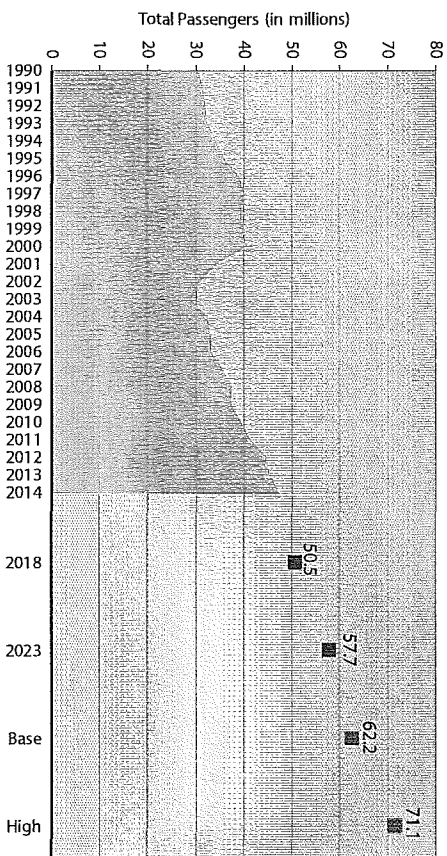
Historical and Forecast Total Aircraft Operations



Sources: SFO Year End Traffic Reports 2007-2014; FAA A/TAS 2014; SFO Forecast Update, 2013

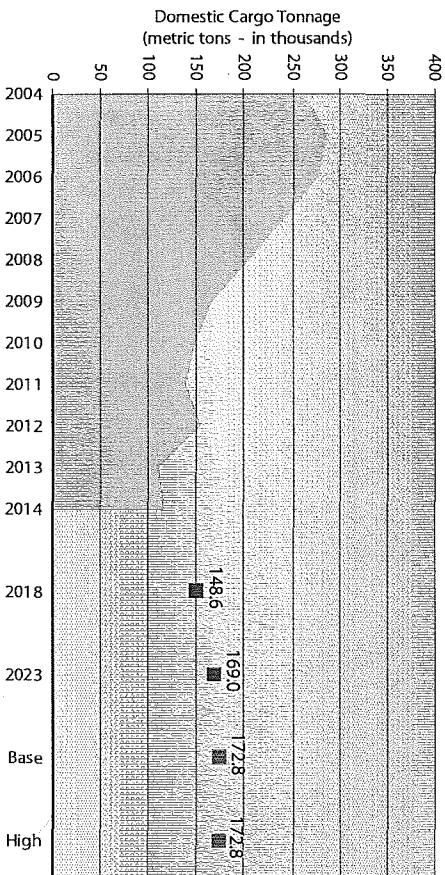
Sources: SFO Year End Traffic Reports 2007-2014; SFO Forecast Update, 2013

Historical and Forecast Airline Passengers



Sources: SFO Year End Traffic Reports 2007-2014; SFO Forecast Update, 2013

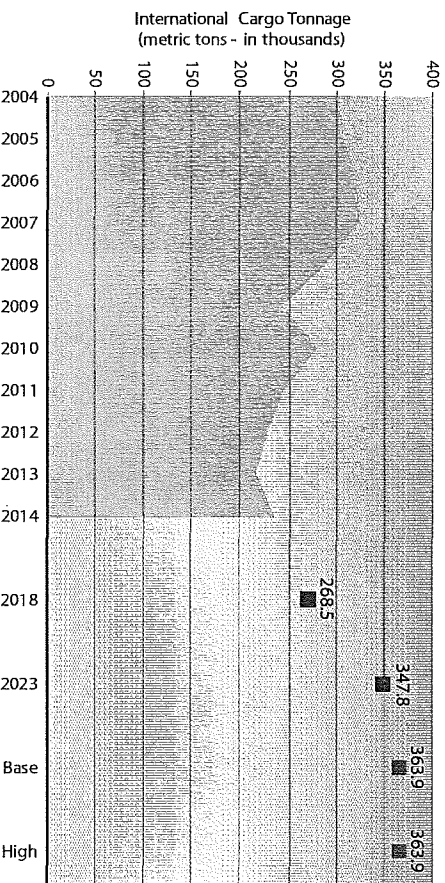
Historical and Forecast Cargo Tonnage - Domestic



Sources: SFO Year End Traffic Reports 2007-2014; SFO Forecast Update, 2013

Historical Unconstrained Forecast Constrained Forecast

Historical and Forecast Cargo Tonnage - International



Sources: SFO Year End Traffic Reports 2007-2014; SFO Forecast Update, 2013

Historical Unconstrained Forecast Constrained Forecast

AIRFIELD

The SFO airfield consists of runways, primary taxiways, exit taxiways, aircraft aprons, navigational aids, and vehicle service roads. Two parallel runways are oriented in the east-west direction (designated “10-28”) and are intersected by two parallel runways oriented in the north-south direction (designated “1-19”). Taxiways parallel to each runway and dual parallel taxiways around the perimeter of the passenger terminal area allow aircraft to maneuver between the runways, terminal areas, and support area aprons.

Runways at SFO

Runway	Length (feet)	Width (feet)
10L-28R	11,870	200
10R-28L	11,381	200
1L-19R	7,650	200
1R-19L	8,650	200

The standard runway flow configuration, known as the West Plan, is used approximately 83 percent of the time and is used by the airlines in developing flight schedules. In this configuration, Runways 28L and 28R are the primary arrival runways and Runways 1L and 1R are the primary departure runways. However, long-haul heavy aircraft depart primarily from Runways 28L and 28R, which are the longest runways at the Airport. The West Plan is referred to as the “28-1” runway configuration.

When visibility permits, aircraft arrive side by side to Runways 28L and 28R with sufficient space between the next pair of arriving aircraft to permit side-by-side departures on Runways 1L and 1R. In reduced-visibility conditions, such as fog or low clouds, aircraft arrive on a single runway. The Airport, Federal Aviation Administration (FAA), and the airlines serving SFO continue to work together to develop procedures and technologies to maintain the paired runway approaches during low-visibility conditions, thereby reducing aircraft delays and maintaining a higher runway capacity.

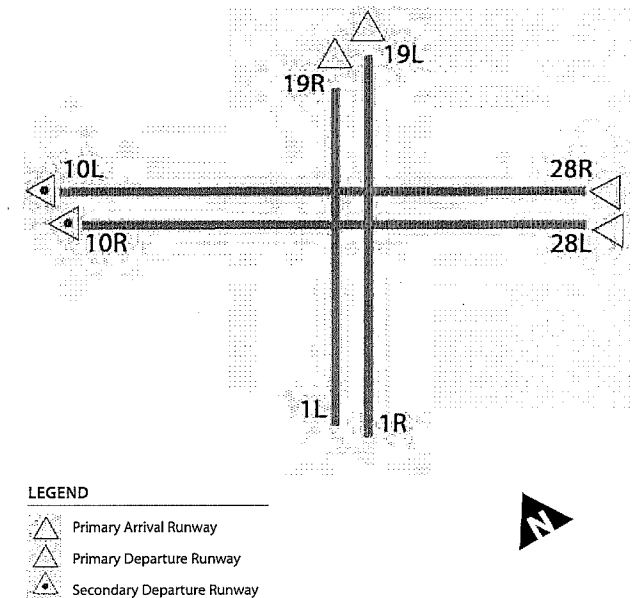
In their existing configuration, the runways will be able to accommodate increasing numbers of aircraft operations up to their practical capacity. The airfield-related Ongoing and ADP Projects are intended to improve conformance with FAA design standards and provide increased aircraft maneuvering flexibility, rather than enhance capacity. The planned taxiway structure follows FAA taxiway design standards to:

- Meet taxiway separation standards
- Reduce the complexity of taxiway/runway intersections
- Reduce congestion
- Provide for standard airfield signage placement
- Reduce the number of acute-angle runway crossings
- Reduce aircraft departure dependencies
- Reduce the potential for pilot confusion

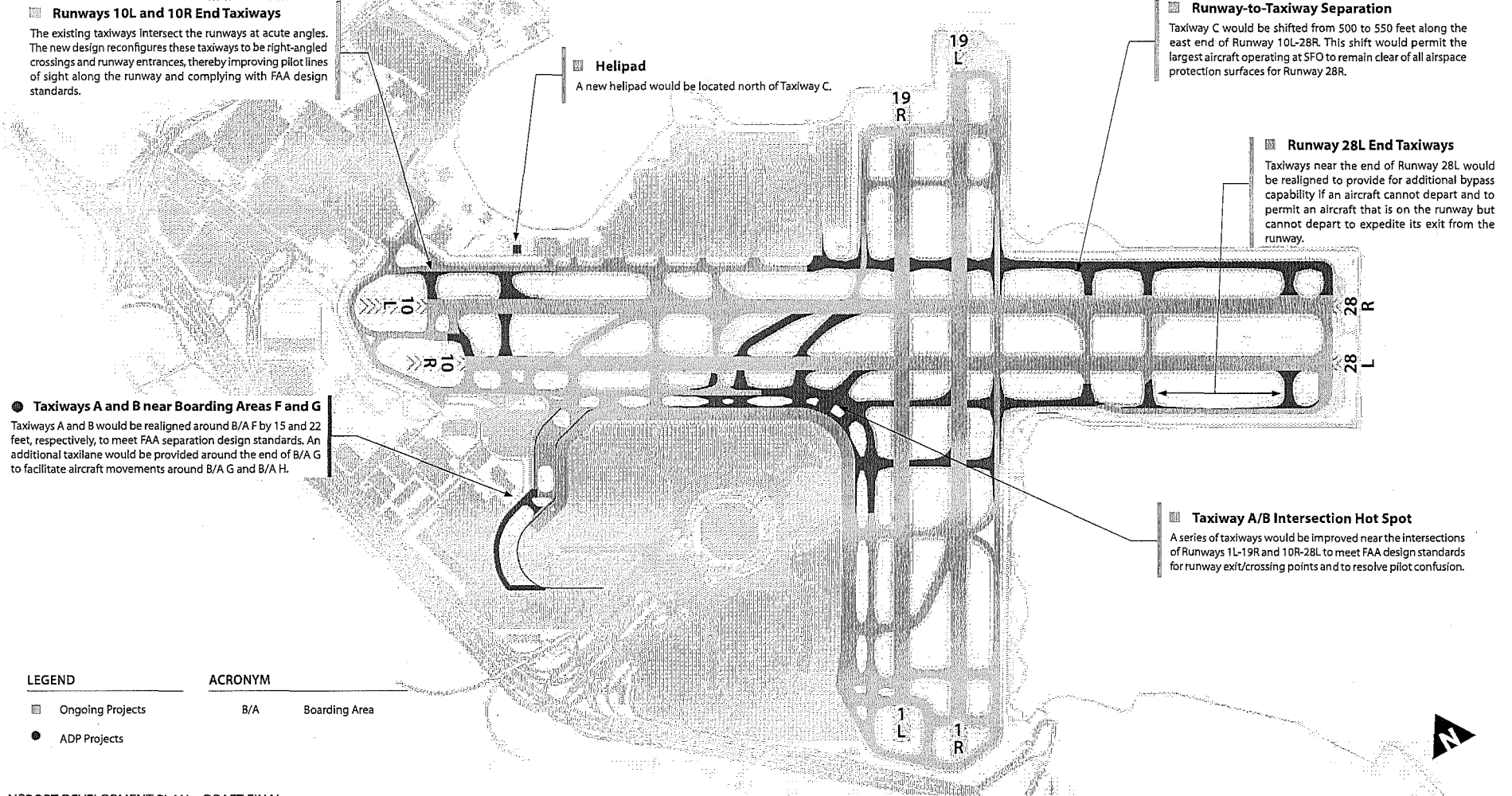
A number of Ongoing Projects related to taxiway geometry have been presented to the FAA through the Airport Layout Plan and Airport Capital Improvement Plan.

As SFO is a legacy, land-constrained airport, it is infeasible to rebuild the entire airfield to achieve modern design standards. The airfield project recommendations balance conformance with design standards and consideration of the constrained local condition.

Standard 28-1 Runway Configuration at SFO



Airfield Development Projects



PASSENGER TERMINAL

The existing terminal complex consists of four terminals with seven aircraft boarding areas (B/As): International Terminal Building (ITB) (B/As A and G), Terminal 1 (B/As B and C), Terminal 2 (B/A D), and Terminal 3 (B/As E and F). In total, 88 passenger aircraft contact gates were provided at the Airport through summer 2015.

Existing Boarding Area Aircraft Gates – April 2015

Terminal	Boarding Area	Number of Gates
ITB	A	12
ITB	G	12
1	B	9
1	C	10
2	D	14
3	E	10
3	F	21
Total		88

Passenger terminal facility requirements are typically driven by activity during peak demand periods. Providing sufficient gate capacity during busy operational periods is essential for SFO to remain competitive as an international and long-haul gateway and to limit delays. Passenger processing and baggage handling facilities within the terminals are also important elements of Airport operations and influence the guest experience.

Ongoing domestic terminal planning projects include the Terminal 1 redevelopment project, which is currently under construction. The ADP recommends a new redevelopment program for the ITB Departures Level and boarding areas. SFO's high standard for the guest experience has guided, and will continue to guide, plans for terminal development.

Gate Requirements

The Airport is planning facility enhancements to meet its goal of providing a high level of service while operating as a preeminent global air service hub. In recent years, renovations have been completed in B/A D and B/A E and, as of 2015, B/A B and B/A F are being renovated to enhance the guest experience. In addition to these improvements, gate capacity at the Airport will also have to be increased to accommodate the forecast growth in air traffic.

Steady growth in passenger traffic and operations is anticipated until airfield capacity is reached. Growth after that point would continue by increasing the size of aircraft serving the Airport, aircraft load factors, and the number of aircraft operations at the Airport during low-demand hours of the day. The ADP provides the gate configuration and expansion plans to meet the gate capacity requirements by:

- Maintaining adequate gate capacity while other terminal projects are under construction
- Accommodating international gate requirements to meet long-term demand
- Accommodating domestic gate requirements to meet long-term demand

The demand is anticipated to increase to 121 aircraft gates, some of which will be widebody aircraft gates that could alternately accommodate two narrowbody aircraft parking positions. The size of the gates would need to increase in anticipation of the expected increase in aircraft gauge over time.

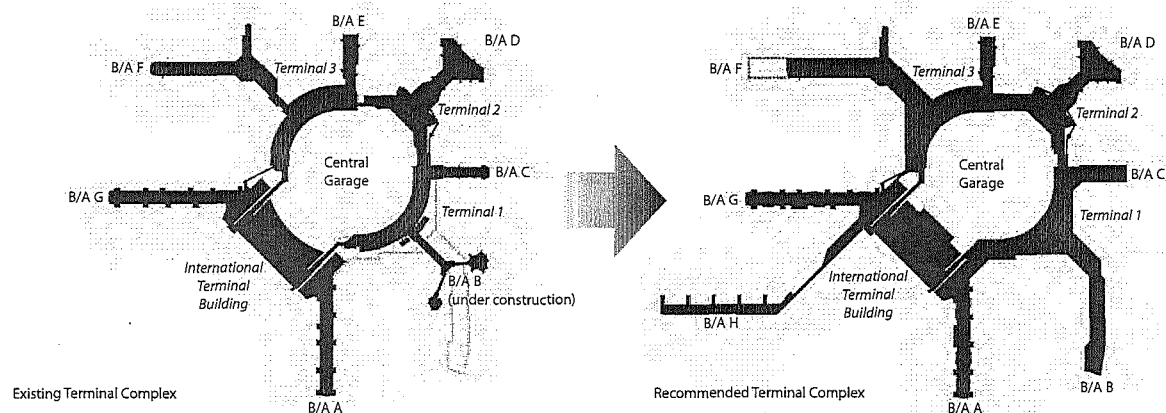
As demand increases, terminal facilities must be flexible enough to adapt to new aircraft types and airline service patterns. The ADP process identified trends and design criteria for new gate facilities:

Accommodating Increased Aircraft Wingspans: To accommodate long-term demand, gate configurations would need to adapt to the increased wingspans of new aircraft in the global airline aircraft fleet mix.

Accommodating Increased Aircraft Lengths: While many of the international gates at SFO are wide enough to accommodate increased wingspans, they are not deep enough to accommodate longer widebody aircraft (e.g., Airbus A350-1000, Boeing 777X series). To accommodate the longer aircraft anticipated in the future, reconfiguration of the ramp area, shifting of taxilanes, and associated adjustments to nearby facilities would be needed.

Flexibility to Accommodate Widebody and Narrowbody Aircraft: To provide the flexibility needed to accommodate a range of aircraft sizes, several Multiple Aircraft Ramp System (MARS) gates that can alternately accommodate one widebody or two aircraft parking positions at the same gate are needed. Such facilities are being provided through Ongoing Projects in B/As B and F.

Terminal Plan



Flexibility to Accommodate Domestic or International Aircraft: To provide flexibility in responding to changes in domestic and international growth patterns, “swing” gates able to accommodate international and domestic arrivals are needed. International arrivals would use a sterile corridor to the Federal Inspection Services (FIS) area of the ITB. The international parking position supply chart below demonstrates the total international parking position capacity at SFO assuming a mix of widebody gates at the ITB and narrowbody or widebody parking positions at the other boarding areas. In a scenario where domestic gate demand is greater than anticipated in the long term, the ADP reserves the flexibility to extend B/A F to provide additional domestic gates.

The terminal gate expansions will accommodate the long-term demand for gates. While slight deficiencies in gate supply may occur in some years as a result of construction activities, it is anticipated that these deficiencies can be managed as such temporary deficiencies have been during previous construction programs.

The international swing gates that would be provided in B/As B and H and the frontage gates in Terminal 3 West may accommodate a substantial number of international flights. The ADP reserves the flexibility to extend B/A F to provide additional domestic gates, if necessary. This arrangement provides flexibility for the Airport to respond to future changes in domestic and international growth patterns.

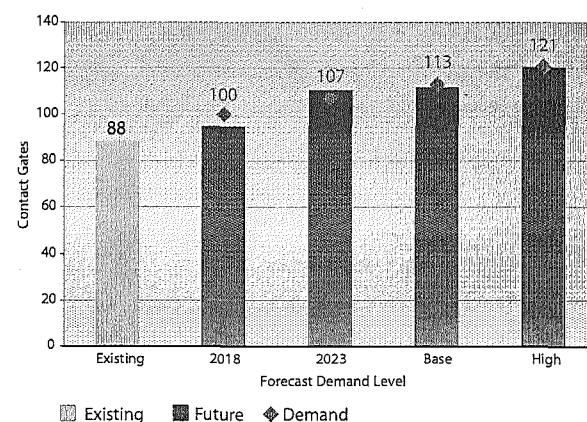
Enhanced Guest Experience: SFO’s mission is “to provide an exceptional airport in service to our communities,” which embodies Airport management’s vision of “Reaching for Number 1.” As has been proven through the Terminal 2, B/A E, and Terminal 3 East construction projects completed from 2011 through 2015, Airport staff has succeeded in incorporating the principles of R.E.A.C.H. into projects to make SFO a world-renowned facility and the premier international gateway to the Pacific. In addition to the improvements mentioned above, a number of additional terminal improvements are needed to:

- Extend the useful life of existing terminals and boarding areas
- Improve passenger flows
- Enhance concession opportunities
- Meet established standards for the guest experience
- Improve the building systems’ performance
- Comply with current building codes

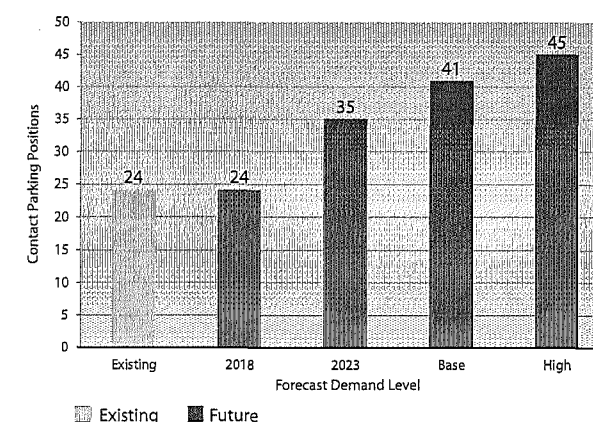
Boarding Area Connectivity: Post-security connecting corridors are needed for aircraft gating flexibility and passenger convenience. Once these corridors are completed, arriving domestic or precleared passengers would no longer need rescreening at security when connecting between any of the terminals or boarding areas, and departing and connecting passengers would have access to all post-security amenities in every boarding area. These corridors would also provide greater gate use flexibility, allowing airlines to use gates at neighboring boarding areas. Passengers would still have the option to use AirTrain to connect between terminals, but would then need to be rescreened at the security checkpoints.

Transformation of the terminal complex continues to be undertaken through Ongoing Projects. Implementation of the ADP Projects would provide the gate capacity needed to meet long-term demand.

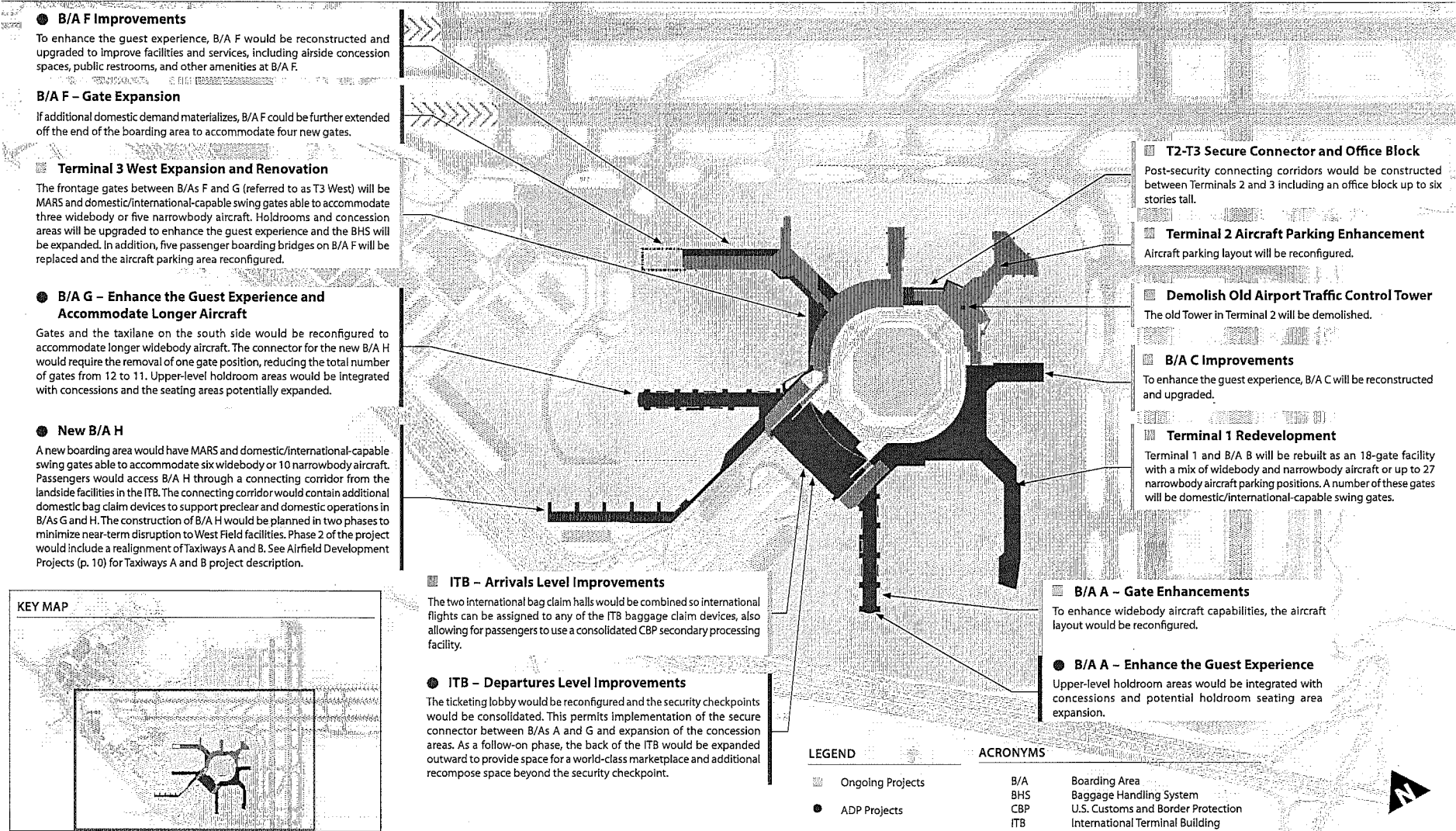
Aircraft Gate Supply and Demand



International Parking Position Supply



Terminal Development Projects



Baggage Handling System

The existing baggage handling systems (BHS) are aging and in need of upgrades and/or replacement within the next 10 years. The existing BHS are primarily belt-driven, transferring departing bags from ticketing to security screening to baggage makeup areas and transferring arriving bags to the baggage claim devices or to baggage makeup areas for loading onto connecting flights. Bags are generally transferred manually via baggage carts/tugs between terminals and between airlines. Most of the airlines operate their own BHS without automated connectivity to another airline's system.

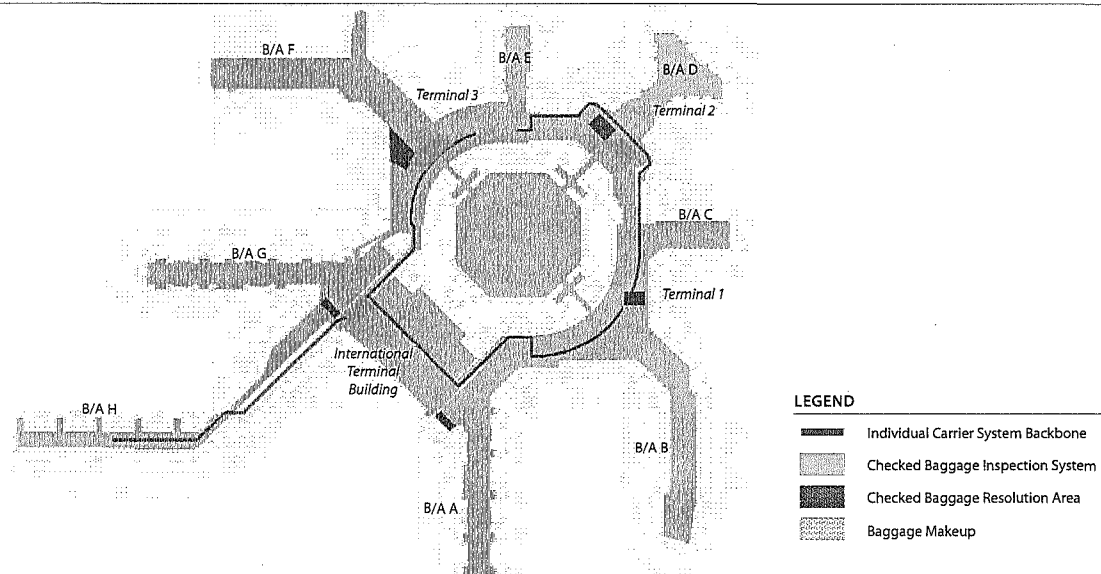
An Airport-wide baggage handling strategy would support the required performance of the BHS and establish a sophisticated baggage distribution system by upgrading and/or augmenting outdated components. To meet long-term demand and support Airport performance and sustainability goals, the ADP recommends gradual replacement of the existing BHS with an Airport-wide Individual Carrier System (ICS). In the ICS, each bag would be placed on an individual tray rather than directly onto a series of conveyor belts, and the bag would be tracked and traced with virtually 100 percent accuracy using low-cost, highly deployable radio frequency identification (RFID) readers. The ICS would also support future airline initiatives for the control, transfer, and delivery of both departing and arriving bags. The ICS would operate along "backbone" tracks that would connect each of the terminals and eventually circle the terminals and connect all boarding areas. The new system would be implemented over time as individual terminals and boarding areas are rehabilitated or reconstructed.

An ICS conveyor operates for only the few seconds that the bag tray passes over it, thus reducing power consumption compared to a conventional system. The energy savings and sustainability gains from this modular design are expected to provide a 30 percent reduction in power consumption compared to a conventional system.

ICS technology allows for the following benefits compared to a conventional system:

- Reduced maintenance cost.
- Reduced energy cost.
- Potential for consolidation of Transportation Security Administration (TSA) Checked Baggage Resolution Areas (CBRAs), thereby reducing TSA staffing requirements.
- Flexibility for baggage to be screened at locations other than the primary terminal, thus moderating baggage throughput and potentially reducing TSA staffing requirements.
- Risk-based screening, improving security and processing rates.
- Early baggage storage/bag indexing/bag buffers and related baggage makeup methods to reduce ground handler staffing requirements, improve working conditions, and reduce peaks, possibly reducing the number of required screening devices.

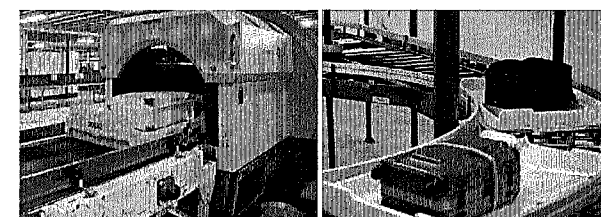
Baggage Handling System Development Concept



The proposed ICS backbone would provide connectivity for baggage transport between terminals and boarding areas. The transfer of baggage between airlines and terminals has been stated as the leading cause of baggage mishandling by the airlines. This backbone would enable:

- Flexible use of boarding areas (e.g., bags dropped at any check-in counter could be routed to any gate). This flexibility will be more important when swing gates are implemented for international arrivals at Terminals 1 and 3.
- More automated transfer and handling of arriving bags, which reduces staffing and the chance of errors/mishandling, and also reduces the number of ground service vehicles on the ramp.
- Bag drops at the Bay Area Rapid Transit (BART) or AirTrain stations and the new Airport hotel for delivery to any boarding area BHS with an automated connection.
- High-capacity bag drops, which could accept bags collected manually from remote areas such as the Rental Car Center (RCC), Long Term Parking Garages, or off-Airport locations through the provision of high-capacity industrial bag drop areas.

Individual Carrier System Conveyor



GROUND ACCESS AND PARKING

The landside transportation system at the Airport consists of a complex network of facilities used by various ground access modes. Requirements for ground access and parking are primarily driven by passenger demand. Origin and destination passengers are the primary users of the Airport's ground access and parking facilities, and typically drive the requirements for future capacity.

In accordance with the CCSF's Transit First Policy, Airport management promotes connections to SFO using high-occupancy ground transportation, including public transit, and prioritizes the use of commercial shared-ride services over private vehicles. The evolving landscape of ground access technologies, including high-speed rail, alternative fuels, and autonomous vehicles, was also considered in determining the demand for future facilities.

Roadways

The landside transportation systems support passenger, tenant, service, and employee access to the Airport. These systems include regional roadways, terminal roadways, and service roads. Traffic volumes on all segments of the ground access system are expected to increase throughout the planning period as aviation activity increases.

Curbsides

There are two curbside loops serving the domestic and international terminals for passenger pick-up and drop-off: one at the Arrivals Level and one at the Departures Level. At each terminal and at each level, frontage is offered along an inner sidewalk and an island curb. A number of these curbsides operate at or above capacity during existing peak periods and traffic volumes are expected to increase throughout the planning period.

Public and Commercial Transportation

A BART² station at the International Terminal provides heavy rail transit access to downtown San Francisco and the East Bay. BART also connects riders to the Caltrain commuter rail system via the Millbrae Intermodal Station. The Caltrain commuter rail provides service between San Francisco (to the north) and San Jose (to the south), with further southern service to Gilroy during commute hours. The San Mateo County Transit District provides the SamTrans³ bus service connecting

the Airport to San Mateo County and downtown San Francisco. A future California high-speed rail station at the Millbrae Intermodal Station would be accessible from the Airport via the existing BART connection. To provide a more seamless transit connection between SFO and Millbrae Intermodal Station, the Airport is studying the feasibility of extending the SFO AirTrain to Millbrae. Because of the complex physical and regulatory constraints and the lack of right-of-way availability, the Airport will conduct an engineering and planning study to assess the feasibility of this option.

Other commercial transportation modes available at the Airport include taxicabs, limousines, transportation network companies (e.g., Lyft, UberX), shared ride vans, Airporter⁴ buses, hotel shuttles, and charter bus services.

Rental Car Center

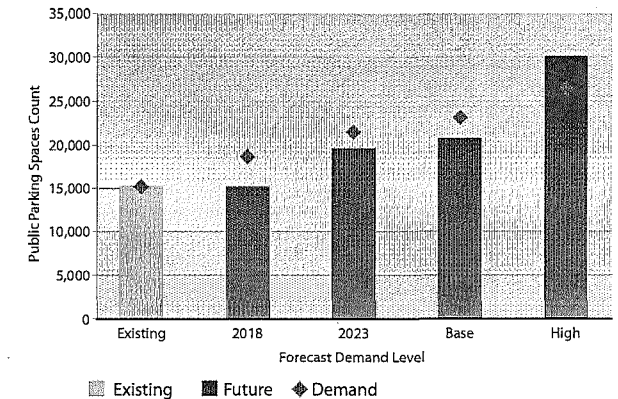
The existing RCC is nearing capacity in its operational areas and customer service lobby. A new RCC and Quick Turn Around (QTA) facility in Lot DD would improve the guest experience and meet increased demand. This facility would provide 4,400 ready/return spaces and 2,880 stacking spaces for a total of 7,280 parking spaces for rental cars. A new AirTrain station would provide direct access to the lobby area. Upon completion of the RCC, the existing facility would be converted to a public parking garage.

Public Parking

Parking garages that accommodate short-term public parking are located in the terminal core (Central Parking Garage) and adjacent to the International Terminal Building (Garages A and G). Long-term public parking is provided in Long Term Parking Garage #1 in Lot DD and surface parking in Lots D and DD. Privately operated off-Airport parking is also available. A total of 15,200 public parking spaces are provided on-Airport for short-term and long-term parking. Long Term Parking Garage #2, an Ongoing Project, will add approximately 3,000 parking spaces.

⁴ **Airporters:** Privately operated scheduled highway coach and high-occupancy vehicle services providing transportation between SFO and many Peninsula and South Bay cities.

Public Parking Spaces – Supply vs. Demand



Historically, use of public parking is proportional to the number of origin and destination passengers. At SFO, this relationship could change in the future with shifts in travel patterns and the use of alternative modes of access, such as public transportation. A range of public parking growth scenarios were developed to establish parking expansion alternatives that have the flexibility to defer or accelerate the supply of parking in response to demand. At the High Constrained planning activity level, a total of nearly 30,000 parking stalls would allow SFO to accommodate public parking demand.

AirTrain

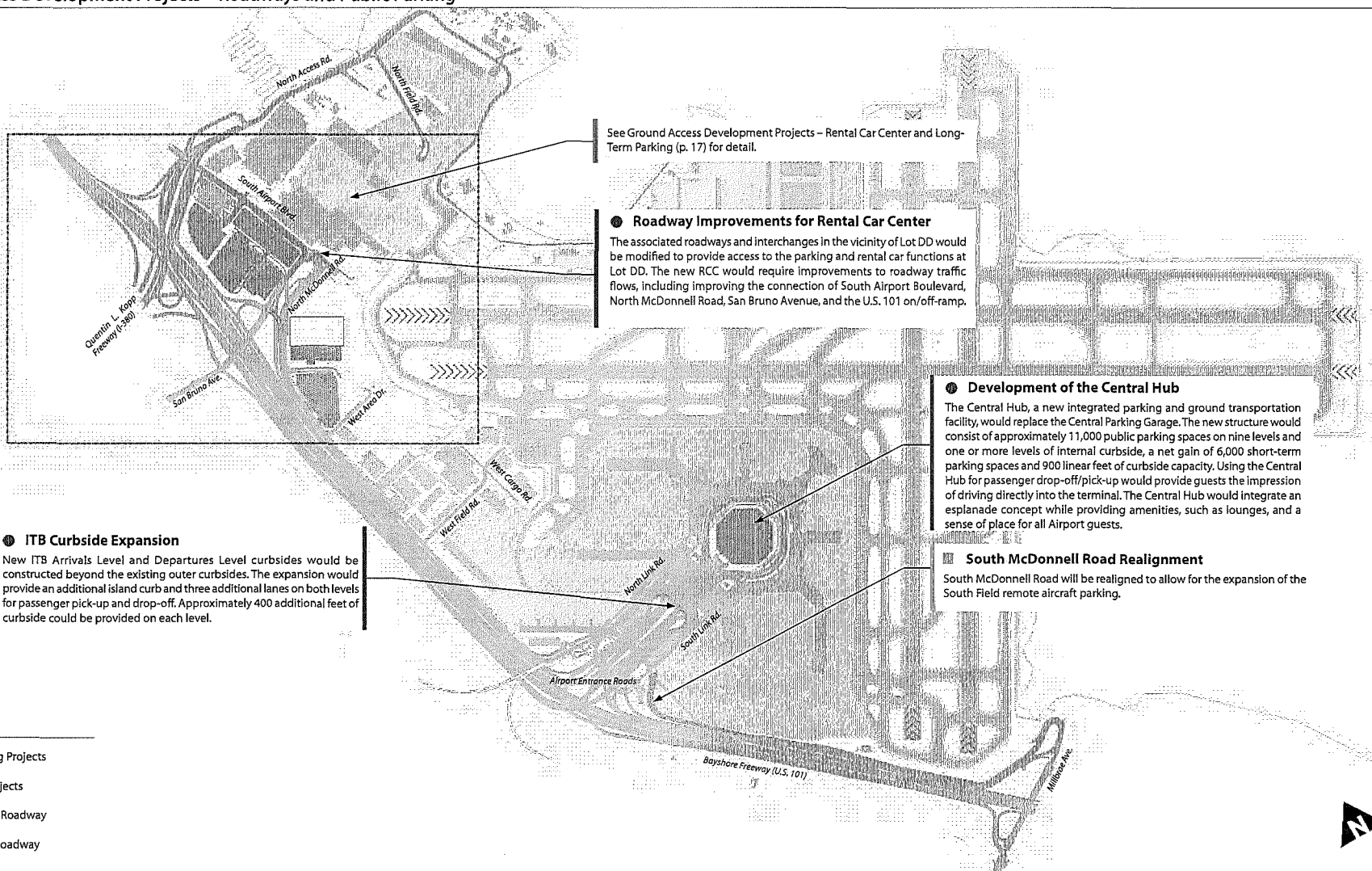
The AirTrain automated people mover provides passenger access between the terminals, garages, BART station, West Field cargo area, and RCC. The two-line, nine-station AirTrain system operates 24 hours a day. Additional vehicles, longer trains, and increased service frequency are recommended to serve increased passenger demand throughout the planning period.

An Ongoing Project will extend the AirTrain system into Lot DD and a new station will be added to serve Long Term Parking Garages #1 and #2 and, eventually, the planned RCC and Long Term Parking Garage #3. Additionally, a new AirTrain station will be constructed along the existing guideway to serve the future Airport hotel.

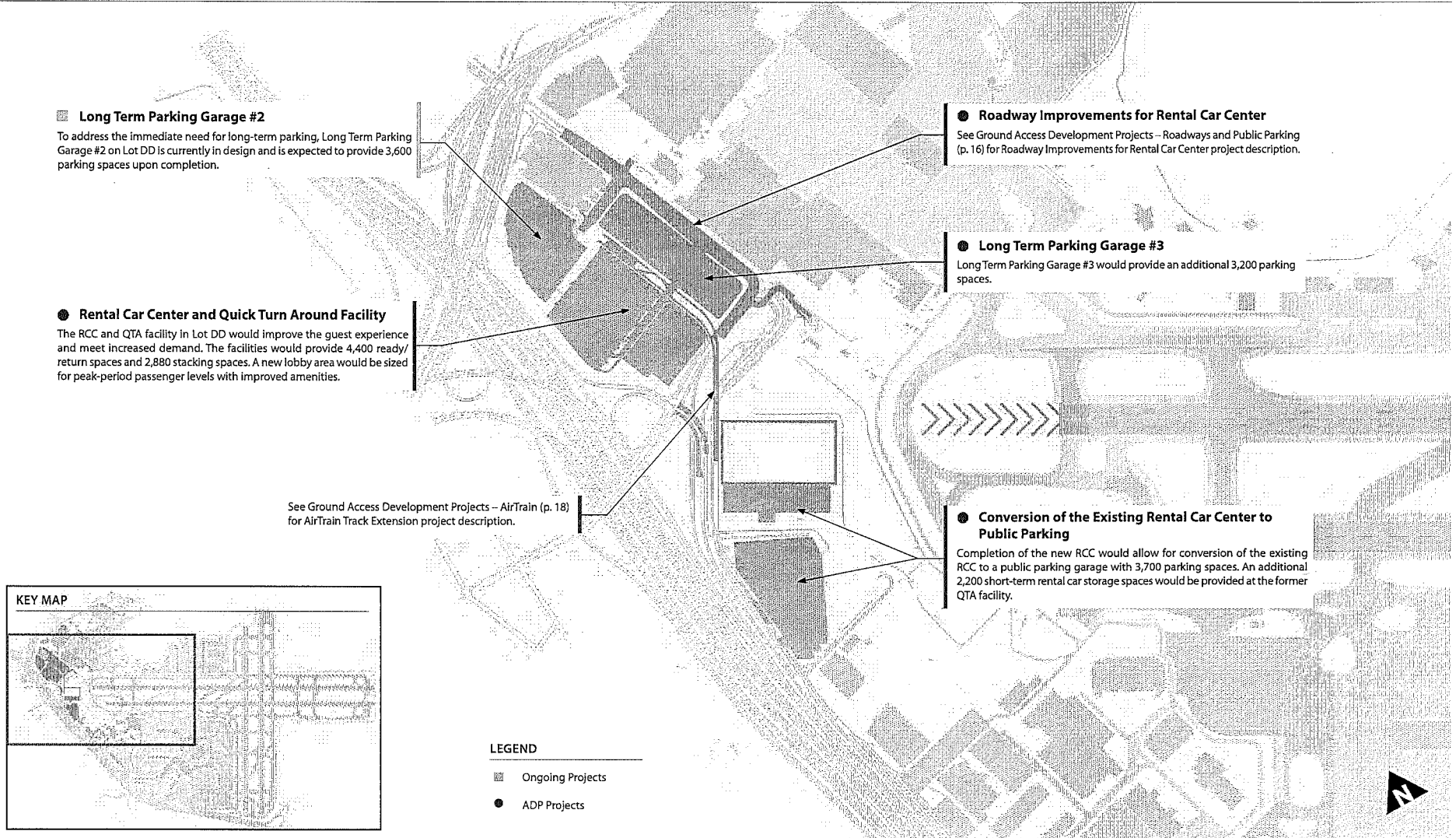
² **Bay Area Rapid Transit (BART):** Regional rail service providing access to SFO from four Bay Area counties (Alameda, Contra Costa, San Francisco, and San Mateo). The SFO Airport station is at the International Terminal Building's G side, and all three domestic Terminals 1, 2, and 3 can be accessed via AirTrain.

³ **San Mateo County Transit District:** The administrative body for the principal public transit and transportation programs in San Mateo County, which includes SamTrans bus service, Redi-Wheels paratransit service, and the Caltrain commuter rail.

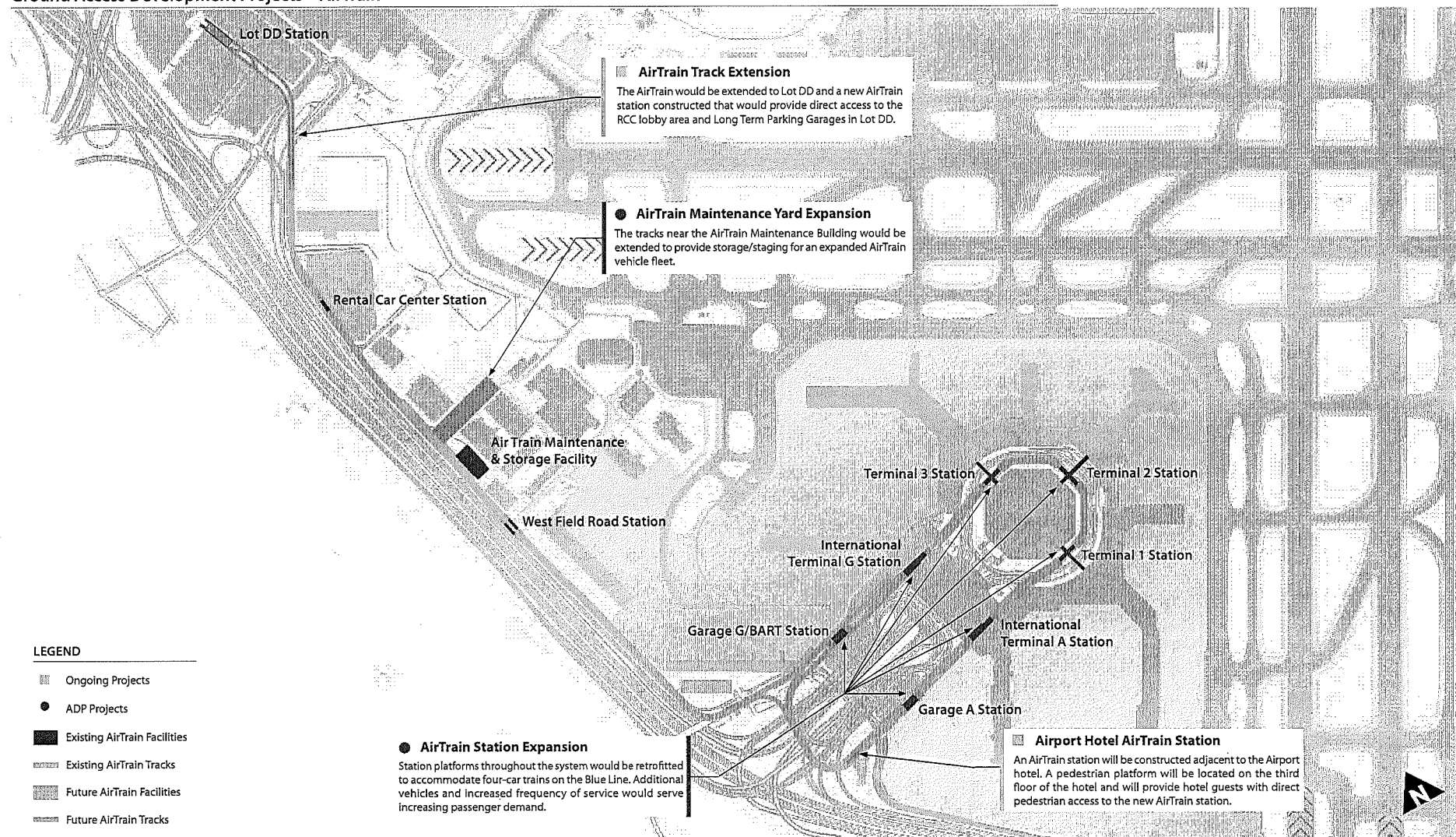
Ground Access Development Projects – Roadways and Public Parking



Ground Access Development Projects – Rental Car Center and Long-Term Parking



Ground Access Development Projects – AirTrain



SUPPORT FACILITIES

Airport support facilities include Airport and airline maintenance facilities, Airport administration offices, AirTrain maintenance facilities, hotel, employee parking, remain overnight (RON) aircraft parking, cargo facilities, flight kitchens, general aviation facilities, and Emergency Response Facilities (ERF). Support facilities at SFO are clustered in four geographic regions: South Field, North Field, East Field, and West Field.

The future development of cargo facilities, general aviation facilities, maintenance facilities, and flight kitchens will be driven primarily by increases in aircraft operations and passengers. Specific requirements are based on planning factors that consider demand for each facility type.

In addition to accommodating demand, the alternatives analysis considered integration with ongoing development concepts, protecting facilities that cannot be or would be very difficult to be relocated or removed, avoiding demolition of functional buildings, tenant lease terms, and replacing buildings at the end of their useful lives. Consideration was also given to colocating related facilities to maximize efficiency and minimize travel distances.

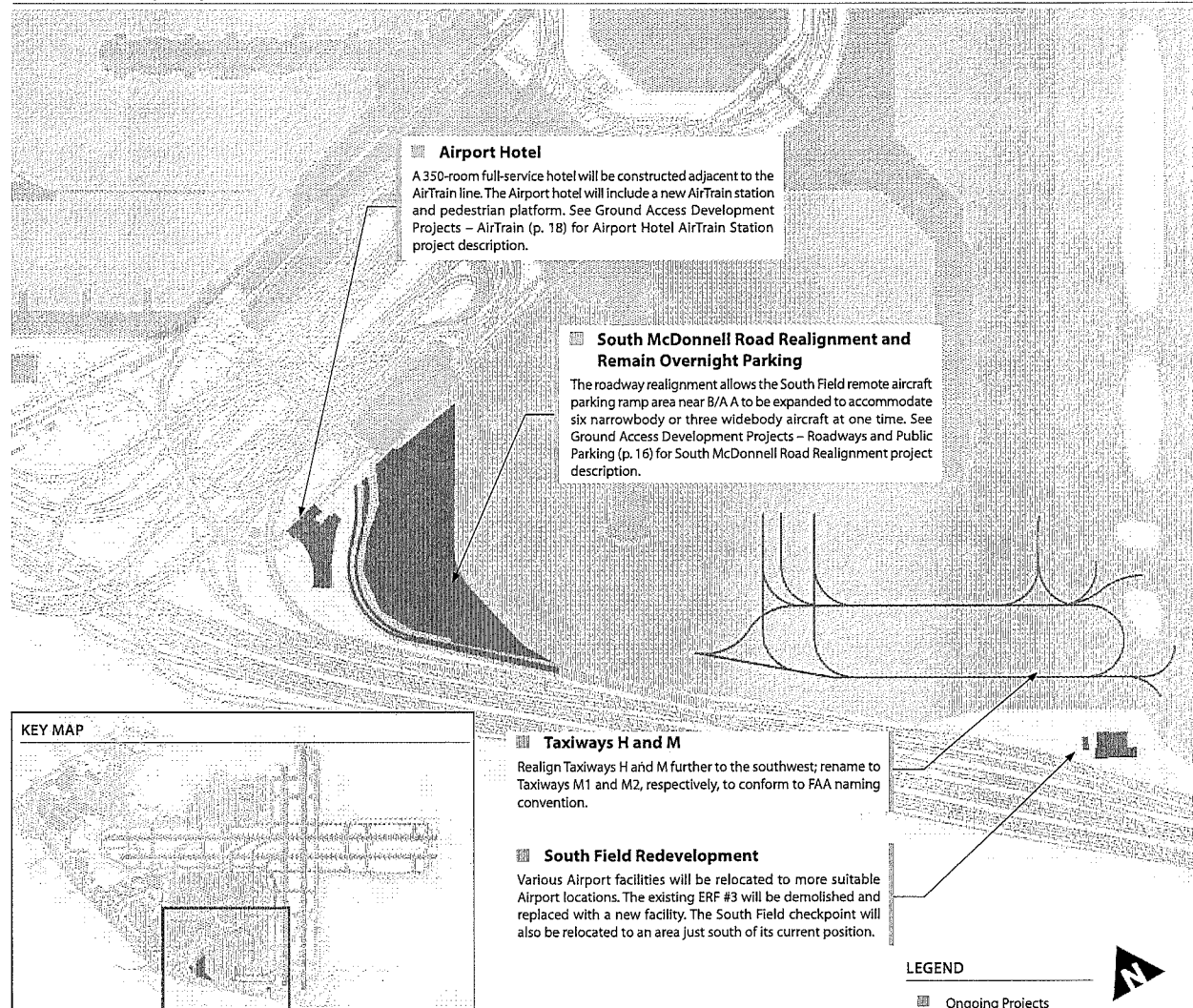
Overall development priorities were also considered in the context of the Airport's land constraints, given that certain facility types must be located on-Airport while others can be located more flexibly. This consideration is especially important in the West Field, which is adjacent to the terminal complex and is thus the most desirable location for many Airport facilities.

As aircraft operations at SFO increase, the development of supporting systems and functions is recommended to maintain adequate levels of service and operational efficiency.

South Field Support Facilities

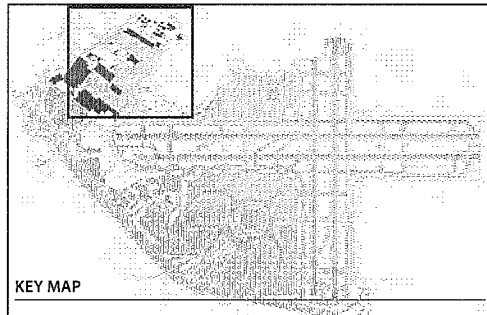
Most of the support functions in the South Field have been moved or are planned for relocation to more suitable Airport locations. ERF #3 will be demolished and replaced near its existing location. South McDonnell Road is planned to be realigned to provide additional airside area for a close-in RON parking ramp and will provide roadway access to the new Airport hotel.

Support Facility Projects – South Field



North Field Support Facilities

The North Field primarily contains air freight, fueling, and water treatment facilities, as well as the United Airlines San Francisco Maintenance Operations Center. In the North Field, ADP Projects include the renovation of existing buildings for reuse. The North Field would be the center of air freight operations at the Airport, while also including the Ground Transportation Unit (GTU), ground service equipment (GSE) maintenance and Airport maintenance facilities, and a flight kitchen.



Support Facility Projects – North Field

● North Field Airport Maintenance Conversion

The existing educational building would be renovated to provide Airport maintenance functions to serve future demand.

● North Field Airport Maintenance Facility

A new Airport Maintenance Facility would be constructed with adjacent landside storage area.

● North Field Ground Service Equipment Maintenance Facility

The new GSE maintenance facility would provide an area for airlines and ground handlers to repair equipment.

● North Field Flight Kitchen

The flight kitchen tenants would be relocated from the West Field to allow for airfield improvements. This building would be renovated or a new building would be constructed on the site. Flight kitchen operations would require airside and landside truck docks, catering truck staging/storage areas, and employee parking.

■ Ground Transportation Unit Redevelopment Program

A new GTU will provide office space, fueling, and a shuttle bus parking area.

LEGEND

■ Ongoing Projects

● ADP Projects



East Field Support Facilities

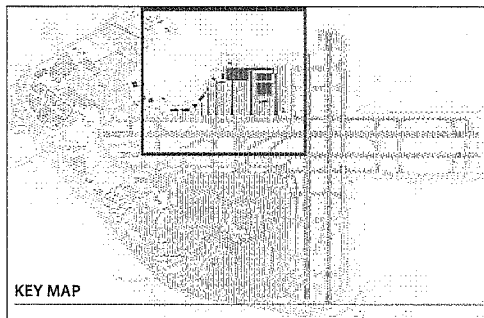
The East Field contains RON aircraft parking, general aviation, Airport operations, and airline maintenance facilities. The recommended changes in the East Field include the expanded Superbay Hangar, additional GSE maintenance facilities, relocated fire suppression tanks, and reconfigured/expanded RON parking.

West Field Support Facilities

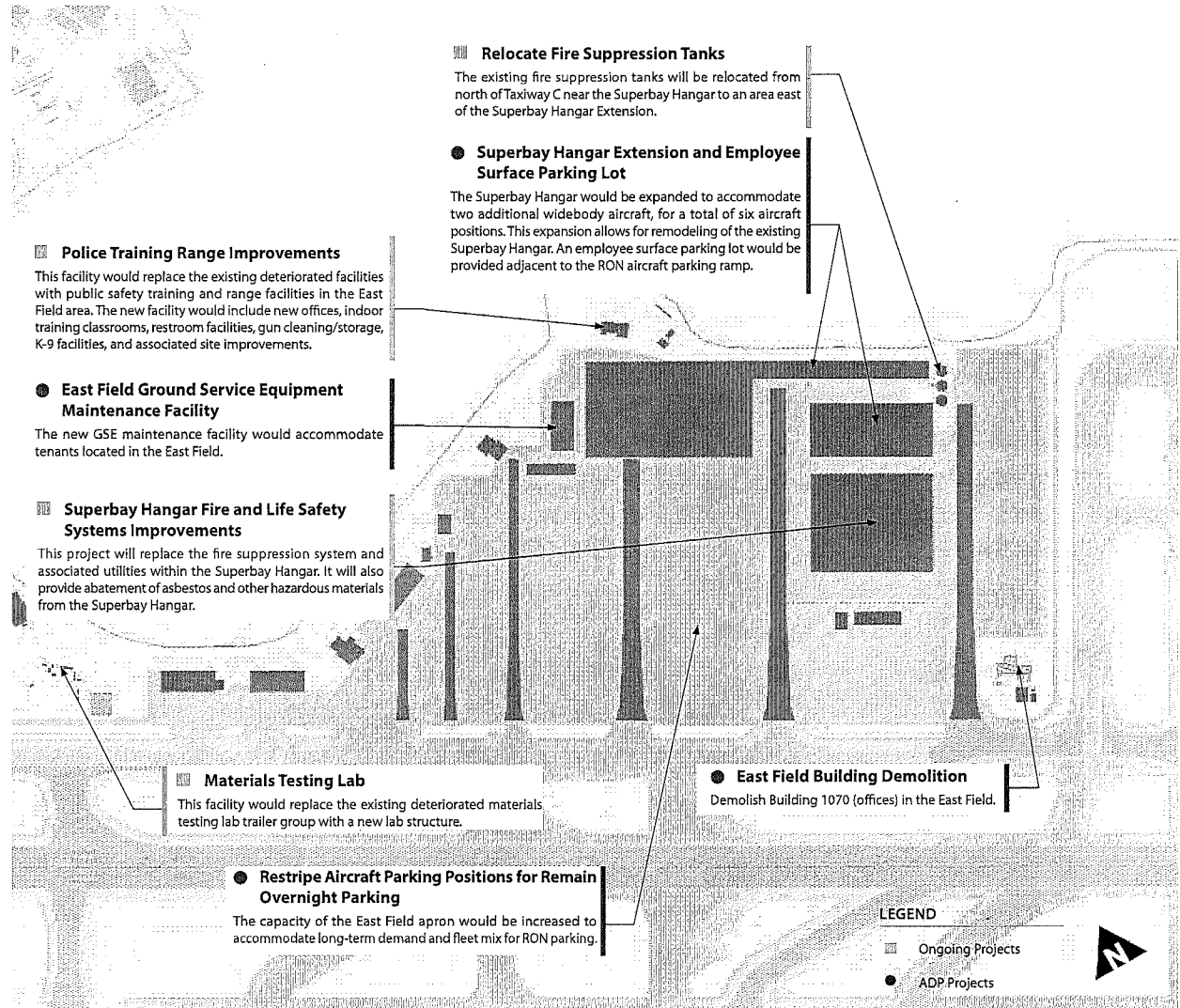
Because of the West Field's proximity to the terminal complex, its primary functions include belly cargo, close-in aircraft remote parking, and Airport administration and maintenance facilities. An existing flight kitchen facility is also located in the West Field. ADP recommendations in the West Field include renovating existing buildings for reuse, replacing buildings that are beyond their useful lives, and demolition of facilities to enable expansion of the terminal area.

The Ongoing Projects in the West Field include the Consolidated Administration Campus (CAC), an employee parking garage, GSE maintenance (Building 730), and the replacement cargo facilities.

Improvements proposed under ADP Projects include an expansion of the AirTrain maintenance yard, additional close-in RON parking, and vehicle service road (VSR) relocations.



Support Facility Projects – East Field



Support Facility Projects – West Field

● Ground Service Equipment Maintenance Facility

Ground Service Equipment maintenance facilities would be constructed in the existing Airport maintenance building.

■ Ground Service Equipment Maintenance Facility

Convert Building 730 from a belly cargo facility to a mixed-use building accommodating the relocation of Airport tenants.

● Airport Maintenance Facility

The existing Airport administration building would be renovated for Airport maintenance activities and an employee parking surface lot would be provided.

● AirTrain Maintenance Yard Expansion

See Ground Access Development Projects – AirTrain (p. 18) for AirTrain Maintenance Yard Expansion project description.

■ West Field Parking Garage #2

A new parking garage would be constructed for Airport tenants including federal, concessions, and airline employees.

■ Consolidated Administration Campus

The Consolidated Administration Campus will accommodate office space and parking for Airport Commission employees.

● Relocated Emergency Response Facility

The existing ERF#1 would be relocated north of the existing U.S. Postal Service facility. The new ERF would have airside access via decommissioned Taxiway Y and landside access via West Cargo Road.

● Aircraft Remain Overnight Parking and "Race Track"

A relocated apron area referred to as the "Race Track" would serve a dual purpose by accommodating aircraft RON parking demand and providing a holding area for aircraft waiting for a gate. The Race Track would accommodate a minimum of two widebody aircraft flow-through parking positions during the day and up to seven narrowbody aircraft at night. Constructing the Race Track requires the demolition of ERF #1 and the flight kitchen.

● Vehicle Service Road Relocations

Reconfigure the West Field vehicle service roads to accommodate and serve the new and relocated facilities in the West Field area.

● West Field Checkpoints

Three new West Field security checkpoints would be constructed to replace existing checkpoints to accommodate changes to West Field facilities.

■ West Cargo Checkpoint Relocation

Relocate and provide blast-proofing for the checkpoint guard shack between Building 606 and B/A G.

■ West Field GSE Building 624 Replacement

The existing GSE maintenance building is in poor condition. This project would demolish the existing building and replace it with a similar GSE maintenance facility on the same site.

■ West Field Cargo Facility

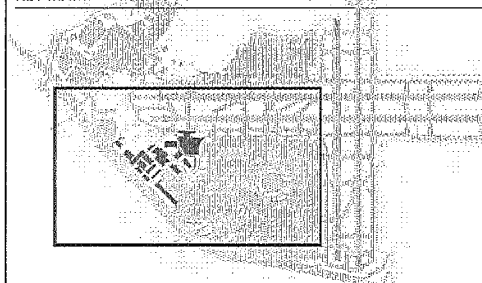
This two-level cargo building will replace existing cargo buildings which are either in poor condition or being displaced for terminal expansion or Central Utility Plant relocation. Truck docks, employee parking, and equipment storage areas around the building will support the cargo operation.

LEGEND

○ Ongoing Projects

● ADP Projects

KEY MAP



UTILITIES

The utility infrastructure at the Airport includes pipelines, pump stations, high-capacity wiring conduits, distribution centers, the Mel Leong Water Treatment Plant, and a Central Utility Plant (CUP) serving the terminal complex. The inventory of existing electrical, telecommunications, aviation fuel, natural gas, potable and fire supply water, sanitary sewer, industrial waste sewer, storm drainage sewer, and shoreline protection systems indicates that these systems are mostly adequate to support current activity. Several Ongoing Projects in the planning, design, and construction phases would resolve deficiencies identified in the current systems and add a recycled water pipeline system.

The utility projects under the Recommended ADP address Airport requirements to: (1) support increased demand and the growth of terminal and airfield facilities, (2) support SFO strategic initiatives, and (3) propose solutions to modify utilities to eliminate any conflicts with airfield modifications or building expansions, overall defining a comprehensive approach to utilities systems growth.

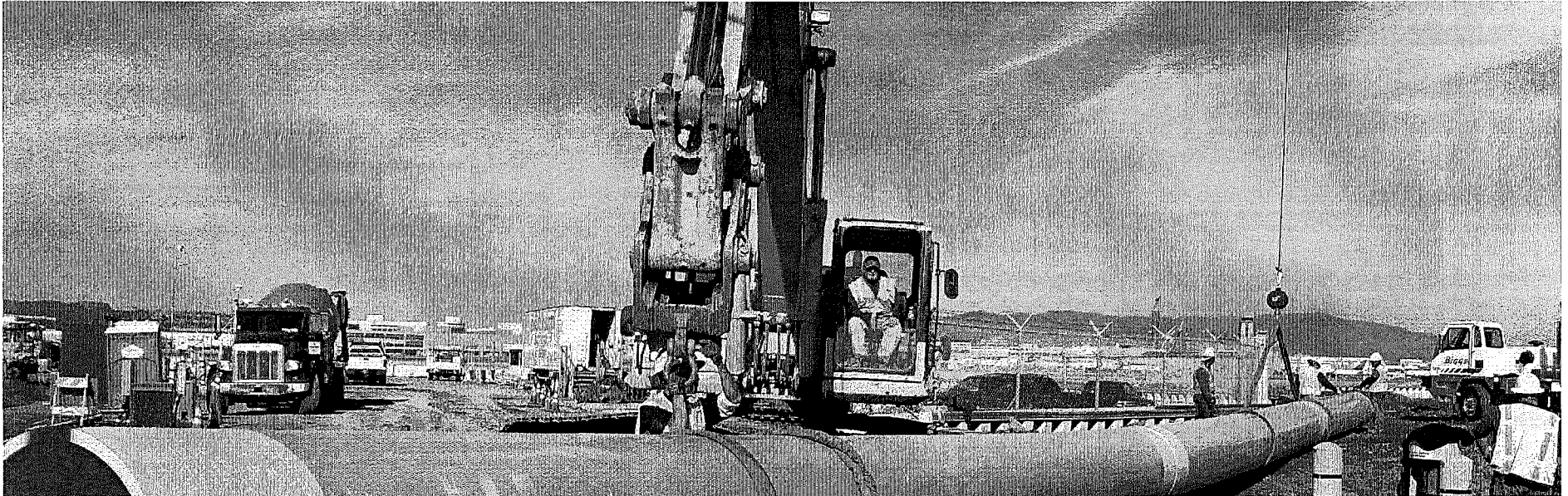
As the Airport is improved to accommodate additional passengers and operations, the demand on certain utility systems will increase. The new resource-efficient buildings that will replace many older facilities will offset some of this increased demand.

Beyond demand-driven utility requirements, Airport management has defined strategic initiatives to upgrade the existing utility infrastructure to be more environmentally efficient and resilient to climate change. These initiatives include the SFO Sustainability and Zero Impact Objective Policies, SFO Climate Action Plan, Carbon Neutrality Initiatives, Perimeter Security Enhancements, and Shoreline Protection Program.

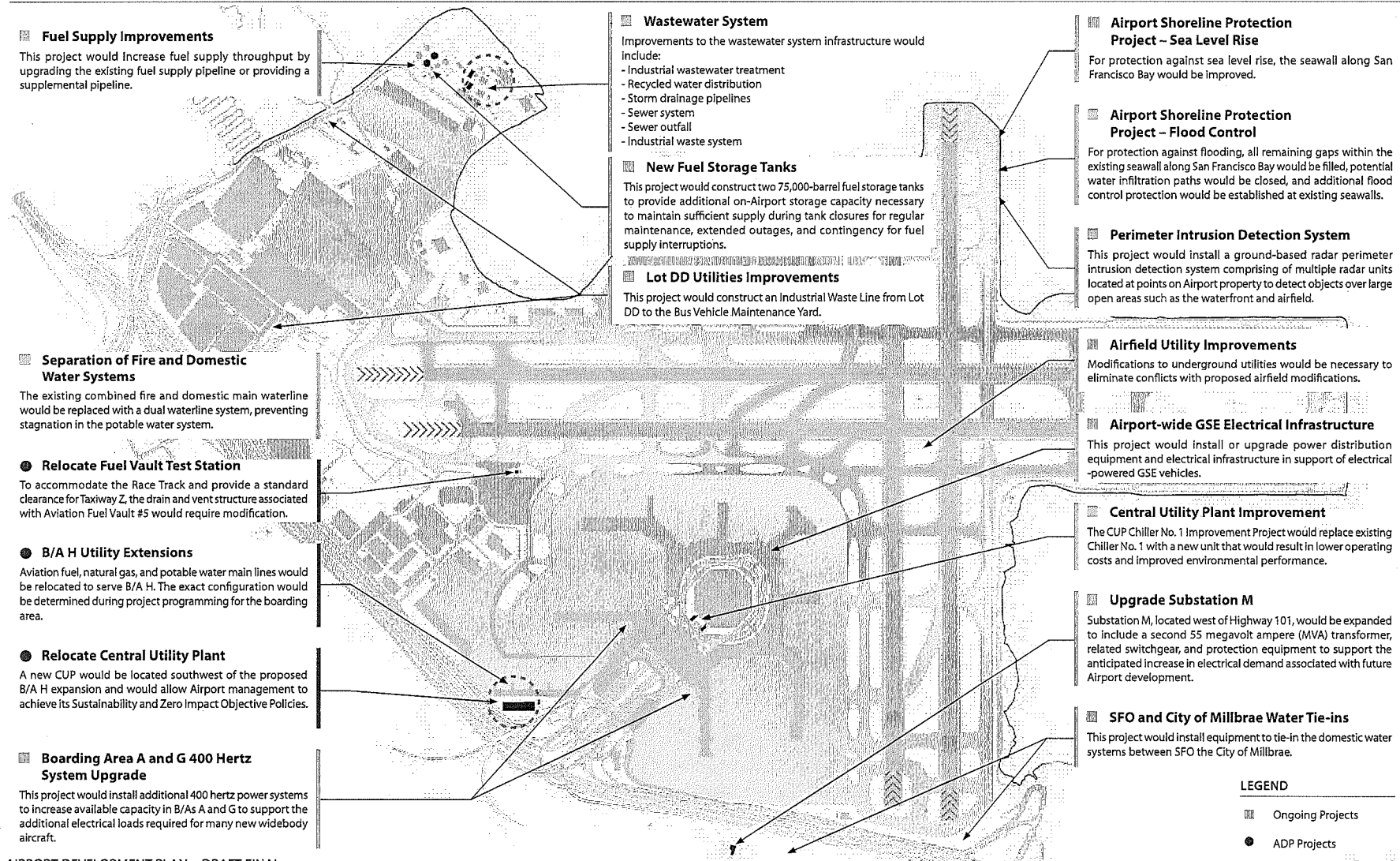
The 2014 SFO Climate Action Plan incorporates San Francisco Ordinance 81-08, requiring each City department to achieve greenhouse gas (GHG) emissions reduction by 80 percent below 1990 emission levels by 2050. Several measures

already implemented at SFO have achieved an interim 25 percent reduction goal. Although Airport facilities are powered by 100 percent GHG-free electricity, use of natural gas is a significant contributor to Airport GHG emissions, with the CUP being one of the largest consumers. To meet the strategic initiatives of improved energy efficiency and reduced GHG emissions, the ADP provides for the replacement of the existing CUP with an all-electric facility.

Several recommended airfield, terminal, and ground access projects would conflict with existing utility infrastructure. When these conflicts would be confined to infrastructure serving those projects directly, the utility effects are included in the primary projects. If these conflicts would affect main distribution lines, relocation of these facilities is recommended in the ADP to eliminate the potential conflicts. Subsequent studies will coordinate infrastructure planning for various utility systems with long-term ADP development projects.



Utility Projects



IMPLEMENTATION

The timeframe for implementation of each ADP project is intended to provide sufficient capacity to accommodate demand as it materializes over time. Therefore, the sequence of project implementation is based primarily on the aviation activity forecast, although factors such as construction feasibility, enabling projects, financial factors, organizational capacity, and Airport policy directives were also considered. These additional considerations are important, as sequencing construction projects based solely on demand could result in an excessive number of simultaneous construction projects. Therefore, a holistic approach was taken in developing the implementation plan.

As previously discussed, the ADP recognizes Ongoing Projects already in the environmental review, programming, design, or construction phase. These projects were incorporated into the ADP to provide a complete picture of future development opportunities and constraints. The ADP identifies these Ongoing Projects and ADP Projects with the symbols as indicated below:

Ongoing Projects

These projects have been authorized to proceed by the Airport Commission or have been identified by Airport management as needing to be implemented in the near future, subject to Airport Commission and other necessary approvals. They are in various stages of planning, programming, design, or construction. Appropriate environmental reviews, as required under the California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA), are completed, in process, or will be conducted. These projects are proceeding, or would proceed if approved, irrespective of any ADP projects and do not address long-term demands and capacity needs.

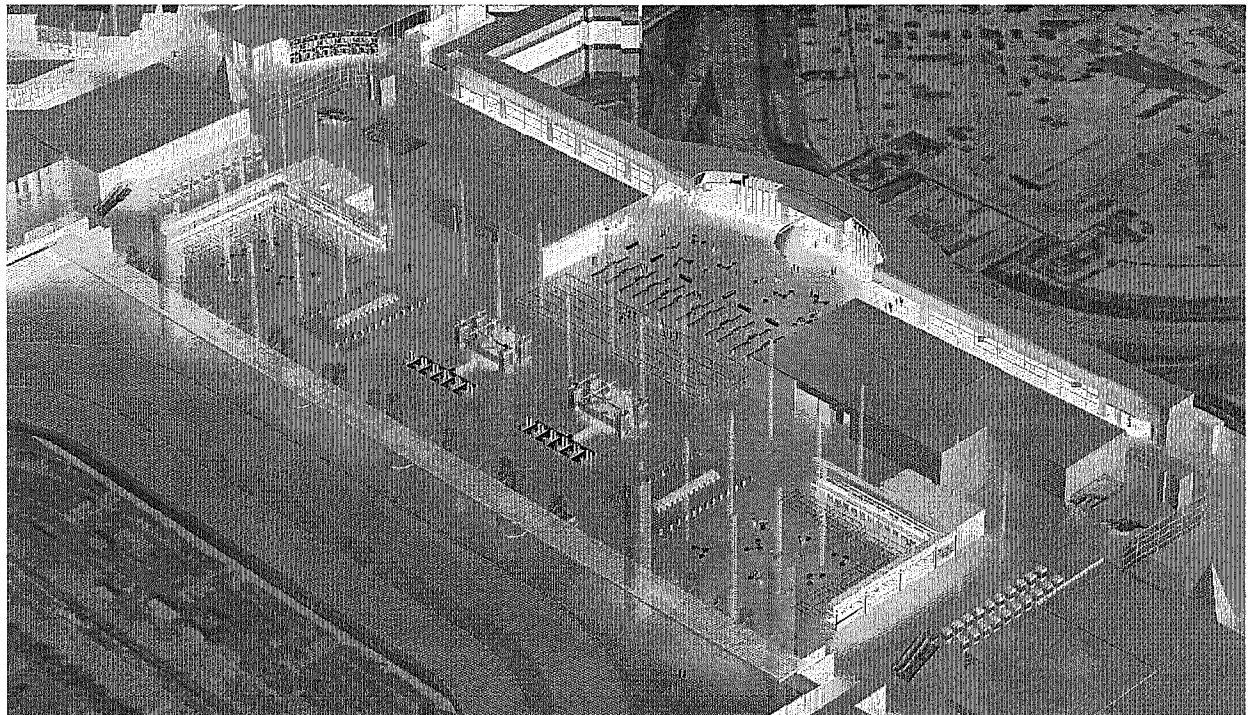
ADP Projects

These are ADP recommended long-term projects and are anticipated to undergo appropriate environmental review, financial assessment, programming, and design prior to consideration for approval and implementation.

Major ADP Projects

Certain ADP projects become possible only after another project (or projects) has been implemented. While projects may be independently necessary and useful, in certain cases their sequencing is vital to the timely completion of other projects. The ADP considered building conditions and lease terms in assessing project phasing and potential reuse, changes in land use, or new construction. Examples of such circumstances include the relocation of a facility to a more appropriate location, leaving the previous site available for new development, or the completion of the first phase of a project before construction can begin on the second phase. The sequence in which projects are implemented could ensure the success of the overall ADP, while failure to sequence projects appropriately may prevent a project from being completed in time to meet projected demand. Therefore, adequate advance planning is necessary.

The phases of implementation are presented by program area, which encompasses a major project along with projects that are related either in function, location, or phasing dependency. Because of the interrelated nature of Airport development, programs can consist of projects from various functional areas and may span more than one phase of ADP development.



International Terminal Building Departures Level Reconfiguration
Source: Landrum & Brown, Inc., March 2016

Ongoing Projects

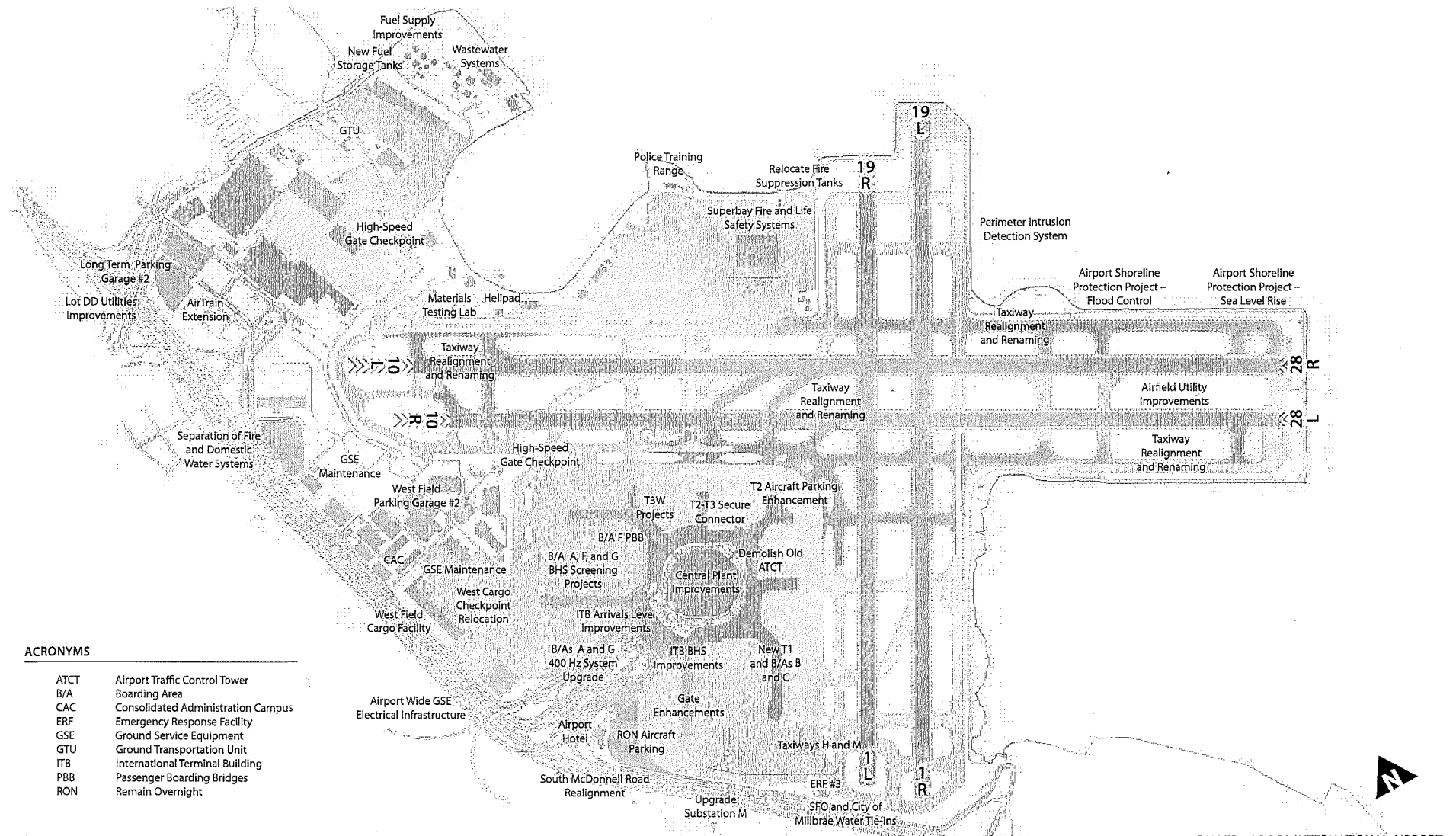
Airfield			Passenger Terminal (continued)			Support Facilities (continued)		
Helipad			Terminal 1 Redevelopment and BHS			Taxiways H and M		
Taxiway C East			T2-T3 Secure Connector and Office Block			West Cargo Checkpoint Relocation		
Taxiway C3			Terminal 2 Aircraft Parking Enhancement			West Field Cargo Facility		
Taxiways E and J			Terminal 3 West Expansion and Renovation			West Field Parking Garage #2		
Taxiway F East			Ground Access and Parking			Utilities		
Taxiway F West			AirTrain Track Extension			Airfield Utility Improvements		
Taxiway F1			Long Term Parking Garage #2			Airport Shoreline Protection Project – Flood Control		
Taxiway F2			Support Facilities			Airport Shoreline Protection Project – Sea Level Rise		
Taxiway N			Airport Hotel and AirTrain Station			Airport-wide GSE Electrical Infrastructure		
Taxiway R North			Building 730 Conversion to Airline and Airport GSE Maintenance			Boarding Areas A and G 400 Hertz System Upgrade		
Taxiway R South			Consolidated Administration Campus			Central Utility Plant Improvement		
Taxiway S3			West Field Cargo Buildings Redevelopment			Fuel Supply Improvements		
Taxiways T and D			ERF #3			Lot DD Utilities Improvements		
Passenger Terminal			West Field GSE Building 624 Replacement			New Fuel Storage Tanks		
B/A A, F, and G Near-Term BHS Screening Projects			GTU Redevelopment			Perimeter Intrusion Detection System		
B/A C Improvements			High-Speed Gate Checkpoints			Separation of Fire and Domestic Water Systems		
B/A F Passenger Boarding Bridge and Modernization			Materials Testing Lab			SFO and City of Milbrae Water Tie-ins		
Demolish Old Airport Traffic Control Tower			Police Training Range Improvements			Upgrade Substation M		
Gate Enhancements			Relocate Fire Suppression Tanks			Wastewater System		
ITB Arrivals Level Improvements			South McDonnell Road Realignment and RON Parking					
ITB BHS Upgrade			Superbay Hangar Fire and Life Safety Systems Improvements					

ADP Projects

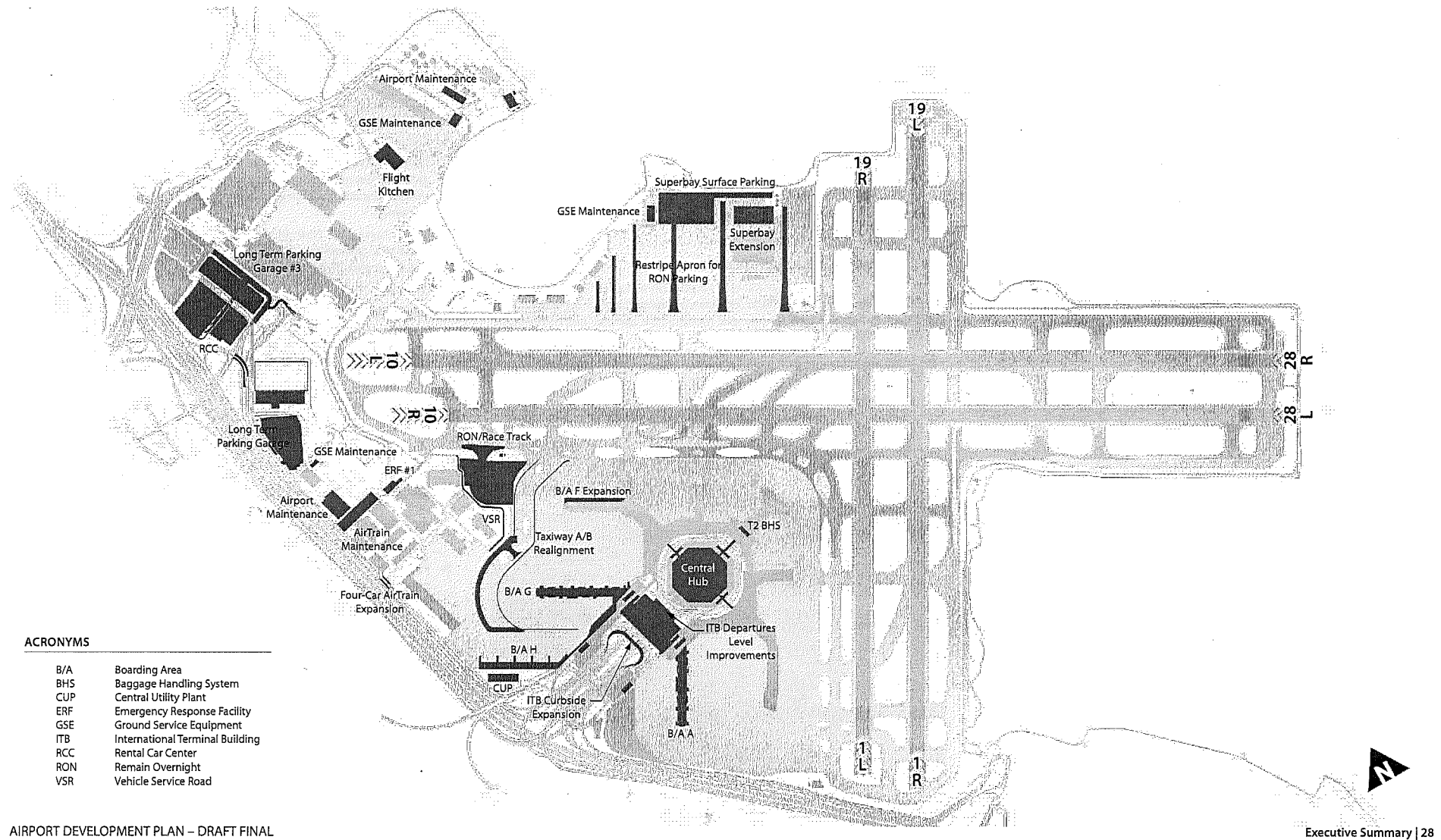
Airfield			Ground Access and Parking (continued)			Support Facilities (continued)		
New Parallel Taxiway around B/A G			Four-Car AirTrain Station Expansion			Vehicle Service Road Relocations		
Taxiway A Realignment			ITB Curbside Expansion			West Field Building Demolitions		
Taxiway B Realignment			Long Term Parking Garage #3			West Field Checkpoints		
Passenger Terminal			Phased Demolition of Central Parking Garage			West Field RON Parking and Race Track		
B/A A and ITB South BHS			Rental Car Center and Quick Turn Around Facility			Utilities		
B/A F Improvements			Roadway Improvements for RCC			B/A H Utility Extensions		
B/A G and ITB North BHS			Support Facilities			Relocate Central Utility Plant		
B/A H BHS			Building 710 and 750 Renovations			Relocate Fuel Vault Test Station		
B/A H Phase 1			Demolish Airport Maintenance Building 692			Relocate Utilities (B/A H)		
B/A H Phase 2			Demolish the SFO Business Center			Relocate Utilities (San Bruno Avenue)		
B/As A and G Improvements			East Field Building Demolition					
ITB Departures Level Improvements – Phase 1			East Field GSE Maintenance Facility					
ITB Departures Level Improvements – Phase 2			North Field Airport Maintenance Facility					
Terminal 2 BHS			North Field Airport Maintenance Conversion					
Ground Access and Parking			North Field Flight Kitchen					
AirTrain Maintenance Yard Expansion			North Field GSE Maintenance Facility					
AirTrain Vehicle Acquisition			Relocation of ERF #1 and Closure of Taxiway Y					
Central Hub			Restripe Aircraft Parking Positions for RON Parking					
Conversion of the Existing RCC to Public Parking			Superbay Hangar Extension and Employee Surface Parking Lot					

Note: See the Implementation section of this Executive Summary for a description of Ongoing and ADP Projects.

Ongoing Projects



ADP Projects



Near-Term Development Projects

The Near-Term Development Projects are proposed to be implemented between 2016 and 2021, pending necessary approvals.

1 Airfield Compliance, Taxiway Realignment, and Renaming

Eliminate the complex intersections between Taxiways A, B, E, F, F1, and J and the related complex intersection of Taxiways T and D. Realign the access taxiways for Runways 10L, 10R, 28L, and 28R to conform to FAA design standards. Rename select taxiways to conform to FAA standard naming conventions.

- **Taxiway F2:** Provide a second runway-entrance taxiway to Runway 28L.
- **Taxiway S3:** Add a fillet to Taxiway S (to be renamed Taxiway S3 later) at the end of Runway 10R.
- **Taxiway C East:** Shift Taxiway C to a separation distance of 550 feet from the Runway 28R centerline along the eastern 6,850 feet of the runway. Relocate the existing Stormwater Pump Station 1B to the northwest. Rename Taxiway W to Taxiway C2.
- **Taxiway C3:** Realign Taxiway C1 perpendicular to Runway 10L-28R and rename it Taxiway C3.
- **Taxiway R North:** Realign Taxiway R perpendicular to the runway between Runway 10L-28R and Taxiway C.
- **Taxiway R South:** Upgrade Taxiway R between Runways 10L-28R and 10R-28L to accommodate larger aircraft and close Taxiway U between Taxiway C and Runway 10R-28L.
- **Taxiway F1:** Realign Taxiway F1 at a separation of 800 feet from Taxiway F and rename it Taxiway W.
- **Taxiways T and D:** Realign Taxiway T to a similar angle as Taxiway Q and separate Taxiways D and T at the Runway 10R-28L crossing point.
- **Taxiways E and J:** Reconfigure Taxiway E as an acute-angled exit taxiway and realign and shift Taxiway J farther from Runway 1L-19R.
- **Taxiway F West:** Shift Taxiway F farther from Runway 10R-28L between Taxiways B and L.
- **Taxiway F East:** Shift Taxiway F farther from Runway 10R-28L between Taxiways L and N.
- **Taxiway N:** Realign Taxiway N at its intersection with Taxiway F.
- **Helipad:** Provide a dedicated helipad northwest of Building 1050.

2 International Terminal Building Arrivals Level Improvements

Reconfigure the arrivals facilities within the ITB to optimize operational flexibility and allocation of staffing resources. Enhance the guest experience through redeveloped arrivals lobby and concession areas.

- **ITB Arrivals Level Improvements:** Reconfigure U.S. Customs and Border Protection secondary processing facilities and combine the two international bag claim halls. Provide improved concessions in the meeter/greeter lobby.
- **ITB BHS Upgrade:** Upgrade the ITB BHS by replacing controls and installing appropriate conveyors and diverters; implement a reporting system to monitor and manage performance.
- **B/A A, F, and G Near-Term BHS Screening Projects:** Replace BHS screening equipment in B/As A, F, and G with newer screening devices.

3 Terminal 1 Redevelopment

Replace existing Terminal 1 and B/As B and C with a modern facility designed to accommodate forecast demand, enhance passenger level of service, address Terminal 1 foundation deficiencies, and provide an enhanced and modernized guest experience.

- **T1 Redevelopment and BHS:** Reconstruct Terminal 1 and B/A B, providing 18 gates for widebody and narrowbody aircraft or up to 27 aircraft parking positions with all narrowbody aircraft. Redevelop B/A C upon completion of B/A B (see Project #23). The project includes new security screening checkpoints, baggage screening updates, secure and sterile connections to the ITB, and a new BHS incorporating ICS technologies.



Terminal 1 Redevelopment
Source: San Francisco International Airport

4 Terminal 3 Improvements

Upgrade Terminal 3 to provide additional gate flexibility, enhance the guest experience, and allow improved movement of passengers and baggage between Terminal 3 and B/As D and G.

- **T2-T3 Secure Connector and Office Block:** Construct a secure connector between Terminals 2 and 3 to enable post-security passenger access, enhance existing pre-security passenger circulation, and add a new security checkpoint. An office block up to six stories tall is proposed to be built above and adjacent to the connector.
- **Terminal 3 West Expansion and Renovation:** Expand Terminal 3 frontage gate holdrooms, add domestic/international swing gate capability, improve concessions and guest amenities, modernize the BHS, and enhance building efficiency.
- **B/A F Passenger Boarding Bridge and Modernization:** Replace five passenger boarding bridges. Reconfigure the aircraft parking area and install two new hydrant fueling pits.

5 Terminal (Other)

- **Terminal 2 Aircraft Parking Enhancement:** Reconfigure the aircraft parking area at B/A D by down-gauging two widebody parking positions and modify the existing aircraft parking area to include an additional narrowbody aircraft parking position.
- **Gate Enhancements:** Enhance gate flexibility by improving the A380 gates at B/A A, providing B/A A fleet flexibility, and installing bus-gate access at B/As A and G.

6 Security Improvements

- **High-Speed Gate Checkpoints:** Upgrade existing vehicle checkpoints with new security features and install high-speed gates and crash barriers at gates.
- **Perimeter Intrusion Detection System:** Install a ground-based radar perimeter intrusion detection system, comprising multiple radar units located at points on Airport property to detect objects over large open areas such as the waterfront and airfield.

7 Long Term Parking Garage #2 and AirTrain Extension

Provide additional long-term parking capacity and improve passenger access to the terminals.

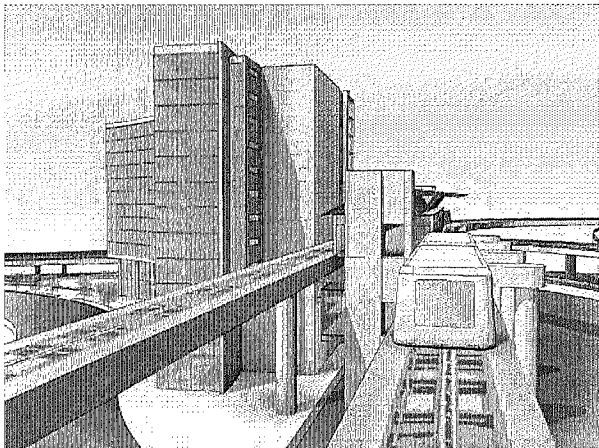
- **Long Term Parking Garage #2:** Construct Long Term Parking Garage #2 with 3,600 parking spaces in Lot DD. Relocate existing Sanitary Sewer Force Main (SSFM) within Lot DD.
- **AirTrain Track Extension:** Extend the AirTrain tracks approximately 1,800 feet from the current terminus to a new AirTrain station in Lot DD.
- **Lot DD Utilities Improvements:** Construct an Industrial Waste Line from Lot DD to the Bus Vehicle Maintenance Yard.

8 International Terminal Building Curbside Expansion

- **ITB Curbside Expansion:** Construct a new ITB Arrivals Level and Departures Level curbside beyond the existing outer curbsides, providing an additional island curb and three additional lanes on both levels for passenger pick-up and drop-off.

9 Airport Hotel

- **Airport Hotel and AirTrain Station:** Construct a new 350-room full-service hotel and a new AirTrain station with direct hotel access.



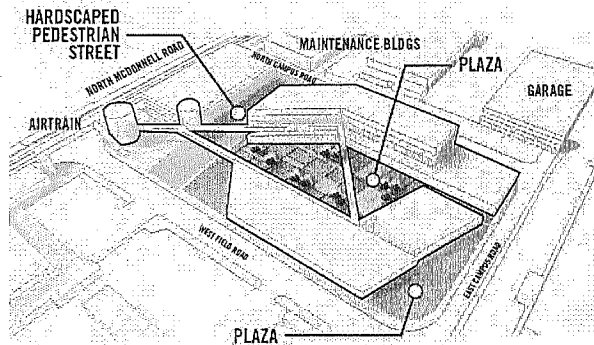
Airport Hotel and AirTrain Station
Source: HNTB Corp., April 2013

10 Demolish Old Airport Traffic Control Tower

- **Demolish Old Airport Traffic Control Tower:** Demolish the old Airport Traffic Control Tower (ATCT) upon completion of new ATCT.

11 Consolidated Administration Campus

- **Consolidated Administration Campus:** Demolish the existing Jason Yuen Architecture & Engineering Building and the Airport Museum warehouse (Buildings 676 and 670) and construct new office buildings and employee parking to accommodate Airport Commission employees.



Consolidated Administration Campus
Source: San Francisco International Airport

12 Remain Overnight Parking

Expand close-in and RON aircraft parking positions to accommodate forecast demand.

- **South McDonnell Road Realignment and RON Parking:** Realign South McDonnell Road and expand the B/A A RON ramp to better accommodate existing and near-term close-in RON demand.
- **Restripe Aircraft Parking Positions for RON Parking:** Restripe the Plot 41 East Field RON area to provide additional aircraft parking capabilities.
- **East Field Building Demolition:** Demolish Building 1070 (offices) in the East Field.

13 Superbay Hangar

- **Superbay Hangar Fire and Life Safety Systems Improvements:** Replace fire suppression system and associated utilities within the Superbay Hangar. Provide abatement of asbestos and other hazardous materials from the Superbay Hangar.
- **Relocate Fire Suppression Tanks:** Relocate the existing fire suppression tanks north of Taxiway C from near the Superbay Hangar to an area east of the Superbay Hangar Extension.
- **Superbay Hangar Extension and Employee Surface Parking Lot:** Expand the Superbay Hangar to accommodate two additional widebody aircraft (for a total of six) and expand the employee surface parking lot.

14 South Field Redevelopment

- **ERF #3:** Relocate and upgrade ERF #3 to a location near the existing ERF #3 building.
- **Taxiways H and M:** Realign Taxiways H and M to the southwest; rename to Taxiways M1 and M2, respectively, to conform to FAA naming convention.

15 East Field Facility Renewal

- **Materials Testing Lab:** Replace the existing deteriorated materials testing lab trailer group with a new lab structure.
- **Police Training Range Improvements:** Replace the existing deteriorated facilities with public safety training and range facilities in the East Field area. The new facility would include new offices, indoor training classrooms, restroom facilities, gun cleaning/storage, K-9 facilities, and associated site improvements.
- **East Field GSE Maintenance Facility:** Construct a new GSE maintenance facility for East Field ground handlers and airlines.

16 North Field Facility Renewal

- **GTU Redevelopment:** Relocate the existing GTU, Shop, shuttle bus parking area, and fueling station.
- **New Fuel Storage Tanks:** Construct two 75,000-barrel fuel storage tanks to provide additional on-Airport storage capacity necessary to maintain sufficient supply during tank closures for regular maintenance, extended outages, and contingency for fuel supply interruptions.
- **Fuel Supply Improvements:** Increase fuel supply throughput by upgrading the existing fuel supply pipeline or providing a supplemental pipeline.
- **North Field Airport Maintenance Facility:** Construct a new Airport maintenance facility consisting of 37,000 square feet of building and 492,000 square feet of landside area.
- **North Field GSE Maintenance Facility:** Construct a new GSE maintenance facility for North Field ground handlers and airlines.

17 West Field Facility Renewal

Renovate or replace aging West Field support facilities with modern and energy efficient facilities.

- **West Field Cargo Facility:** Construct a two-level cargo facility totaling approximately 220,000 square feet with employee parking provided on the roof.
- **West Cargo Checkpoint Relocation:** Relocate and provide blast-proofing for the checkpoint guard shack between Building 606 and B/A G.
- **West Field Cargo Buildings Redevelopment:** Demolish aging Cargo Buildings 602, 606, and 612 to permit construction of the West Field Cargo Facility.
- **Building 730 Conversion to Airline and Airport GSE Maintenance:** Convert Building 730 from a belly cargo facility to a mixed-use building accommodating the relocation of Airport tenants.
- **West Field Parking Garage #2:** Construct an additional parking garage in the West Field to accommodate Airport tenants, including federal, concessions, and airline employees.
- **West Field GSE Building 624 Replacement:** Demolish existing Building 624 and construct a new facility for GSE use.
- **Building 710 and 750 Renovations:** Convert Building 710 for Airport maintenance use and add GSE maintenance facilities in Building 750.

18 Airport Shoreline Protection

- **Airport Shoreline Protection Project – Flood Control:** Fill remaining gaps within the existing seawall along the San Francisco Bay, close potential water infiltration paths, and establish additional flood control protection at existing seawalls.

19 Central Utility Plant Improvement

- **Central Utility Plant Improvement:** Replace the existing Chiller No. 1 with a new unit with lower operating costs and improved environmental performance.

20 Wastewater System Improvements

- **Wastewater System:** Upgrades and expansion of sewer, wastewater treatment, and recycled water systems including:
 - *Industrial Wastewater Treatment Plant Upgrade*
 - *Recycled Water Distribution System*
 - *Storm Drainage Pipeline Improvements*
 - *Sewer System Improvements*
 - *New Sewer Outfall*
 - *Industrial Waste System Improvements*

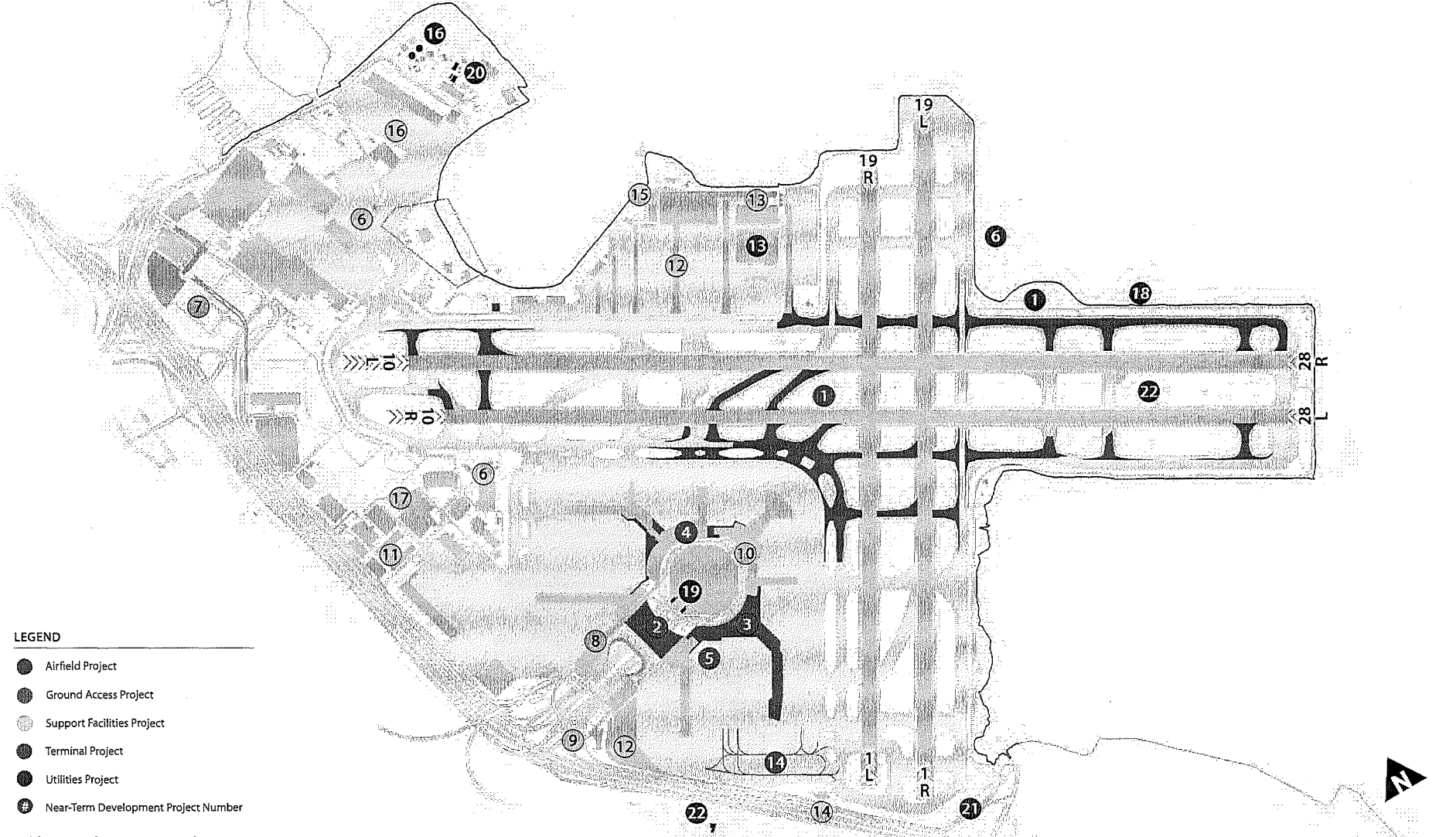
21 Water System Improvements

- **Separation of Fire and Domestic Water Systems:** The existing combined fire main waterline and domestic waterline would be replaced with a dual waterline system, preventing water stagnation in the potable water system.
- **SFO and City of Millbrae Water Tie-ins:** This project would install equipment to tie-in the domestic water systems between SFO and the city of Millbrae.

22 Energy and Lighting Improvements

- **Airfield Utility Improvements:** Modify airfield utilities to replace aging infrastructure, meet FAA Advisory Circular requirements, and eliminate conflicts with recommended airfield modifications. These projects include:
 - *Airfield Lighting Building No. 1 Renovation:* Replace and upgrade switchgear and associated electrical equipment.
 - *Airfield Lighting 5kV Cable Replacement:* Replace the aging primary circuit cables feeding the runways and taxiways in various locations.
 - *Airfield Lighting System Upgrade:* Replace lighting, signage, cabling, and underground infrastructure to meet FAA Advisory Circular standards. The Airfield Lighting Control System Computer hardware and software would also be upgraded.
- **Airport-wide GSE Electrical Infrastructure:** This project would install or upgrade power distribution equipment and electrical infrastructure in support of electric-powered GSE vehicles.
- **Boarding Areas A and G 400 Hertz System Upgrade:** This project would install additional 400 hertz power systems to increase available capacity in B/As A and G to support the additional electrical loads required for many new widebody aircraft.
- **Upgrade Substation M:** Upgrade Substation M to include a second 55 MVA transformer, related switchgear, and protection equipment.

Near-Term Development Projects



Long-Term Development Projects

The Long-Term Development Projects would be initiated beginning in 2022 through the High Constrained planning activity level.

23 Terminal 1 Redevelopment (Continuation of Project #5)

- **B/A C Improvements:** Reconstruct B/A C to provide enhanced concession spaces, public restrooms, and other passenger amenities.

24 Boarding Area F Improvements

Upgrade Terminal 3 to provide additional gate flexibility and to enhance the guest experience.

- **B/A F Improvements:** To enhance the guest experience, B/A F would be reconstructed and upgraded to improve facilities and services, including airside concession spaces, public restrooms, and other passenger amenities.

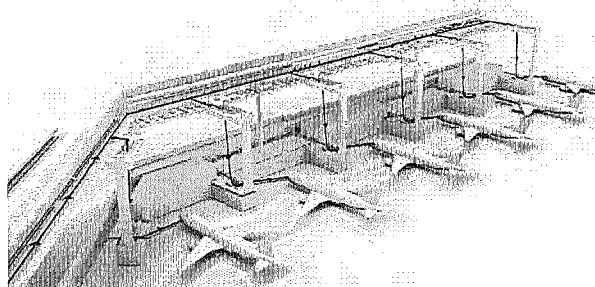
25 Terminal 2 Baggage Handling System Improvements

- **Terminal 2 BHS:** Extend the Terminal 3 ICS BHS backbone into Terminal 2 to connect the transfer input, makeup, and sortation systems.

26 International Terminal Building Departures Level and Boarding Area Capacity

Reconfigure and expand the capacity of ITB facilities to accommodate the forecast increases in international passenger traffic and enhance the guest experience through redeveloped concessions areas.

- **ITB Departures Level Improvements – Phase 1:** Combine the existing security screening checkpoints, reconfigure the ticketing hall, expand the concession areas, and provide a post-security connector between B/As A and G.
- **ITB Departures Level Improvements – Phase 2:** Expand the Departures Level of the ITB in the area immediately beyond the new centralized security checkpoint.
- **B/As A and G Improvements:** Integrate upper level holdroom areas with concessions and provide additional holdroom seating area on the Departures and, potentially, Arrivals Levels of B/As A and G.
- **B/A A and ITB South BHS:** Upgrade the B/A A and ITB South BHS to connect with the ICS.
- **B/A G and ITB North BHS:** Upgrade the B/A G and ITB North BHS to connect with the ICS.

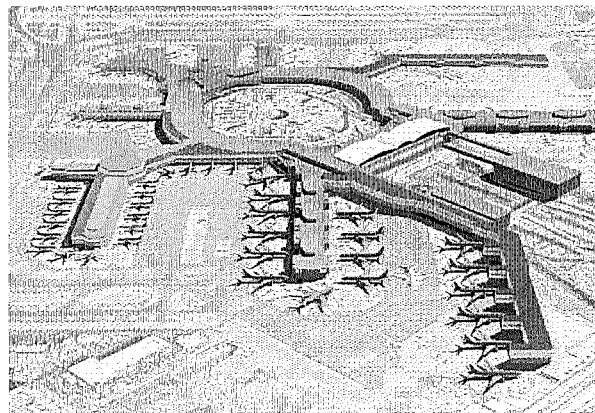


Boarding Area H Phases 1 and 2
Source: Landrum & Brown, Inc., March 2016

27 Boarding Area H Phase 1

Construct new Boarding Area H to provide sufficient international and domestic gate capacity to accommodate forecast demand.

- **B/A H Phase 1:** Construct a new boarding area with three widebody or five narrowbody swing gates with domestic and international arrivals capability and create an additional domestic and preclear bag claim area.
- **B/A H Utility Extensions:** Extend aviation fuel, natural gas, and potable water service lines.
- **Demolish the SFO Business Center:** Demolish Building 575 to permit the construction of B/A H Phase 1 and the relocated Central Utility Plant.
- **Relocate Utilities (B/A H):** Relocate Sanitary Sewer Pump Station SSPS-11 and Industrial Waste Pump Station IWPS-B to avoid the B/A H apron.



Boarding Area H Phases 1 and 2
Source: Landrum & Brown, Inc., March 2016

28 Boarding Area H Phase 2

Expand B/A H to provide sufficient international and domestic gate capacity to accommodate forecast demand.

- **B/A H Phase 2:** Extend B/A H Phase 1 to provide an additional three widebody or five narrowbody contact gates.
- **B/A H BHS:** Extend the BHS backbone and provide baggage makeup area for B/A H.
- **New Parallel Taxilane around B/A G:** Construct a second taxilane around B/A G.
- **Taxiway B Realignment:** Shift Taxiway B 22 feet to the northwest to meet FAA design standards.
- **Taxiway A Realignment:** Shift Taxiway A 15 feet to the northwest to meet FAA design standards.
- **Relocation of ERF #1 and Closure of Taxilane Y:** Relocate the West Field ERF #1 to an area just north of the U.S. Postal Service facility and close the majority of Taxilane Y.
- **West Field RON Parking and Race Track:** Construct a new apron to accommodate RON aircraft parking demand and to provide a relocated Race Track (flow-through aircraft parking positions so that passenger aircraft can hold while waiting for an available gate).
- **Vehicle Service Road Relocations:** Reconfigure the West Field VSRs to accommodate and serve the new and relocated facilities in the West Field area.
- **West Field Checkpoints:** Construct three new West Field security checkpoints to replace existing checkpoints to accommodate changes to West Field facilities.
- **North Field Flight Kitchen:** Renovate or rebuild a North Field cargo building (Building 944) for use as a flight kitchen.
- **North Field Airport Maintenance Conversion:** Convert the North Field Education Facilities (Buildings 928 and 928A) for use by Airport maintenance.
- **Relocate Fuel Vault Test Station:** Modify the drain and vent structures associated with Aviation Fuel Vault #5.
- **West Field Building Demolitions:**
 - Demolish belly cargo and GSE maintenance building (Building 585) to allow for construction of B/A H Phase 2 and/or the relocated CUP (see Project #33).
 - Demolish one bay of a GSE maintenance building (Building 642) to allow for the shift of Taxilanes A and B.
 - Demolish the flight kitchen (Building 649) and ERF #1 (Building 650) to allow for construction of the Race Track, RON parking, and the shift of Taxilanes A and B.

29 Rental Car Center and Quick Turn Around Facility

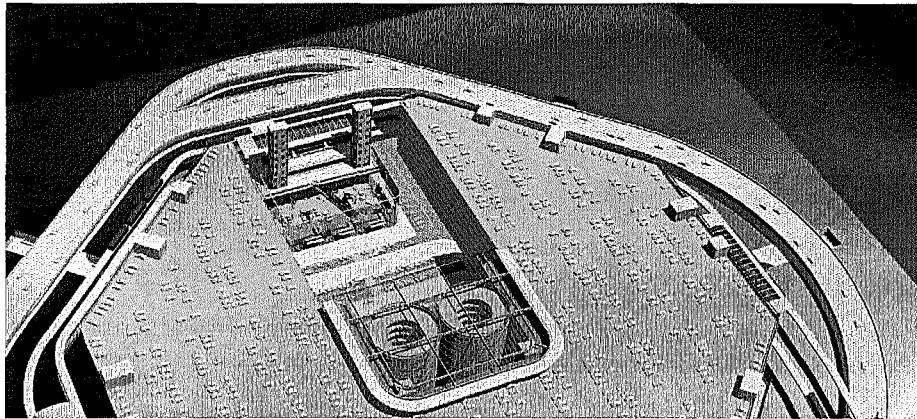
Provide a new RCC and ground transportation upgrades to accommodate forecast demand and to elevate the passenger experience.

- **Rental Car Center and Quick Turn Around Facility:** Construct a new RCC and QTA facility in Lot DD with 4,400 ready/return spaces and 2,880 stacking spaces.
- **Conversion of the Existing RCC to Public Parking:** Convert the existing RCC to a public parking garage with 3,700 parking spaces.
- **Roadway Improvements for RCC:** Reconfigure the connection of South Airport Boulevard, North McDonnell Road, San Bruno Avenue, and the U.S. 101 North on/off ramps.
- **Relocate Utilities (San Bruno Avenue):** Relocate Sanitary Sewage Pump Station SSPS-17 and Industrial Waste Pump Station IWPS-G to accommodate the roadway improvements.

30 AirTrain System Capacity

Upgrade the AirTrain system to accommodate four-car trains.

- **AirTrain Vehicle Acquisition:** Acquire 30 additional AirTrain vehicles.
- **Four-Car AirTrain Station Expansion:** Expand the platforms at each AirTrain station to accommodate the length of four-car trains (currently accommodates length of three-car trains).
- **AirTrain Maintenance Yard Expansion:** Extend the tracks at the AirTrain Maintenance Building into the adjacent aircraft ramp area.
- **Demolish Airport Maintenance Building 692:** Demolish Building 692 to permit expansion of the AirTrain storage facility.



Cutaway, Central Hub
Source: LeighFisher, December 2015

31 Central Hub

Replace the existing Central Parking Garage with a modern parking and ground transportation facility to accommodate forecast demand for close-in parking and terminal curbside length.

- **Central Hub:** Replace the Central Parking Garage with a new structure consisting of approximately 11,000 public parking spaces and one level of curbside to augment passenger pick-up and drop-off at the domestic terminals and ITB.
- **Phased Demolition of Central Parking Garage:** Demolish the Central Parking Garage in phases to accommodate construction of the Central Hub.

32 Long Term Parking Garage #3

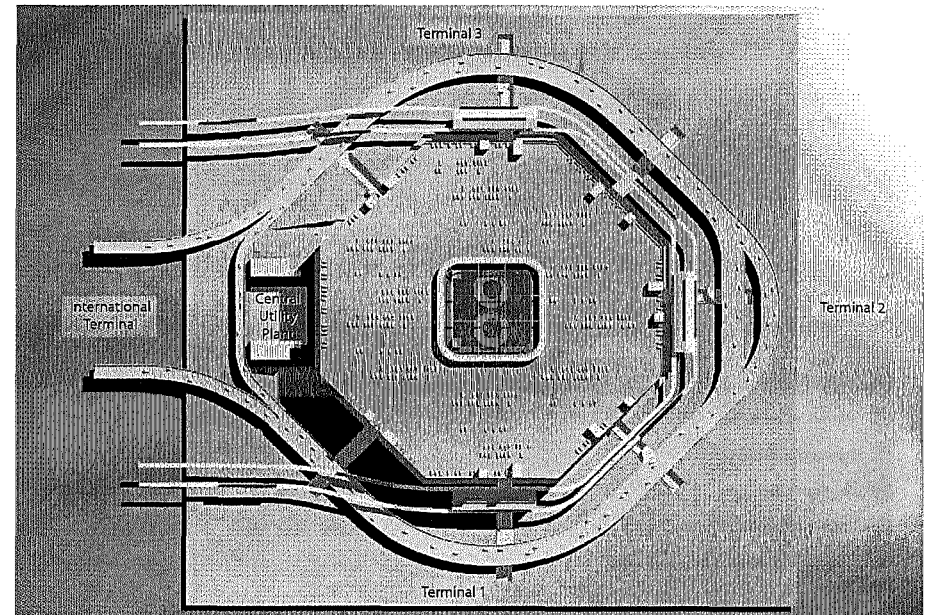
- **Long Term Parking Garage #3:** Construct Long Term Parking Garage #3 on Lot DD.

33 Central Utility Plant

- **Relocate Central Utility Plant:** Construct a new replacement CUP southwest of the proposed B/A H expansion to assist in achieving Airport sustainability goals.

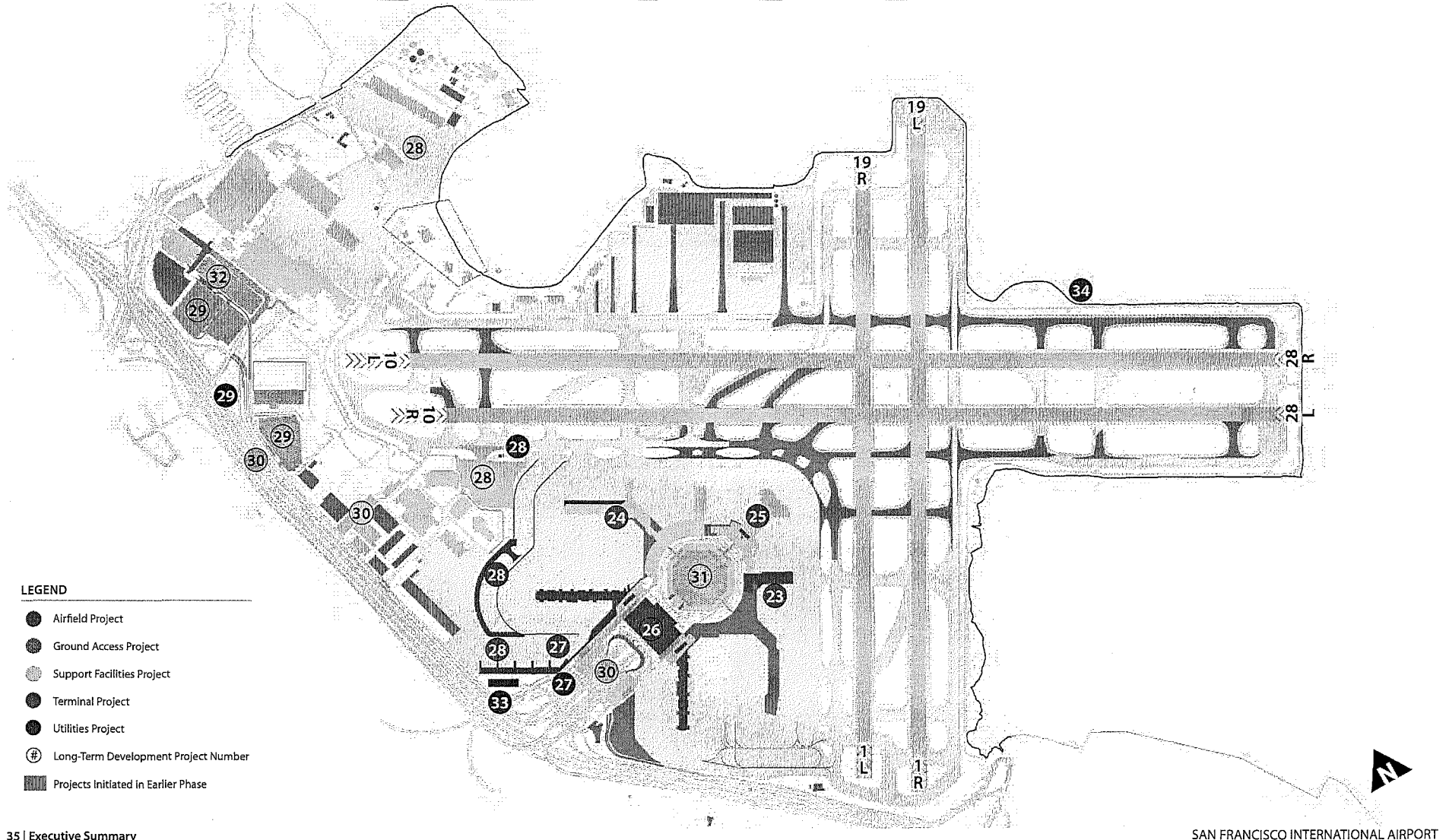
34 Airport Shoreline Protection

- **Airport Shoreline Protection Project – Sea Level Rise:** Improve the seawall along the San Francisco Bay for protection against sea level rise.



Roof Level, Central Hub
Source: LeighFisher, December 2015

Long-Term Development Projects



Implementation Planning

Flexibility

Recognizing that actual demand often does not materialize as forecast, the phased nature of the implementation plan allows Airport management to adjust project timelines accordingly. If demand materializes sooner than expected, Airport management may choose to accelerate a project. Conversely, if demand does not materialize as expected, Airport management may choose to defer, change, or cancel a project.

An example of the flexibility built into the ADP is preservation of the capability to accommodate an extension of B/A F. A four-gate extension of B/A F was evaluated as an alternative in the ADP, but a new B/A H was recommended to better accommodate forecast demand. However, if additional narrowbody domestic gate capability beyond the High Constrained forecast demand requirements is required, the ADP provides sufficient flexibility to relocate additional facilities in the West Field (employee parking garage, cargo building, and GSE maintenance facilities) to accommodate a B/A F extension.

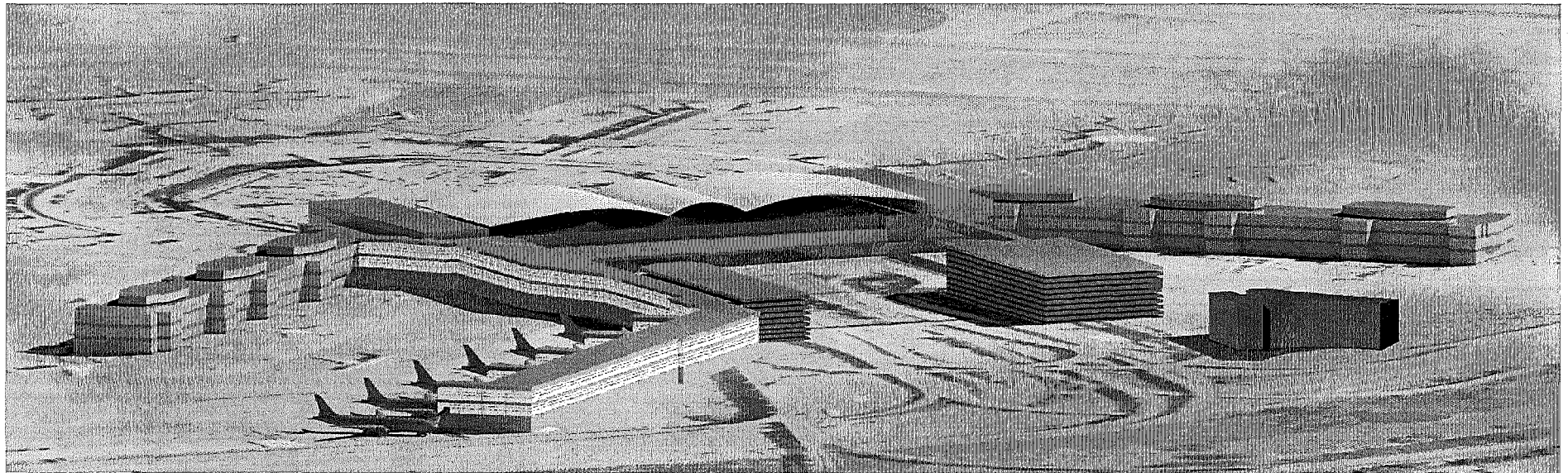
Decision Points

The implementation path of each project includes decision points that provide opportunities for Airport management to reevaluate the need for a project based on demand or other factors. This framework allows the Airport to operate as efficiently as possible without compromising operational performance or the guest experience. Some projects include a phased approach where later phases could be deferred; other projects may be deferred or canceled entirely. These decision points allow Airport management to respond to changes with appropriate adjustments instead of following plans that may no longer be justified.

Project financing is another important consideration for the timing of decision points. Depending on the source of project financing, obtaining funding may require substantial lead time that needs to be built into the decision point schedule. The availability of project financing may also be a prerequisite for determining whether the project proceeds to the next step. In cases such as enabling projects, project financing may be obtained in advance for multiple project elements, or

for a group of projects. Certain forms of financing can be accessed in advance of beginning construction. Others require that the project be planned, designed, and ready to proceed before the financing is secured.

While the decision points associated with some projects provide the flexibility for Airport management and the Airport Commission to determine if a project should proceed, the substantial lead time needed for many projects requires that the Airport Commission commit to a project by a decision point several years in advance. Adhering to these decision points will ensure that enough time is allocated to ensure the project's success. The decision point chart shows the relationship among multiple ADP project elements, identifies enabling or dependent projects, and shows the decision points for several major projects.



AIRPORT DEVELOPMENT PLAN – DRAFT FINAL

IMPLEMENTATION

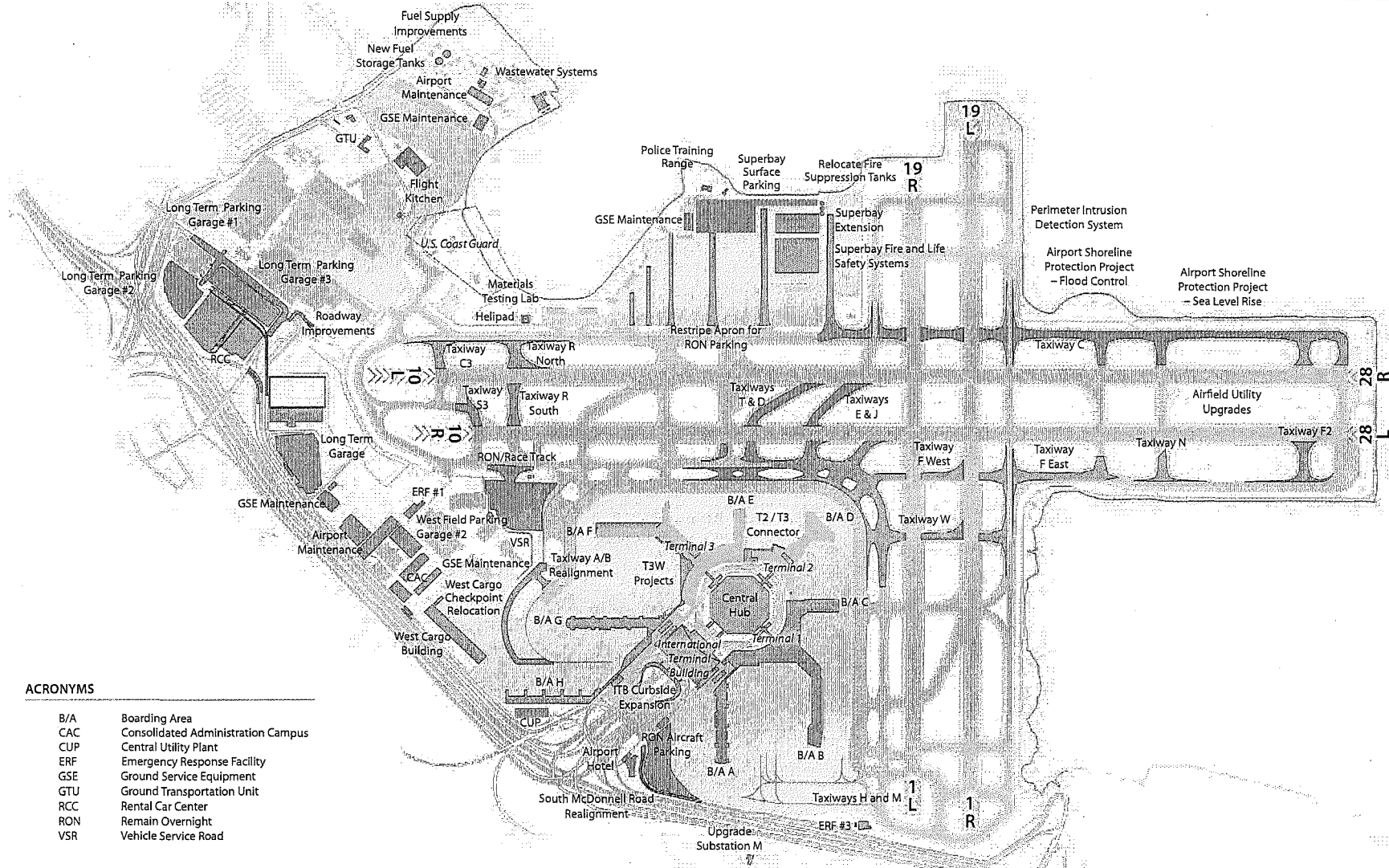
Decision Points for Major ADP Projects

ADP Project	Component Project	Lead Time For Decision (Years)	Fiscal Year¹												Trigger
			'19/'20	'20/'21	'21/'22	'22/'23	'23/'24	'24/'25	'25/'26	'26/'27	'27/'28	'28/'29	'29/'30		
B/A H – PHASE 1															
	Demolish the SFO Business Center (575)	5													Based on gate demand, which is forecast to be at the end of the near term.
	Relocate Utilities (B/A H)														
	B/A H Utility Extensions														
	B/A H – Phase I														
B/A H – PHASE 2															
	West Field Checkpoints	9													The project can be accelerated or deferred based on international and domestic demand. The West Field Cargo Facility and B/A H Phase 1 must be completed before B/A H Phase 2.
	Vehicle Service Road Relocations														
	Demolish Belly Cargo and GSE Maintenance Building (585)														
	Relocation of ERF and Closure of Taxilane Y														
	North Field Flight Kitchen														
	Demolish Flight Kitchen (649) and ERF #1 (650)														
	Relocate Fuel Vault Test Station														
	West Field RON Parking and Race Track														
	B/A H BHS														
	Demolish One Bay of a GSE Maintenance Building (642)														
	New Parallel Taxilane around B/A G														
	Taxiway B Realignment														
	Taxiway A Realignment														
	B/A H – Phase 2														
RELOCATE CENTRAL UTILITY PLANT															
	West Field Checkpoint (Partial)	5													Location of the new CUP (relocate or replace the CUP in-place). Airport policy decisions on carbon neutrality. The location and timing of this project could affect the timing of the West Field Cargo Facility and B/A H Phase 2 projects.
	Vehicle Service Road Relocations (Partial)														
	Demolish Belly Cargo and GSE Maintenance Building (585)														
	New Central Utility Plant														
B/A A AND G IMPROVEMENTS															
	B/A G Improvements	5													Airport policy decisions on guest experience. This project can be accelerated or deferred on a gate-by-gate basis.
	B/A A Improvements														
ITB DEPARTURES LEVEL IMPROVEMENTS – PHASE 2															
	ITB Departures Level Improvements – Phase 2	4													Completion of ITB Departures Level Improvements – Phase 1. Timing based on availability of funding and concessions demand. Expansion can be deferred indefinitely, if needed.
CENTRAL HUB															
	Demolish Central Parking Garage	5													Demand already outstrips capacity and the existing Central Parking Garage is seismically deficient. The Long Term Parking Garage #3 and/or the conversion of the existing RCC to public parking could assist in accommodating public parking demand during construction.
	Central Hub														

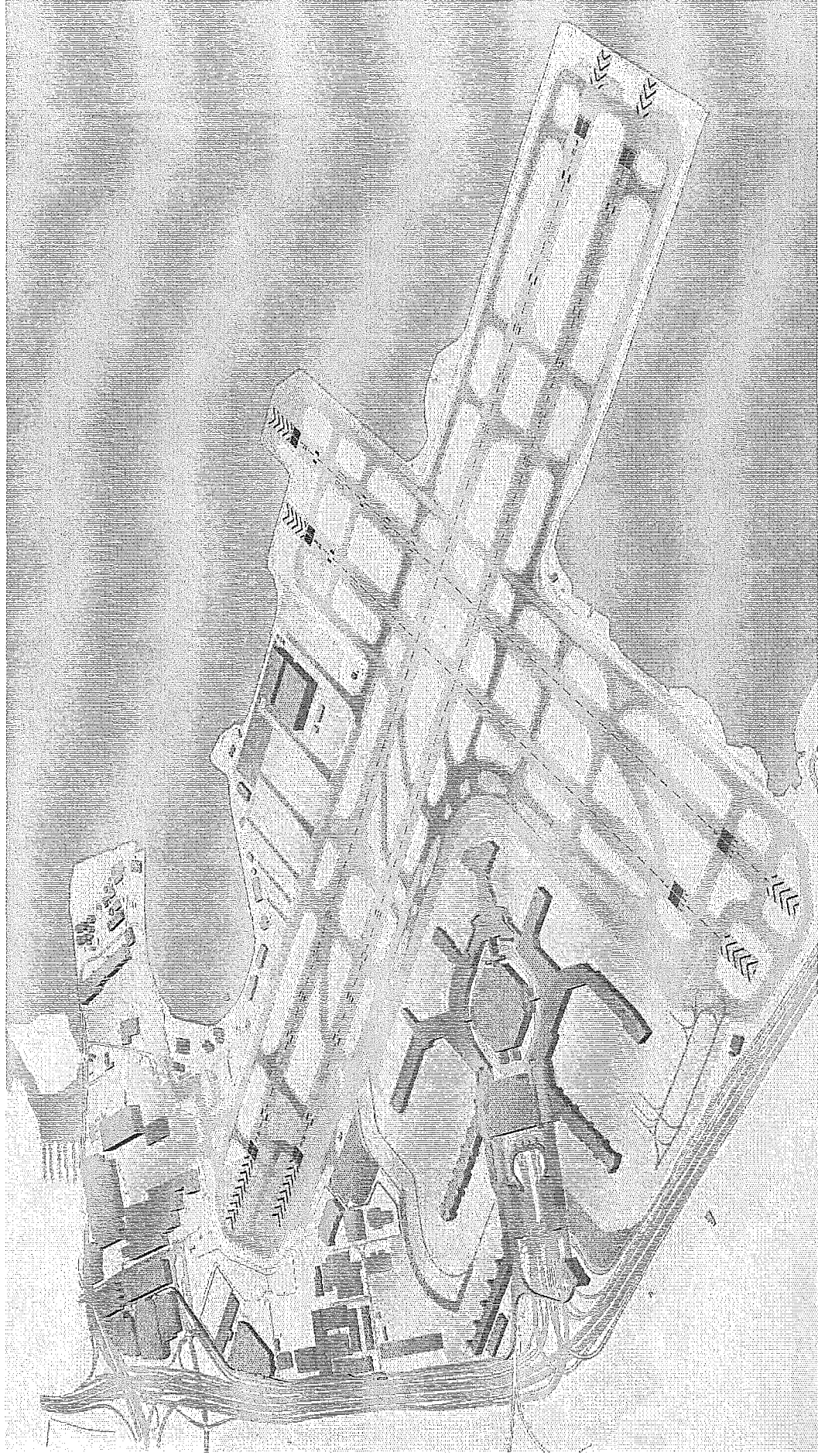
Note 1: CCSF Fiscal year from July 1 through June 30.

Primary Project Enabling Project Decision Point

Future Facilities



Future Facilities Overview



Acknowledgments

Prepared by:

San Francisco International Airport, Bureau of Planning and Environmental Affairs

with assistance from:

Landrum & Brown, Inc.

BNP Associates, Inc.

Lea+Elliott

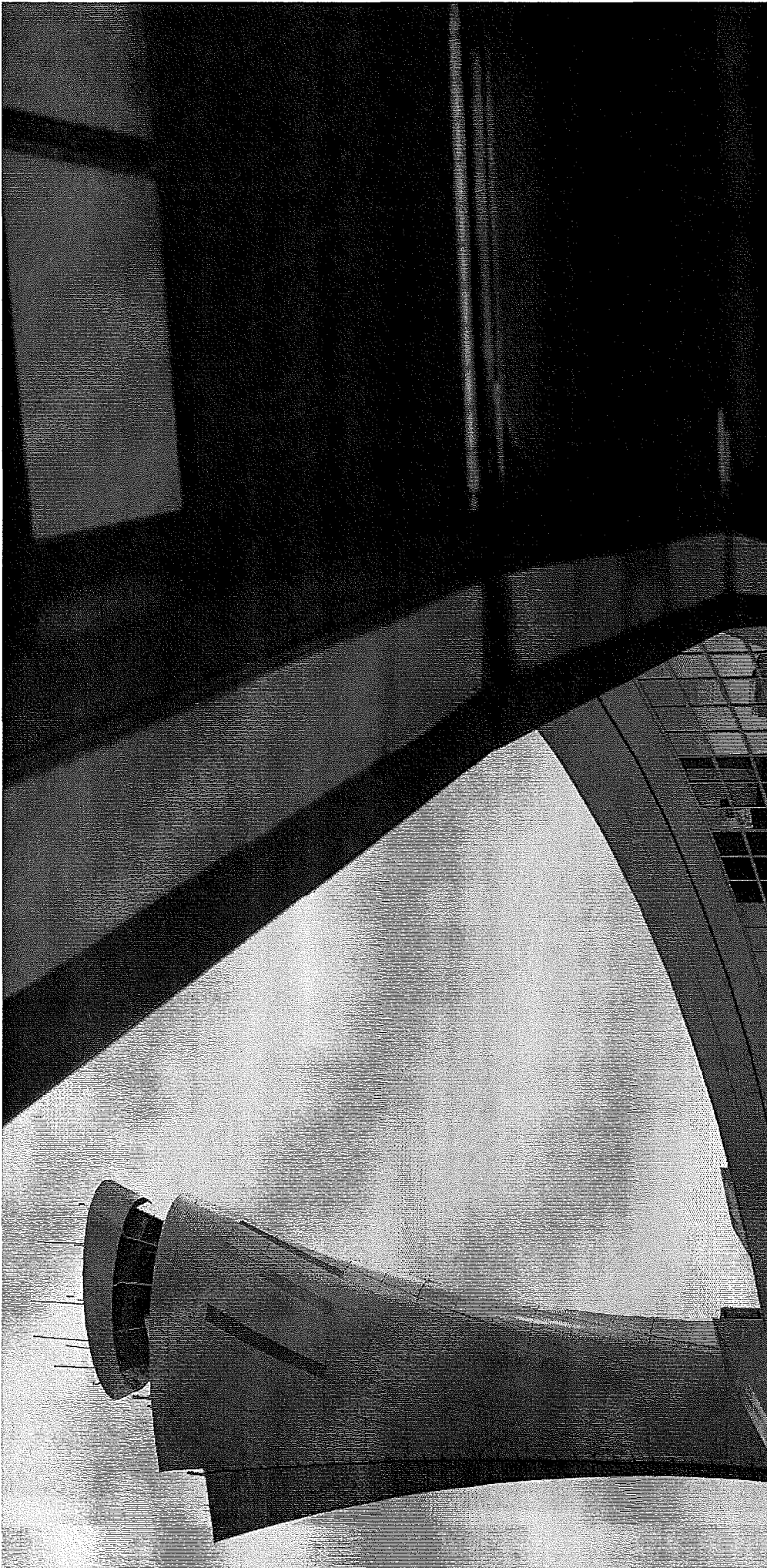
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San Francisco
International
Airport

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: 250 Laguna Honda

From: Frank Noto [mailto:Frank@fnstrategy.com]
Sent: Tuesday, December 20, 2016 11:02 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Lee, Mayor (MYR) <mayoredwinlee@sfgov.org>; Rahaim, John (CPC) <john.rahaim@sfgov.org>; 'EPowell@cchnc.org' <EPowell@cchnc.org>
Subject: 250 Laguna Honda

Dear Mayor Lee, members of the Board of Supervisors, and Planning Director Rahaim,

The Golden Gate Heights Neighborhood Association strongly supports creating affordable senior housing at 250 Laguna Honda Boulevard at the Forest Hill Christian Church site. We recognize the critical need for such affordable housing, including the 30 percent of the homes to be devoted to formerly homeless seniors. Every district in San Francisco needs to do its part to address these needs.

The site is located near Forest Hill MUNI Station, with access to many bus and light rail lines, thus minimizing auto traffic and providing residents with easy access to shopping and services at West Portal, Irving Street/UCSF, Castro and downtown. And it is located adjacent to other compact buildings including adjacent multi-family apartments, Laguna Honda Hospital, and several blocks away, the 10-story Avalon Sunset apartment building. Many of our 450+ member families are familiar with this site since we regularly use Forest Hill Station and surrounding infrastructure and institutions.

While we support the concept proposed for this site, both project applicants and the City must work with surrounding neighborhoods to address legitimate questions and concerns such as seismic safety, scale and design. In that way we can jointly create a valuable asset for the community here, just as Laguna Honda Hospital is across the street.

We hope the Planning Department will keep in touch with our neighborhood as environmental evaluation and planning for the site progresses. You may contact us at info@goldengateheights.org or 415-566-3193.

Sincerely,

Frank Noto
Vice President, GGHNA

Lagunte, Richard (BOS)

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Support GGNRA Leash Law Enforcement!

From: Brent Plater [mailto:info@actionnetwork.org]
Sent: Monday, December 19, 2016 9:54 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Support GGNRA Leash Law Enforcement!

Angela Calvillo,

I hope you will support the new rule for dog management in the Golden Gate National Recreation Area.

The rule is a large step towards more equitable park access for all in the GGNRA. Off-leash dogs have significant impacts on people, our pets, wildlife, and the character of the park. The simplest solution to this problem, as promised in the rule, is to enclose off-leash dog play areas with a physical barrier and enforce leash laws vigorously where they apply.

This would give park visitors the choice to enter off-leash areas, rather than have the choice imposed upon them. It would also ensure that our dogs, wildlife, and other people have basic safeguards in place so that everyone has a good experience at the park.

Please encourage the Park Service to follow through on these promises.

Thank you,

Brent

Brent Plater
bplater@gmail.com

954 Florida St.
San Francisco, California 94110

BOS 11 - Copy

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; BOS-Legislative Aides
Subject: FW: No Potential Contractors Comply Waiver Requests - 12(b) Waiver Request
Attachments: Signed by Micki Chapter 12B letter & form.pdf
Importance: High

From: Herndon, Noemi (HRD)
Sent: Wednesday, December 21, 2016 8:15 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Winchester, Tamra (ADM) <tamra.winchester@sfgov.org>
Subject: No Potential Contractors Comply Waiver Requests
Importance: High

Hi,

Please find attached request for approval.

Thank you.

*Best,
Amy Herndon
Senior Personnel Analyst
Public Safety Team/RAS
Department of Human Resources | City and County of San Francisco
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103
(415) 551-8943 | noemi.herndon@sfgov.org*

City and County of San Francisco

Edwin M. Lee
Mayor



Department of Human Resources

Micki Callahan
Human Resources Director

December 8, 2016

Tamra Winchester, Director
General Services Agency - Contract Monitoring Division
30 Van Ness Avenue, Suite 200
San Francisco, CA 94102

Dear Ms. Winchester:

I respectfully request that the Human Rights Commission grant a waiver of Chapter 12B requirements (Equal Benefits Ordinance) to use the following hotels for promotional examinations:

Holiday Inn Golden Gateway for the Fire Department's Battalion Chief in January 2017

Examination ratings will be conducted in January 2017 at the Holiday Inn Golden Gateway. The raters will consist of subject matter experts from fire department organizations that have been recruited nationwide to provide unbiased examination ratings. Lodging is required to provide accommodations for the experts during the ratings.

Holiday Inn Golden Gateway meets our requirements for this event because the only 12B compliant hotel, The Whitcomb, has a history of health and safety issues. This hotel provides the most cost-effective accommodations, encourage rater participation, offer the most attractive alternative for important out-of-town guests and contribute to future rater recruitments. In addition, they have positive reviews and no reports regarding health and safety issues, e.g., pest infestations. This hotel has been attempting to become 12B compliant, but have thus far been unable to do so because of their corporate affiliation.

The waiver request form is enclosed. I appreciate your favorable consideration of this request. If you have any questions or require further information, please contact Noemi Herndon, Public Safety Team at (415) 551-8943.

Sincerely,

A handwritten signature in black ink, appearing to read "Micki Callahan", written over a horizontal line.

Micki Callahan
Human Resources Director

c: Board of Supervisors



CITY AND COUNTY OF SAN FRANCISCO CONTRACT MONITORING DIVISION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B WAIVER REQUEST FORM (CMD-201)

Send completed waiver requests to:
cmd.waiverrequest@sfgov.org or
CMD, 30 Van Ness Avenue, Suite 200, San Francisco, CA
94102

FOR CMD USE ONLY

Request Number:

Section 1. Department Information

Department Head Signature: [Signature]
Name of Department: Department of Human Resources
Department Address: One South Van Ness Ave., 4th floor
Contact Person: Noemi Herndon
Phone Number: (415) 551-8943 E-mail: noemi.herndon@sfgov.org

Section 2. Contractor Information

Contractor Name: Holiday Inn Golden Gateway Vendor No.: _____
Contractor Address: 1500 Van Ness Ave
Contact Person: Ru Paster Contact Phone No.: (415) 447-3021

Section 3. Transaction Information

Date Waiver Request Submitted: 12/8/16 Type of Contract: _____
Contract Start Date: 1/22/17 End Date: 1/28/17 Dollar Amount of Contract: \$ 36,409.56

Section 4. Administrative Code Chapter to be Waived (please check all that apply)

☒ Chapter 12B
☐ Chapter 14B Note: Employment and LBE subcontracting requirements may still be in force even when a 14B waiver (type A or B) is granted.

Section 5. Waiver Type (Letter of Justification *must* be attached, see Check List on back of page.)

☐ A. Sole Source
☐ B. Emergency (pursuant to Administrative Code §6.60 or 21.15)
☐ C. Public Entity
☒ D. No Potential Contractors Comply (Required) Copy of waiver request sent to Board of Supervisors on: _____
☐ E. Government Bulk Purchasing Arrangement (Required) Copy of waiver request sent to Board of Supervisors on: _____
☐ F. Sham/Shell Entity (Required) Copy of waiver request sent to Board of Supervisors on: _____
☐ G. Subcontracting Goals
☐ H. Local Business Enterprise (LBE)

CMD/HRC ACTION

12B Waiver Granted: _____ 14B Waiver Granted: _____
12B Waiver Denied: _____ 14B Waiver Denied: _____

Reason for Action: _____

CMD Staff: _____ Date: _____

CMD Director: _____ Date: _____

HRC Director (12B Only): _____ Date: _____

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Balboa Park Station CAC December Motion 3
Attachments: 161213-03.pdf

From: Woodward, Lucas [mailto:Lucas.Woodward@sfmta.com]
Sent: Tuesday, December 20, 2016 2:02 PM
To: ldsilva@ccsf.edu
Cc: kang.tang@dot.ca.gov; phil.ginsburf@sfgov.org; slamb@ccsf.edu; rgerhard@ccsf.edu; rmandelman@ccsf.edu; thea@nextstepsmarketing.com; abacharach@ccsf.edu; bdavila@ccsf.edu; alexrandolph@ccsf.edu; jrizzo@ccsf.edu; boucheron@europe.com; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Maguire, Tom <Tom.Maguire@sfmta.com>; Tanner, Keith <Keith.Tanner@sfmta.com>
Subject: Balboa Park Station CAC December Motion 3

Dear Linda da Silba,

Please see the attached motion from the December 2016 meeting of the Balboa Park Station Community Advisory Committee.

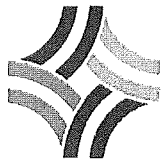
Thank you,

Lucas Woodward

Senior Transportation Planner, Planning Division
San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103
Email: lucas.woodward@sfmta.com
Phone: 415.701.4632
www.sfmta.com



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SFMTA
Municipal
Transportation
Agency

Edwin M. Lee, Mayor

Tom Nolan, Chairman

Cheryl Brinkman, Vice Chairman

Gwyneth Borden, Director

Malcolm Henicke, Director

Edward D. Reiskin, Director of Transportation

Lee Hsu, Director

Joe Rarnos, Director

Cristina Rubke, Director

December 20, 2016

Linda da Silva, Associate Vice Chancellor
City College of San Francisco
33 Gough Street
San Francisco, CA 94103

Re: Balboa Park Station Community Advisory Committee December 13, 2016 Recommendations

Dear Associate Vice Chancellor Linda da Silva:

At the Balboa Park Station Community Advisory Committee (BPSCAC) meeting on December 13, 2016, the Committee passed the following recommendation:

BPSCAC Motion 161213.03

- Whereas City College of San Francisco has embarked on its ten-year Facilities Master Plan; and,
- Whereas the San Francisco Community College District has considerable land use needs because of the Balboa Reservoir development project; and,
- Whereas San Francisco Community College District operates on land owned by the San Francisco Recreation and Park Department; and,
- Whereas once the Ocean Avenue 280 Off-Ramp straightening will free up Caltrans owned land beside Ocean Campus for potential use;

So be it moved that the Balboa Park Station Community Advisory Committee urges the Recreation and Parks Department and Caltrans to grant, swap or sell for a nominal price their land to the San Francisco Community College District.

It is the opinion of the BPSCAC that the proposed recommendation would be of significant benefit to the citizenry of San Francisco.

The Balboa Park Station Community Advisory Committee would like a written response as to how the City College of San Francisco will incorporate these recommendations. If CCSF is not able to incorporate these recommendations, please provide an explanation as to why. Please send a written response to the Committee Liaison, Keith Tanner at Keith.Tanner@sfmta.com within 10 to 15 business days.

Sincerely,

A handwritten signature in black ink, appearing to read "Lucas Woodward".

Lucas Woodward, Senior Planner
Sustainable Street Division, SFMTA

1 South Van Ness Avenue 7th Floor, San Francisco, CA 94103 415.701.4500

www.sfmta.com

Balboa Park Station Citizen Advisory Committee

Mark Kress | Alex Mullaney | Dan Weaver | Chuck Burwell | Aaron Goodman | Robert Muehlbauer

on behalf of Alex Mullaney, Chairman
Balboa Park Station Community Advisory Committee

cc: Kang Tang, Transportation Planner, Caltrans
Phil Ginsburg, General Manager, San Francisco Recreation and Park Department
Susan Lamb, Chancellor, City College of San Francisco
Ronald P. Gerhard, Vice Chancellor, City College of San Francisco
Board of Trustees, City College of San Francisco
San Francisco Board of Supervisors
Angela Calvillo, Clerk of the Board of Supervisors
Tom Maguire, Director of Sustainable Streets, SFMTA

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Warrants for Homeless

From: Laurel P. Rest [mailto:lrest@pacbell.net]
Sent: Saturday, December 17, 2016 12:51 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Warrants for Homeless

TO: All Members of Board of Supervisors:

We URGENTLY need more beds and mental health care in the City. Locking people up for a few hours or days is NOT the solution and is too costly and a waste of police resources. We CANNOT push this problem onto the police. MORE beds, MORE Health care. MORE CREATIVE Solutions. EVERY NEIGHBORHOOD is now threatened by the fact that you, the Supervisors, have not done ENOUGH. The crimes and the pain and suffering of the homeless AND the residents is on your hands. DO SOMETHING NOW!!!!!!!!!!

Laurel P. Rest, Esq.

)

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: SPEAK letter opposition proposed mini-mall inside historic Pier 29
Attachments: speakresolutionsupportingthdoppositiontopier29project.docx

From: Ausra Eileen Boken [mailto:aeboken@gmail.com]

Sent: Wednesday, December 14, 2016 6:37 PM

To: Forbes, Elaine (PRT) <elaine.forbes@sfport.com>; Quesada, Amy (PRT) <amy.quesada@sfport.com>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>

Subject: SPEAK letter opposition proposed mini-mall inside historic Pier 29

***SPEAK* SUNSET PARKSIDE EDUCATION AND ACTION COMMITTEE**

1329

7th Avenue, San Francisco, CA 94122-2507 speaksanfrancisco@yahoo.com

December 14, 2016

TO: Elaine Forbes, Executive Director, Port of San Francisco and Supervisor Aaron Peskin

cc: San Francisco Port Commission, San Francisco Board of Supervisors

Sunset-Parkside Education and Action Committee (SPEAK) is a 501(c)3 organization which has been an active voice in the Sunset-Parkside district for over 45 years.

SPEAK is also a member of the Coalition for San Francisco Neighborhoods (CSFN). SPEAK voted in opposition to the proposed Pier 29 project by Jamestown Corp when the resolution came before the CSFN General Assembly. This resolution urges the Port and the Board of Supervisors to reject the Jamestown Pier 29 retail project which violates the voter-mandated Waterfront Land Use Plan which passed overwhelmingly.

SPEAK agrees with the Coalition for San Francisco Neighborhoods, the Sierra Club, the Fisherman's Wharf Restaurant Association, and other organizations that waterfront issues are citywide issues. Therefore, SPEAK urges the Port and the Board of Supervisors to respect the current citywide Waterfront Land Use Plan Review process. This can be achieved by dropping the Jamestown Pier 29 retail project and instead allowing the Waterfront Land Use Plan Review process to proceed.

Eileen Boken
SPEAK Vice President
SPEAK delegate to the CSFN

***SPEAK* SUNSET PARKSIDE EDUCATION AND ACTION COMMITTEE**

1329 7th Avenue, San Francisco, CA 94122-2507 speaksanfrancisco@yahoo.com

December 14, 2016

TO: Elaine Forbes, Executive Director, Port of San Francisco and Supervisor Aaron Peskin

cc: San Francisco Port Commission, San Francisco Board of Supervisors

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Eileen Boken
SPEAK Vice President
SPEAK delegate to the CSFN

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: CCSF Monthly Pooled Investment Report for November 2016
Attachments: CCSF Monthly Pooled Investment Report for November 2016.pdf

From: Dion, Ichieh (TTX)
Sent: Thursday, December 15, 2016 12:04 PM
Subject: CCSF Monthly Pooled Investment Report for November 2016

Hello All -

Please find the CCSF Pooled Investment Report for the month of November attached for your use.

Thank you,

Ichieh Dion
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 140
San Francisco, CA 94102
415-554-5433

Office of the Treasurer & Tax Collector
City and County of San Francisco

Pauline Marx, Chief Assistant Treasurer
 Michelle Durgy, Chief Investment Officer



José Cisneros, Treasurer

Investment Report for the month of November 2016

December 15, 2016

The Honorable Edwin M. Lee
Mayor of San Francisco
 City Hall, Room 200
 1 Dr. Carlton B. Goodlett Place
 San Francisco, CA 94102-4638

The Honorable Board of Supervisors
City and County of San Francisco
 City Hall, Room 244
 1 Dr. Carlton B. Goodlett Place
 San Francisco, CA 94102-4638

Ladies and Gentlemen,

In accordance with the provisions of California State Government Code, Section 53646, we forward this report detailing the City's pooled fund portfolio as of November 30, 2016. These investments provide sufficient liquidity to meet expenditure requirements for the next six months and are in compliance with our statement of investment policy and California Code.

This correspondence and its attachments show the investment activity for the month of November 2016 for the portfolios under the Treasurer's management. All pricing and valuation data is obtained from Interactive Data Corporation.

CCSF Pooled Fund Investment Earnings Statistics *

(in \$ million)	Current Month		Prior Month	
	Fiscal YTD	November 2016	Fiscal YTD	October 2016
Average Daily Balance	\$ 7,134	\$ 7,519	\$ 7,038	\$ 7,286
Net Earnings	24.14	4.84	19.29	4.82
Earned Income Yield	0.81%	0.78%	0.81%	0.78%

CCSF Pooled Fund Statistics *

(in \$ million)	% of	Book	Market	Wtd. Avg.	Wtd. Avg.	
Investment Type	Portfolio	Value	Value	Coupon	YTM	WAM
U.S. Treasuries	25.43%	\$ 1,944.9	\$ 1,946.7	0.20%	0.55%	162
Federal Agencies	50.97%	3,911.2	3,901.4	0.89%	0.83%	595
State & Local Government						
Agency Obligations	3.81%	294.4	291.7	1.72%	1.03%	482
Public Time Deposits	0.02%	1.2	1.2	0.89%	0.89%	141
Negotiable CDs	6.08%	465.0	465.4	1.11%	1.11%	117
Commercial Paper	7.17%	546.8	548.7	0.05%	1.05%	115
Medium Term Notes	1.42%	108.9	108.7	1.39%	1.12%	153
Money Market Funds	4.06%	310.9	310.9	0.31%	0.31%	1
Supranationals	1.04%	79.9	79.8	0.20%	0.84%	503
Totals	100.0%	\$ 7,663.2	\$ 7,654.4	0.68%	0.78%	386

In the remainder of this report, we provide additional information and analytics at the security-level and portfolio-level, as recommended by the California Debt and Investment Advisory Commission.

Very truly yours,

José Cisneros
Treasurer

cc: Treasury Oversight Committee: Aimee Brown, Ron Gerhard, Reeta Madhavan, Charles Perl
 Ben Rosenfield, Controller, Office of the Controller
 Tonia Lediju, Internal Audit, Office of the Controller
 Cynthia Fong, Deputy Director for Finance & Administration, San Francisco County Transportation Authority
 Carol Lu, Budget Analyst
 San Francisco Public Library

* Please see last page of this report for non-pooled funds holdings and statistics.

Portfolio Summary

Pooled Fund

As of November 30, 2016

<i>(in \$ million)</i>							
Security Type	Par Value	Book Value	Market Value	Market/Book Price	Current % Allocation	Max. Policy Allocation	Compliant?
U.S. Treasuries	\$ 1,950.0	\$ 1,944.9	\$ 1,946.7	100.09	25.43%	100%	Yes
Federal Agencies	3,908.2	3,911.2	3,901.4	99.75	50.97%	100%	Yes
State & Local Government							
Agency Obligations	289.9	294.4	291.7	99.10	3.81%	20%	Yes
Public Time Deposits	1.2	1.2	1.2	100.00	0.02%	100%	Yes
Negotiable CDs	465.0	465.0	465.4	100.08	6.08%	30%	Yes
Bankers Acceptances	-	-	-	-	0.00%	40%	Yes
Commercial Paper	550.0	546.8	548.7	100.35	7.17%	25%	Yes
Medium Term Notes	108.5	108.9	108.7	99.76	1.42%	25%	Yes
Repurchase Agreements	-	-	-	-	0.00%	10%	Yes
Reverse Repurchase/							
Securities Lending Agreements	-	-	-	-	0.00%	\$75mm	Yes
Money Market Funds - Government	310.9	310.9	310.9	100.00	4.06%	10%	Yes
Money Market Funds - Prime	-	-	-	-	0.00%	5%	Yes
LAIF	-	-	-	-	0.00%	\$50mm	Yes
Supranationals	80.0	79.9	79.8	99.87	1.04%	5%	Yes
TOTAL	\$ 7,663.7	\$ 7,663.2	\$ 7,654.4	99.89	100.00%	-	Yes

The City and County of San Francisco uses the following methodology to determine compliance: Compliance is pre-trade and calculated on both a par and market value basis, using the result with the lowest percentage of the overall portfolio value. Cash balances are included in the City's compliance calculations.

Please note the information in this report does not include cash balances. Due to fluctuations in the market value of the securities held in the Pooled Fund and changes in the City's cash position, the allocation limits may be exceeded on a post-trade compliance basis. In these instances, no compliance violation has occurred, as the policy limits were not exceeded prior to trade execution.

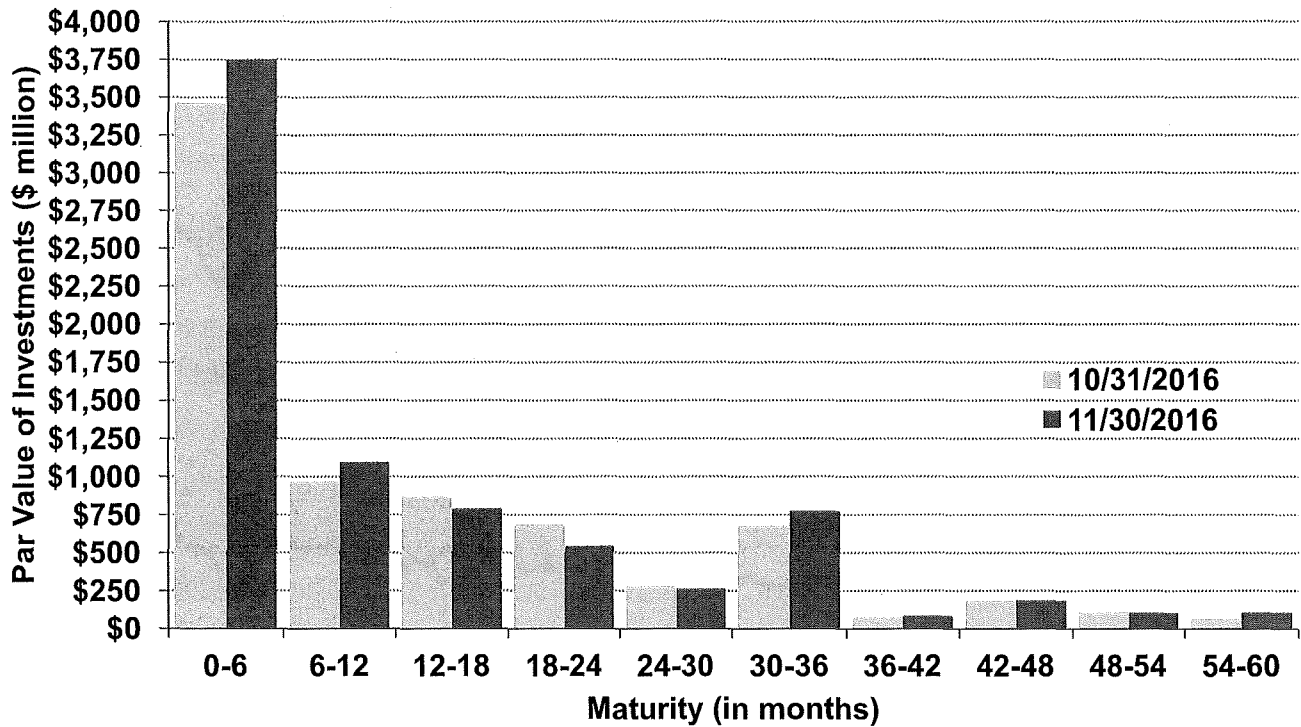
The full Investment Policy can be found at <http://www.sftreasurer.org/>, in the Reports & Plans section of the About menu.

Totals may not add due to rounding.

Portfolio Analysis

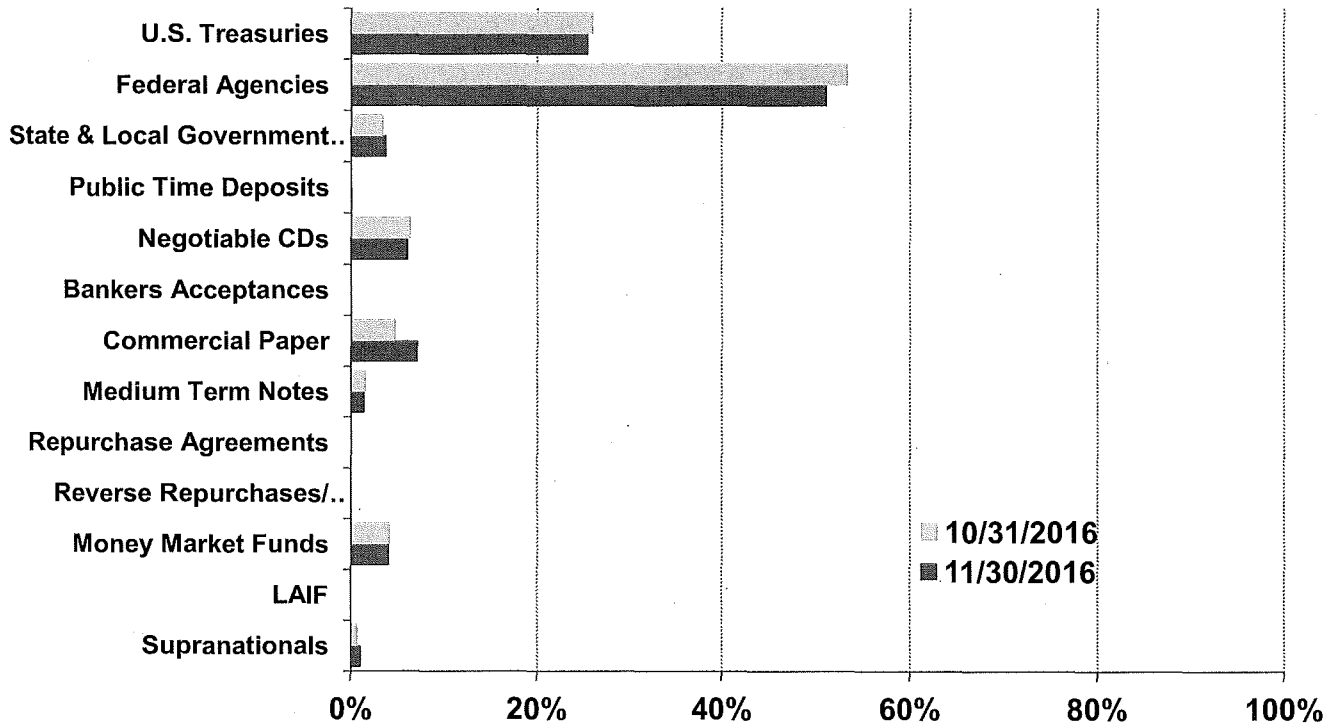
Pooled Fund

Par Value of Investments by Maturity

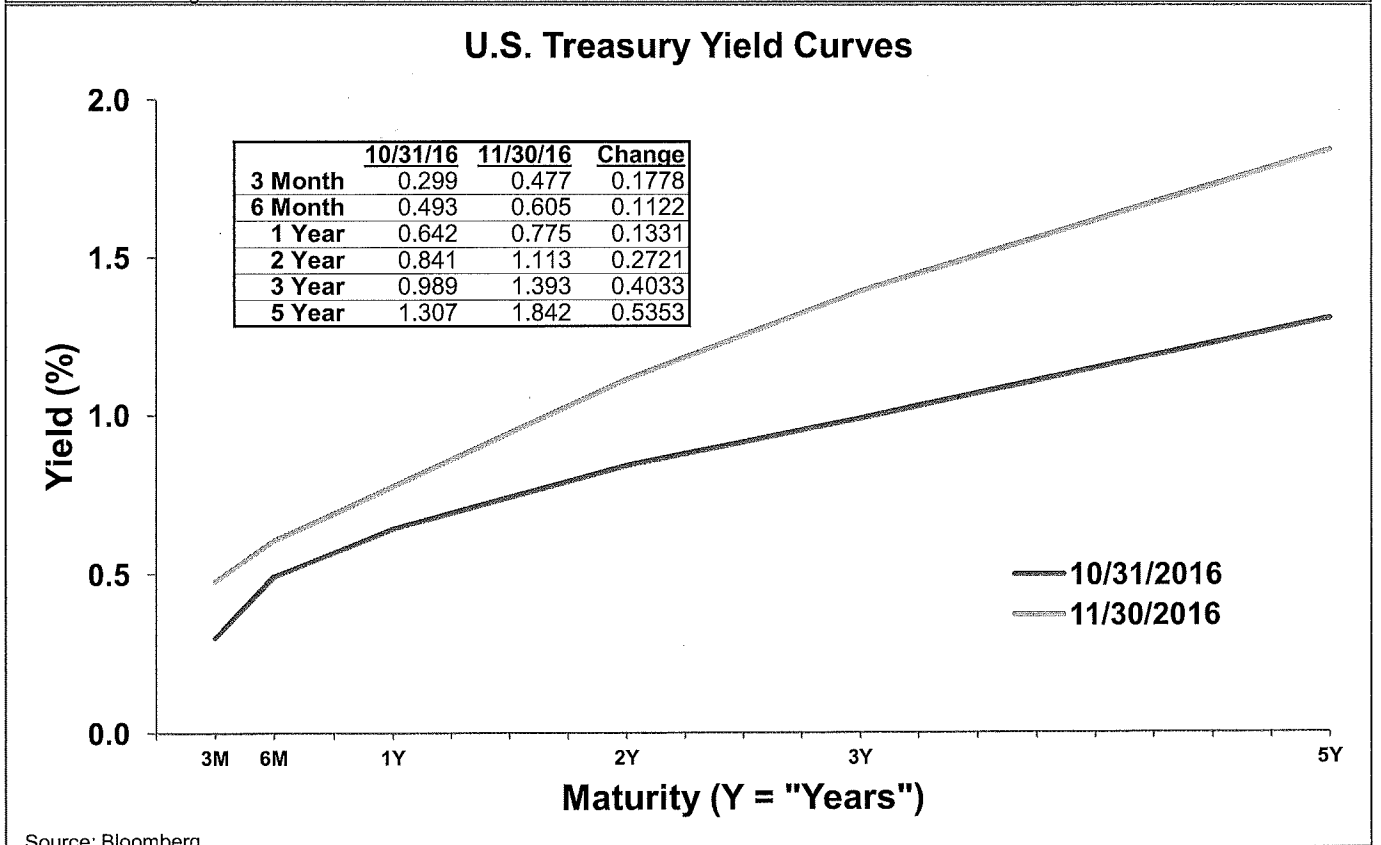
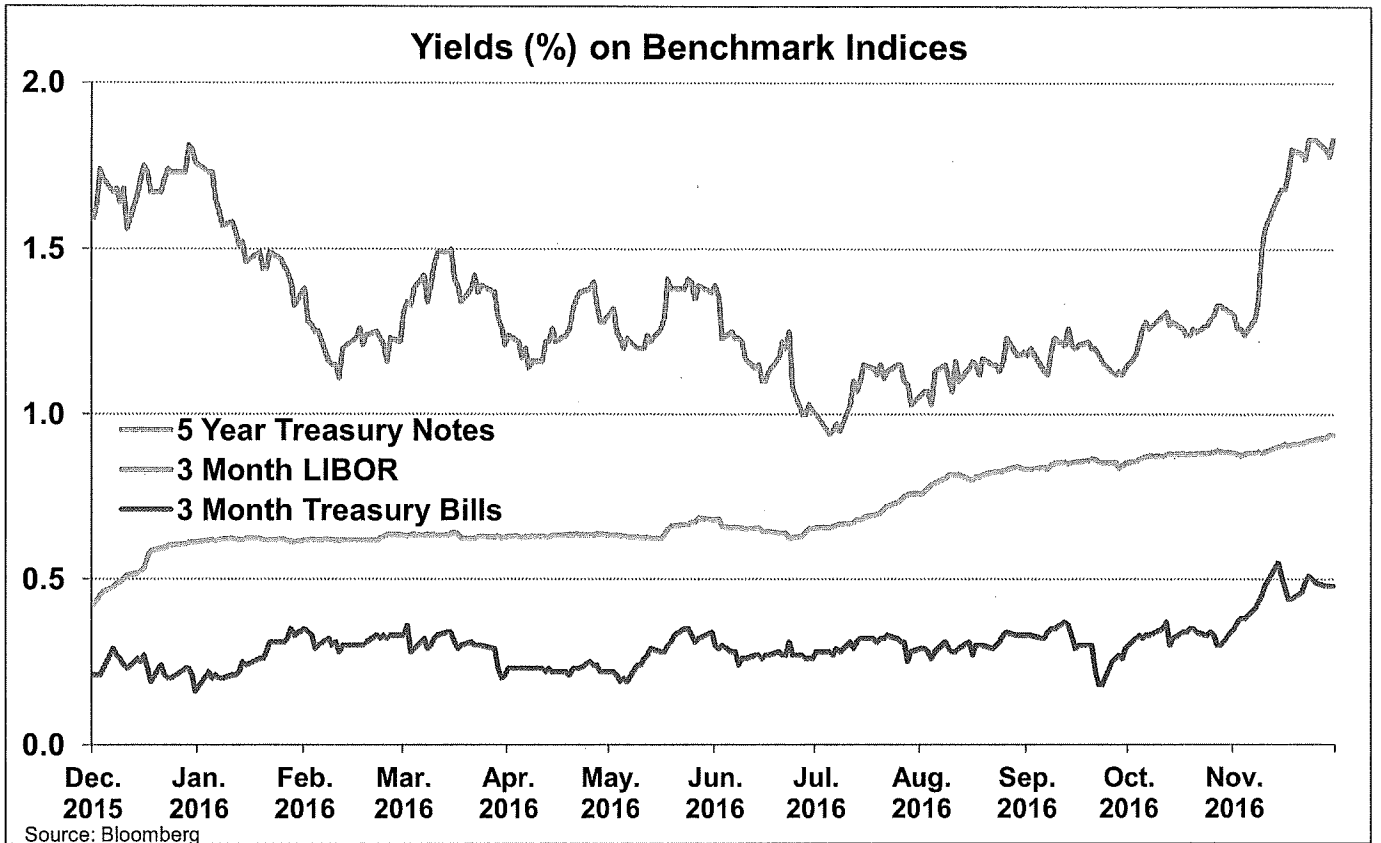


Callable bonds shown at maturity date.

Asset Allocation by Market Value



Yield Curves



Investment Inventory

Pooled Fund

As of November 30, 2016

Type of Investment	CUSIP	Issuer Name	Settle	Maturity	Duration	Coupon	Par Value	Book Value	Amortized	Market Value
			Date	Date					Book Value	
U.S. Treasuries	912796JY6	TREASURY BILL	09/16/2016	12/15/2016	0.04	0.00	\$ 25,000,000	\$ 24,982,438	\$ 24,982,438	\$ 24,998,750
U.S. Treasuries	912796JY6	TREASURY BILL	09/19/2016	12/15/2016	0.04	0.00	25,000,000	24,984,533	24,984,533	24,998,750
U.S. Treasuries	912796JY6	TREASURY BILL	09/20/2016	12/15/2016	0.04	0.00	25,000,000	24,986,002	24,986,002	24,998,750
U.S. Treasuries	912796JZ3	TREASURY BILL	09/22/2016	12/22/2016	0.06	0.00	25,000,000	24,982,938	24,982,938	24,996,500
U.S. Treasuries	912796JZ3	TREASURY BILL	09/23/2016	12/22/2016	0.06	0.00	40,000,000	39,982,750	39,982,750	39,994,400
U.S. Treasuries	912796KA6	TREASURY BILL	09/29/2016	12/29/2016	0.08	0.00	100,000,000	99,940,218	99,940,218	99,972,000
U.S. Treasuries	912828RX0	US TSY NT	02/25/2014	12/31/2016	0.09	0.88	25,000,000	25,145,508	25,004,197	25,012,750
U.S. Treasuries	912796HV4	TREASURY BILL	10/06/2016	01/05/2017	0.10	0.00	25,000,000	24,979,399	24,979,399	24,992,500
U.S. Treasuries	912796HV4	TREASURY BILL	10/06/2016	01/05/2017	0.10	0.00	50,000,000	49,960,819	49,960,819	49,985,000
U.S. Treasuries	912796KC2	TREASURY BILL	10/13/2016	01/12/2017	0.12	0.00	25,000,000	24,977,250	24,977,250	24,991,000
U.S. Treasuries	912796KD0	TREASURY BILL	10/20/2016	01/19/2017	0.14	0.00	10,000,000	9,991,848	9,991,848	9,995,400
U.S. Treasuries	912796KE8	TREASURY BILL	10/27/2016	01/26/2017	0.16	0.00	25,000,000	24,978,514	24,978,514	24,985,750
U.S. Treasuries	912828SJ0	US TSY NT	03/21/2012	02/28/2017	0.25	0.88	25,000,000	24,599,609	24,980,258	25,026,000
U.S. Treasuries	912828SJ0	US TSY NT	03/21/2012	02/28/2017	0.25	0.88	25,000,000	24,599,609	24,980,258	25,026,000
U.S. Treasuries	912828SJ0	US TSY NT	03/14/2012	02/28/2017	0.25	0.88	75,000,000	74,771,484	74,988,776	75,078,000
U.S. Treasuries	912796KN8	TREASURY BILL	09/16/2016	03/16/2017	0.29	0.00	75,000,000	74,819,000	74,819,000	74,892,000
U.S. Treasuries	912796KN8	TREASURY BILL	09/19/2016	03/16/2017	0.29	0.00	75,000,000	74,823,298	74,823,298	74,892,000
U.S. Treasuries	912796KN8	TREASURY BILL	09/20/2016	03/16/2017	0.29	0.00	75,000,000	74,826,319	74,826,319	74,892,000
U.S. Treasuries	912796KP3	TREASURY BILL	09/22/2016	03/23/2017	0.31	0.00	75,000,000	74,821,792	74,821,792	74,884,500
U.S. Treasuries	912796KP3	TREASURY BILL	09/23/2016	03/23/2017	0.31	0.00	110,000,000	109,785,968	109,785,968	109,830,600
U.S. Treasuries	912796JJ9	TREASURY BILL	09/29/2016	03/30/2017	0.33	0.00	100,000,000	99,790,194	99,790,194	99,837,000
U.S. Treasuries	912796JJ9	TREASURY BILL	09/30/2016	03/30/2017	0.33	0.00	100,000,000	99,788,833	99,788,833	99,837,000
U.S. Treasuries	912796JJ9	TREASURY BILL	10/03/2016	03/30/2017	0.33	0.00	100,000,000	99,789,119	99,789,119	99,837,000
U.S. Treasuries	912828SM3	US TSY NT	04/04/2012	03/31/2017	0.33	1.00	50,000,000	49,835,938	49,989,195	50,082,000
U.S. Treasuries	912796KQ1	TREASURY BILL	10/06/2016	04/06/2017	0.35	0.00	75,000,000	74,815,725	74,815,725	74,865,750
U.S. Treasuries	912796KQ1	TREASURY BILL	10/06/2016	04/06/2017	0.35	0.00	150,000,000	149,628,417	149,628,417	149,731,500
U.S. Treasuries	912796KS7	TREASURY BILL	10/13/2016	04/13/2017	0.37	0.00	75,000,000	74,812,313	74,812,313	74,856,000
U.S. Treasuries	912796KT5	TREASURY BILL	10/20/2016	04/20/2017	0.39	0.00	40,000,000	39,907,787	39,907,787	39,914,800
U.S. Treasuries	912796JP5	TREASURY BILL	10/27/2016	04/27/2017	0.41	0.00	75,000,000	74,819,896	74,819,896	74,832,000
U.S. Treasuries	912828TM2	US TSY NT	12/15/2015	08/31/2017	0.75	0.63	100,000,000	99,433,594	99,752,594	99,922,000
U.S. Treasuries	912828M72	US TSY NT	12/17/2015	11/30/2017	1.00	0.88	50,000,000	49,882,813	49,940,257	49,992,000
U.S. Treasuries	912828M72	US TSY NT	12/17/2015	11/30/2017	1.00	0.88	50,000,000	49,878,906	49,938,266	49,992,000
U.S. Treasuries	912828T67	US TSY NT	11/10/2016	10/31/2021	4.78	1.25	50,000,000	49,591,484	49,579,142	48,566,500
Subtotals					0.44	0.20	\$ 1,950,000,000	\$ 1,944,914,313	\$ 1,946,328,311	\$ 1,946,708,200
Federal Agencies	313371PV2	FEDERAL HOME LOAN BANK	05/11/2016	12/09/2016	0.00	1.63	\$ 6,545,000	\$ 6,588,217	\$ 6,546,631	\$ 6,546,898
Federal Agencies	313371PV2	FEDERAL HOME LOAN BANK	11/06/2014	12/09/2016	0.00	1.63	25,000,000	25,513,000	25,005,372	25,007,250
Federal Agencies	313371PV2	FEDERAL HOME LOAN BANK	12/04/2014	12/09/2016	0.00	1.63	25,000,000	25,486,750	25,005,291	25,007,250
Federal Agencies	313371PV2	FEDERAL HOME LOAN BANK	12/12/2014	12/09/2016	0.00	1.63	25,000,000	25,447,500	25,004,918	25,007,250
Federal Agencies	313384T58	FED HOME LN DISCOUNT NT	06/21/2016	12/16/2016	0.04	0.00	24,625,000	24,566,557	24,566,557	24,623,030
Federal Agencies	3133XHZK1	FEDERAL HOME LOAN BANK	05/11/2016	12/16/2016	0.04	4.75	33,850,000	34,710,027	33,908,906	33,912,623
Federal Agencies	3130A12F4	FEDERAL HOME LOAN BANK	03/19/2014	12/19/2016	0.05	0.70	20,500,000	20,497,950	20,499,963	20,504,510
Federal Agencies	3134G5VG7	FREDDIE MAC	12/29/2014	12/29/2016	0.08	0.78	50,000,000	50,000,000	50,000,000	50,022,000
Federal Agencies	3134G33C2	FREDDIE MAC	01/03/2013	01/03/2017	0.09	0.60	50,000,000	50,000,000	50,000,000	50,007,000
Federal Agencies	3133ECB37	FEDERAL FARM CREDIT BANK	12/20/2012	01/12/2017	0.12	0.58	14,000,000	14,000,000	14,000,000	14,003,080
Federal Agencies	31315PWW5	FARMER MAC	05/04/2012	01/17/2017	0.13	1.01	49,500,000	49,475,250	49,499,323	49,539,600
Federal Agencies	3130A7T62	FEDERAL HOME LOAN BANK	04/20/2016	01/18/2017	0.13	0.55	9,000,000	8,999,825	8,999,921	9,001,530
Federal Agencies	3133EDRD6	FEDERAL FARM CREDIT BANK	12/12/2014	01/30/2017	0.08	0.59	50,000,000	49,981,400	49,998,569	49,999,500
Federal Agencies	3133786Q9	FEDERAL HOME LOAN BANK	01/10/2013	02/13/2017	0.21	1.00	67,780,000	68,546,456	67,817,938	67,873,536

Investment Inventory

Pooled Fund

Type of Investment	CUSIP	Issuer Name	Settle	Maturity	Duration	Coupon	Par Value	Book Value	Amortized	
			Date	Date					Book Value	Market Value
Federal Agencies	3133EDFW7	FEDERAL FARM CREDIT BANK	02/27/2014	02/27/2017	0.07	0.66	50,000,000	50,000,000	50,000,000	50,024,000
Federal Agencies	3130A8D83	FEDERAL HOME LOAN BANK	06/02/2016	03/02/2017	0.01	0.55	25,000,000	25,000,000	25,000,000	25,007,000
Federal Agencies	3133782N0	FEDERAL HOME LOAN BANK	12/29/2015	03/10/2017	0.27	0.88	15,000,000	14,990,850	14,997,927	15,012,600
Federal Agencies	3133782N0	FEDERAL HOME LOAN BANK	06/02/2016	03/10/2017	0.27	0.88	22,185,000	22,211,903	22,194,478	22,203,635
Federal Agencies	3133782N0	FEDERAL HOME LOAN BANK	12/15/2014	03/10/2017	0.27	0.88	50,000,000	50,058,500	50,007,097	50,042,000
Federal Agencies	3133EDP30	FEDERAL FARM CREDIT BANK	10/03/2014	03/24/2017	0.07	0.62	26,000,000	26,009,347	26,001,170	26,009,880
Federal Agencies	3133EDZW5	FEDERAL FARM CREDIT BANK	10/29/2014	03/29/2017	0.08	0.63	25,000,000	24,999,750	24,999,967	25,008,250
Federal Agencies	31315PTQ2	FARMER MAC	04/10/2012	04/10/2017	0.36	1.26	12,500,000	12,439,250	12,495,675	12,529,250
Federal Agencies	3133ECLL6	FEDERAL FARM CREDIT BANK	04/17/2013	04/17/2017	0.38	0.60	10,000,000	10,000,000	10,000,000	9,998,600
Federal Agencies	31315PUQ0	FARMER MAC	04/26/2012	04/26/2017	0.40	1.13	10,500,000	10,500,000	10,500,000	10,520,160
Federal Agencies	3135G0JA2	FANNIE MAE	07/01/2016	04/27/2017	0.41	1.13	8,058,000	8,096,823	8,077,023	8,073,552
Federal Agencies	3137EADF3	FREDDIE MAC	05/14/2012	05/12/2017	0.45	1.25	25,000,000	25,133,000	25,011,813	25,065,500
Federal Agencies	3130A1NN4	FEDERAL HOME LOAN BANK	09/26/2016	05/24/2017	0.48	0.88	14,000,000	14,027,232	14,019,743	14,013,440
Federal Agencies	31315PZQ5	FARMER MAC	12/28/2012	06/05/2017	0.51	1.11	9,000,000	9,122,130	9,014,022	9,016,380
Federal Agencies	313379FW4	FEDERAL HOME LOAN BANK	12/19/2014	06/09/2017	0.52	1.00	12,000,000	12,020,760	12,004,368	12,015,120
Federal Agencies	313379FW4	FEDERAL HOME LOAN BANK	12/29/2015	06/09/2017	0.52	1.00	20,600,000	20,594,026	20,597,850	20,625,956
Federal Agencies	3130A3SL9	FEDERAL HOME LOAN BANK	12/30/2014	06/15/2017	0.54	0.95	25,000,000	24,959,750	24,991,215	25,012,500
Federal Agencies	3133EAUW6	FEDERAL FARM CREDIT BANK	06/19/2012	06/19/2017	0.05	0.63	50,000,000	50,000,000	50,000,000	50,034,000
Federal Agencies	3133EEGH7	FEDERAL FARM CREDIT BANK	12/26/2014	06/26/2017	0.57	0.93	8,400,000	8,397,312	8,399,391	8,407,476
Federal Agencies	3137EADH9	FREDDIE MAC	05/25/2016	06/29/2017	0.58	1.00	15,000,000	15,035,850	15,018,821	15,024,300
Federal Agencies	3137EADH9	FREDDIE MAC	03/25/2014	06/29/2017	0.58	1.00	25,000,000	24,920,625	24,986,016	25,040,500
Federal Agencies	3134G5W50	FREDDIE MAC	12/30/2014	06/30/2017	0.58	1.00	50,000,000	50,000,000	50,000,000	50,094,500
Federal Agencies	3130A8L35	FEDERAL HOME LOAN BANK	06/24/2016	07/20/2017	0.64	0.75	25,000,000	25,000,000	25,000,000	24,987,000
Federal Agencies	3133ECV92	FEDERAL FARM CREDIT BANK	07/24/2013	07/24/2017	0.07	0.62	50,000,000	50,000,000	50,000,000	50,026,500
Federal Agencies	3133ECVG6	FEDERAL FARM CREDIT BANK	08/05/2013	07/26/2017	0.16	0.88	23,520,000	23,520,000	23,520,000	23,562,101
Federal Agencies	3135G0F24	FANNIE MAE	09/16/2015	08/16/2017	0.04	0.55	25,000,000	24,995,153	24,998,213	25,010,500
Federal Agencies	3133EEFX3	FEDERAL FARM CREDIT BANK	12/23/2014	08/23/2017	0.06	0.62	50,000,000	50,000,000	50,000,000	50,030,000
Federal Agencies	3137EADL0	FREDDIE MAC	03/25/2014	09/29/2017	0.83	1.00	25,000,000	24,808,175	24,954,882	25,031,500
Federal Agencies	3135G0F57	FANNIE MAE	10/05/2015	10/05/2017	0.01	0.54	25,000,000	24,992,356	24,996,779	25,004,500
Federal Agencies	3133EETS9	FEDERAL FARM CREDIT BANK	09/25/2015	10/19/2017	0.05	0.59	30,000,000	30,000,600	30,000,256	30,017,400
Federal Agencies	3130A6LZ8	FEDERAL HOME LOAN BANK	04/28/2016	10/26/2017	0.90	0.63	25,000,000	24,929,500	24,957,519	24,935,500
Federal Agencies	3133EEBR0	FEDERAL FARM CREDIT BANK	11/18/2014	11/13/2017	0.04	0.57	25,000,000	24,988,794	24,996,436	25,016,250
Federal Agencies	3133EEJ76	FEDERAL FARM CREDIT BANK	08/20/2015	11/13/2017	0.21	0.71	25,000,000	24,991,500	24,996,385	24,983,250
Federal Agencies	3134G44F2	FREDDIE MAC	05/21/2013	11/21/2017	0.97	0.80	50,000,000	50,000,000	50,000,000	49,898,000
Federal Agencies	3130A3HF4	FEDERAL HOME LOAN BANK	12/22/2014	12/08/2017	1.01	1.13	25,000,000	24,955,500	24,984,701	25,048,750
Federal Agencies	3137EADX4	FREDDIE MAC	12/11/2015	12/15/2017	1.03	1.00	25,000,000	24,969,000	24,984,015	25,023,000
Federal Agencies	3133EEFE5	FEDERAL FARM CREDIT BANK	12/19/2014	12/18/2017	1.04	1.13	50,000,000	49,914,500	49,970,173	50,097,500
Federal Agencies	3133EEMH0	FEDERAL FARM CREDIT BANK	05/27/2015	02/02/2018	0.01	0.58	4,000,000	3,999,480	3,999,773	4,003,880
Federal Agencies	3133EEMH0	FEDERAL FARM CREDIT BANK	02/02/2015	02/02/2018	0.01	0.58	35,000,000	34,978,893	34,991,757	35,033,950
Federal Agencies	3133EEAN0	FEDERAL FARM CREDIT BANK	11/05/2014	02/05/2018	0.01	0.57	25,000,000	25,000,000	25,000,000	25,021,250
Federal Agencies	3133EEAN0	FEDERAL FARM CREDIT BANK	11/05/2014	02/05/2018	0.01	0.57	25,000,000	24,991,750	24,997,007	25,021,250
Federal Agencies	3133EEAN0	FEDERAL FARM CREDIT BANK	11/05/2014	02/05/2018	0.01	0.57	50,000,000	49,983,560	49,994,036	50,042,500
Federal Agencies	3133EFNK9	FEDERAL FARM CREDIT BANK	11/09/2015	02/09/2018	0.02	0.62	25,000,000	24,994,315	24,996,995	25,033,250
Federal Agencies	3132X0JL6	FARMER MAC	09/01/2016	03/01/2018	1.25	0.88	50,000,000	50,000,000	50,000,000	49,803,000
Federal Agencies	3133EEN71	FEDERAL FARM CREDIT BANK	05/22/2015	03/22/2018	0.06	0.60	50,000,000	49,992,500	49,996,551	49,983,500
Federal Agencies	3133EEQ86	FEDERAL FARM CREDIT BANK	05/27/2015	03/26/2018	0.07	0.51	50,000,000	49,978,500	49,990,019	49,967,000
Federal Agencies	3133EEQ86	FEDERAL FARM CREDIT BANK	05/29/2015	03/26/2018	0.07	0.51	50,000,000	49,978,500	49,990,000	49,967,000
Federal Agencies	3133EFWG8	FEDERAL FARM CREDIT BANK	01/26/2016	03/26/2018	0.07	0.76	25,000,000	24,997,200	24,998,299	25,054,500
Federal Agencies	3133EEZC7	FEDERAL FARM CREDIT BANK	04/16/2015	04/16/2018	0.04	0.59	50,000,000	49,992,422	49,996,536	49,980,500
Federal Agencies	31331KJB7	FEDERAL FARM CREDIT BANK	02/02/2016	04/25/2018	1.38	3.00	14,230,000	14,876,184	14,635,355	14,601,688

Investment Inventory

Pooled Fund

Type of Investment	CUSIP	Issuer Name	Settle	Maturity	Duration	Coupon	Par Value	Book Value	Amortized	Market Value
			Date	Date					Book Value	
Federal Agencies	3133EEU40	FEDERAL FARM CREDIT BANK	06/03/2015	05/03/2018	0.01	0.57	69,000,000	68,994,894	68,997,517	68,951,010
Federal Agencies	3134GAXQ2	FREDDIE MAC	11/30/2016	05/15/2018	1.45	0.63	25,000,000	24,998,010	24,991,516	24,988,000
Federal Agencies	3135G0WJ8	FANNIE MAE	05/23/2013	05/21/2018	1.47	0.88	25,000,000	24,786,500	24,937,261	24,933,750
Federal Agencies	3130A8VL4	FEDERAL HOME LOAN BANK	08/24/2016	05/24/2018	1.48	1.00	10,000,000	10,000,000	10,000,000	9,936,600
Federal Agencies	3130A8VL4	FEDERAL HOME LOAN BANK	08/24/2016	05/24/2018	1.48	1.00	25,000,000	25,000,000	25,000,000	24,841,500
Federal Agencies	3134G9HC4	FREDDIE MAC	05/25/2016	05/25/2018	1.48	1.00	10,000,000	9,995,000	9,996,301	9,973,700
Federal Agencies	3133EFT2	FEDERAL FARM CREDIT BANK	09/08/2015	06/08/2018	0.02	0.59	25,000,000	25,000,000	25,000,000	24,997,500
Federal Agencies	3133EFT2	FEDERAL FARM CREDIT BANK	09/08/2015	06/08/2018	0.02	0.59	50,000,000	50,000,000	50,000,000	49,995,000
Federal Agencies	3133EEW48	FEDERAL FARM CREDIT BANK	06/11/2015	06/11/2018	0.03	0.58	50,000,000	49,996,000	49,997,967	49,986,000
Federal Agencies	3133EFH1	FEDERAL FARM CREDIT BANK	12/18/2015	06/14/2018	1.52	1.17	25,000,000	24,952,250	24,970,583	24,961,000
Federal Agencies	3133EGGC3	FEDERAL FARM CREDIT BANK	06/20/2016	06/20/2018	0.05	0.68	25,000,000	25,000,000	25,000,000	25,016,250
Federal Agencies	3134G9RZ2	FREDDIE MAC	06/22/2016	06/22/2018	1.55	0.80	8,950,000	8,950,000	8,950,000	8,942,930
Federal Agencies	3134G9UY1	FREDDIE MAC	06/29/2016	06/29/2018	1.57	1.00	25,000,000	25,000,000	25,000,000	24,970,500
Federal Agencies	3134G9UY1	FREDDIE MAC	06/29/2016	06/29/2018	1.57	1.00	25,000,000	25,000,000	25,000,000	24,970,500
Federal Agencies	3133EGBQ7	FEDERAL FARM CREDIT BANK	05/19/2016	07/19/2018	0.05	0.69	25,000,000	25,000,000	25,000,000	25,035,250
Federal Agencies	3133EGBQ7	FEDERAL FARM CREDIT BANK	05/19/2016	07/19/2018	0.05	0.69	25,000,000	25,000,000	25,000,000	25,035,250
Federal Agencies	3130A8U50	FEDERAL HOME LOAN BANK	07/29/2016	07/25/2018	1.64	0.83	22,250,000	22,225,263	22,227,823	22,124,733
Federal Agencies	3134G9Q67	FREDDIE MAC	07/27/2016	07/27/2018	1.64	1.05	25,000,000	25,000,000	25,000,000	24,930,750
Federal Agencies	3134G9Q67	FREDDIE MAC	07/27/2016	07/27/2018	1.64	1.05	25,000,000	24,993,750	24,994,837	24,930,750
Federal Agencies	3133EGFQ3	FEDERAL FARM CREDIT BANK	09/21/2016	09/14/2018	1.78	0.88	25,000,000	24,985,253	24,982,866	24,859,750
Federal Agencies	3130A8UC90	FEDERAL HOME LOAN BANK	09/28/2016	09/28/2018	1.81	1.05	25,000,000	25,000,000	25,000,000	24,822,000
Federal Agencies	3133EGFK6	FEDERAL FARM CREDIT BANK	06/17/2016	10/17/2018	0.05	0.68	25,000,000	25,000,000	25,000,000	25,032,750
Federal Agencies	3133EGFK6	FEDERAL FARM CREDIT BANK	06/17/2016	10/17/2018	0.05	0.68	25,000,000	25,000,000	25,000,000	25,032,750
Federal Agencies	3136G2C39	FANNIE MAE	12/30/2014	12/28/2018	2.04	1.63	15,000,000	15,000,000	15,000,000	15,006,600
Federal Agencies	3133EGDM4	FEDERAL FARM CREDIT BANK	06/02/2016	01/02/2019	0.01	0.69	25,000,000	25,000,000	25,000,000	25,020,750
Federal Agencies	3130A8VZ3	FEDERAL HOME LOAN BANK	07/28/2016	01/25/2019	2.13	1.05	25,000,000	25,000,000	25,000,000	24,804,500
Federal Agencies	3132X0EK3	FARMER MAC	01/25/2016	01/25/2019	0.15	0.98	25,000,000	25,000,000	25,000,000	25,026,500
Federal Agencies	3133EGBU8	FEDERAL FARM CREDIT BANK	05/25/2016	02/25/2019	0.07	0.77	50,000,000	50,000,000	50,000,000	50,061,000
Federal Agencies	3136G2XK8	FANNIE MAE	02/26/2016	02/26/2019	2.22	0.75	25,000,000	25,000,000	25,000,000	24,991,000
Federal Agencies	3136G2Y68	FANNIE MAE	02/26/2016	02/26/2019	2.22	0.75	15,935,000	15,927,033	15,929,061	15,920,659
Federal Agencies	3132X0ED9	FARMER MAC	01/19/2016	03/19/2019	0.05	0.93	40,000,000	40,000,000	40,000,000	39,998,400
Federal Agencies	3136G3FC4	FANNIE MAE	03/29/2016	03/29/2019	2.31	1.00	6,250,000	6,250,000	6,250,000	6,230,125
Federal Agencies	3134G8VT3	FREDDIE MAC	05/23/2016	04/25/2019	2.38	0.80	14,560,000	14,559,272	14,559,403	14,549,226
Federal Agencies	3136G3QP3	FANNIE MAE	05/24/2016	05/24/2019	2.45	1.25	10,000,000	10,000,000	10,000,000	9,923,500
Federal Agencies	3134G9LF2	FREDDIE MAC	06/07/2016	06/07/2019	2.49	0.75	75,000,000	75,000,000	75,000,000	74,827,500
Federal Agencies	3136G3NK7	FANNIE MAE	06/07/2016	06/07/2019	2.49	1.00	25,000,000	24,996,250	24,996,856	24,877,500
Federal Agencies	3136G3NM3	FANNIE MAE	06/07/2016	06/07/2019	2.49	0.75	50,000,000	50,000,000	50,000,000	49,795,500
Federal Agencies	3134G9QN0	FREDDIE MAC	06/14/2016	06/14/2019	2.51	0.88	12,500,000	12,500,000	12,500,000	12,466,125
Federal Agencies	3134G9QW0	FREDDIE MAC	06/14/2016	06/14/2019	2.49	1.28	50,000,000	50,000,000	50,000,000	49,567,500
Federal Agencies	3134G9YR2	FREDDIE MAC	07/12/2016	07/12/2019	2.59	0.85	50,000,000	50,000,000	50,000,000	49,742,000
Federal Agencies	3133EGED3	FEDERAL FARM CREDIT BANK	06/09/2016	08/09/2019	0.02	0.72	25,000,000	25,000,000	25,000,000	25,010,000
Federal Agencies	3133EGED3	FEDERAL FARM CREDIT BANK	06/09/2016	08/09/2019	0.02	0.72	25,000,000	25,000,000	25,000,000	25,010,000
Federal Agencies	3134G94F1	FREDDIE MAC	08/15/2016	08/15/2019	2.67	1.00	25,000,000	25,000,000	25,000,000	24,771,750
Federal Agencies	3135G0P23	FANNIE MAE	08/30/2016	08/23/2019	2.69	1.25	20,000,000	20,000,000	20,000,000	19,880,000
Federal Agencies	3136G3X59	FANNIE MAE	08/23/2016	08/23/2019	2.69	1.10	25,000,000	25,000,000	25,000,000	24,643,500
Federal Agencies	3134G9GS0	FREDDIE MAC	05/26/2016	08/26/2019	2.69	1.25	25,000,000	25,000,000	25,000,000	24,792,000
Federal Agencies	3134GAHR8	FREDDIE MAC	09/23/2016	09/23/2019	2.78	0.75	25,000,000	25,000,000	25,000,000	24,873,250
Federal Agencies	3135G0Q30	FANNIE MAE	10/21/2016	09/27/2019	2.78	1.18	50,000,000	50,039,333	50,000,000	49,587,500
Federal Agencies	3132X0KH3	FARMER MAC	10/06/2016	10/01/2019	0.09	0.87	50,000,000	50,000,000	50,000,000	49,972,000
Federal Agencies	3134G8TG4	FREDDIE MAC	04/11/2016	10/11/2019	2.81	1.50	15,000,000	15,000,000	15,000,000	14,944,800

Investment Inventory

Pooled Fund

Type of Investment	CUSIP	Issuer Name	Settle	Maturity	Duration	Coupon	Par Value	Book Value	Amortized	
			Date	Date					Book Value	Market Value
Federal Agencies	3134GAPT5	FREDDIE MAC	10/18/2016	10/18/2019	2.86	0.75	10,000,000	10,000,000	10,000,000	9,947,900
Federal Agencies	3136G4FJ7	FANNIE MAE	10/25/2016	10/25/2019	2.86	1.20	25,000,000	25,000,000	25,000,000	24,723,750
Federal Agencies	3136G4EZ2	FANNIE MAE	10/28/2016	10/30/2019	2.88	1.13	50,000,000	49,950,000	49,951,550	49,335,500
Federal Agencies	3134GAVL5	FREDDIE MAC	11/04/2016	11/04/2019	2.89	1.00	100,000,000	100,000,000	100,000,000	98,899,000
Federal Agencies	3136G3LV5	FANNIE MAE	05/26/2016	11/26/2019	2.94	1.35	8,950,000	8,950,000	8,950,000	8,891,646
Federal Agencies	3134G9VR5	FREDDIE MAC	07/06/2016	01/06/2020	3.05	1.00	25,000,000	25,000,000	25,000,000	24,774,250
Federal Agencies	3136G3TK1	FANNIE MAE	07/06/2016	04/06/2020	3.31	0.88	25,000,000	25,000,000	25,000,000	24,851,000
Federal Agencies	3136G4BL6	FANNIE MAE	10/17/2016	04/17/2020	3.32	1.25	15,000,000	15,000,000	15,000,000	14,787,000
Federal Agencies	3132X0AT8	FARMER MAC	06/05/2015	06/02/2020	0.01	0.67	41,000,000	41,000,000	41,000,000	40,900,780
Federal Agencies	3136G3TG0	FANNIE MAE	06/30/2016	06/30/2020	3.50	1.15	15,000,000	15,000,000	15,000,000	14,772,450
Federal Agencies	3130A9FR7	FEDERAL HOME LOAN BANK	09/29/2016	09/28/2020	0.08	0.74	103,500,000	103,500,000	103,500,000	103,500,000
Federal Agencies	3132X0KR1	FARMER MAC	11/02/2016	11/02/2020	0.01	0.73	25,000,000	25,000,000	25,000,000	24,990,500
Federal Agencies	3133EFTX5	FEDERAL FARM CREDIT BANK	12/24/2015	12/24/2020	0.07	0.91	100,000,000	100,000,000	100,000,000	100,479,000
Federal Agencies	3135G0Q89	FANNIE MAE	10/21/2016	10/07/2021	4.70	1.38	25,000,000	25,013,368	25,000,000	24,310,250
Federal Agencies	3133EGZJ7	FEDERAL FARM CREDIT BANK	10/25/2016	10/25/2021	4.75	1.38	14,500,000	14,500,000	14,500,000	14,070,365
Federal Agencies	3133EGZJ7	FEDERAL FARM CREDIT BANK	10/25/2016	10/25/2021	4.75	1.38	15,000,000	15,000,000	15,000,000	14,555,550
Subtotals					0.90	0.89	\$ 3,908,188,000	\$ 3,911,220,597	\$ 3,908,299,194	\$ 3,901,369,022
State/Local Agencies	91411SP61	UNIVERSITY OF CALIFORNIA	11/29/2016	02/06/2017	0.19	0.00	\$ 50,000,000	\$ 49,940,583	\$ 49,940,583	\$ 49,944,167
State/Local Agencies	91412GL45	UNIV OF CALIFORNIA CA REVENUE	06/30/2016	05/15/2017	0.45	0.65	5,505,000	5,505,000	5,505,000	5,495,697
State/Local Agencies	91412GUU7	UNIV OF CALIFORNIA CA REVENUE	04/10/2014	05/15/2017	0.45	1.22	3,250,000	3,250,000	3,250,000	3,252,730
State/Local Agencies	718814XY7	PHOENIX AZ	09/27/2016	07/01/2017	0.58	3.50	20,000,000	20,582,022	20,317,464	20,296,000
State/Local Agencies	0104105D6	ALABAMA ST	11/04/2016	08/01/2017	0.66	3.50	22,185,000	22,843,931	22,597,508	22,552,162
State/Local Agencies	13063CFC9	CALIFORNIA ST	11/05/2013	11/01/2017	0.92	1.75	16,500,000	16,558,905	16,513,544	16,618,140
State/Local Agencies	13063CPN4	CALIFORNIA ST	12/22/2014	11/01/2017	0.92	1.25	5,000,000	5,004,550	5,001,459	5,013,300
State/Local Agencies	13063CPN4	CALIFORNIA ST	11/25/2014	11/01/2017	0.92	1.25	50,000,000	50,121,500	50,037,969	50,133,000
State/Local Agencies	91412GL52	UNIV OF CALIFORNIA CA REVENUE	06/30/2016	05/15/2018	1.45	0.99	2,470,000	2,470,000	2,470,000	2,460,910
State/Local Agencies	546456CY8	LOUISIANA ST CITIZENS PROPERT	11/30/2016	06/01/2018	1.42	6.13	4,500,000	4,959,112	4,821,477	4,821,210
State/Local Agencies	646065QX8	NEW JERSEY ST EDUCNL FACS A	09/29/2016	07/01/2018	1.52	5.00	5,000,000	5,421,811	5,325,194	5,292,600
State/Local Agencies	13063C4V9	CALIFORNIA ST	11/03/2016	11/01/2018	1.90	1.05	50,000,000	50,147,500	50,141,827	49,574,000
State/Local Agencies	13063CKL3	CALIFORNIA ST	10/27/2016	05/01/2019	2.37	2.25	4,750,000	4,879,058	4,874,126	4,809,850
State/Local Agencies	91412GL60	UNIV OF CALIFORNIA CA REVENUE	06/30/2016	05/15/2019	2.43	1.23	2,000,000	2,000,000	2,000,000	1,980,600
State/Local Agencies	91412GSB2	UNIV OF CALIFORNIA CA REVENUE	10/05/2015	07/01/2019	2.52	1.80	4,180,000	4,214,443	4,203,770	4,193,125
State/Local Agencies	91412GSB2	UNIV OF CALIFORNIA CA REVENUE	10/02/2015	07/01/2019	2.52	1.80	16,325,000	16,461,640	16,419,090	16,376,261
State/Local Agencies	6055804W6	MISSISSIPPI ST	04/23/2015	10/01/2019	2.64	6.09	8,500,000	10,217,510	9,594,886	9,495,095
State/Local Agencies	977100CW4	WISCONSIN ST GEN FUND ANNUAL	08/16/2016	05/01/2020	3.36	1.45	18,000,000	18,000,000	18,000,000	17,675,640
State/Local Agencies	91412GF59	UNIV OF CALIFORNIA CA REVENUE	08/09/2016	05/15/2021	4.29	1.91	1,769,000	1,810,695	1,807,964	1,756,953
Subtotals					1.30	1.72	\$ 289,934,000	\$ 294,388,261	\$ 292,821,860	\$ 291,741,439
Public Time Deposits	PP5Z1EJS4	MISSION NATIONAL BK SF	02/19/2016	02/21/2017	0.23	0.86	\$ 240,000	\$ 240,000	\$ 240,000	\$ 240,000
Public Time Deposits	PP600XGA1	TRANS-PAC NATIONAL BK	03/21/2016	03/21/2017	0.31	1.05	240,000	240,000	240,000	240,000
Public Time Deposits	PPF00EG62	BANK OF SAN FRANCISCO	04/11/2016	04/11/2017	0.12	0.89	240,000	240,000	240,000	240,000
Public Time Deposits	PPQJ03J86	PREFERRED BANK LA CALIF	05/16/2016	05/16/2017	0.46	0.85	240,000	240,000	240,000	240,000
Public Time Deposits	PP7C0E3S1	UMPQUA BANK	06/29/2016	06/29/2017	0.58	0.79	240,000	240,000	240,000	240,000
Subtotals					0.34	0.89	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000
Negotiable CDs	89113EU20	TORONTO DOMINION BANK NY	12/07/2015	12/07/2016	0.02	1.16	\$ 50,000,000	\$ 50,000,000	\$ 50,000,000	\$ 50,007,119
Negotiable CDs	96121TH27	WESTPAC BANKING CORP NY	12/22/2015	12/28/2016	0.08	1.07	25,000,000	25,000,000	25,000,000	25,012,490
Negotiable CDs	78009NZD1	ROYAL BANK OF CANADA NY	01/25/2016	01/25/2017	0.08	1.10	25,000,000	25,000,000	25,000,000	25,026,119
Negotiable CDs	06427EM65	BANK OF MONTREAL CHICAGO	04/29/2016	02/01/2017	0.17	1.13	25,000,000	25,000,000	25,000,000	25,030,407

Investment Inventory

Pooled Fund

Type of Investment	CUSIP	Issuer Name	Settle Date	Maturity Date	Duration	Coupon	Par Value	Book Value	Amortized Book Value	Market Value
Negotiable CDs	89113WFC5	TORONTO DOMINION BANK NY	07/28/2016	02/01/2017	0.00	1.08	25,000,000	25,000,000	25,000,000	25,028,533
Negotiable CDs	06427EX55	BANK OF MONTREAL CHICAGO	06/08/2016	03/06/2017	0.26	1.03	25,000,000	25,000,000	25,000,000	25,017,041
Negotiable CDs	78009NZW9	ROYAL BANK OF CANADA NY	03/10/2016	03/10/2017	0.03	1.05	50,000,000	50,000,000	50,000,000	50,038,412
Negotiable CDs	06427EDJ7	BANK OF MONTREAL CHICAGO	09/17/2015	03/17/2017	0.05	0.95	25,000,000	25,000,000	25,000,000	25,013,360
Negotiable CDs	78009ND94	ROYAL BANK OF CANADA NY	07/01/2016	03/27/2017	0.32	0.96	25,000,000	25,000,000	25,000,000	25,015,146
Negotiable CDs	89113EC79	TORONTO DOMINION BANK NY	10/02/2015	03/28/2017	0.08	1.10	50,000,000	50,000,000	50,000,000	50,054,395
Negotiable CDs	89113E5Z5	TORONTO DOMINION BANK NY	04/08/2016	04/12/2017	0.36	1.10	25,000,000	25,000,000	25,000,000	25,029,881
Negotiable CDs	06427K3A3	BANK OF MONTREAL CHICAGO	08/03/2016	05/03/2017	0.18	1.28	25,000,000	25,000,000	25,000,000	25,054,473
Negotiable CDs	89113WJJ6	TORONTO DOMINION BANK NY	09/09/2016	06/15/2017	0.54	1.32	40,000,000	40,000,000	40,000,000	40,060,261
Negotiable CDs	06417HUR5	BANK OF NOVA SCOTIA HOUS	09/25/2014	09/25/2017	0.08	1.13	50,000,000	50,000,000	50,000,000	49,973,793
Subtotals					0.15	1.11	\$ 465,000,000	\$ 465,000,000	\$ 465,000,000	\$ 465,361,431
Commercial Paper	06538BMP5	BANK TOKYO-MIT UFJ NY	11/17/2016	12/23/2016	0.06	0.00	\$ 50,000,000	\$ 49,970,500	\$ 49,970,500	\$ 49,984,722
Commercial Paper	45920FMT2	IBM CORP	11/23/2016	12/27/2016	0.07	0.00	30,000,000	29,984,417	29,984,417	29,989,167
Commercial Paper	59515MPH2	MICROSOFT CORP	11/28/2016	02/17/2017	0.22	0.00	50,000,000	49,912,250	49,912,250	49,935,000
Commercial Paper	89233GQ33	TOYOTA MOTOR CREDIT CORP	06/06/2016	03/03/2017	0.26	0.00	25,000,000	24,810,625	24,810,625	24,954,000
Commercial Paper	89233GQ66	TOYOTA MOTOR CREDIT CORP	06/09/2016	03/06/2017	0.26	0.00	25,000,000	24,812,500	24,812,500	24,952,500
Commercial Paper	89233GQ74	TOYOTA MOTOR CREDIT CORP	06/10/2016	03/07/2017	0.27	0.00	25,000,000	24,812,500	24,812,500	24,952,000
Commercial Paper	06538BQL0	BANK TOKYO-MIT UFJ NY	11/17/2016	03/20/2017	0.30	0.00	25,000,000	24,914,583	24,914,583	24,945,500
Commercial Paper	06538BQL0	BANK TOKYO-MIT UFJ NY	11/23/2016	03/20/2017	0.30	0.00	50,000,000	49,834,250	49,834,250	49,891,000
Commercial Paper	89233GR73	TOYOTA MOTOR CREDIT CORP	07/13/2016	04/07/2017	0.35	0.00	40,000,000	39,687,333	39,687,333	39,891,344
Commercial Paper	06538BRM7	BANK TOKYO-MIT UFJ NY	07/26/2016	04/21/2017	0.39	0.00	50,000,000	49,547,931	49,547,931	49,849,208
Commercial Paper	89233APL7	TOYOTA MOTOR CREDIT CORP	07/28/2016	04/21/2017	0.08	1.15	25,000,000	25,000,000	25,000,000	24,924,604
Commercial Paper	06538BS53	BANK TOKYO-MIT UFJ NY	08/09/2016	05/05/2017	0.43	0.00	25,000,000	24,755,285	24,755,285	24,917,118
Commercial Paper	06538BS53	BANK TOKYO-MIT UFJ NY	08/10/2016	05/05/2017	0.43	0.00	40,000,000	39,603,956	39,603,956	39,867,389
Commercial Paper	06538BS53	BANK TOKYO-MIT UFJ NY	08/17/2016	05/12/2017	0.45	0.00	25,000,000	24,750,611	24,750,611	24,913,375
Commercial Paper	06538BT29	BANK TOKYO-MIT UFJ NY	09/07/2016	06/02/2017	0.50	0.00	40,000,000	39,592,044	39,592,044	39,810,900
Commercial Paper	89233GT63	TOYOTA MOTOR CREDIT CORP	09/09/2016	06/06/2017	0.52	0.00	25,000,000	24,767,500	24,767,500	24,879,229
Subtotals					0.30	0.05	\$ 550,000,000	\$ 546,756,285	\$ 546,756,285	\$ 548,657,057
Medium Term Notes	36967FAB7	GENERAL ELECTRIC CO	01/09/2015	01/09/2017	0.11	1.16	\$ 20,000,000	\$ 20,000,000	\$ 20,000,000	\$ 20,008,400
Medium Term Notes	064159AM8	BANK OF NOVA SCOTIA	10/20/2015	01/12/2017	0.12	2.55	10,000,000	10,185,500	10,017,313	10,016,100
Medium Term Notes	90331HMC4	US BANK NA CINCINNATI	02/11/2016	01/30/2017	0.17	1.10	1,500,000	1,502,063	1,500,350	1,500,120
Medium Term Notes	90331HMC4	US BANK NA CINCINNATI	07/01/2016	01/30/2017	0.17	1.10	6,900,000	6,910,488	6,902,954	6,900,552
Medium Term Notes	90331HMC4	US BANK NA CINCINNATI	02/12/2016	01/30/2017	0.17	1.10	8,515,000	8,523,174	8,516,389	8,515,681
Medium Term Notes	90331HMC4	US BANK NA CINCINNATI	06/24/2016	01/30/2017	0.17	1.10	10,000,000	10,012,200	10,003,327	10,000,800
Medium Term Notes	36962G2F0	GENERAL ELECTRIC CO	04/08/2015	02/15/2017	0.21	1.08	3,791,000	3,789,138	3,790,792	3,792,099
Medium Term Notes	36962G2F0	GENERAL ELECTRIC CO	04/01/2015	02/15/2017	0.21	1.08	4,948,000	4,942,755	4,947,419	4,949,435
Medium Term Notes	91159HHD5	US BANCORP	02/03/2016	05/15/2017	0.45	1.65	3,090,000	3,111,908	3,097,741	3,096,582
Medium Term Notes	459200JD4	IBM CORP	02/19/2016	08/18/2017	0.23	1.36	25,000,000	25,000,000	25,000,000	25,072,250
Medium Term Notes	459200GJ4	IBM CORP	03/22/2016	09/14/2017	0.78	5.70	1,325,000	1,415,378	1,372,946	1,371,667
Medium Term Notes	911312AP1	UNITED PARCEL SERVICE	01/28/2016	10/01/2017	0.83	1.13	2,003,780	2,003,780	2,001,878	1,997,140
Medium Term Notes	459200HK0	IBM CORP	05/06/2016	02/08/2018	1.18	1.25	11,450,000	11,519,616	11,496,988	11,438,092
Subtotals					0.30	1.39	\$ 108,519,000	\$ 108,916,000	\$ 108,648,096	\$ 108,658,918
Money Market Funds	09248U718	BLACKROCK LIQ INST GOV FUND	11/30/2016	12/01/2016	0.00	0.23	\$ 15,012,444	\$ 15,012,444	\$ 15,012,444	\$ 15,012,444
Money Market Funds	31607A703	FIDELITY INST GOV FUND	11/30/2016	12/01/2016	0.00	0.31	245,608,482	245,608,482	245,608,482	245,608,482
Money Market Funds	61747C707	MORGAN STANLEY INST GOVT FUN	11/30/2016	12/01/2016	0.00	0.29	50,263,987	50,263,987	50,263,987	50,263,987
Subtotals					0.00	0.31	\$ 310,884,912	\$ 310,884,912	\$ 310,884,912	\$ 310,884,912

Investment Inventory

Pooled Fund

Type of Investment	CUSIP	Issuer Name	Settle Date	Maturity Date	Duration	Coupon	Par Value	Book Value	Amortized Book Value	Market Value
Supranationals	45905UXQ2	INTL BK RECON & DEVELOP	07/27/2016	01/26/2018	0.07	0.72	\$ 25,000,000	\$ 25,000,000	\$ 25,000,000	\$ 24,999,750
Supranationals	45950VFH4	INTERNATIONAL FINANCE CORP	11/15/2016	02/02/2018	0.01	0.64	30,000,000	29,973,600	29,968,768	29,954,700
Supranationals	459058ER0	INTL BK RECON & DEVELOP	10/07/2015	10/05/2018	1.83	1.00	25,000,000	24,957,500	24,973,855	24,874,250
Subtotals					0.60	0.78	\$ 80,000,000	\$ 79,931,100	\$ 79,942,623	\$ 79,828,700
Grand Totals					0.66	0.68	\$ 7,663,725,912	\$ 7,663,211,468	\$ 7,659,881,281	\$ 7,654,409,679

Monthly Investment Earnings

Pooled Fund

For month ended November 30, 2016

Type of Investment	CUSIP	Issuer Name	Par Value	Coupon	YTM ¹	Settle Date	Maturity Date	Earned Interest	Amort. Expense	Realized Gain/(Loss)	Earned Income /Net Earnings
U.S. Treasuries	912796JY6	TREASURY BILL	\$ 25,000,000	0.00	0.28	09/16/2016	12/15/2016	\$ 5,854	\$ -	\$ -	\$ 5,854
U.S. Treasuries	912796JY6	TREASURY BILL	25,000,000	0.00	0.26	09/19/2016	12/15/2016	5,333	-	-	5,333
U.S. Treasuries	912796JY6	TREASURY BILL	25,000,000	0.00	0.23	09/20/2016	12/15/2016	4,883	-	-	4,883
U.S. Treasuries	912796JZ3	TREASURY BILL	25,000,000	0.00	0.27	09/22/2016	12/22/2016	5,625	-	-	5,625
U.S. Treasuries	912796JZ3	TREASURY BILL	40,000,000	0.00	0.17	09/23/2016	12/22/2016	5,750	-	-	5,750
U.S. Treasuries	912796KA6	TREASURY BILL	100,000,000	0.00	0.24	09/29/2016	12/29/2016	19,708	-	-	19,708
U.S. Treasuries	912828RX0	US TSY NT	25,000,000	0.88	0.67	02/25/2014	12/31/2016	17,833	(4,197)	-	13,636
U.S. Treasuries	912796HV4	TREASURY BILL	25,000,000	0.00	0.33	10/06/2016	01/05/2017	6,792	-	-	6,792
U.S. Treasuries	912796HV4	TREASURY BILL	50,000,000	0.00	0.31	10/06/2016	01/05/2017	12,917	-	-	12,917
U.S. Treasuries	912796KC2	TREASURY BILL	25,000,000	0.00	0.36	10/13/2016	01/12/2017	7,500	-	-	7,500
U.S. Treasuries	912796KD0	TREASURY BILL	10,000,000	0.00	0.32	10/20/2016	01/19/2017	2,688	-	-	2,688
U.S. Treasuries	912796KE8	TREASURY BILL	25,000,000	0.00	0.34	10/27/2016	01/26/2017	7,083	-	-	7,083
U.S. Treasuries	912828SJ0	US TSY NT	25,000,000	0.88	1.21	03/21/2012	02/28/2017	18,128	6,655	-	24,783
U.S. Treasuries	912828SJ0	US TSY NT	25,000,000	0.88	1.21	03/21/2012	02/28/2017	18,128	6,655	-	24,783
U.S. Treasuries	912828SJ0	US TSY NT	75,000,000	0.88	0.94	03/14/2012	02/28/2017	54,385	3,783	-	58,169
U.S. Treasuries	912796KN8	TREASURY BILL	75,000,000	0.00	0.48	09/16/2016	03/16/2017	30,000	-	-	30,000
U.S. Treasuries	912796KN8	TREASURY BILL	75,000,000	0.00	0.48	09/19/2016	03/16/2017	29,781	-	-	29,781
U.S. Treasuries	912796KN8	TREASURY BILL	75,000,000	0.00	0.47	09/20/2016	03/16/2017	29,438	-	-	29,438
U.S. Treasuries	912796KP3	TREASURY BILL	75,000,000	0.00	0.47	09/22/2016	03/23/2017	29,375	-	-	29,375
U.S. Treasuries	912796KP3	TREASURY BILL	110,000,000	0.00	0.39	09/23/2016	03/23/2017	35,475	-	-	35,475
U.S. Treasuries	912796JJ9	TREASURY BILL	100,000,000	0.00	0.42	09/29/2016	03/30/2017	34,583	-	-	34,583
U.S. Treasuries	912796JJ9	TREASURY BILL	100,000,000	0.00	0.42	09/30/2016	03/30/2017	35,000	-	-	35,000
U.S. Treasuries	912796JJ9	TREASURY BILL	100,000,000	0.00	0.43	10/03/2016	03/30/2017	35,542	-	-	35,542
U.S. Treasuries	912828SM3	US TSY NT	50,000,000	1.00	1.07	04/04/2012	03/31/2017	41,209	2,701	-	43,910
U.S. Treasuries	912796KQ1	TREASURY BILL	75,000,000	0.00	0.49	10/06/2016	04/06/2017	30,375	-	-	30,375
U.S. Treasuries	912796KQ1	TREASURY BILL	150,000,000	0.00	0.49	10/06/2016	04/06/2017	61,250	-	-	61,250
U.S. Treasuries	912796KS7	TREASURY BILL	75,000,000	0.00	0.50	10/13/2016	04/13/2017	30,938	-	-	30,938
U.S. Treasuries	912796KT5	TREASURY BILL	40,000,000	0.00	0.46	10/20/2016	04/20/2017	15,200	-	-	15,200
U.S. Treasuries	912796JP5	TREASURY BILL	75,000,000	0.00	0.48	10/27/2016	04/27/2017	29,688	-	-	29,688
U.S. Treasuries	912828TM2	US TSY NT	100,000,000	0.63	0.96	12/15/2015	08/31/2017	51,796	27,188	-	78,983
U.S. Treasuries	912828M72	US TSY NT	50,000,000	0.88	1.00	12/17/2015	11/30/2017	35,867	4,924	-	40,791
U.S. Treasuries	912828M72	US TSY NT	50,000,000	0.88	1.00	12/17/2015	11/30/2017	35,867	5,088	-	40,955
U.S. Treasuries	912828T67	US TSY NT	50,000,000	1.25	1.43	11/10/2016	10/31/2021	36,257	4,924	-	41,181
Subtotals			\$1,950,000,000					\$ 820,248	\$ 57,720	\$ -	\$ 877,967
Federal Agencies	3130A3J70	FEDERAL HOME LOAN BANK	\$ -	0.63	0.64	11/17/2014	11/23/2016	\$ 9,549	\$ 299	\$ -	\$ 9,847
Federal Agencies	3130A3J70	FEDERAL HOME LOAN BANK	-	0.63	0.66	11/18/2015	11/23/2016	2,679	146	-	2,825
Federal Agencies	313381GA7	FEDERAL HOME LOAN BANK	-	0.57	0.57	11/30/2012	11/30/2016	10,607	(87)	-	10,520
Federal Agencies	313371PV2	FEDERAL HOME LOAN BANK	6,545,000	1.63	0.48	05/11/2016	12/09/2016	8,863	(6,116)	-	2,747
Federal Agencies	313371PV2	FEDERAL HOME LOAN BANK	25,000,000	1.63	0.64	11/06/2014	12/09/2016	33,854	(20,144)	-	13,710
Federal Agencies	313371PV2	FEDERAL HOME LOAN BANK	25,000,000	1.63	0.65	12/04/2014	12/09/2016	33,854	(19,840)	-	14,014
Federal Agencies	313371PV2	FEDERAL HOME LOAN BANK	25,000,000	1.63	0.72	12/12/2014	12/09/2016	33,854	(18,441)	-	15,413
Federal Agencies	313384T58	FED HOME LN DISCOUNT NT	24,625,000	0.00	0.48	06/21/2016	12/16/2016	9,850	-	-	9,850
Federal Agencies	3133XHZK1	FEDERAL HOME LOAN BANK	33,850,000	4.75	0.48	05/11/2016	12/16/2016	133,990	(117,812)	-	16,178
Federal Agencies	3130A12F4	FEDERAL HOME LOAN BANK	20,500,000	0.70	0.70	03/19/2014	12/19/2016	11,958	61	-	12,019
Federal Agencies	3134G5VG7	FREDDIE MAC	50,000,000	0.78	0.78	12/29/2014	12/29/2016	32,500	-	-	32,500
Federal Agencies	3134G33C2	FREDDIE MAC	50,000,000	0.60	0.60	01/03/2013	01/03/2017	25,000	-	-	25,000
Federal Agencies	3133ECB37	FEDERAL FARM CREDIT BANK	14,000,000	0.58	0.58	12/20/2012	01/12/2017	6,767	-	-	6,767
Federal Agencies	31315PWW5	FARMER MAC	49,500,000	1.01	1.02	05/04/2012	01/17/2017	41,663	432	-	42,094
Federal Agencies	3130A7T62	FEDERAL HOME LOAN BANK	9,000,000	0.55	0.56	04/20/2016	01/18/2017	4,125	49	-	4,174

Monthly Investment Earnings

Pooled Fund

Type of Investment	CUSIP	Issuer Name	Par Value	Coupon	YTM ¹	Settle Date	Maturity Date	Earned Interest	Amort. Expense	Realized Gain/(Loss)	Earned Income /Net Earnings
Federal Agencies	3133EDRD6	FEDERAL FARM CREDIT BANK	50,000,000	0.59	0.74	12/12/2014	01/30/2017	24,223	715	-	24,938
Federal Agencies	3133786Q9	FEDERAL HOME LOAN BANK	67,780,000	1.00	0.72	01/10/2013	02/13/2017	56,483	(15,380)	-	41,103
Federal Agencies	3133EDFW7	FEDERAL FARM CREDIT BANK	50,000,000	0.66	0.66	02/27/2014	02/27/2017	24,991	-	-	24,991
Federal Agencies	3130A8D83	FEDERAL HOME LOAN BANK	25,000,000	0.55	0.55	06/02/2016	03/02/2017	11,537	-	-	11,537
Federal Agencies	3133782N0	FEDERAL HOME LOAN BANK	15,000,000	0.88	0.93	12/29/2015	03/10/2017	10,938	628	-	11,566
Federal Agencies	3133782N0	FEDERAL HOME LOAN BANK	22,185,000	0.88	0.72	06/02/2016	03/10/2017	16,177	(2,872)	-	13,304
Federal Agencies	3133782N0	FEDERAL HOME LOAN BANK	50,000,000	0.88	0.82	12/15/2014	03/10/2017	36,458	(2,151)	-	34,308
Federal Agencies	3133EDP30	FEDERAL FARM CREDIT BANK	26,000,000	0.62	0.52	10/03/2014	03/24/2017	12,524	(311)	-	12,214
Federal Agencies	3133EDZW5	FEDERAL FARM CREDIT BANK	25,000,000	0.63	0.63	10/29/2014	03/29/2017	11,648	9	-	11,656
Federal Agencies	31315PTQ2	FARMER MAC	12,500,000	1.26	1.36	04/10/2012	04/10/2017	13,125	998	-	14,123
Federal Agencies	3133ECLL6	FEDERAL FARM CREDIT BANK	10,000,000	0.60	0.60	04/17/2013	04/17/2017	5,000	-	-	5,000
Federal Agencies	31315PUQ0	FARMER MAC	10,500,000	1.13	1.13	04/26/2012	04/26/2017	9,844	-	-	9,844
Federal Agencies	3135G0JA2	FANNIE MAE	8,058,000	1.13	0.54	07/01/2016	04/27/2017	7,554	(3,882)	-	3,672
Federal Agencies	3137EADF3	FREDDIE MAC	25,000,000	1.25	1.14	05/14/2012	05/12/2017	26,042	(2,188)	-	23,854
Federal Agencies	3130A1NN4	FEDERAL HOME LOAN BANK	14,000,000	0.88	0.58	09/26/2016	05/24/2017	10,208	(3,404)	-	6,804
Federal Agencies	31315PZQ5	FARMER MAC	9,000,000	1.11	0.80	12/28/2012	06/05/2017	8,325	(2,262)	-	6,063
Federal Agencies	313379FW4	FEDERAL HOME LOAN BANK	12,000,000	1.00	0.93	12/19/2014	06/09/2017	10,000	(690)	-	9,310
Federal Agencies	313379FW4	FEDERAL HOME LOAN BANK	20,600,000	1.00	1.02	12/29/2015	06/09/2017	17,167	339	-	17,506
Federal Agencies	3130A3SL9	FEDERAL HOME LOAN BANK	25,000,000	0.95	1.02	12/30/2014	06/15/2017	19,792	1,345	-	21,136
Federal Agencies	3133EAUW6	FEDERAL FARM CREDIT BANK	50,000,000	0.63	0.63	06/19/2012	06/19/2017	26,111	-	-	26,111
Federal Agencies	3133EEGH7	FEDERAL FARM CREDIT BANK	8,400,000	0.93	0.94	12/26/2014	06/26/2017	6,510	88	-	6,598
Federal Agencies	3137EADH9	FREDDIE MAC	15,000,000	1.00	0.78	05/25/2016	06/29/2017	12,500	(2,689)	-	9,811
Federal Agencies	3137EADH9	FREDDIE MAC	25,000,000	1.00	1.10	03/25/2014	06/29/2017	20,833	1,998	-	22,831
Federal Agencies	3134G5W50	FREDDIE MAC	50,000,000	1.00	1.00	12/30/2014	06/30/2017	41,667	-	-	41,667
Federal Agencies	3130A8L35	FEDERAL HOME LOAN BANK	25,000,000	0.75	0.75	06/24/2016	07/20/2017	15,625	-	-	15,625
Federal Agencies	3133ECV92	FEDERAL FARM CREDIT BANK	50,000,000	0.62	0.62	07/24/2013	07/24/2017	24,085	-	-	24,085
Federal Agencies	3133ECVG6	FEDERAL FARM CREDIT BANK	23,520,000	0.88	0.88	08/05/2013	07/26/2017	17,321	-	-	17,321
Federal Agencies	3135G0F24	FANNIE MAE	25,000,000	0.55	0.58	09/16/2015	08/16/2017	11,423	208	-	11,631
Federal Agencies	3133EEFX3	FEDERAL FARM CREDIT BANK	50,000,000	0.62	0.62	12/23/2014	08/23/2017	24,403	-	-	24,403
Federal Agencies	3137EADL0	FREDDIE MAC	25,000,000	1.00	1.22	03/25/2014	09/29/2017	20,833	4,482	-	25,315
Federal Agencies	3135G0F57	FANNIE MAE	25,000,000	0.54	0.58	10/05/2015	10/05/2017	11,292	314	-	11,605
Federal Agencies	3133EETS9	FEDERAL FARM CREDIT BANK	30,000,000	0.59	0.59	09/25/2015	10/19/2017	14,286	(24)	-	14,262
Federal Agencies	3130A6LZ8	FEDERAL HOME LOAN BANK	25,000,000	0.63	0.82	04/28/2016	10/26/2017	13,021	3,874	-	16,894
Federal Agencies	3133EEBR0	FEDERAL FARM CREDIT BANK	25,000,000	0.57	0.61	11/18/2014	11/13/2017	11,774	308	-	12,083
Federal Agencies	3133EEJ76	FEDERAL FARM CREDIT BANK	25,000,000	0.71	0.75	08/20/2015	11/13/2017	13,802	313	-	14,114
Federal Agencies	3134G44F2	FREDDIE MAC	50,000,000	0.80	0.80	05/21/2013	11/21/2017	33,333	-	-	33,333
Federal Agencies	3130A3HF4	FEDERAL HOME LOAN BANK	25,000,000	1.13	1.19	12/22/2014	12/08/2017	23,438	1,234	-	24,671
Federal Agencies	3137EADX4	FREDDIE MAC	25,000,000	1.00	1.06	12/11/2015	12/15/2017	20,833	1,265	-	22,099
Federal Agencies	3133EEFE5	FEDERAL FARM CREDIT BANK	50,000,000	1.13	1.18	12/19/2014	12/18/2017	46,875	2,342	-	49,217
Federal Agencies	3133EEMH0	FEDERAL FARM CREDIT BANK	4,000,000	0.58	0.59	05/27/2015	02/02/2018	1,945	16	-	1,961
Federal Agencies	3133EEMH0	FEDERAL FARM CREDIT BANK	35,000,000	0.58	0.63	02/02/2015	02/02/2018	17,021	578	-	17,598
Federal Agencies	3133EEAN0	FEDERAL FARM CREDIT BANK	25,000,000	0.57	0.57	11/05/2014	02/05/2018	11,917	-	-	11,917
Federal Agencies	3133EEAN0	FEDERAL FARM CREDIT BANK	25,000,000	0.57	0.60	11/05/2014	02/05/2018	11,917	208	-	12,125
Federal Agencies	3133EEAN0	FEDERAL FARM CREDIT BANK	50,000,000	0.57	0.60	11/05/2014	02/05/2018	23,833	415	-	24,248
Federal Agencies	3133EFNK9	FEDERAL FARM CREDIT BANK	25,000,000	0.62	0.63	11/09/2015	02/09/2018	12,787	207	-	12,995
Federal Agencies	3132X0JL6	FARMER MAC	50,000,000	0.88	0.88	09/01/2016	03/01/2018	36,458	-	-	36,458
Federal Agencies	3133EEN71	FEDERAL FARM CREDIT BANK	50,000,000	0.60	0.61	05/22/2015	03/22/2018	23,817	217	-	24,034
Federal Agencies	3133EEQ86	FEDERAL FARM CREDIT BANK	50,000,000	0.51	0.54	05/27/2015	03/26/2018	21,111	624	-	21,735
Federal Agencies	3133EEQ86	FEDERAL FARM CREDIT BANK	50,000,000	0.51	0.54	05/29/2015	03/26/2018	21,111	625	-	21,736
Federal Agencies	3133EFWG8	FEDERAL FARM CREDIT BANK	25,000,000	0.76	0.77	01/26/2016	03/26/2018	14,696	106	-	14,803
Federal Agencies	3133EEZC7	FEDERAL FARM CREDIT BANK	50,000,000	0.59	0.60	04/16/2015	04/16/2018	24,513	207	-	24,720

Monthly Investment Earnings

Pooled Fund

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Federal Agencies	31331KJB7	FEDERAL FARM CREDIT BANK	14,230,000	3.00	0.94	02/02/2016	04/25/2018	35,575	(23,844)	-	11,731
Federal Agencies	3133EEU40	FEDERAL FARM CREDIT BANK	69,000,000	0.57	0.58	06/03/2015	05/03/2018	32,788	144	-	32,932
Federal Agencies	3134GAXQ2	FREDDIE MAC	25,000,000	0.63	0.65	11/30/2016	05/15/2018	434	16	-	450
Federal Agencies	3135G0WJ8	FANNIE MAE	25,000,000	0.88	1.05	05/23/2013	05/21/2018	18,229	3,512	-	21,741
Federal Agencies	3130A8VL4	FEDERAL HOME LOAN BANK	10,000,000	1.00	1.00	08/24/2016	05/24/2018	8,333	-	-	8,333
Federal Agencies	3130A8VL4	FEDERAL HOME LOAN BANK	25,000,000	1.00	1.00	08/24/2016	05/24/2018	20,833	-	-	20,833
Federal Agencies	3134G9GG6	FREDDIE MAC	-	0.80	0.80	05/25/2016	05/25/2018	26,667	-	-	26,667
Federal Agencies	3134G9HC4	FREDDIE MAC	10,000,000	1.00	1.03	05/25/2016	05/25/2018	8,333	205	-	8,539
Federal Agencies	3133EFCT2	FEDERAL FARM CREDIT BANK	25,000,000	0.59	0.59	09/08/2015	06/08/2018	12,270	-	-	12,270
Federal Agencies	3133EFCT2	FEDERAL FARM CREDIT BANK	50,000,000	0.59	0.59	09/08/2015	06/08/2018	24,541	-	-	24,541
Federal Agencies	3133EEW48	FEDERAL FARM CREDIT BANK	50,000,000	0.58	0.59	06/11/2015	06/11/2018	24,123	109	-	24,233
Federal Agencies	3133EFSH1	FEDERAL FARM CREDIT BANK	25,000,000	1.17	1.25	12/18/2015	06/14/2018	24,375	1,576	-	25,951
Federal Agencies	3133EGGC3	FEDERAL FARM CREDIT BANK	25,000,000	0.68	0.68	06/20/2016	06/20/2018	13,727	-	-	13,727
Federal Agencies	3134G9RZ2	FREDDIE MAC	8,950,000	0.80	0.80	06/22/2016	06/22/2018	5,967	-	-	5,967
Federal Agencies	3134G9UY1	FREDDIE MAC	25,000,000	1.00	1.00	06/29/2016	06/29/2018	20,833	-	-	20,833
Federal Agencies	3134G9UY1	FREDDIE MAC	25,000,000	1.00	1.00	06/29/2016	06/29/2018	20,833	-	-	20,833
Federal Agencies	3133EGBQ7	FEDERAL FARM CREDIT BANK	25,000,000	0.69	0.69	05/19/2016	07/19/2018	13,988	-	-	13,988
Federal Agencies	3133EGBQ7	FEDERAL FARM CREDIT BANK	25,000,000	0.69	0.69	05/19/2016	07/19/2018	13,988	-	-	13,988
Federal Agencies	3130A8U50	FEDERAL HOME LOAN BANK	22,250,000	0.83	0.89	07/29/2016	07/25/2018	15,390	1,107	-	16,497
Federal Agencies	3134G9Q67	FREDDIE MAC	25,000,000	1.05	1.05	07/27/2016	07/27/2018	21,875	-	-	21,875
Federal Agencies	3134G9Q67	FREDDIE MAC	25,000,000	1.05	1.06	07/27/2016	07/27/2018	21,875	257	-	22,132
Federal Agencies	3133EGFQ3	FEDERAL FARM CREDIT BANK	25,000,000	0.88	0.91	09/21/2016	09/14/2018	18,229	788	-	19,018
Federal Agencies	3130A9C90	FEDERAL HOME LOAN BANK	25,000,000	1.05	1.05	09/28/2016	09/28/2018	21,875	-	-	21,875
Federal Agencies	3133EGFK6	FEDERAL FARM CREDIT BANK	25,000,000	0.68	0.68	06/17/2016	10/17/2018	13,996	-	-	13,996
Federal Agencies	3133EGFK6	FEDERAL FARM CREDIT BANK	25,000,000	0.68	0.68	06/17/2016	10/17/2018	13,996	-	-	13,996
Federal Agencies	3134G82B4	FREDDIE MAC	-	0.75	0.75	11/23/2015	11/23/2018	11,458	-	-	11,458
Federal Agencies	3136G2C39	FANNIE MAE	15,000,000	1.63	1.63	12/30/2014	12/28/2018	20,313	-	-	20,313
Federal Agencies	3133EGDM4	FEDERAL FARM CREDIT BANK	25,000,000	0.69	0.69	06/02/2016	01/02/2019	14,449	-	-	14,449
Federal Agencies	3130A8VZ3	FEDERAL HOME LOAN BANK	25,000,000	1.05	1.05	07/28/2016	01/25/2019	21,875	-	-	21,875
Federal Agencies	3132X0EK3	FARMER MAC	25,000,000	0.98	0.98	01/25/2016	01/25/2019	20,454	-	-	20,454
Federal Agencies	3133EGBU8	FEDERAL FARM CREDIT BANK	50,000,000	0.77	0.77	05/25/2016	02/25/2019	30,025	-	-	30,025
Federal Agencies	3136G2XK8	FANNIE MAE	25,000,000	0.75	0.75	02/26/2016	02/26/2019	15,625	-	-	15,625
Federal Agencies	3136G2Y68	FANNIE MAE	15,935,000	0.75	0.77	02/26/2016	02/26/2019	9,959	218	-	10,177
Federal Agencies	3132X0ED9	FARMER MAC	40,000,000	0.93	0.93	01/19/2016	03/19/2019	30,885	-	-	30,885
Federal Agencies	3136G3FC4	FANNIE MAE	6,250,000	1.00	1.00	03/29/2016	03/29/2019	5,208	-	-	5,208
Federal Agencies	3134G8VT3	FREDDIE MAC	14,560,000	0.80	0.80	05/23/2016	04/25/2019	9,707	20	-	9,727
Federal Agencies	3136G3QP3	FANNIE MAE	10,000,000	1.25	1.25	05/24/2016	05/24/2019	10,417	-	-	10,417
Federal Agencies	3134G9LF2	FREDDIE MAC	75,000,000	0.75	0.75	06/07/2016	06/07/2019	46,875	-	-	46,875
Federal Agencies	3136G3NK7	FANNIE MAE	25,000,000	0.75	0.76	06/07/2016	06/07/2019	15,625	103	-	15,728
Federal Agencies	3136G3NM3	FANNIE MAE	50,000,000	0.75	0.75	06/07/2016	06/07/2019	31,250	-	-	31,250
Federal Agencies	3134G9QN0	FREDDIE MAC	12,500,000	0.88	0.88	06/14/2016	06/14/2019	9,115	-	-	9,115
Federal Agencies	3134G9QW0	FREDDIE MAC	50,000,000	1.28	1.28	06/14/2016	06/14/2019	53,333	-	-	53,333
Federal Agencies	3134G9YR2	FREDDIE MAC	50,000,000	0.85	0.85	07/12/2016	07/12/2019	35,417	-	-	35,417
Federal Agencies	3133EGED3	FEDERAL FARM CREDIT BANK	25,000,000	0.72	0.72	06/09/2016	08/09/2019	14,975	-	-	14,975
Federal Agencies	3133EGED3	FEDERAL FARM CREDIT BANK	25,000,000	0.72	0.72	06/09/2016	08/09/2019	14,975	-	-	14,975
Federal Agencies	3134G94F1	FREDDIE MAC	25,000,000	1.00	1.00	08/15/2016	08/15/2019	20,833	-	-	20,833
Federal Agencies	3135G0P23	FANNIE MAE	20,000,000	1.25	1.25	08/30/2016	08/23/2019	20,833	-	-	20,833
Federal Agencies	3136G3X59	FANNIE MAE	25,000,000	1.10	1.10	08/23/2016	08/23/2019	22,917	-	-	22,917
Federal Agencies	3134G9GS0	FREDDIE MAC	25,000,000	1.25	1.25	05/26/2016	08/26/2019	26,042	-	-	26,042
Federal Agencies	3134GAHR8	FREDDIE MAC	25,000,000	0.75	0.75	09/23/2016	09/23/2019	15,625	-	-	15,625
Federal Agencies	3135G0Q30	FANNIE MAE	50,000,000	1.18	1.18	10/21/2016	09/27/2019	49,167	-	-	49,167

Monthly Investment Earnings

Pooled Fund

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Federal Agencies	3132X0KH3	FARMER MAC	50,000,000	0.87	0.87	10/06/2016	10/01/2019	36,430	-	-	36,430
Federal Agencies	3134G8TG4	FREDDIE MAC	15,000,000	1.50	1.50	04/11/2016	10/11/2019	18,750	-	-	18,750
Federal Agencies	3134GAPT5	FREDDIE MAC	10,000,000	0.75	0.75	10/18/2016	10/18/2019	6,250	-	-	6,250
Federal Agencies	3136G4FJ7	FANNIE MAE	25,000,000	1.20	1.20	10/25/2016	10/25/2019	25,000	-	-	25,000
Federal Agencies	3136G4EZ2	FANNIE MAE	50,000,000	1.13	1.16	10/28/2016	10/30/2019	46,875	1,367	-	48,242
Federal Agencies	3134GAVL5	FREDDIE MAC	100,000,000	1.00	1.00	11/04/2016	11/04/2019	75,000	-	-	75,000
Federal Agencies	3136G3LV5	FANNIE MAE	8,950,000	1.35	1.35	05/26/2016	11/26/2019	10,069	-	-	10,069
Federal Agencies	3134G9VR5	FREDDIE MAC	25,000,000	1.00	1.00	07/06/2016	01/06/2020	20,833	-	-	20,833
Federal Agencies	3136G3TK1	FANNIE MAE	25,000,000	0.88	0.88	07/06/2016	04/06/2020	18,229	-	-	18,229
Federal Agencies	3136G4BL6	FANNIE MAE	15,000,000	1.25	1.25	10/17/2016	04/17/2020	15,625	-	-	15,625
Federal Agencies	3132X0AT8	FARMER MAC	41,000,000	0.67	0.67	06/05/2015	06/02/2020	23,013	-	-	23,013
Federal Agencies	3136G3TG0	FANNIE MAE	15,000,000	1.15	1.15	06/30/2016	06/30/2020	14,375	-	-	14,375
Federal Agencies	3130A9FR7	FEDERAL HOME LOAN BANK	103,500,000	0.74	0.74	09/29/2016	09/28/2020	59,573	-	-	59,573
Federal Agencies	3132X0KR1	FARMER MAC	25,000,000	0.73	0.73	11/02/2016	11/02/2020	14,778	-	-	14,778
Federal Agencies	3133EFTX5	FEDERAL FARM CREDIT BANK	100,000,000	0.91	0.91	12/24/2015	12/24/2020	72,338	-	-	72,338
Federal Agencies	3135G0Q89	FANNIE MAE	25,000,000	1.38	1.38	10/21/2016	10/07/2021	28,646	-	-	28,646
Federal Agencies	3133EGZJ7	FEDERAL FARM CREDIT BANK	14,500,000	1.38	1.38	10/25/2016	10/25/2021	16,615	-	-	16,615
Federal Agencies	3133EGZJ7	FEDERAL FARM CREDIT BANK	15,000,000	1.38	1.38	10/25/2016	10/25/2021	17,188	-	-	17,188
Subtotals			\$3,908,188,000					\$2,912,257	\$ (208,063)	\$ -	\$ 2,704,195
State/Local Agencies	13063CPM6	CALIFORNIA ST	\$ -	0.75	0.69	12/09/2014	11/01/2016	\$ -	\$ -	\$ -	\$ -
State/Local Agencies	91411SL16	UNIVERSITY OF CALIFORNIA	-	0.00	0.55	09/01/2016	11/01/2016	-	-	-	-
State/Local Agencies	91411SP61	UNIVERSITY OF CALIFORNIA	50,000,000	0.00	0.62	11/29/2016	02/06/2017	1,722	-	-	1,722
State/Local Agencies	91412GL45	UNIV OF CALIFORNIA CA REVENUE	5,505,000	0.65	0.65	06/30/2016	05/15/2017	2,982	-	-	2,982
State/Local Agencies	91412GUU7	UNIV OF CALIFORNIA CA REVENUE	3,250,000	1.22	1.22	04/10/2014	05/15/2017	3,310	-	-	3,310
State/Local Agencies	718814XY7	PHOENIX AZ	20,000,000	3.50	0.76	09/27/2016	07/01/2017	58,333	(44,924)	-	13,409
State/Local Agencies	0104105D6	ALABAMA ST	22,185,000	3.50	0.70	11/04/2016	08/01/2017	58,236	(45,834)	-	12,401
State/Local Agencies	13063CFC9	CALIFORNIA ST	16,500,000	1.75	1.66	11/05/2013	11/01/2017	24,063	(1,213)	-	22,850
State/Local Agencies	13063CPN4	CALIFORNIA ST	5,000,000	1.25	1.22	12/22/2014	11/01/2017	5,208	(131)	-	5,078
State/Local Agencies	13063CPN4	CALIFORNIA ST	50,000,000	1.25	1.17	11/25/2014	11/01/2017	52,083	(3,400)	-	48,683
State/Local Agencies	91412GL52	UNIV OF CALIFORNIA CA REVENUE	2,470,000	0.99	0.99	06/30/2016	05/15/2018	2,044	-	-	2,044
State/Local Agencies	546456CY8	LOUISIANA ST CITIZENS PROPERT	4,500,000	6.13	1.30	11/30/2016	06/01/2018	766	(588)	-	178
State/Local Agencies	646065QQ8	NEW JERSEY ST EDUCNTL FACS A	5,000,000	5.00	0.85	09/29/2016	07/01/2018	20,833	(16,908)	-	3,926
State/Local Agencies	13063C4V9	CALIFORNIA ST	50,000,000	1.05	0.90	11/03/2016	11/01/2018	40,833	(5,673)	-	35,160
State/Local Agencies	13063CKL3	CALIFORNIA ST	4,750,000	2.25	1.15	10/27/2016	05/01/2019	8,906	(4,227)	-	4,679
State/Local Agencies	91412GL60	UNIV OF CALIFORNIA CA REVENUE	2,000,000	1.23	1.23	06/30/2016	05/15/2019	2,047	-	-	2,047
State/Local Agencies	91412GSB2	UNIV OF CALIFORNIA CA REVENUE	4,180,000	1.80	1.57	10/05/2015	07/01/2019	6,256	(757)	-	5,499
State/Local Agencies	91412GSB2	UNIV OF CALIFORNIA CA REVENUE	16,325,000	1.80	1.56	10/02/2015	07/01/2019	24,433	(2,996)	-	21,437
State/Local Agencies	6055804W6	MISSISSIPPI ST	8,500,000	6.09	1.38	04/23/2015	10/01/2019	43,130	(31,767)	-	11,364
State/Local Agencies	977100CW4	WISCONSIN ST GEN FUND ANNUA	18,000,000	1.45	1.45	08/16/2016	05/01/2020	21,690	-	-	21,690
State/Local Agencies	91412GF59	UNIV OF CALIFORNIA CA REVENUE	1,769,000	1.91	1.40	08/09/2016	05/15/2021	2,816	(719)	-	2,097
Subtotals			\$ 289,934,000					\$ 379,691	\$ (159,136)	\$ -	\$ 220,555
Public Time Deposits	PP5Z1EJS4	MISSION NATIONAL BK SF	\$ 240,000	0.86	0.86	02/19/2016	02/21/2017	\$ 171	\$ -	\$ -	\$ 171
Public Time Deposits	PP600XGA1	TRANS-PAC NATIONAL BK	240,000	1.05	1.05	03/21/2016	03/21/2017	207	-	-	207
Public Time Deposits	PPF00EG62	BANK OF SAN FRANCISCO	240,000	0.89	0.89	04/11/2016	04/11/2017	178	-	-	178
Public Time Deposits	PPQJ03J86	PREFERRED BANK LA CALIF	240,000	0.85	0.85	05/16/2016	05/16/2017	168	-	-	168
Public Time Deposits	PP7C0E3S1	UMPQUA BANK	240,000	0.79	0.79	06/29/2016	06/29/2017	156	-	-	156
Subtotals			\$ 1,200,000					\$ 879	\$ -	\$ -	\$ 879
Negotiable CDs	89113EU20	TORONTO DOMINION BANK NY	\$ 50,000,000	1.16	1.16	12/07/2015	12/07/2016	\$ 48,477	\$ -	\$ -	\$ 48,477

Monthly Investment Earnings

Pooled Fund

Type of Investment	CUSIP	Issuer Name	Par Value	Coupon	YTM ¹	Settle Date	Maturity Date	Earned Interest	Amort. Expense	Realized Gain/(Loss)	Earned Income /Net Earnings
Negotiable CDs	96121TH27	WESTPAC BANKING CORP NY	25,000,000	1.07	1.07	12/22/2015	12/28/2016	21,074	-	-	21,074
Negotiable CDs	78009NZD1	ROYAL BANK OF CANADA NY	25,000,000	1.10	1.10	01/25/2016	01/25/2017	21,992	-	-	21,992
Negotiable CDs	06427EM65	BANK OF MONTREAL CHICAGO	25,000,000	1.13	1.13	04/29/2016	02/01/2017	23,457	-	-	23,457
Negotiable CDs	89113WFC5	TORONTO DOMINION BANK NY	25,000,000	1.08	1.08	07/28/2016	02/01/2017	22,556	-	-	22,556
Negotiable CDs	06427EX55	BANK OF MONTREAL CHICAGO	25,000,000	1.03	1.03	06/08/2016	03/06/2017	21,458	-	-	21,458
Negotiable CDs	78009NZW9	ROYAL BANK OF CANADA NY	50,000,000	1.05	1.05	03/10/2016	03/10/2017	43,525	-	-	43,525
Negotiable CDs	06427EDJ7	BANK OF MONTREAL CHICAGO	25,000,000	0.95	0.95	09/17/2015	03/17/2017	19,621	-	-	19,621
Negotiable CDs	78009ND94	ROYAL BANK OF CANADA NY	25,000,000	0.96	0.96	07/01/2016	03/27/2017	20,000	-	-	20,000
Negotiable CDs	89113EC79	TORONTO DOMINION BANK NY	50,000,000	1.10	1.10	10/02/2015	03/28/2017	45,956	-	-	45,956
Negotiable CDs	89113E5Z5	TORONTO DOMINION BANK NY	25,000,000	1.10	1.10	04/08/2016	04/12/2017	22,917	-	-	22,917
Negotiable CDs	06427K3A3	BANK OF MONTREAL CHICAGO	25,000,000	1.28	1.28	08/03/2016	05/03/2017	26,517	-	-	26,517
Negotiable CDs	89113WJJ6	TORONTO DOMINION BANK NY	40,000,000	1.32	1.32	09/09/2016	06/15/2017	44,000	-	-	44,000
Negotiable CDs	06417HUR5	BANK OF NOVA SCOTIA HOUS	50,000,000	1.13	1.13	09/25/2014	09/25/2017	46,947	-	-	46,947
Subtotals			\$ 465,000,000					\$ 428,496	\$ -	\$ -	\$ 428,496
Commercial Paper	06538BMP5	BANK TOKYO-MIT UFJ NY	\$ 50,000,000	0.00	0.59	11/17/2016	12/23/2016	\$ 11,472	\$ -	\$ -	\$ 11,472
Commercial Paper	45920FMT2	IBM CORP	30,000,000	0.00	0.55	11/23/2016	12/27/2016	3,667	-	-	3,667
Commercial Paper	59515MPH2	MICROSOFT CORP	50,000,000	0.00	0.78	11/28/2016	02/17/2017	3,250	-	-	3,250
Commercial Paper	89233GQ33	TOYOTA MOTOR CREDIT CORP	25,000,000	0.00	1.02	06/06/2016	03/03/2017	21,042	-	-	21,042
Commercial Paper	89233GQ66	TOYOTA MOTOR CREDIT CORP	25,000,000	0.00	1.01	06/09/2016	03/06/2017	20,833	-	-	20,833
Commercial Paper	89233GQ74	TOYOTA MOTOR CREDIT CORP	25,000,000	0.00	1.01	06/10/2016	03/07/2017	20,833	-	-	20,833
Commercial Paper	06538BQL0	BANK TOKYO-MIT UFJ NY	25,000,000	0.00	1.00	11/17/2016	03/20/2017	9,722	-	-	9,722
Commercial Paper	06538BQL0	BANK TOKYO-MIT UFJ NY	50,000,000	0.00	1.02	11/23/2016	03/20/2017	11,333	-	-	11,333
Commercial Paper	89233GR73	TOYOTA MOTOR CREDIT CORP	40,000,000	0.00	1.06	07/13/2016	04/07/2017	35,000	-	-	35,000
Commercial Paper	06538BRM7	BANK TOKYO-MIT UFJ NY	50,000,000	0.00	1.22	07/26/2016	04/21/2017	50,417	-	-	50,417
Commercial Paper	89233APL7	TOYOTA MOTOR CREDIT CORP	25,000,000	1.15	1.15	07/28/2016	04/21/2017	22,741	-	-	22,741
Commercial Paper	06538BS53	BANK TOKYO-MIT UFJ NY	25,000,000	0.00	1.32	08/09/2016	05/05/2017	27,292	-	-	27,292
Commercial Paper	06538BS53	BANK TOKYO-MIT UFJ NY	40,000,000	0.00	1.34	08/10/2016	05/05/2017	44,333	-	-	44,333
Commercial Paper	06538BSC8	BANK TOKYO-MIT UFJ NY	25,000,000	0.00	1.35	08/17/2016	05/12/2017	27,917	-	-	27,917
Commercial Paper	06538BT29	BANK TOKYO-MIT UFJ NY	40,000,000	0.00	1.38	09/07/2016	06/02/2017	45,667	-	-	45,667
Commercial Paper	89233GT63	TOYOTA MOTOR CREDIT CORP	25,000,000	0.00	1.25	09/09/2016	06/06/2017	25,833	-	-	25,833
Subtotals			\$ 550,000,000					\$ 381,352	\$ -	\$ -	\$ 381,352
Medium Term Notes	073928S46	BEAR STEARNS COS LLC	\$ -	1.20	1.83	02/10/2016	11/21/2016	\$ 4,304	\$ 720	\$ -	\$ 5,023
Medium Term Notes	36967FAB7	GENERAL ELECTRIC CO	20,000,000	1.16	1.16	01/09/2015	01/09/2017	19,268	-	-	19,268
Medium Term Notes	064159AM8	BANK OF NOVA SCOTIA	10,000,000	2.55	1.03	10/20/2015	01/12/2017	21,250	(12,367)	-	8,883
Medium Term Notes	90331HMC4	US BANK NA CINCINNATI	1,500,000	1.10	0.96	02/11/2016	01/30/2017	1,375	(175)	-	1,200
Medium Term Notes	90331HMC4	US BANK NA CINCINNATI	6,900,000	1.10	0.84	07/01/2016	01/30/2017	6,325	(1,477)	-	4,848
Medium Term Notes	90331HMC4	US BANK NA CINCINNATI	8,515,000	1.10	1.00	02/12/2016	01/30/2017	7,805	(695)	-	7,111
Medium Term Notes	90331HMC4	US BANK NA CINCINNATI	10,000,000	1.10	0.90	06/24/2016	01/30/2017	9,167	(1,664)	-	7,503
Medium Term Notes	36962G2F0	GENERAL ELECTRIC CO	3,791,000	1.08	1.27	04/08/2015	02/15/2017	3,268	82	-	3,350
Medium Term Notes	36962G2F0	GENERAL ELECTRIC CO	4,948,000	1.08	1.49	04/01/2015	02/15/2017	4,265	229	-	4,494
Medium Term Notes	91159HHD5	US BANCORP	3,090,000	1.65	1.09	02/03/2016	05/15/2017	4,249	(1,407)	-	2,841
Medium Term Notes	459200JD4	IBM CORP	25,000,000	1.36	1.36	02/19/2016	08/18/2017	27,038	-	-	27,038
Medium Term Notes	459200GJ4	IBM CORP	1,325,000	5.70	1.04	03/22/2016	09/14/2017	6,294	(5,012)	-	1,282
Medium Term Notes	911312AP1	UNITED PARCEL SERVICE	2,000,000	1.13	1.01	01/28/2016	10/01/2017	1,875	(185)	-	1,690
Medium Term Notes	459200HK0	IBM CORP	11,450,000	1.25	0.90	05/06/2016	02/08/2018	11,927	(3,248)	-	8,679
Subtotals			\$ 108,519,000					\$ 128,408	\$ (25,198)	\$ -	\$ 103,210

Monthly Investment Earnings

Pooled Fund

Type of Investment	CUSIP	Issuer Name	Par Value	Coupon	YTM ¹	Settle Date	Maturity Date	Earned Interest	Amort. Expense	Realized Gain/(Loss)	Earned Income /Net Earnings
Money Market Funds	09248U718	BLACKROCK LIQ INST GOV FUND	\$ 15,012,444	0.23	0.23	01/15/2013	12/01/2016	\$ 3,259	\$ -	\$ -	\$ 3,259
Money Market Funds	31607A703	FIDELITY INST GOV FUND	245,608,482	0.31	0.31	11/04/2015	12/01/2016	65,051	-	-	65,051
Money Market Funds	61747C707	MORGAN STANLEY INST GOVT FUI	50,263,987	0.29	0.29	12/31/2012	12/01/2016	12,957	-	-	12,957
Subtotals			\$ 310,884,912					\$ 81,267	\$ -	\$ -	\$ 81,267
Supranationals	45905UXQ2	INTL BK RECON & DEVELOP	\$ 25,000,000	0.72	0.72	07/27/2016	01/26/2018	\$ 14,784	\$ -	\$ -	\$ 14,784
Supranationals	45950VFH4	INTERNATIONAL FINANCE CORP	30,000,000	0.55	0.64	11/15/2016	02/02/2018	7,384	1,168	-	8,551
Supranationals	459058ER0	INTL BK RECON & DEVELOP	25,000,000	1.00	1.07	10/07/2015	10/05/2018	20,833	1,165	-	21,999
Subtotals			\$ 80,000,000					\$ 43,001	\$ 2,333	\$ -	\$ 45,334
Grand Totals			\$7,663,725,912					\$ 5,175,600	\$ (332,344)	\$ -	\$ 4,843,256

¹ Yield to maturity is calculated at purchase

Investment Transactions

Pooled Fund

For month ended November 30, 2016

Transaction	Settle Date	Maturity	Type of Investment	Issuer Name	CUSIP	Par Value	Coupon	YTM	Price	Interest	Transaction
Purchase	11/01/2016	12/01/2016	Money Market Funds	BLACKROCK LIQ INST GOV F	09248U718	\$ 2,184	0.21	0.21	\$ 100.00	\$ -	\$ 2,184
Purchase	11/01/2016	12/01/2016	Money Market Funds	BLACKROCK LIQ INST GOV F	09248U718	50,000,000	0.21	0.21	100.00	-	50,000,000
Purchase	11/01/2016	12/01/2016	Money Market Funds	FIDELITY INST GOV FUND	31607A703	100,000,000	0.31	0.31	100.00	-	100,000,000
Purchase	11/01/2016	12/01/2016	Money Market Funds	MORGAN STANLEY INST GOVT	61747C707	50,000,000	0.30	0.30	100.00	-	50,000,000
Purchase	11/02/2016	11/02/2020	Federal Agencies	FARMER MAC	3132X0KR1	25,000,000	0.73	0.73	100.00	-	25,000,000
Purchase	11/03/2016	11/01/2018	State/Local Agencies	CALIFORNIA ST	13063C4V9	50,000,000	1.05	0.90	100.30	-	50,147,500
Purchase	11/04/2016	08/01/2017	State/Local Agencies	ALABAMA ST	0104105D6	22,185,000	3.50	0.70	102.07	200,589	22,843,931
Purchase	11/04/2016	11/04/2019	Federal Agencies	FREDDIE MAC	3134GAVL5	100,000,000	1.00	1.00	100.00	-	100,000,000
Purchase	11/07/2016	12/01/2016	Money Market Funds	FIDELITY INST GOV FUND	31607A703	25,000,000	0.32	0.31	100.00	-	25,000,000
Purchase	11/10/2016	10/31/2021	U.S. Treasuries	US TSY NT	912828T67	50,000,000	1.25	1.43	99.15	17,265	49,591,484
Purchase	11/15/2016	02/02/2018	Supranationals	INTERNATIONAL FINANCE CO	45950VFH4	30,000,000	0.55	0.64	99.89	6,000	29,973,600
Purchase	11/17/2016	12/23/2016	Commercial Paper	BANK TOKYO-MIT UFJ NY	06538BMP5	50,000,000	0.00	0.59	99.94	-	49,970,500
Purchase	11/17/2016	03/20/2017	Commercial Paper	BANK TOKYO-MIT UFJ NY	06538BQL0	25,000,000	0.00	1.00	99.66	-	24,914,583
Purchase	11/23/2016	03/20/2017	Commercial Paper	BANK TOKYO-MIT UFJ NY	06538BQL0	50,000,000	0.00	1.02	99.67	-	49,834,250
Purchase	11/23/2016	12/27/2016	Commercial Paper	IBM CORP	45920FMT2	30,000,000	0.00	0.55	99.95	-	29,984,417
Purchase	11/28/2016	02/17/2017	Commercial Paper	MICROSOFT CORP	59515MPH2	50,000,000	0.00	0.78	99.82	-	49,912,250
Purchase	11/29/2016	02/06/2017	State/Local Agencies	UNIVERSITY OF CALIFORNIA	91411SP61	50,000,000	0.00	0.62	99.88	-	49,940,583
Purchase	11/30/2016	05/15/2018	Federal Agencies	FREDDIE MAC	3134GAXQ2	25,000,000	0.63	0.65	99.97	6,510	24,998,010
Purchase	11/30/2016	12/01/2016	Money Market Funds	FIDELITY INST GOV FUND	31607A703	65,051	0.32	0.31	100.00	-	65,051
Purchase	11/30/2016	06/01/2018	State/Local Agencies	LOUISIANA ST CITIZENS PR	546456CY8	4,500,000	6.13	1.30	107.16	137,047	4,959,112
Purchase	11/30/2016	12/01/2016	Money Market Funds	MORGAN STANLEY INST GOVT	61747C707	12,957	0.29	0.29	100.00	-	12,957
Subtotals						\$ 786,765,193	0.55	0.70	\$ 100.00	\$ 367,412	\$ 787,150,414
Sale	11/02/2016	12/01/2016	Money Market Funds	BLACKROCK LIQ INST GOV F	09248U718	\$ 25,000,000	0.23	0.23	\$ 100.00	\$ -	\$ 25,000,000
Sale	11/02/2016	12/01/2016	Money Market Funds	FIDELITY INST GOV FUND	31607A703	25,000,000	0.32	0.31	100.00	-	25,000,000
Sale	11/02/2016	12/01/2016	Money Market Funds	MORGAN STANLEY INST GOVT	61747C707	25,000,000	0.29	0.29	100.00	-	25,000,000
Sale	11/04/2016	12/01/2016	Money Market Funds	BLACKROCK LIQ INST GOV F	09248U718	15,000,000	0.23	0.23	100.00	-	15,000,000
Sale	11/04/2016	12/01/2016	Money Market Funds	FIDELITY INST GOV FUND	31607A703	100,000,000	0.32	0.31	100.00	-	100,000,000
Sale	11/04/2016	12/01/2016	Money Market Funds	MORGAN STANLEY INST GOVT	61747C707	25,000,000	0.29	0.29	100.00	-	25,000,000
Subtotals						\$ 215,000,000	0.29	0.29	\$ 100.00	\$ -	\$ 215,000,000
Call	11/23/2016	11/23/2018	Federal Agencies	FREDDIE MAC	3134G82B4	\$ 25,000,000	0.75	0.75	100.00	\$ -	\$ 25,000,000
Call	11/25/2016	05/25/2018	Federal Agencies	FREDDIE MAC	3134G9GG6	50,000,000	0.80	0.80	100.00	-	50,000,000
Subtotals						\$ 75,000,000	0.78	0.78	\$ -	\$ -	\$ 75,000,000
Maturity	11/01/2016	11/01/2016	State/Local Agencies	CALIFORNIA ST	13063CPM6	\$ 44,000,000	0.75	0.69	100.00	\$ 165,000	\$ 44,165,000
Maturity	11/01/2016	11/01/2016	State/Local Agencies	UNIVERSITY OF CALIFORNIA	91411SL16	37,000,000	0.00	0.55	100.00	-	37,000,000
Maturity	11/21/2016	11/21/2016	Medium Term Notes	BEAR STEARNS COS LLC	073928S46	6,450,000	1.20	1.83	100.00	19,581	6,469,581
Maturity	11/23/2016	11/23/2016	Federal Agencies	FEDERAL HOME LOAN BANK	3130A3J70	7,015,000	0.63	0.66	100.00	21,922	7,036,922
Maturity	11/23/2016	11/23/2016	Federal Agencies	FEDERAL HOME LOAN BANK	3130A3J70	25,000,000	0.63	0.64	100.00	78,125	25,078,125
Maturity	11/30/2016	11/30/2016	Federal Agencies	FEDERAL HOME LOAN BANK	313381GA7	23,100,000	0.57	0.57	100.00	65,835	23,165,835
Subtotals						\$ 142,565,000	0.52	0.68	\$ -	\$ 350,463	\$ 142,915,463
Interest	11/01/2016	02/01/2017	Negotiable CDs	BANK OF MONTREAL CHICAGO	06427EM65	\$ 25,000,000	1.00	1.00	0.00	0.00	\$ 63,665
Interest	11/01/2016	11/01/2017	State/Local Agencies	CALIFORNIA ST	13063CFC9	16,500,000	1.75	1.66	0.00	0.00	144,375
Interest	11/01/2016	05/01/2019	State/Local Agencies	CALIFORNIA ST	13063CKL3	4,750,000	2.25	1.15	0.00	0.00	53,438
Interest	11/01/2016	11/01/2017	State/Local Agencies	CALIFORNIA ST	13063CPN4	5,000,000	1.25	1.22	0.00	0.00	31,250
Interest	11/01/2016	11/01/2017	State/Local Agencies	CALIFORNIA ST	13063CPN4	50,000,000	1.25	1.17	0.00	0.00	312,500
Interest	11/01/2016	02/01/2017	Negotiable CDs	TORONTO DOMINION BANK NY	89113WFC5	25,000,000	1.08	1.08	0.00	0.00	21,694
Interest	11/02/2016	03/02/2017	Federal Agencies	FEDERAL HOME LOAN BANK	3130A8D83	25,000,000	0.55	0.55	0.00	0.00	11,776
Interest	11/02/2016	06/02/2020	Federal Agencies	FARMER MAC	3132X0AT8	41,000,000	0.67	0.67	0.00	0.00	23,557
Interest	11/02/2016	02/02/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EEMH0	4,000,000	0.58	0.59	0.00	0.00	1,988

Investment Transactions

Pooled Fund

Transaction	Settle Date	Maturity	Type of Investment	Issuer Name	CUSIP	Par Value	Coupon	YTM	Price	Interest	Transaction
Interest	11/02/2016	02/02/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EEMH0	35,000,000	0.58	0.62	0.00	0.00	17,397
Interest	11/02/2016	01/02/2019	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EGDM4	25,000,000	0.69	0.69	0.00	0.00	14,794
Interest	11/03/2016	05/03/2017	Negotiable CDs	BANK OF MONTREAL CHICAGO	06427K3A3	25,000,000	1.16	1.16	0.00	0.00	74,054
Interest	11/03/2016	05/03/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EEU40	69,000,000	0.57	0.57	0.00	0.00	33,702
Interest	11/05/2016	02/05/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EEAN0	25,000,000	0.57	0.57	0.00	0.00	12,235
Interest	11/05/2016	02/05/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EEAN0	25,000,000	0.57	0.59	0.00	0.00	12,235
Interest	11/05/2016	02/05/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EEAN0	50,000,000	0.57	0.59	0.00	0.00	24,470
Interest	11/05/2016	10/05/2017	Federal Agencies	FANNIE MAE	3135G0F57	25,000,000	0.54	0.57	0.00	0.00	11,589
Interest	11/08/2016	06/08/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EFCT2	25,000,000	0.59	0.58	0.00	0.00	12,584
Interest	11/08/2016	06/08/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EFCT2	50,000,000	0.59	0.58	0.00	0.00	25,169
Interest	11/09/2016	02/09/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EFNK9	25,000,000	0.61	0.63	0.00	0.00	13,122
Interest	11/09/2016	08/09/2019	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EGED3	25,000,000	0.72	0.71	0.00	0.00	15,383
Interest	11/09/2016	08/09/2019	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EGED3	25,000,000	0.72	0.71	0.00	0.00	15,383
Interest	11/10/2016	03/10/2017	Negotiable CDs	ROYAL BANK OF CANADA NY	78009NZW9	50,000,000	1.04	1.04	0.00	0.00	43,292
Interest	11/11/2016	06/11/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EEW48	50,000,000	0.57	0.58	0.00	0.00	24,714
Interest	11/12/2016	05/12/2017	Federal Agencies	FREDDIE MAC	3137EADF3	25,000,000	1.25	1.14	0.00	0.00	156,250
Interest	11/13/2016	11/13/2017	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EEBR0	25,000,000	0.56	0.60	0.00	0.00	12,070
Interest	11/13/2016	11/13/2017	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EEJ76	25,000,000	0.59	0.62	0.00	0.00	35,215
Interest	11/15/2016	02/15/2017	Medium Term Notes	GENERAL ELECTRIC CO	36962G2F0	3,791,000	0.99	1.08	0.00	0.00	9,562
Interest	11/15/2016	02/15/2017	Medium Term Notes	GENERAL ELECTRIC CO	36962G2F0	4,948,000	0.99	1.20	0.00	0.00	12,481
Interest	11/15/2016	05/15/2017	Medium Term Notes	US BANCORP	91159HHD5	3,090,000	1.65	1.09	0.00	0.00	25,493
Interest	11/15/2016	05/15/2021	State/Local Agencies	UNIV OF CALIFORNIA CA RE	91412GF59	1,769,000	1.91	1.40	0.00	0.00	19,240
Interest	11/15/2016	05/15/2017	State/Local Agencies	UNIV OF CALIFORNIA CA RE	91412GL45	5,505,000	0.65	0.65	0.00	0.00	13,418
Interest	11/15/2016	05/15/2018	State/Local Agencies	UNIV OF CALIFORNIA CA RE	91412GL52	2,470,000	0.99	0.99	0.00	0.00	9,198
Interest	11/15/2016	05/15/2019	State/Local Agencies	UNIV OF CALIFORNIA CA RE	91412GL60	2,000,000	1.23	1.23	0.00	0.00	9,210
Interest	11/15/2016	05/15/2017	State/Local Agencies	UNIV OF CALIFORNIA CA RE	91412GUU7	3,250,000	1.22	1.22	0.00	0.00	19,858
Interest	11/16/2016	04/16/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EEZC7	50,000,000	0.59	0.59	0.00	0.00	25,169
Interest	11/16/2016	08/16/2017	Federal Agencies	FANNIE MAE	3135G0F24	25,000,000	0.55	0.57	0.00	0.00	11,723
Interest	11/16/2016	05/16/2017	Public Time Deposits	PREFERRED BANK LA CALIF	PPQJ03J86	240,000	0.85	0.85	0.00	0.00	514
Interest	11/17/2016	03/17/2017	Negotiable CDs	BANK OF MONTREAL CHICAGO	06427EDJ7	25,000,000	0.94	0.93	0.00	0.00	20,119
Interest	11/17/2016	10/17/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EGFK6	25,000,000	0.67	0.66	0.00	0.00	14,307
Interest	11/17/2016	10/17/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EGFK6	25,000,000	0.67	0.66	0.00	0.00	14,307
Interest	11/18/2016	08/18/2017	Medium Term Notes	IBM CORP	459200JD4	25,000,000	1.25	1.25	0.00	0.00	79,943
Interest	11/19/2016	10/19/2017	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EETS9	30,000,000	0.56	0.56	0.00	0.00	14,412
Interest	11/19/2016	07/19/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EGBQ7	25,000,000	0.66	0.66	0.00	0.00	14,163
Interest	11/19/2016	07/19/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EGBQ7	25,000,000	0.66	0.66	0.00	0.00	14,163
Interest	11/19/2016	02/21/2017	Public Time Deposits	MISSION NATIONAL BK SF	PP5Z1EJS4	240,000	0.88	0.88	0.00	0.00	521
Interest	11/20/2016	06/20/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EGGC3	25,000,000	0.65	0.65	0.00	0.00	13,900
Interest	11/21/2016	11/21/2017	Federal Agencies	FREDDIE MAC	3134G44F2	50,000,000	0.80	0.80	0.00	0.00	200,000
Interest	11/21/2016	05/21/2018	Federal Agencies	FANNIE MAE	3135G0WJ8	25,000,000	0.88	1.05	0.00	0.00	109,375
Interest	11/22/2016	03/22/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EEN71	50,000,000	0.56	0.57	0.00	0.00	24,068
Interest	11/23/2016	08/23/2017	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EEFX3	50,000,000	0.57	0.57	0.00	0.00	24,714
Interest	11/23/2016	11/23/2018	Federal Agencies	FREDDIE MAC	3134G82B4	25,000,000	0.75	0.75	0.00	0.00	93,750
Interest	11/24/2016	05/24/2017	Federal Agencies	FEDERAL HOME LOAN BANK	3130A1NN4	14,000,000	0.88	0.58	0.00	0.00	61,250
Interest	11/24/2016	05/24/2018	Federal Agencies	FEDERAL HOME LOAN BANK	3130A8VL4	10,000,000	1.00	1.00	0.00	0.00	25,000
Interest	11/24/2016	05/24/2018	Federal Agencies	FEDERAL HOME LOAN BANK	3130A8VL4	25,000,000	1.00	1.00	0.00	0.00	62,500
Interest	11/24/2016	07/24/2017	Federal Agencies	FEDERAL FARM CREDIT BANK	3133ECV92	50,000,000	0.56	0.56	0.00	0.00	24,283
Interest	11/24/2016	03/24/2017	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EDP30	26,000,000	0.56	0.48	0.00	0.00	12,627
Interest	11/24/2016	12/24/2020	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EFTX5	100,000,000	0.85	0.85	0.00	0.00	73,539
Interest	11/24/2016	05/24/2019	Federal Agencies	FANNIE MAE	3136G3QP3	10,000,000	1.25	1.25	0.00	0.00	62,500
Interest	11/25/2016	02/25/2019	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EGBU8	50,000,000	0.71	0.71	0.00	0.00	30,526
Interest	11/25/2016	05/25/2018	Federal Agencies	FREDDIE MAC	3134G9GG6	50,000,000	0.80	0.80	0.00	0.00	200,000
Interest	11/25/2016	05/25/2018	Federal Agencies	FREDDIE MAC	3134G9HC4	10,000,000	1.00	1.03	0.00	0.00	50,000

Investment Transactions

Pooled Fund

Transaction	Settle Date	Maturity	Type of Investment	Issuer Name	CUSIP	Par Value	Coupon	YTM	Price	Interest	Transaction
Interest	11/25/2016	01/25/2017	Negotiable CDs	ROYAL BANK OF CANADA NY	78009NZD1	25,000,000	1.04	1.04	0.00	0.00	22,475
Interest	11/26/2016	03/26/2018	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EFWG8	25,000,000	0.69	0.70	0.00	0.00	14,940
Interest	11/26/2016	08/26/2019	Federal Agencies	FREDDIE MAC	3134G9GS0	25,000,000	1.25	1.25	0.00	0.00	156,250
Interest	11/26/2016	02/26/2019	Federal Agencies	FANNIE MAE	3136G2Y68	15,935,000	0.75	0.77	0.00	0.00	29,878
Interest	11/26/2016	11/26/2019	Federal Agencies	FANNIE MAE	3136G3LV5	8,950,000	1.35	1.35	0.00	0.00	60,413
Interest	11/26/2016	01/26/2018	Supranationals	INTL BK RECON & DEVELOP	45905UXQ2	25,000,000	0.71	0.71	0.00	0.00	15,000
Interest	11/27/2016	02/27/2017	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EDFW7	50,000,000	0.59	0.59	0.00	0.00	25,441
Interest	11/28/2016	09/28/2020	Federal Agencies	FEDERAL HOME LOAN BANK	3130A9FR7	103,500,000	0.69	0.69	0.00	0.00	61,051
Interest	11/28/2016	04/21/2017	Commercial Paper	TOYOTA MOTOR CREDIT CORP	89233APL7	25,000,000	1.09	1.08	0.00	0.00	23,353
Interest	11/28/2016	12/28/2016	Negotiable CDs	WESTPAC BANKING CORP NY	96121TH27	25,000,000	1.01	1.00	0.00	0.00	21,631
Interest	11/29/2016	03/29/2017	Federal Agencies	FEDERAL FARM CREDIT BANK	3133EDZW5	25,000,000	0.55	0.56	0.00	0.00	11,933
Interest	11/30/2016	12/01/2016	Money Market Funds	BLACKROCK LIQ INST GOV F	09248U718	15,012,444	0.23	0.23	0.00	0.00	3,259
Interest	11/30/2016	12/01/2016	Money Market Funds	FIDELITY INST GOV FUND	31607A703	245,608,482	0.32	0.31	0.00	0.00	65,051
Interest	11/30/2016	12/01/2016	Money Market Funds	MORGAN STANLEY INST GOVT	61747C707	50,263,987	0.29	0.29	0.00	0.00	12,957
Interest	11/30/2016	11/30/2017	U.S. Treasuries	US TSY NT	912828M72	50,000,000	0.88	1.00	0.00	0.00	218,750
Interest	11/30/2016	11/30/2017	U.S. Treasuries	US TSY NT	912828M72	50,000,000	0.88	1.00	0.00	0.00	218,750
Subtotals						\$2,416,822,912	0.71	0.71	\$ -	\$ -	\$ 3,574,863
Grand Totals											
	21	Purchases									
	(6)	Sales									
	(8)	Maturities / Calls									
	7	Change in number of positions									

Non-Pooled Investments

As of November 30, 2016

Type of Investment	CUSIP	Issue Name	Settle Date	Maturity Date	Duration	Coupon	Par Value	Book Value	Amortized Book Value	Market Value
State/Local Agencies	797712AD8	SFRDA SOUTH BEACH HARBOR	1/20/12	12/1/16	0.00	3.50	\$ 675,000	\$ 675,000	\$ 675,000	\$ 675,000
Subtotals					0.00	3.50	\$ 675,000	\$ 675,000	\$ 675,000	\$ 675,000
Grand Totals					0.00	3.50	\$ 675,000	\$ 675,000	\$ 675,000	\$ 675,000

NON-POOLED FUNDS PORTFOLIO STATISTICS

	Current Month		Prior Month	
	Fiscal YTD	November 2016	Fiscal YTD	October 2016
Average Daily Balance	\$ 675,000	\$ 675,000	\$ 675,000	\$ 675,000
Net Earnings	\$ 9,844	\$ 1,969	\$ 7,875	\$ 1,969
Earned Income Yield	3.48%	3.55%	3.49%	3.43%

Note: All non-pooled securities were inherited by the City and County of San Francisco as successor agency to the San Francisco Redevelopment Agency. Book value and amortized book value are derived from limited information received from the SFRDA and are subject to verification.

~~Cheung, Yvonne (BOS)~~

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Wong, Linda (BOS)
Subject: FW: Grant Budget Revision - Proposition 1E Round 1 Stormwater Flood Management
Attachments: Grant Budget Revision - Proposition 1E Round 1 Stormwater Flood Management Grant.pdf

From: Cheung, Yvonne [mailto:YCheung@sfwater.org]

Sent: Thursday, December 15, 2016 3:41 PM

To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

Cc: Yuan, Jane (CON) <jane.yuan@sfgov.org>; Osby, Senna (CON) <senna.osby@sfgov.org>; Chen, Vivian Ai Yi (PUC) <achen@sfwater.org>; Thaik, Sanda (PUC) <sthaik@sfwater.org>

Subject: Grant Budget Revision - Proposition 1E Round 1 Stormwater Flood Management

Greetings,

Attached please find notification on budgetary change that is greater than 15% for Prop 1E Round 1 Stormwater Flood Management Grant.

Thanks,

Yvonne Cheung

SFPUC Financial Services, Capital Projects & Grants
525 Golden Gate Ave., 4th Floor
San Francisco, CA 94102
Phone: 415-487-5279
Email: ycheung@sfwater.org

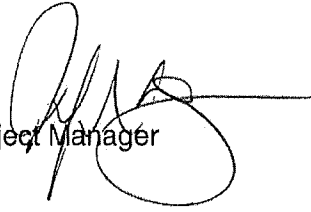


INTER-OFFICE MEMORANDUM

DATE: December 12, 2016

TO: Clerk of the Board of Supervisors

CC: Controller's Office Operations Unit

FROM: Manfred Wong, SFPUC SSIP Senior Project Manager 

SUBJECT: Grant Budget Revision

Grant name: Proposition 1E Round 1 Stormwater Flood
Management Grant (Agreement #4600009639)

In accordance with Administrative Code Section 10.170-1(H), this memo serves to notify the Board of Supervisors of a State grant line item budget revision in excess of 15% requiring funding agency approval, while keeping the total grant amount the same.

We have attached a copy of budget revision documentation submitted to the funding agency.

Attachment: Budget revision documentation

Edwin M. Lee
Mayor

Anson Moran
President

Ike Kwon
Vice President

Ann Moller Caen
Commissioner

Francesca Vietor
Commissioner

Vince Courtney
Commissioner

Harlan L. Kelly, Jr.
General Manager





San Francisco Water Power Sewer

Services of the San Francisco Public Utilities Commission

525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102

T 415.554.3155

F 415.554.3161

TTY 415.554.3488

September 13th, 2016

Hong Lin
Department of Water Resources
North Central Region Office
3500 Industrial Boulevard, Room 131
West Sacramento, CA 95691

Dear Ms. Lin,

Department of Water Resources (DWR) protocol requires that any substantive change to the signed Prop 1E Stormwater Flood Management Agreement (Agreement #4600009639) be requested through a detailed Formal Amendment. The purpose of this letter is to make such a Formal Amendment request and to provide the required details.

In late 2012, DWR awarded the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise \$24,147,000 in grant funding for the Cesar Chavez and Sunnydale Flood and Stormwater Management Sewer Improvement Projects. Since approval of Formal Amendment #1 (May 2014), the schedule and budget estimates and scope of work descriptions require some corrections to address project modifications, delays, and budget adjustments. Changes to signature authority are also necessary due to reorganization of SFPUC staff that has occurred since submission of the letter dated October 22, 2013 from SFPUC to DWR. Even with these requested changes the objective of the original application is still being met. The requested changes are outlined below.

I. Budget:

a. Sunnydale

- i. Move \$216,000 Grant Award from Direct Project Administration costs to Construction/Implementation (\$178,159.29) and to Construction Administration/Outreach (\$37,840.71). This is requested because Construction costs ran higher than expected while Project Administration costs were lower than expected.

b. Cesar Chavez

- i. Move \$150,000 Grant Award from Construction/Implementation to Construction costs to

Edwin M. Lee
Mayor

Francesca Viator
President

Anson Moran
Vice President

Ann Moller Caen
Commissioner

Vince Courtney
Commissioner

Ike Kwon
Commissioner

Harlan L. Kelly, Jr.
General Manager



Direct Project Administration Costs (\$50,000) and to Administration/Outreach (\$100,000). This is requested because Project Administration Costs are higher than expected due to delays and project re-bid, and Construction Administration/Outreach costs are running higher than expected.

- ii. Move \$61,035.33 Non-State Match from Environmental Compliance/Mitigation/Enhancement to Construction Administration/Outreach. This is requested as Construction Administration/Outreach costs are projected to be higher than previously budgeted.

II. Schedule:

a. Sunnydale

- i. Phase III of the Sunnydale project has been added to the project scope to align the construction schedules with another city sponsored project thereby reducing construction impacts on the neighborhood. Substantial completion has been rescheduled from October 2015 to October 2017.

b. Cesar Chavez

- i. The Low Impact Design (LID) component of the project had to be re-bid due to only receiving a single construction bid that was significantly higher than the engineer's estimate. The process of re-bidding the project necessitates rescheduling final completion from May 2016 to November 2016.

Due to these schedule changes, the SFPUC requests that the term of Agreement #4600009639 be extended from December 1, 2016 to January 1, 2019.

III. Scope of Work:

- a. Sunnydale: Addition of a Phase III to the project which postponed the installation of 580 feet of pipeline under Rutland Street from Sunnydale Avenue to Visitacion Avenue. This change was made to align the construction schedules of this pipeline segment with another city project and thereby reduce construction impacts on the neighborhood.
- b. Cesar Chavez: Elimination of permeable pavement to design and budget constraints. When advertised, the City only received a single construction bid that was significantly higher than the engineer's estimate therefore project scope

needed to be adjusted. LID component of project will be bioretention planters as described under Exhibit A Work Plan – Attachment 1.

IV. Signature Authority:

- a. For invoices and grant related reporting activities, the SFPUC representative will be:
 - i. Tommy Moala, Assistant General Manager, Wastewater Enterprise
 - ii. Raphael Garcia, Sewer System Improvement Program, Project Manager

Per DWR's Formal Amendment requirements, electronic copies of revised materials are being submitted with this formal letter.

If you have any questions regarding this matter, please contact Alexandra Gunnell at agunnell@sfgwater.org or at 415-551-4505.

Sincerely,

Harlan L. Kelly, Jr.
General Manager

CC: Tommy T. Moala, Assistant General Manager Wastewater Enterprise
Karen Kubick, Sewer System Improvement Program Manager
Anna M. Roche, Wastewater Enterprise Planning & Regulatory Compliance
Raphael Garcia, Sewer System Improvement Program Project Manager

**EXHIBIT A
WORK PLAN**

Sunnydale Flood and Stormwater Management Sewer Improvement Project

(a) Direct Project Administration Costs

Task 1: Project Administration

The San Francisco Public Utilities Commission (SFPUC) will act as lead agency for implementation of the Sunnydale Flood and Stormwater Management Sewer Improvement Project. Project administration activities include the following:

- Coordination with DWR on contract execution
- Preparation of invoices to DWR
- Public Outreach
- Support for Final Design of Phase II and III of the project (i.e. coordination with design consultant, and Bureau of Engineering Hydraulics Section)
- Ongoing oversight and coordination for project.

Deliverables:

- Contract with DWR
- Project invoices and backup documentation
- ~~Meeting minutes~~
- Project Monitoring Plan

Task 2: Labor Compliance Program

SFPUC will comply with California Labor Code requirements for Public Works contracts, and will use the California Department of Industrial Relations' Compliance Monitoring Unit for Public Works contracts that are awarded on or after January 1, 2012. SFPUC will pay prevailing wages, as determined by the California Department of Industrial Relations.

Deliverables:

- Evidence of labor compliance

Task 3: Reporting

SFPUC will compile quarterly progress reports for submittal to DWR. Reports will meet generally accepted professional standards for technical reporting and be proofread for content, numerical accuracy, spelling, and grammar prior to submittal to the State.

The quarterly reports will explain the status of the project and will include the following information:

- Summary of the work completed for the project during the reporting period
- Statement of progress compared to the schedule listed in Exhibit B
- Comparison of actual costs to date to the budget listed in Exhibit C

SFPUC will prepare a Final Project Report documenting implementation of the project, to be submitted to DWR within ninety (90) calendar days of DWR verification that all tasks associated with the project are completed. The Final Project Report will include the following information:

- Description of the actual work done
- Certification of As-Built Drawings
- Final schedule showing actual progress versus planned progress
- Lessons learned

Deliverables:

- Quarterly Reports ~~(including invoices prepared in Task 1)~~
- Final Report

(b) Land Purchase/Easement

Permanent subsurface sewer easements were obtained for this project, and no additional easements are anticipated.

(c) Planning/Design/Engineering/Environmental Documentation**Task 4: Assessment and Evaluation**

All assessments and evaluations for this project are completed, and no additional assessments and evaluations are anticipated.

Task 5: Final Design

Final design for Phase I of the project is completed. This task involves completion of the final design plans and specifications for Phase II and III of the project.

Deliverables:

- Final Design Plans and Specifications for Phase II and III

Task 6: Environmental Documentation

All necessary environmental documentation was obtained for this project, and no additional documentation is anticipated.

Deliverables:

- Mitigated Negative Declaration
- Addendum to Mitigated Negative Declaration
- Mitigation Monitoring and Reporting Program

Task 7: Permitting

All relevant permits are secured for this project, and no additional permits are anticipated.

Deliverables:

- Storm Water Pollution Prevention Plan (references National Pollution Discharge Elimination System general permit)

(d) Construction/Implementation**Task 8: Construction Contracting**

Construction contracting for Phase I and II of the project is completed. For Phase III, SFPUC will prepare construction documents, process bids, and award a construction contract. This task involves preparation of a bid solicitation package consisting of final design plans and specifications, advertising for bids, responding to contractor requests for information (RFIs), bid opening, reviewing submitted bids, awarding a contract to the successful bidder, and preparing contract amendments as needed.

Deliverables:

- Advertisement for Bids
- Bid Summary
- Award of Contract
- Notice to Proceed

Task 9: Construction

Phase I construction ~~is nearing completion~~ has been completed and ~~involves~~ involved installing a new main sewer pipeline tunnel. The pipeline tunnel will drain stormwater from the Visitacion Valley area into the Sunnydale Transport/Storage Structure, which discharges to the Southeast Treatment Plant for treatment and disposal into San Francisco Bay. Phase II and III construction will install new connector sewer pipelines under Sunnydale Avenue, Rutland Street, and Schwerin Street and Rutland Street. The new pipelines will operate primarily during wet weather to supplement the stormwater drainage of the existing Sunnydale Sewer System. Specific construction activities include:

Subtask 9.1: Phase 1

- Mobilizing all equipment to construction sites.
- Identifying construction boundaries and locations of all underground utilities through field surveys (potholing) and the use of Underground Service Alert prior to the start of construction.
- Preparing the construction sites. This includes setting up temporary staging areas for equipment and material storage, and installing temporary barricades and/or chain-link fences to prevent unauthorized access.
- Installing approximately 3,975 feet of pipeline sewer tunnel along the San Mateo-San Francisco County Line from Harney Way to Talbert Street.
- Installing approximately 1,380 feet of pipeline under Sunnydale Avenue by microtunneling from Talbert Street to Schwerin Street. Demobilizing equipment appropriately and cost-effectively when no longer needed.
- Performance Testing to ensure installation of pipe segments occurs per the specifications. This testing includes joint testing and factory inspection of the fabricated parts.

Subtask 9.2: Phase 2

- Mobilizing all equipment to construction sites.
- Identifying construction boundaries and locations of all underground utilities through field surveys (potholing) and the use of Underground Service Alert prior to the start of construction.
- Preparing the construction sites. This includes setting up temporary staging areas for equipment and material storage, and installing temporary barricades and/or chain-link fences to prevent unauthorized access.
- ~~Installing approximately 580 feet of pipeline under Rutland Street from Sunnydale Avenue to Visitacion Avenue.~~
- Replacing the existing sewer line under Schwerin Street from Sunnydale Avenue to Kellogg Avenue with a larger sewer line.
- Installing by microtunnel approximately 720 feet of additional pipeline under Schwerin Street from Sunnydale Avenue to Kellogg Avenue. Demobilizing equipment appropriately and cost-effectively when no longer needed.
- Performance Testing to ensure installation of pipe segments ~~occurs~~ per the specifications. This testing includes joint testing and factory inspection of the fabricated parts.

Subtask 9.3: Phase 3

- Mobilizing all equipment to construction sites.
- Identifying construction boundaries and locations of all underground utilities through field surveys (potholing) and the use of Underground Service Alert prior to the start of construction.
- Preparing the construction sites. This includes setting up temporary staging areas for equipment and material storage, and installing temporary barricades and/or chain-link fences to prevent unauthorized access.
- Installing approximately 580 feet of pipeline under Rutland Street from Sunnydale Avenue to Visitacion Avenue.

Deliverables:

- As-built drawings of the completed project (Phase I and II)
- Performance testing reports (Phase I and II)

(e) Environmental Compliance/Mitigation/Enhancement

Task 10: Environmental Compliance, Mitigation, and Enhancement

SFPUC will implement the environmental mitigation measures required in the Mitigation Monitoring and Reporting Program. The required mitigation measures are for construction lighting, cultural resources, noise control, exhaust control, nesting birds, settlement, wastewater discharge, and hazardous materials.

Deliverables:

- Evidence of environmental mitigation

(f) Construction Administration/Outreach

Task 11: Construction Administration and Public Outreach

This task administers activities associated with the construction of the project, including:

- Coordination with the contractor
- Administering and enforcing contract requirements
- Change Order requests
- Payment of contractor invoices
- Public notification of construction activities
- Engineering support during construction
- Construction inspections
- Oversee project closeout

Deliverables:

- Approved contractor invoices
- Notice of Substantial Completion
- Notice of Final Completion
- Engineer's Certification of Project Completion

Cesar Chavez Street Flood and Stormwater Management Sewer Improvement Project

(a) Direct Project Administration Costs

Task 1: Project Administration

SFPUC will act as lead agency for implementation of the Cesar Chavez Street Flood and Stormwater Management Sewer Improvement Project. Project administration activities include the following:

- Coordination with DWR on contract execution
- Preparation of invoices to DWR
- Public Outreach
- Support for Final Design of Valencia Street Low Impact Development (LID) (i.e. coordination with design consultant, and Bureau of Engineering Hydraulics Section)
- Ongoing oversight and coordination for project;

Deliverables:

- Contract with DWR
- Project invoices and backup documentation
- Meeting minutes

- Project Monitoring Plan

Task 2: Labor Compliance Program

SFPUC will comply with California Labor Code requirements for Public Works contracts, and will use the California Department of Industrial Relations' Compliance Monitoring Unit for Public Works contracts that are awarded on or after January 1, 2012. SFPUC will pay prevailing wages, as determined by the California Department of Industrial Relations.

Deliverables:

- Evidence of labor compliance

Task 3: Reporting

SFPUC will compile quarterly progress reports for submittal to DWR. Reports will meet generally accepted professional standards for technical reporting and be proofread for content, numerical accuracy, spelling, and grammar prior to submittal to the State.

The quarterly reports will explain the status of the project and will include the following information:

- Summary of the work completed for the project during the reporting period
- Statement of progress compared to the schedule listed in Exhibit B
- Comparison of actual costs to date to the budget listed in Exhibit C

SFPUC will prepare a Final Project Report documenting implementation of the project, to be submitted to DWR within ninety (90) calendar days of DWR verification that all tasks associated with the project are completed. The Final Project Report will include the following information:

- Description of the actual work done
- Certification of As-Built Drawings
- Final schedule showing actual progress versus planned progress
- Lessons learned

Deliverables:

- Quarterly Reports (including invoices prepared in Task 1)
- Final Report

(b) Land Purchase/Easement

The project is located within City of San Francisco rights-of-way, and no land purchase or easements are required.

(c) Planning/Design/Engineering/Environmental Documentation

Task 4: Assessment and Evaluation

All assessments and evaluation for this project are completed, and no additional assessments and evaluations are anticipated.

Task 5: Final Design

Final design for the sewer system improvement phase of the project is completed. This task involves completion of the final design plans and specifications and plant palettes for the Valencia Street LID phase of the project.

Deliverables:

- Final Design Plans and Specifications for the Valencia Street LID phase
- Plant Palettes for the Valencia Street LID phase

Task 6: Environmental Documentation

All necessary environmental documentation was obtained for this project, and no additional documentation is anticipated.

Deliverables:

- Mitigated Negative Declaration (Sewer System Improvement)
- Addendum to Mitigated Negative Declaration (Sewer System Improvement)
- Mitigation Monitoring and Reporting Program (Sewer System Improvement)
- Mitigated Negative Declaration (Mission District Streetscape)
- Mitigation Monitoring and Reporting Program (Mission District Streetscape)

Task 7: Permitting

All relevant permits are secured for the sewer system improvement phase of the project. SFPUC and the contractor will identify and obtain all required City and County permits for the Valencia Street LID phase of the project, but no regulatory environmental permits are anticipated.

Deliverables:

- Storm Water Pollution Prevention Plan (references National Pollution Discharge Elimination System general permit)

(d) Construction/Implementation

Task 8: Construction Contracting

Construction contracting for the Sewer System Improvement Phase of the project is completed. For the Valencia Street LID Phase, SFPUC will prepare construction documents, process bids, and award a construction contract. This task involves preparation of a bid solicitation package consisting of final design plans and specifications, advertising for bids, responding to contractor RFIs, bid opening, reviewing submitted bids, awarding a contract to the successful bidder, and preparing contract amendments as needed.

Deliverables:

- Advertisement for Bids
- Bid Summary
- Award of Contract
- Notice to Proceed

Task 9: Construction

Construction of the sewer system improvement phase is expected to be completed at the beginning of 2013. The sewer improvements consist of installing new auxiliary sewers and relining the existing sewers beneath Cesar Chavez Street, and replacing existing collector sewers with larger diameter pipelines beneath other project streets. This phase also includes constructing new junction structures, modifying existing junction structures and manholes, and constructing new cross-connections between the auxiliary and existing sewers on Cesar Chavez Street. Specific construction activities are provided in Subtask 9.1 below.

The Valencia Street LID phase includes installing LID stormwater management features along Valencia Street between Cesar Chavez and Mission Streets, along Tiffany Avenue between 29th and Duncan Streets, and along 29th Street between Mission Street and San Jose Avenue. These features include bio-filtration beds, permeable pavement in parking spaces, and new plazas with permeable pavement and/or bioretention planters. Specific construction activities are provided in Subtask 9.2 below.

Subtask 9.1: Sewer System Improvement Phase

- Mobilizing all equipment to construction sites.

- Identifying construction boundaries and locations of underground utilities through field surveys (potholing) and the use of Underground Service Alert prior to the start of construction.
- Preparing the construction sites. This includes installing temporary streetlights on sidewalks and removing streetlights in the center median for pipeline installation, setting up temporary staging areas for equipment and material storage, and installing temporary barriers to prevent unauthorized access.
- Installing approximately 4,000-feet of pipeline beneath Cesar Chavez Street from Hampshire Street to Valencia Street.
- Installing approximately 730 feet of pipeline beneath Cesar Chavez Street from Valencia Street to Guerrero Street.
- Installing approximately 30 feet of pipeline under Mission Street near its intersection with Cesar Chavez Street.
- Relining the existing brick sewer under Cesar Chavez Street from Hampshire Street to Valencia Street.
- Installing approximately 370 feet of pipeline under Harrison Street from 26th Street to Cesar Chavez Street.
- Installing approximately 560 feet of pipeline under Valencia Street from Cesar Chavez Street to Duncan Street.
- Installing approximately 320 feet of pipeline under Valencia Street from Duncan Street to Mission Street.
- Installing approximately 115 feet of pipeline under Tiffany Avenue near the intersection of Valencia and Duncan Streets.
- Installing approximately 350 feet of pipeline under Fair Avenue from Mission Street to Coleridge Street.
- Installing approximately 365 feet of pipeline under Coleridge Street from Fair Avenue to Coso Avenue.
- Installing approximately 50 feet of pipeline under Coso Avenue between Coleridge Street and Mirabel Avenue.
- Installing approximately 320 feet of pipeline under 27th Street from San Jose Avenue to Guerrero Street.
- Installing approximately 400 feet of pipeline under Duncan Street from Valencia Street to San Jose Avenue.
- Resurfacing roadways after project completion.
- Restoring City streets according to the latest City traffic and pedestrian standards.
- Demobilizing equipment appropriately and cost-effectively when no longer needed.
- Performance Testing to ensure that pipe installation occurs per the specifications and that the pipes do not leak.

Subtask 9.2: Valencia Street LID Phase

- Mobilizing all equipment to construction sites.
- Identifying construction boundaries and locations of underground utilities through field surveys (potholing) and the use of Underground Service Alert prior to the start of construction.
- Preparing the construction sites. This includes installing temporary streetlights on sidewalks, setting up temporary staging areas for equipment and material storage, and installing temporary barriers to prevent unauthorized access.
- Installing approximately 4,735 sq ft of bio-filtration beds integrated into bulbouts and plazas.
- ~~Installing approximately 18,470 sq ft of permeable pavement in parking spaces.~~
- Installing at least one new plaza with permeable pavement and/or bioretention planters.
- Installing an underdrain system to facilitate drainage to gray infrastructure.
- Restoring City streets to allow normal traffic and pedestrian uses.
- Demobilizing equipment appropriately and cost-effectively when no longer needed.
- Performance testing as needed during project construction and after project completion.

Deliverables:

- As-built drawings of the completed project (Sewer System Improvement and Valencia Street LID Phases)
- Performance testing reports (Sewer System Improvement and Valencia Street LID Phases)

(e) Environmental Compliance/Mitigation/Enhancement

Task 10: Environmental Compliance, Mitigation, and Enhancement

SFPUC will implement the environmental mitigation measures required in the MMRP. For the Sewer System Improvement Phase, the required mitigation measures are for tree root protection, exhaust control, nesting birds, hazardous materials, cultural resources, traffic control, and noise control. For the Valencia Street LID Phase, the mitigation measures described in the MMRP for the Mission District Streetscape Plan Project will be implemented. These measures include mitigation for tree roots, cultural and archeological resources, transportation and circulation, hazardous materials, and nesting birds.

Deliverables:

- Evidence of environmental mitigation

(f) Construction Administration/Outreach

Task 11: Construction Administration and Public Outreach

This task administers activities associated with the construction of the project, including:

- Coordination with the contractor
- Administering and enforcing contract requirements
- Change Order requests
- Payment of contractor invoices
- Public notification of construction activities
- Engineering support during construction
- Construction inspections
- Oversee project closeout

Deliverables:

- Approved contractor invoices
- Notice of Substantial Completion
- Notice of Final Completion
- Engineer's Certification of Project Completion

Description of Revision to Work Plan for Cesar Chavez Street Flood and Stormwater Management Sewer Improvement Project

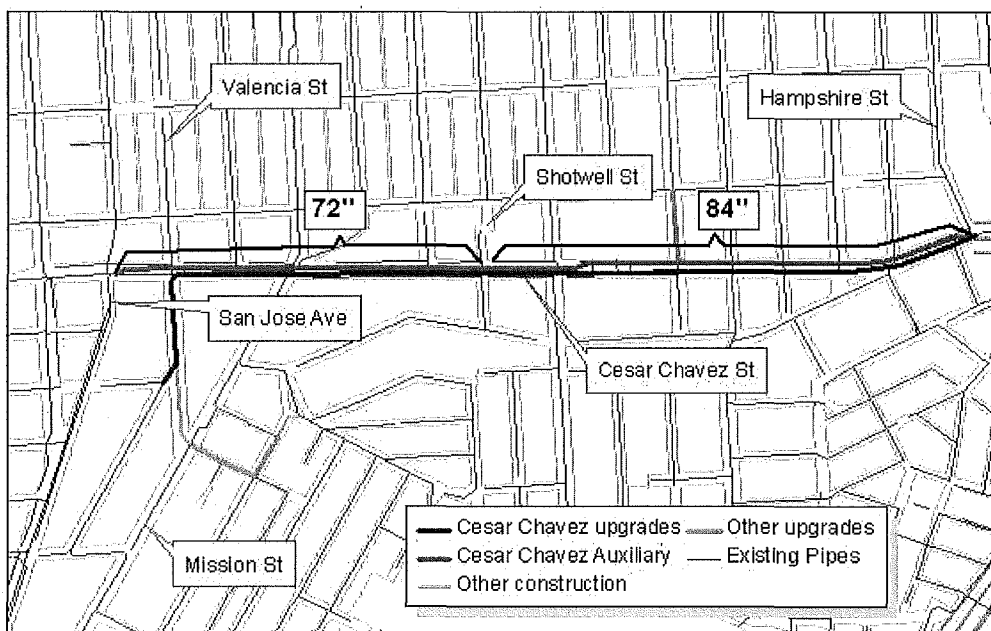
Subtask 9.2: Valencia Street LID Phase

In the revised Exhibit A Work Plan, installation of permeable pavement has been eliminated; however, the primary benefits claimed in the 2012 grant application remain unchanged with this revised work plan. As stated in the signed grant agreement dated February 11, 2013, the purpose of providing the San Francisco Public Utilities Commission (SFPUC) with this grant through the Disaster Preparedness and Flood Prevention Bond Act of 2006 was to assist in funding San Francisco's Stormwater & Flood Management Priority Projects. The Low Impact Design (LID) stormwater management strategy for the Cesar Chavez Street Flood and Stormwater Management Sewer Improvement Project (Project) remains intact despite the removal of permeable pavement from the final phase of the project.

To estimate flood reduction benefits resulting from implementation of the Project, SFPUC used their citywide hydrologic and hydraulic Infoworks model to compare the difference between pre- and post-project surcharge flooding in the project area. The modeled improvements consist of a series of small and large pipes and various junction structures shown in the figure below, including:

- A new auxiliary pipe on Cesar Chavez parallel to the existing Cesar Chavez trunk sewer extending from San Jose Avenue to Hampshire Street, with a diameter of 72 inches between San Jose Avenue and Shotwell Street and 84 inches between Shotwell Street and Hampshire Street.
- Four 48-inch overflow lateral pipelines to balance wet-weather flows between the new and existing pipelines.
- Lining the existing Cesar Chavez trunk sewer with a cured-in-place liner between Valencia Street and Hampshire Street.
- Replacing the existing brick sewer on Valencia Street between Cesar Chavez Street and Duncan Street will be replaced with a 48-inch reinforced concrete pipe (RCP).
- Replacing and constructing a number of smaller pipes.

All of these improvements have been completed.



Flood reduction benefits based on these gray infrastructure improvements were modeled in Infoworks for the 5-year 24-hour, 10-year 24-hour, and 25-year 24-hour design storms. The results were included in Table 2 of Attachment 7 of the original grant application.

Table 2: Summary of Hydraulic Modeling for Without- and With Project Conditions Under Three Design Storms

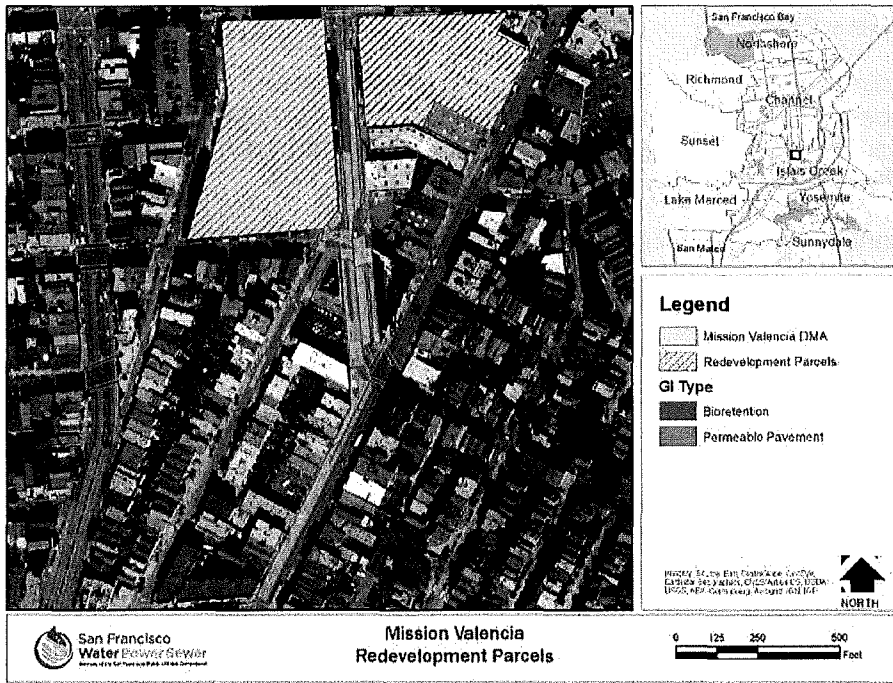
Flooding Parameter	5 yr Storm		10 yr Storm		25 yr Storm	
	Without- Project	With- Project	Without- Project	With- Project	Without- Project	With- Project
Flooded Area						
Total Flooded Area (acres)	9.8	0.0	15.7	2.2	18.5	7.9
Number of Lots with Flooding						
Residential	92	0	183	28	220	130
Open Space ⁽²⁾	2	0	3	1	4	2
Cultural/Educational ⁽²⁾	7	0	8	4	9	6
Commercial ⁽³⁾	13	0	23	3	25	11
Industrial	5	0	7	1	8	2
Totals (# of lots)	119	0	224	37	266	151
Number of Lots by Max Flood Depth						
Depth < 0.5 ft	99	0	135	37	154	79
Depth 0.5 to 2 ft	17	0	74	0	74	38
Depth > 2ft	3	0	15	0	38	34
Totals (# of lots)	119	0	224	37	266	151
Linear Feet of Street Flooding						
Cesar Chavez	1246	0	1606	700	2025	1590
Mission Street	115	0	1100	0	1145	685
Valencia Street	295	0	375	0	445	0
South Van Ness	170	0	250	0	295	0
Treat Ave	670	0	720	0	720	0
26th Street	625	0	730	0	805	0
Piedita Ave	0	0	200	0	200	190
Folsom Street	75	0	125	0	145	0
Shotwell Street	265	0	295	130	315	175
Capp Street	265	0	350	0	390	0
Totals (ft)	3,726	0	5,751	830	6,485	2,640

These results were based entirely on gray infrastructure improvements. Green infrastructure was included in the project for annual stormwater reduction, community, and environmental benefits. It was never assumed to contribute significantly to flood reduction, and removing permeable pavement from the final phase of construction will have no significant effect those benefits.

The following list of reasons provide a detailed explanation of why the LID strategy was refocused away from permeable pavement and solely onto bioretention. These reasons are listed below and, taken altogether, provide the rationale for the project design modifications.

- 1) *Pending construction activity on parcels bordering the areas where permeable pavement was proposed.*

As shown in Attachment 1, there are major redevelopment projects on two large parcels adjacent to the northern half of the project area. To the west is the California Pacific Medical Center, St. Luke's Campus, where construction of a replacement hospital has begun. To the east is a large parking lot area and old warehouse, which have planning approval for complete redevelopment that occur in the near horizon. Permeable pavement is sensitive to clogging from particulate matter such as dust and sediment that can be generated during construction activity. Concern over the ability of permeable pavement to function as designed over the long term in a highly urban construction environment led SFPUC to reconsider its appropriateness for inclusion in the MVGG project.



- 2) *Maintaining consistency with, and applying lessons learned from, the stormwater management strategy along the adjacent Cesar Chavez Street corridor.*

On that adjacent roadway, nineteen bioretention bulbouts were constructed in 2014 along with a small area of pervious concrete in a pedestrian zone. The bioretention planters have proven successful on many levels, capturing and infiltrating stormwater well above their model-predicted levels of performance due to highly infiltrative soils and being well received by the community for their urban greening benefits. The permeable pavement has been less successful, spalling under highly urban conditions including heavy pedestrian traffic such that both appearance and function have suffered. The lessons learned from the Cesar Chavez project have encouraged a design for MVGG that is more focused on bioretention, in particular maximization of bioretention in the main plaza area.

- 3) *Budget constraints.*

As noted in an 04/14/16 letter to DWR, the schedule and budget estimates and scope of work descriptions required some corrections to address project modifications, delays, and budget adjustments. The LID component of the project had to be re-bid due to only receiving a single construction bid that was significantly higher than the engineer's estimate. The process of re-bidding the project necessitated rescheduling final completion from May 2016 to November 2016. The resulting unexpected increase in Project Administration and Construction Administration costs necessitated the reduction in Construction/Implementation and Environmental Mitigation costs by \$250,000. These budget constraints, considered in tandem with the aforementioned durability concerns, further supported the decision to remove permeable pavement from the MVGG project.

- 4) *Responding to neighborhood priorities.*

A public outreach meeting held in the neighborhood on April 27, 2013 and a concurrent online interactive survey produced responses from 191 participants identifying the public's top priorities as:

- i. Traffic calming & pedestrian safety
- ii. Nature space
- iii. Community space

iv. Bicycle safety

When deciding which elements of the project to scale back in response to the aforementioned budgetary constraints, these community priorities were weighed, and it was concluded that permeable pavement was not essential to meet any of these priorities while bioretention contributed to all four.

These considerations guided SFPUC in arriving at its final project design to deliver a community-supported project that met all of the project goals, including stormwater management, within budget capacity.

EXHIBIT C

BUDGET (AMENDMENT 2)

Sunnydale Flood and Stormwater Management Sewer Improvement Project (Amendment 2)

	Budget Categories	Non-State Match	Other Non-State Costs	Grant Award	Total Cost	% Funding Match
	(a) DIRECT PROJECT ADMINISTRATION COSTS	\$8,000		\$484,000	\$492,000	2%
	(b) LAND PURCHASE/EASEMENT	\$0		\$0	\$0	-
	(c) PLANNING/DESIGN/ENGINEERING/ENVIRONMENTAL DOCUMENTATION	\$3,636,000	\$100,000	\$250,000	\$3,986,000	91%
	(d) CONSTRUCTION/IMPLEMENTATION	\$21,538,137	\$17,723,000	\$10,466,296.29	\$49,727,433.29	43%
	(e) ENVIRONMENTAL COMPLIANCE/MITIGATION/ENHANCEMENT	\$450,000		\$0	\$450,000	100%
	(f) CONSTRUCTION ADMINISTRATION/OUTREACH	\$3,929,000		\$537,840.71	\$4,466,840.71	88%
	GRAND TOTAL	\$29,561,137	\$17,823,000	\$11,738,137	\$59,122,274	50%

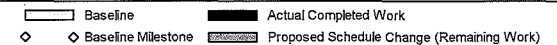
Cesar Chavez Street Flood and Stormwater Management Sewer Improvement Project (Amendment 2)

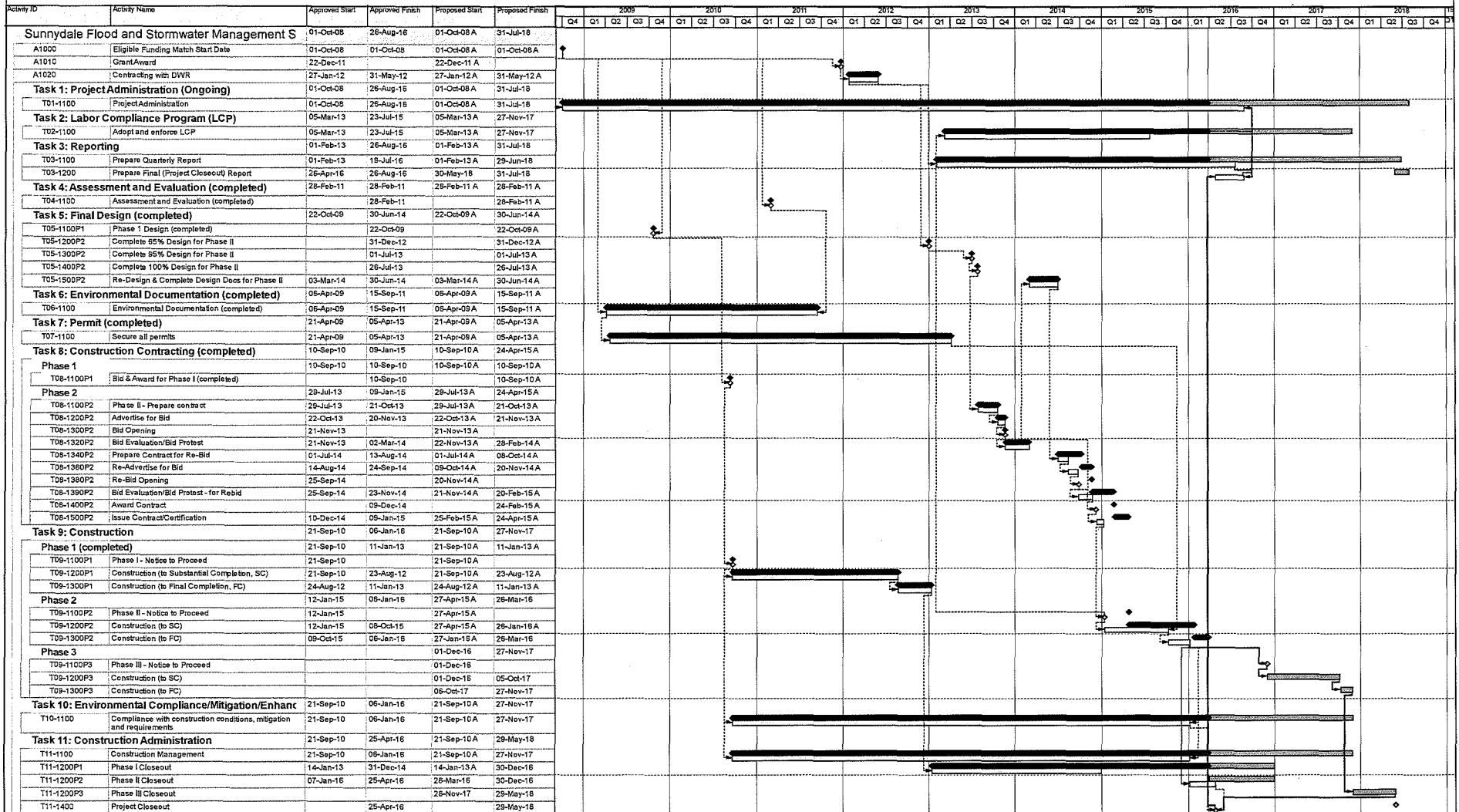
	Budget Categories	Non-State Match	Grant Award	Total Cost	% Funding Match
	(a) DIRECT PROJECT ADMINISTRATION COSTS	\$6,000	\$750,000	\$756,000	1%
	(b) LAND PURCHASE/EASEMENT	\$0	\$0	\$0	-
	(c) PLANNING/DESIGN/ENGINEERING/ENVIRONMENTAL DOCUMENTATION	\$2,013,000	\$1,043,200	\$3,056,200	66%
	(d) CONSTRUCTION/IMPLEMENTATION	\$7,698,198	\$10,395,633	\$18,093,861	42%
	(e) ENVIRONMENTAL COMPLIANCE/MITIGATION/ENHANCEMENT	\$543,965	\$0	\$543,965.	100%
	(f) CONSTRUCTION ADMINISTRATION/OUTREACH	\$2,222,700	\$220,000	\$2,442,700	92%
	GRAND TOTAL	\$12,483,863	\$12,408,863	\$24,892,726	50%

Summary Budget (Amendment 2)

Proposal Title: San Francisco Stormwater & Flood Management Priority Projects

Individual Project Title		Non-State Share (Funding Match)	Requested Grant Funding (DWR Grant Amount)	Other Non- State Costs	Total	% Funding Match
(a)	Sunnydale Flood and Stormwater Management Sewer Improvement Project	\$29,561,137	\$11,738,137	\$17,823,000	\$59,122,274	50%
(b)	Cesar Chavez Flood and Stormwater Management Sewer Improvement Project	\$12,483,863	\$12,408,863	\$0	\$24,892,726	50%
	Grand Total	\$42,045,000	\$24,147,000	\$17,823,000	\$84,015,000	50%





**Grant Agreement 4600009639
Amendment 2
Under Proposition 1E Round 1 Stormwater Flood Management Grants**

**State of California
Natural Resources Agency
Department of Water Resources**

**Agreement Between The State of California
Department of Water Resources
and San Francisco Public Utilities Commission**

This amendment to Agreement 4600009639 is made on November 14, 2016. The agreement is amended as follows:

The Agreement termination date is extended to July 31, 2018 in Paragraph 2, TERM OF GRANT AGREEMENT (attached).

Project: Sunnydale Flood and Stormwater Management Sewer Improvement Project

EXHIBIT A: Work Plan (attached): Revised and updated Work Plan, including the following:

- Transferred pipeline work proposed under Rutland Street (Subtask 9.2: Phase 2) to new Phase 3 scope of work (Subtask 9.3: Phase 3).

EXHIBIT B: Schedule (attached): Revised schedule to reflect changes in Work Plan, including the following:

- Extended Project Administration to finish July 31, 2018.
- Added Task 9, Phase 3 - Construction completion in November 2017.

EXHIBIT C: Budget (attached): Revised various Budget Categories, including the following:

- Revised budgets on Other Non-State Costs for Budget Categories C and D
- Revised budgets on Grant Award for Budget Categories A, D, and F
- Recalculated Total Cost and Funding Match for Budget Categories A, C, D, and F

Project: Cesar Chavez Street Flood and Stormwater Management Sewer Improvement Project

EXHIBIT A: Work Plan (attached): Revised and updated Work Plan, including the following:

- Removed permeable pavement work from Subtask 9.2: Valencia Street LID Phase scope of work.

EXHIBIT B: Schedule (attached): Revised schedule to reflect changes in Work Plan, including the following:

- Extended Task 9, LID Contract Portion to February 2017.

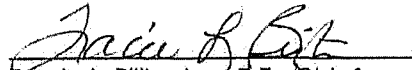
EXHIBIT C: Budget (attached): Revised various Budget Categories, including the following:

- Revised budgets on Non-State Match for Budget Categories D and E
- Revised budgets on Grant Award for Budget Categories A, D, and F
- Recalculated Total Cost and Funding Match for Budget Categories A, D, E, and F

All other terms and conditions of the agreement shall remain the same.

IN WITNESS WHEREOF, the parties hereto have executed this amendment on the date first written above.

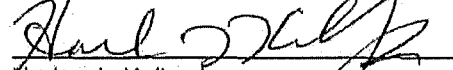
STATE OF CALIFORNIA,
DEPARTMENT OF WATER RESOURCES



Trace L. Billington, P.E., Chief
Financial Assistance Branch
Division of Integrated Regional Water Management

Date: 11/14/16

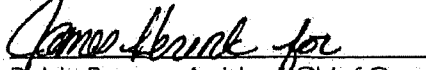
SAN FRANCISCO PUBLIC
UTILITIES COMMISSION



Harlan L. Kelly, Jr.
General Manager

Date: 10/28/16

Approved as to Legal Form and Sufficiency:



Robin Brewer, Assistant Chief Counsel
Office of Chief Counsel

Date: 11-14-16

**GRANT AGREEMENT BETWEEN THE STATE OF CALIFORNIA (DEPARTMENT OF WATER RESOURCES) AND
SAN FRANCISCO PUBLIC UTILITIES COMMISSION, AGREEMENT NO. 4600009639
PROPOSITION 1E ROUND1 STORMWATER FLOOD MANAGEMENT GRANTS
CALIFORNIA WATER CODE §83002 and PUBLIC RESOURCES CODE §5096.827 ET SEQ**

THIS GRANT AGREEMENT is entered into by and between the Department of Water Resources of the State of California, herein referred to as the "State" and the San Francisco Public Utilities Commission, a public agency, in the County of San Francisco, State of California, duly organized, existing, and acting pursuant to the laws thereof, herein referred to as the "Grantee", which parties do hereby agree as follows:

1. PURPOSE. State shall provide a grant from the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Public Resources Code (PRC) §5096.827 et seq.) to Grantee to assist in financing the San Francisco Stormwater & Flood Management Priority Projects for the Stormwater Flood Management (SWFM) Program, collectively referred to as "SWFM Program."
2. TERM OF GRANT AGREEMENT. The term of this Grant Agreement begins on the date this Grant Agreement is executed by the State, and terminates on July 31, 2018, or when all of the Parties' obligations under this Grant Agreement are fully satisfied, whichever occurs earlier. Execution date is the date the State signs this Grant Agreement indicated on page 7.
3. GRANT AMOUNT. The maximum amount payable by State under this Grant Agreement shall not exceed \$24,147,000. Reimbursement of grant funds may be claimed after December 21, 2011.
4. GRANTEE COST SHARE. The reasonable costs for this Grant Agreement are estimated to be \$87,515,000. Grantee shall provide a Cost Share (Funding Match) in the amount of at least 50% of the total project cost. Grantee's Funding Match is estimated to be \$63,368,000. Grantee's Funding Match may include cost share performed after September 30, 2008. Funding Match consists of non-State funds including in-kind services. In-kind services are defined as work performed (i.e., dollar value of non-cash contributions) by the Grantee (and potentially other parties involved) directly related to the execution of the scope of work (examples: volunteer services, equipment use, and facilities). For Funding Match guidance, see Exhibit G.
5. GRANTEE'S RESPONSIBILITY. Grantee shall faithfully and expeditiously perform or cause to be performed all project work as described in Exhibit A (Work Plan) and in accordance with Exhibit B (Schedule) and Exhibit C (Budget). Grantee shall comply with all of the terms and conditions of this Grant Agreement and applicable PRC and CWC requirements.
6. BASIC CONDITIONS. State shall have no obligation to disburse money for a project under this Grant Agreement unless and until Grantee has satisfied the following conditions in accordance with the Disaster Preparedness and Flood Prevention Bond Act of 2006.
 - a) Grantee demonstrates the availability of sufficient funds to complete the project, as stated in the Grant Award/Commitment Letter, by submitting the most recent 3 years of audited financial statements.
 - b) For the term of this Grant Agreement, Grantee submits timely Quarterly Progress Reports as required by Paragraph 16, "Submission of Reports."
 - c) Grantee submits all deliverables as specified in Paragraph 16 of this Grant Agreement and in Exhibit A.
 - d) For each project, prior to the commencement of construction or implementation activities, Grantee shall submit the following to the State:
 - 1) Final plans and specifications certified by a California Registered Civil Engineer as to compliance for each approved project as listed in Exhibit A of this Grant Agreement.
 - 2) Work that is subject to the California Environmental Quality Act (CEQA) and or environmental permitting shall not proceed under this Grant Agreement until the following actions are performed:
 - i. Grantee submits all applicable environmental permits as indicated on the Environmental Information Form to the State,
 - ii. Documents that satisfy the CEQA process are received by the State,
 - iii. State has completed its CEQA compliance review as a Responsible Agency, and

EXHIBIT A WORK PLAN

Sunnydale Flood and Stormwater Management Sewer Improvement Project

(a) Direct Project Administration Costs

Task 1: Project Administration

The San Francisco Public Utilities Commission (SFPUC) will act as lead agency for implementation of the Sunnydale Flood and Stormwater Management Sewer Improvement Project. Project administration activities include the following:

- Coordination with DWR on contract execution
- Preparation of invoices to DWR
- Public Outreach
- Support for Final Design of Phase II and III of the project (i.e. coordination with design consultant, and Bureau of Engineering Hydraulics Section)
- Ongoing oversight and coordination for project.

Deliverables:

- Contract with DWR
- Project invoices and backup documentation
- Project Monitoring Plan

Task 2: Labor Compliance Program

SFPUC will comply with California Labor Code requirements for Public Works contracts, and will use the California Department of Industrial Relations' Compliance Monitoring Unit for Public Works contracts that are awarded on or after January 1, 2012. SFPUC will pay prevailing wages, as determined by the California Department of Industrial Relations.

Deliverables:

- Evidence of labor compliance

Task 3: Reporting

SFPUC will compile quarterly progress reports for submittal to DWR. Reports will meet generally accepted professional standards for technical reporting and be proofread for content, numerical accuracy, spelling, and grammar prior to submittal to the State.

The quarterly reports will explain the status of the project and will include the following information:

- Summary of the work completed for the project during the reporting period
- Statement of progress compared to the schedule listed in Exhibit B
- Comparison of actual costs to date to the budget listed in Exhibit C

SFPUC will prepare a Final Project Report documenting implementation of the project, to be submitted to DWR within ninety (90) calendar days of DWR verification that all tasks associated with the project are completed. The Final Project Report will include the following information:

- Description of the actual work done
- Certification of As-Built Drawings
- Final schedule showing actual progress versus planned progress
- Lessons learned

Deliverables:

- Quarterly Reports
- Final Report

(b) Land Purchase/Easement

Permanent subsurface sewer easements were obtained for this project, and no additional easements are anticipated.

(c) Planning/Design/Engineering/Environmental Documentation

Task 4: Assessment and Evaluation

All assessments and evaluations for this project are completed, and no additional assessments and evaluations are anticipated.

Task 5: Final Design

Final design for Phase I of the project is completed. This task involves completion of the final design plans and specifications for Phase II and III of the project.

Deliverables:

- Final Design Plans and Specifications for Phase II and III

Task 6: Environmental Documentation

All necessary environmental documentation was obtained for this project, and no additional documentation is anticipated.

Deliverables:

- Mitigated Negative Declaration
- Addendum to Mitigated Negative Declaration
- Mitigation Monitoring and Reporting Program

Task 7: Permitting

All relevant permits are secured for this project, and no additional permits are anticipated.

Deliverables:

- Storm Water Pollution Prevention Plan (references National Pollution Discharge Elimination System general permit)

(d) Construction/Implementation

Task 8: Construction Contracting

Construction contracting for Phase I and II of the project is completed. For Phase III, SFPUC will prepare construction documents, process bids, and award a construction contract. This task involves preparation of a bid solicitation package consisting of final design plans and specifications, advertising for bids, responding to contractor requests for information (RFIs), bid opening, reviewing submitted bids, awarding a contract to the successful bidder, and preparing contract amendments as needed.

Deliverables:

- Advertisement for Bids
- Bid Summary
- Award of Contract
- Notice to Proceed

Task 9: Construction

Phase I construction has been completed and involved installing a new main sewer tunnel. The tunnel will drain stormwater from the Visitacion Valley area into the Sunnydale Transport/Storage Structure, which discharges to the Southeast Treatment Plant for treatment and disposal into San Francisco Bay. Phase II and III construction will install new connector sewer pipelines under Schwerin Street and Rutland Street. The new pipelines will operate primarily during wet weather to supplement the stormwater drainage of the existing Sunnydale Sewer System. Specific construction activities include:

Subtask 9.1: Phase 1

- Mobilizing all equipment to construction sites.
- Identifying construction boundaries and locations of all underground utilities through field surveys (potholing) and the use of Underground Service Alert prior to the start of construction.
- Preparing the construction sites. This includes settling up temporary staging areas for equipment and material storage, and installing temporary barricades and/or chain-link fences to prevent unauthorized access.
- Installing approximately 3,975 feet of sewer tunnel along the San Mateo-San Francisco County Line from Harney Way to Talbert Street.
- Installing approximately 1,380 feet of pipeline under Sunnydale Avenue by microtunneling from Talbert Street to Schwerin Street. Demobilizing equipment appropriately and cost-effectively when no longer needed.
- Performance Testing to ensure installation of pipe segments occurs per the specifications. This testing includes joint testing and factory inspection of the fabricated parts.

Subtask 9.2: Phase 2

- Mobilizing all equipment to construction sites.
- Identifying construction boundaries and locations of all underground utilities through field surveys (potholing) and the use of Underground Service Alert prior to the start of construction.
- Preparing the construction sites. This includes settling up temporary staging areas for equipment and material storage, and installing temporary barricades and/or chain-link fences to prevent unauthorized access.
- Replacing the existing sewer line under Schwerin Street from Sunnydale Avenue to Kelloch Avenue with a larger sewer line.
- Installing by microtunnel approximately 720 feet of additional pipeline under Schwerin Street from Sunnydale Avenue to Kelloch Avenue. Demobilizing equipment appropriately and cost-effectively when no longer needed.
- Performance Testing to ensure installation of pipe segments occurs per the specifications. This testing includes joint testing and factory inspection of the fabricated parts.

Subtask 9.3: Phase 3

- Mobilizing all equipment to construction sites.
- Identifying construction boundaries and locations of all underground utilities through field surveys (potholing) and the use of Underground Service Alert prior to the start of construction.
- Preparing the construction sites. This includes settling up temporary staging areas for equipment and material storage, and installing temporary barricades and/or chain-link fences to prevent unauthorized access.
- Installing approximately 580 feet of pipeline under Rutland Street from Sunnydale Avenue to Visitacion Avenue.

Deliverables:

- As-built drawings of the completed project
- Performance testing reports

(e) Environmental Compliance/Mitigation/Enhancement

Task 10: Environmental Compliance, Mitigation, and Enhancement

SFPUC will implement the environmental mitigation measures required in the Mitigation Monitoring and Reporting Program. The required mitigation measures are for construction lighting, cultural resources, noise control, exhaust control, nesting birds, settlement, wastewater discharge, and hazardous materials.

Deliverables:

- Evidence of environmental mitigation

(f) Construction Administration/Outreach

Task 11: Construction Administration and Public Outreach

This task administers activities associated with the construction of the project, including:

- Coordination with the contractor
- Administering and enforcing contract requirements
- Change Order requests
- Payment of contractor invoices
- Public notification of construction activities
- Engineering support during construction
- Construction inspections
- Oversee project closeout

Deliverables:

- Approved contractor invoices
- Notice of Substantial Completion
- Notice of Final Completion
- Engineer's Certification of Project Completion

Cesar Chavez Street Flood and Stormwater Management Sewer Improvement Project

(a) Direct Project Administration Costs

Task 1: Project Administration

SFPUC will act as lead agency for implementation of the Cesar Chavez Street Flood and Stormwater Management Sewer Improvement Project. Project administration activities include the following:

- Coordination with DWR on contract execution
- Preparation of invoices to DWR
- Public Outreach
- Support for Final Design of Valencia Street Low Impact Development (LID) (i.e. coordination with design consultant, and Bureau of Engineering Hydraulics Section)
- Ongoing oversight and coordination for project.

Deliverables:

- Contract with DWR
- Project invoices and backup documentation
- Project Monitoring Plan

Task 2: Labor Compliance Program

SFPUC will comply with California Labor Code requirements for Public Works contracts, and will use the California Department of Industrial Relations' Compliance Monitoring Unit for Public Works contracts that are awarded on or after January 1, 2012. SFPUC will pay prevailing wages, as determined by the California Department of Industrial Relations.

Deliverables:

- Evidence of labor compliance

Task 3: Reporting

SFPUC will compile quarterly progress reports for submittal to DWR. Reports will meet generally accepted professional standards for technical reporting and be proofread for content, numerical accuracy, spelling, and grammar prior to submittal to the State.

The quarterly reports will explain the status of the project and will include the following information:

- Summary of the work completed for the project during the reporting period
- Statement of progress compared to the schedule listed in Exhibit B
- Comparison of actual costs to date to the budget listed in Exhibit C

SFPUC will prepare a Final Project Report documenting implementation of the project, to be submitted to DWR within ninety (90) calendar days of DWR verification that all tasks associated with the project are completed. The Final Project Report will include the following information:

- Description of the actual work done
- Certification of As-Built Drawings
- Final schedule showing actual progress versus planned progress
- Lessons learned

Deliverables:

- Quarterly Reports (including invoices prepared in Task 1)
- Final Report

(b) Land Purchase/Easement

The project is located within City of San Francisco rights-of-way, and no land purchase or easements are required.

(c) Planning/Design/Engineering/Environmental Documentation

Task 4: Assessment and Evaluation

All assessments and evaluation for this project are completed, and no additional assessments and evaluations are anticipated.

Task 5: Final Design

Final design for the sewer system improvement phase of the project is completed. This task involves completion of the final design plans and specifications and plant palettes for the Valencia Street LID phase of the project.

Deliverables:

- Final Design Plans and Specifications for the Valencia Street LID phase

Task 6: Environmental Documentation

All necessary environmental documentation was obtained for this project, and no additional documentation is anticipated.

Deliverables:

- Mitigated Negative Declaration (Sewer System Improvement)
- Addendum to Mitigated Negative Declaration (Sewer System Improvement)
- Mitigation Monitoring and Reporting Program (Sewer System Improvement)
- Mitigated Negative Declaration (Mission District Streetscape)
- Mitigation Monitoring and Reporting Program (Mission District Streetscape)

Task 7: Permitting

All relevant permits are secured for the sewer system improvement phase of the project. SFPUC and the contractor will identify and obtain all required City and County permits for the Valencia Street LID phase of the project, but no regulatory environmental permits are anticipated.

Deliverables:

- Storm Water Pollution Prevention Plan (references National Pollution Discharge Elimination System general permit)

(d) Construction/Implementation

Task 8: Construction Contracting

Construction contracting for the Sewer System Improvement Phase of the project is completed. For the Valencia Street LID Phase, SFPUC will prepare construction documents, process bids, and award a construction contract. This task involves preparation of a bid solicitation package consisting of final design plans and specifications, advertising for bids, responding to contractor RFI's, bid opening, reviewing submitted bids, awarding a contract to the successful bidder, and preparing contract amendments as needed.

Deliverables:

- Advertisement for Bids
- Bid Summary
- Award of Contract
- Notice to Proceed

Task 9: Construction

Construction of the sewer system improvement phase is expected to be completed at the beginning of 2013. The sewer improvements consist of installing new auxiliary sewers and relining the existing sewers beneath Cesar Chavez Street, and replacing existing collector sewers with larger diameter pipelines beneath other project streets. This phase also includes constructing new junction structures, modifying existing junction structures and manholes, and constructing new cross-connections between the auxiliary and existing sewers on Cesar Chavez Street. Specific construction activities are provided in Subtask 9.1 below.

The Valencia Street LID phase includes installing LID stormwater management features along Valencia Street between Cesar Chavez and Mission Streets, along Tiffany Avenue between 29th and Duncan Streets. These features include bio-filtration beds, and new plazas with bioretention planters. Specific construction activities are provided in Subtask 9.2 below.

Subtask 9.1: Sewer System Improvement Phase

- Mobilizing all equipment to construction sites.
- Identifying construction boundaries and locations of underground utilities through field surveys (potholing) and the use of Underground Service Alert prior to the start of construction.
- Preparing the construction sites. This includes installing temporary streetlights on sidewalks and removing streetlights in the center median for pipeline installation, setting up temporary staging areas for equipment and material storage, and installing temporary barriers to prevent unauthorized access.
- Installing approximately 4,000-feet of pipeline beneath Cesar Chavez Street from Hampshire Street to Valencia Street.
- Installing approximately 730 feet of pipeline beneath Cesar Chavez Street from Valencia Street to Guerrero Street.
- Installing approximately 30 feet of pipeline under Mission Street near its intersection with Cesar Chavez Street.
- Relining the existing brick sewer under Cesar Chavez Street from Hampshire Street to Valencia Street.
- Installing approximately 370 feet of pipeline under Harrison Street from 26th Street to Cesar Chavez Street.

- Installing approximately 560 feet of pipeline under Valencia Street from Cesar Chavez Street to Duncan Street.
- Installing approximately 320 feet of pipeline under Valencia Street from Duncan Street to Mission Street.
- Installing approximately 115 feet of pipeline under Tiffany Avenue near the intersection of Valencia and Duncan Streets.
- Installing approximately 350 feet of pipeline under Fair Avenue from Mission Street to Coleridge Street.
- Installing approximately 365 feet of pipeline under Coleridge Street from Fair Avenue to Coso Avenue.
- Installing approximately 50 feet of pipeline under Coso Avenue between Coleridge Street and Mirabel Avenue.
- Installing approximately 320 feet of pipeline under 27th Street from San Jose Avenue to Guerrero Street.
- Installing approximately 400 feet of pipeline under Duncan Street from Valencia Street to San Jose Avenue.
- Resurfacing roadways after project completion.
- Restoring City streets according to the latest City traffic and pedestrian standards.
- Demobilizing equipment appropriately and cost-effectively when no longer needed.
- Performance Testing to ensure that pipe installation occurs per the specifications and that the pipes do not leak.

Subtask 9.2: Valencia Street LID Phase

- Mobilizing all equipment to construction sites.
- Identifying construction boundaries and locations of underground utilities through field surveys (potholing) and the use of Underground Service Alert prior to the start of construction.
- Preparing the construction sites. This includes installing temporary streetlights on sidewalks, setting up temporary staging areas for equipment and material storage, and installing temporary barriers to prevent unauthorized access.
- Installing approximately 4,735 sq ft of bio-filtration beds integrated into bulbouts and plazas.
- Installing at least one new plaza with bio-retention planters.
- Installing an underdrain system to facilitate drainage to gray infrastructure.
- Restoring City streets to allow normal traffic and pedestrian uses.
- Demobilizing equipment appropriately and cost-effectively when no longer needed.
- Performance testing as needed during project construction and after project completion.

Deliverables:

- As-built drawings of the completed project (Sewer System Improvement and Valencia Street LID Phases)
- Performance testing reports (Sewer System Improvement and Valencia Street LID Phases)

(e) Environmental Compliance/Mitigation/Enhancement

Task 10: Environmental Compliance, Mitigation, and Enhancement

SFPUC will implement the environmental mitigation measures required in the MMRP. For the Sewer System Improvement Phase, the required mitigation measures are for tree root protection, exhaust control, nesting birds, hazardous materials, cultural resources, traffic control, and noise control. For the Valencia Street LID Phase, the mitigation measures described in the MMRP for the Mission District Streetscape Plan Project will be implemented. These measures include mitigation for tree roots, cultural and archeological resources, transportation and circulation, hazardous materials, and nesting birds.

Deliverables:

- Evidence of environmental mitigation

(f) Construction Administration/Outreach

Task 11: Construction Administration and Public Outreach

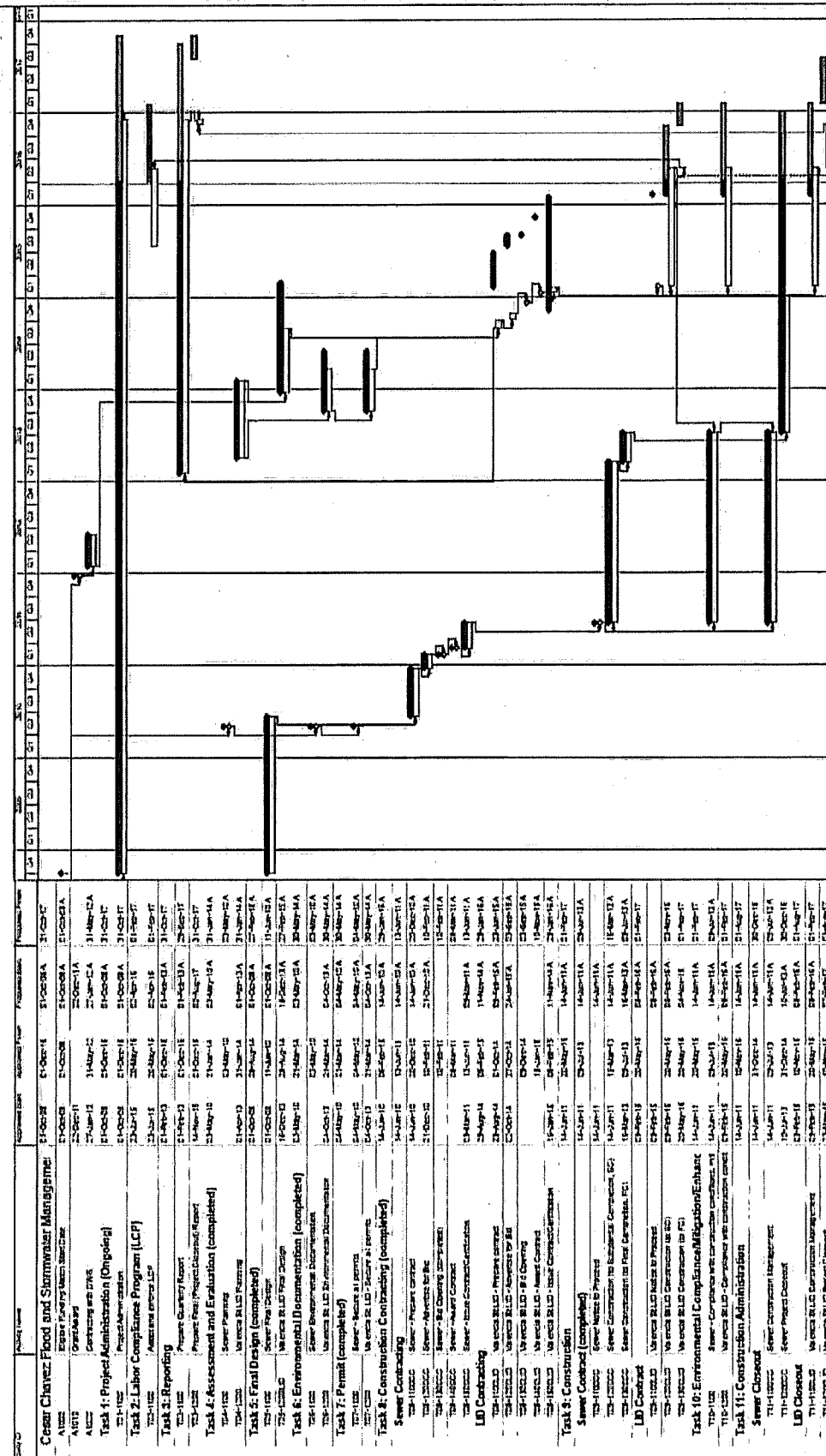
This task administers activities associated with the construction of the project, including:

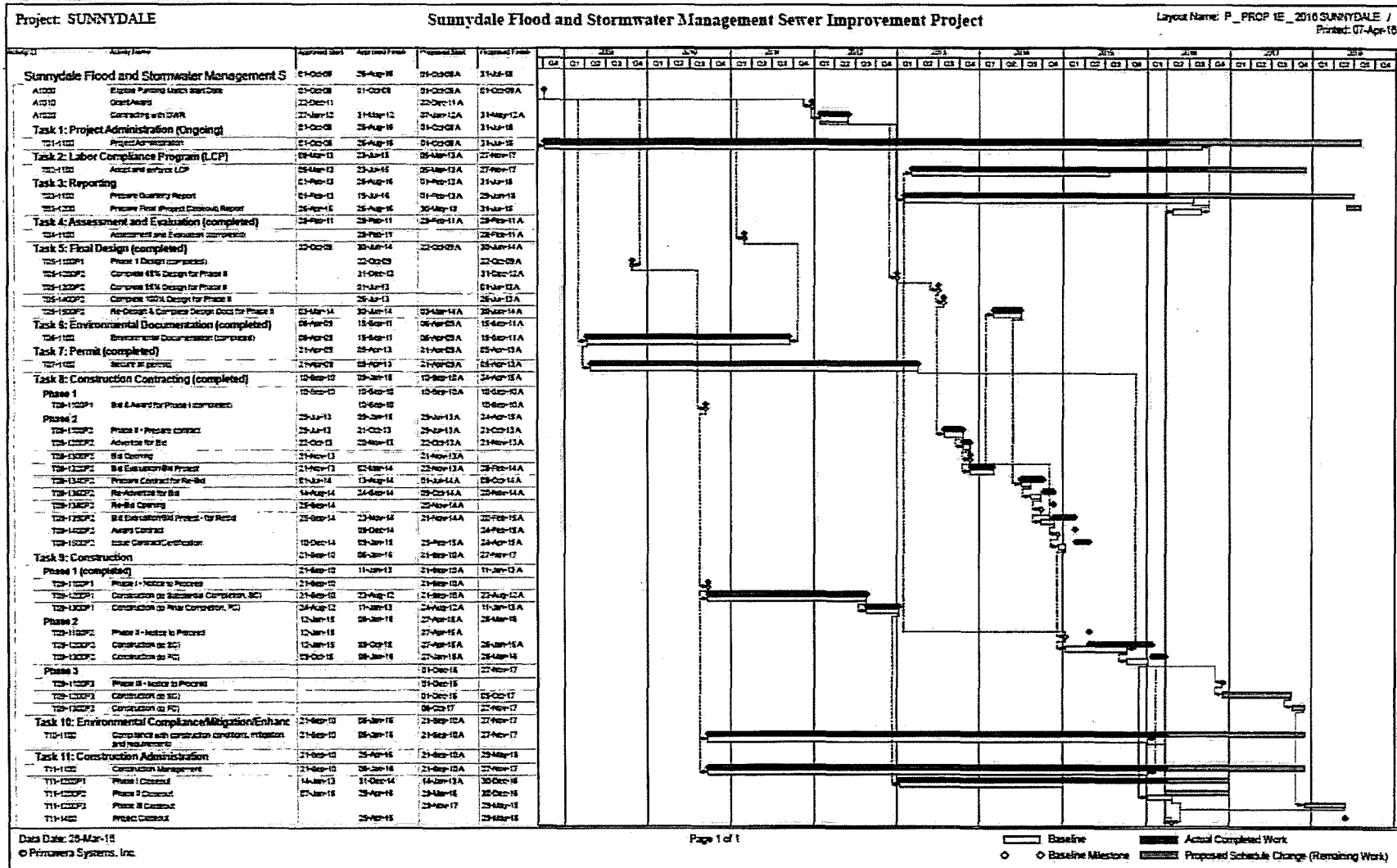
- Coordination with the contractor
- Administering and enforcing contract requirements
- Change Order requests
- Payment of contractor invoices
- Public notification of construction activities
- Engineering support during construction
- Construction inspections
- Oversee project closeout

Deliverables:

- Approved contractor invoices
- Notice of Substantial Completion
- Notice of Final Completion
- Engineer's Certification of Project Completion

Project CESAR-CHAVEZ





**EXHIBIT C
BUDGET**

Sunnydale Flood and Stormwater Management Sewer Improvement Project

	Budget Categories	Non-State Match	Other Non-State Costs	Grant Award	Total Cost	% Funding Match
	(a) DIRECT PROJECT ADMINISTRATION COSTS	\$8,000	\$0	\$484,000	\$492,000	2%
	(b) LAND PURCHASE/EASEMENT	\$0	\$0	\$0	\$0	-
	(c) PLANNING/DESIGN/ENGINEERING/ENVIRONMENTAL DOCUMENTATION	\$3,636,000	\$100,000	\$250,000	\$3,986,000	91%
	(d) CONSTRUCTION/IMPLEMENTATION	\$21,538,137	\$17,723,000	\$10,466,296.29	\$49,727,433.29	43%
	(e) ENVIRONMENTAL COMPLIANCE/MITIGATION/ENHANCEMENT	\$450,000	\$0	\$0	\$450,000	100%
	(f) CONSTRUCTION ADMINISTRATION/OUTREACH	\$3,929,000	\$0	\$537,840.71	\$4,466,840.71	88%
	GRAND TOTAL	\$29,561,137	\$17,823,000	\$11,738,137	\$59,122,274	50%

Cesar Chavez Street Flood and Stormwater Management Sewer Improvement Project

	Budget Categories	Non-State Match	Other Non-State Costs	Grant Award	Total Cost	% Funding Match
	(a) DIRECT PROJECT ADMINISTRATION COSTS	\$6,000	\$0	\$750,000	\$756,000	<1%
	(b) LAND PURCHASE/EASEMENT	\$0	\$0	\$0	\$0	-
	(c) PLANNING/DESIGN/ENGINEERING/ENVIRONMENTAL DOCUMENTATION	\$2,013,000	\$0	\$1,043,200	\$3,056,200	66%
	(d) CONSTRUCTION/IMPLEMENTATION	\$7,698,198.33	\$0	\$10,395,663	\$18,093,861.33	43%
	(e) ENVIRONMENTAL COMPLIANCE/MITIGATION/ENHANCEMENT	\$543,964.67	\$0	\$0	\$543,964.67	100%
	(f) CONSTRUCTION ADMINISTRATION/OUTREACH	\$2,222,700	\$0	\$220,000	\$2,442,700	91%
	GRAND TOTAL	\$12,483,863	\$0	\$12,408,863	\$24,892,726	50%

Summary Budget						
Proposal Title: San Francisco Stormwater & Flood Management Priority Projects						
Individual Project Title		Non-State Share (Funding Match)	Requested Grant Funding (DWR Grant Amount)	Other Non- State Costs	Total	% Funding Match
(a)	Sunnydale Flood and Stormwater Management Sewer Improvement Project	\$29,561,137	\$11,738,137	\$17,823,000	\$59,122,274	50%
(b)	Cesar Chavez Flood and Stormwater Management Sewer Improvement Project	\$12,483,863	\$12,408,863	\$0	\$24,892,726	50%
	Grand Total	\$42,045,000	\$24,147,000	\$17,823,000	\$84,015,000	50%

BOS 11/10/16

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Saint Helena

Jacque Hostler-Carmesin, Vice President
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STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Valerie Termini, Executive Director
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Fish and Game Commission



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December 19, 2016

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a notice of availability of a document added to the rulemaking file regarding the California Spiny Lobster Fishery Management Plan Implementing Regulations adopted at the Commission's June 22, 2016 meeting:

- Amended Initial Statement of Reasons for Regulatory Action dated October 18, 2016:

In addition to this mailing, this document is available for public inspection between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, at 1416 Ninth Street, Room 1320, Sacramento, CA or on our website (link provided below).

The Amended Initial Statement of Reasons adds statements of necessity to Section III (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary; other clarifying statements; and, minor editorial changes. These statements are directly related to the revised proposed regulatory language in the California Spiny Lobster Fishery Management Plan implementing regulations. The California Spiny Lobster Fishery Management Plan, adopted by the Commission on April 13, 2016, is incorporated by reference in the amended regulatory language. Minor edits and additions or deletions for improved clarity, spelling, punctuation, etc., that do not affect content, are not shown.

Additional information and all associated documents may be found on the Fish and Game Commission website at http://www.fgc.ca.gov/regulations/2016/index.aspx#29_80.

Sincerely,

Sheri Tiemann
Associate Governmental Program Analyst

Attachment

(42)

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
AMENDED INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Subsections (b) and (g) of Section 29.80, Amend Subsections (a) and (c) and Add Subsection (f) of Section 29.90, Amend Sections 121, 121.5, 122, and 705, Add Article 5, Sections 54.00, 54.01, 54.02, and 54.03, and Add Sections 122.1, and 122.2, Title 14, California Code of Regulations
Re: California Spiny Lobster Fishery Management Plan Implementing Regulations

Additions to this amended Statement of Reasons are indicated with bold, double underlined text; deletions are indicated with ~~bold double strikeout text~~.

I. Date of Initial Statement of Reasons: February 24, 2016

II. Date of Amended Initial Statement of Reasons: November 22, 2016

III. Dates and Locations of Scheduled Hearings:

- (a) Notice Hearing: Date: February 10, 2016
Location: Sacramento
- (b) Discussion Hearing: Date: April 13, 2016
Location: Santa Rosa
- (c) Adoption Hearing: Date: June 22, 2016
Location: Bakersfield

IV. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The amended Initial Statement of Reasons adds statements of necessity to Section III (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary; other clarifying statements; and, minor editorial changes. These statements are directly related to the revised proposed regulatory text in the California Spiny Lobster Fishery Management Plan implementing regulations. The California Spiny Lobster Fishery Management Plan, adopted by the Commission on April 13, 2016, is incorporated by reference in the amended regulatory language. Minor edits and additions or deletions for improved clarity, spelling, punctuation, etc., that do not affect content, are not shown.

Regulations are proposed to implement a Fishery Management Plan (FMP) for California spiny lobster (*Panulirus interruptus*) pursuant to the Marine Life Management Act (MLMA) of 1999 (Fish and Game Code (FGC) sections 7070-7088 et seq.), which includes amending existing commercial and recreational lobster regulations to improve management of the spiny lobster fisheries and support orderly fisheries. The MLMA was passed to implement the State's policy of ensuring "the conservation, sustainable use, and, where feasible, restoration of California's marine living resources for the benefit of all the citizens of the State" (FGC Section 7050(b)).

The MLMA provides guidelines for the development and adoption of FMPs, including a description of the contents of FMPs (FGC sections 7075-7088 et seq.). The MLMA contemplates the management of state fishery resources through FMPs implemented by California Fish and Game Commission (Commission) regulations (FGC Section 7078). The process of developing FMPs and the implementing regulations is expected to make management objectives and marine fishery regulations more readily available and clearer to the Commission, the California Department of Fish and Wildlife (Department), and the public. The California Spiny Lobster FMP (attachment 1) ~~is scheduled for adoption~~ was adopted by the Commission at its April 2016 meeting.

An extensive public scoping process was used by the Department to inform development of the California Spiny Lobster FMP and the proposed implementing regulations. In accordance with the MLMA (FGC Section 7076(a)), the Department sought interested individuals representing a broad range of stakeholder interests to provide advice and assistance in developing the FMP. The Lobster Advisory Committee (LAC) was formed in the spring of 2012, following a call for volunteers by the Department. The LAC provided guidance on FMP objectives as well as management recommendations addressing key issues identified during the LAC process. The LAC consisted of representatives from the marine science community, the recreational fishing sector, commercial fishing sector, the non-consumptive recreational sector, the environmental community, and the federal government. Nine LAC meetings occurred between June 2012 and September 2013 (see Section e: Public Discussions of Proposed Regulations Prior to Notice Publication). All meetings of the LAC were open to the public, and public input was encouraged. Meeting announcements were posted on the Department's California Spiny Lobster FMP website and the public was encouraged to sign up for the California Spiny Lobster FMP news email service. Meeting summaries, as well as various background documents, are also available on the Department's website at www.wildlife.ca.gov/Conservation/Marine/Lobster-FMP/Involved.

Once ~~adopted and~~ implemented through the proposed regulations, the California Spiny Lobster FMP will establish a management program for the spiny lobster recreational and commercial fisheries and detail the procedures by which the Department manages and Commission regulates the spiny lobster resource. The California Spiny Lobster FMP prescribes a harvest control rule (HCR) for the spiny lobster fisheries (attachment 1; see section 4.3). The HCR serves as the foundation for managing the fisheries in the future as well as the primary mechanism to prevent, detect, and recover from

overfishing as required by the MLMA. The HCR is a type of adaptive management framework that identifies potential conservation problems and prescribes appropriate management response measures. The harvest control rule consists of three parts: 1) reference points, 2) a control rule matrix, and 3) conservation and management measures listed in the control rule toolbox. Reference points are the metrics used to gauge the status of the fishery. The three lobster reference points are: 1) Catch, 2) catch per unit effort (CPUE), and 3) spawning potential ratio (SPR).

In addition to providing input on development of the California Spiny Lobster FMP, the LAC also formed consensus on several commercial and recreational regulatory amendments that serve to create a more orderly and safe fishery, improve management, clarify regulations, and improve enforceability of regulations. The LAC proposals were compiled into a finalized consensus recommendation on September 11, 2013. Representatives from the Department met separately with the LAC recreational and commercial representatives to clarify and define the details for describing regulation changes that would be enforceable and effective (attachment 1; see Appendix IX). The LAC proposals along with the Department's recommendations (attachment 1; see Appendix IX) were submitted to the Commission for consideration at its April 2015 meeting. At the Commission's June 2015 meeting, the Commission directed the Department to prepare this regulatory package using the Department's commercial and recreational recommendations as part of ~~this~~the FMP and implementing regulations.

At the direction of the Commission, three LAC consensus recommendations are not included in this regulatory proposal; 1) restricting the use of mechanized pullers in the recreational fishery, 2) a phase-in approach to the commercial trap limit, and 3) clarifying the provisions for the branding of commercial floats. A description and rationale for excluding these three recommendations from this regulatory package is provided in the "Consideration of Alternatives" Section C.

Upon adoption of the California Spiny Lobster FMP by the Commission, a corresponding set of implementing regulations must be adopted to enact the FMP. The California Spiny Lobster FMP implementing regulations will:

- 1) establish a new Article in Chapter 5.5, Subdivision 1, Division 1, Title 14, California Code of Regulations (CCR);
- 2) amend existing recreational lobster fishery regulations;
- 3) amend existing commercial lobster fishery regulations;
- 4) modify existing commercial lobster logbook to collect additional data needed to manage the fishery;
- 5) amend lobster operator permit requirements and fees; and
- 6) create new regulations that establish applications for transferring permits and affidavits for requesting replacement trap tags and reporting trap loss.

Additionally, FGC subsection 7071(b) provides authority for the Commission to adopt regulations that implement a fishery management plan or plan amendment and make inoperative any fishery management statute that applies to that fishery. To implement

the conservation and management measurements identified in the FMP and the proposed trap limit, the implementing regulations ~~of this FMP~~ will render the following sections of FGC inoperative once ~~they~~the regulations are ~~adopted~~effective:

- 1) FGC sections 8251, 8252, and 8258. These sections prescribe the commercial season length, size limit, and list the Districts where commercial lobster traps may be used. The FMP contemplates changes to season length, minimum size and district closures as possible future conservation and management measures. The commercial season length and size limit will be moved into Title 14, CCR, reflecting the Commission's authority to make future adjustments.
- 2) FGC sections 7857(e), 7857(j), 8102, 8103, and 8254(c). These sections state the conditions for issuing and transferring commercial permits and lobster operator permit fees. Each will be made inoperative as they apply to the spiny lobster fishery to be consistent with the commercial spiny lobster limited entry fishery permit program described in the FMP and proposed trap limit program.
- 3) FGC section 9004: This section requires commercial fishermen to service any deployed trap every 96 hours. The proposed trap servicing regulation in new Section 122.2 will extend the servicing requirement to every 168 hours. As such, this section will be rendered inoperative as applied to the spiny lobster fishery.

The proposed regulations are drafted to serve the sustainability and social policy objectives enumerated in FGC Sections 7050, 7055, and 7056.

Current Regulations

Regulations used to manage spiny lobster recreational and commercial fisheries are found in multiple sections of Title 14 of the CCR. Section 29.80 provides general gear restrictions for the recreational take of crustaceans. Section 29.90 provides recreational fishery regulations specific to spiny lobster with report card requirements for the recreational fishery found in Section 29.91. Fishery management plan regulations are found in Chapter 5.5, Article 1, Section 50 et seq. Section 121 regulates the possession of spiny lobster during the closed season and Section 121.5 regulates the processing of spiny lobster. Section 122 provides regulations for the commercial fishery, including permit requirements, gear provisions, trap servicing requirements, restricted fishing areas, permit transfers, and logbook requirements.

Proposed Regulatory Changes

By moving the rulemaking's effective date to April 1, 2017, references to the 2016-2017 regulations are no longer applicable; for that reason, the paragraph that follows has been deleted.

~~Proposed regulations that are substantive regulatory changes (e.g., commercial trap limit and change to the sport season opening time) are proposed to be effective for the 2017-18 spiny lobster season, not the upcoming 2016-17 season, which starts in October 2016. Proposed changes to sections 29.80(b)(2), 29.90(a), 121.5(e), 122(b)(3), 122(c)(2)(A), 122(c)(5)(A), 122.1(c), 122.2(b)(2), 122.2(d)(2), 122.2(f), and 122.2(i) will become effective with the 2017-18 lobster season.~~

~~Reasons for this delay are related to the additional time that will be needed for the Department to acquire trap tags for the proposed trap tag program for the commercial fishery. In addition, the delay is recommended so that the new regulations can be noticed in the commercial fishing digest and sport fishing booklets, which are already published for the 2016-17 season. By not delaying the substantive changes identified above, the information in the 2016-17 commercial fishing digest and sport fishing booklet will be outdated and will cause public confusion. The regulatory changes that will be effective upon adoption for the 2016-17 season are not new regulations but are either minor changes, FGC sections that are made inoperative and moved into Title 14, or reorganizing of existing regulations.~~

1) Recreational Regulation Adjustments

Amend Subsection 29.80(b)(2), Title 14, CCR; Hoop Net Servicing Requirements.

Proposed Changes

Current regulation states, "Any hoop net abandoned or left unchecked for more then 2 hours shall be considered abandoned and seized by any person authorized to enforce these regulations." This regulation change would correct wording from "then" to "than".

Necessity and Rationale

Non-substantive change to fix a grammatical error.

Add new Subsection 29.80(b)(3), Title 14, CCR; Marking Hoop Net Floats with GO ID Number.

Proposed Changes

Subsection 29.80(b) provides provisions relating to the recreational use of hoop nets to take crustaceans. Current regulations do not require hoop net floats to be marked. ~~Beginning on April 1, 2017,~~ The proposed subsection would require each hoop net used south of Point Arguello to have a surface buoy legibly marked with the operator's GO ID number as stated on his or her recreational fishing license or lobster report card to provide enforcement personnel with the ability to confirm the identity of each hoop net operator. Hoop nets deployed from shore ~~and~~ or manmade structures connected to the shore are not required to be marked with a surface buoy.

By moving the rulemaking's effective date to April 1, 2017, reference to "beginning on April 1, 2017" is unnecessary and has therefore been removed.

Necessity and Rationale

Currently, there is no requirement for marking hoop nets or attached floats to easily identify the individual using them; ~~improving accountability.~~ The proposed regulation will allow the Department's Law Enforcement Division (LED) to easily verify the operator of each hoop net in the field, improving accountability. This regulation would require each hoop net to have a surface buoy legibly marked with the operator's GO ID

number. These regulations will also identify the operator if the hoop net becomes abandoned or lost and is later recovered. The proposed regulation will help LED determine whether an operator is pulling his or her own hoop nets and to identify the operator of hoop nets that are used unlawfully in restricted fishing areas (e.g., Marine Protected Areas). A similar regulation is currently in place for recreational crab traps, where buoys are to be marked with the operator's GO ID number as listed on his or her sport fishing license (Section 29.80(c)(3)). The proposed regulation will only affect hoop nets used south of Point Arguello since the Department did not have the opportunity to scope the recreational fishery using hoop nets north of Point Arguello.

Amend Subsection 29.80(g), Title 14, CCR; Clarifying Existing Language on the Possession of a Hooked Device While Taking Spiny Lobster.

Proposed Changes

Subsection 29.80(g) provides provisions relating to the recreational take of crustaceans while diving and specifically states that while in pursuit of crustaceans divers may not possess any hooked device while diving or attempting to dive and that crustaceans can only be taken by hand. The proposed amendment will clarify that spearfishing gear may be possessed by divers while pursuing crustaceans so long as the gear is not used to aid in the take of lobsters; a crustacean.

Necessity and Rationale

Some divers carry spearfishing gear to opportunistically take fish while pursuing lobsters. This has led to different interpretations of what constitutes a "hooked device" and has resulted in citations for spear fishermen who were in possession of spearfishing gear while pursuing lobsters by hand. This proposed regulatory change will provide clarification for both recreational divers and LED. Proposed regulatory language will make it clear that possessing spearfishing gear is allowed while taking lobsters in compliance with all applicable regulations.

Amend Subsection 29.90(a), Title 14, CCR; Recreational Season Opener.

Proposed Changes

Currently, the regulation states that the recreational season opens at 12:01 a.m. (midnight) on the Saturday preceding the first Wednesday in October. ~~Beginning with the 2017-2018 spiny lobster season,~~ The proposed regulation would move the start of the recreational season six hours later from the current start time of 12:01 a.m. to 6:00 a.m.

By moving the rulemaking's effective date to April 1, 2017, reference to "beginning with the 2017-2018 lobster season" is unnecessary and therefore has been removed.

Necessity and Rationale

The current recreational season 12:01 a.m. start time has led to concerns over safety due to the numerous dive related accidents that routinely occur on opening nights. The

recreational lobster fishery is primarily a nighttime fishery for both divers and boat based anglers using hoop nets. The new 6:00 a.m. season start time will spread the initial recreational fishing effort across an entire day and night as opposed to bottlenecking the effort right at midnight. This should result in a safer, more orderly fishery opener for both boat-based fishermen and divers while also improving enforceability due to increased visibility during the early morning opener.

Amend Subsection 29.90(c), Title 14, CCR; Measuring Spiny Lobster for Minimum Size Limit.

Proposed Changes

Currently, this regulation allows for spiny lobster to be brought to the surface of the water to be measured, but it prohibits any sub-legal size lobsters from being brought aboard any vessel. The proposed regulation would allow for spiny lobster caught via hoop netting to be brought out of the water for measuring only. This would allow hoop net fishermen to bring lobster onto a boat, pier, or any platform from which they are fishing to measure lobster. Any sub-legal sized lobsters will still be required to be returned immediately to the water after measuring. Recreational lobster divers will still be required to measure all lobster while in the water.

Necessity and Rationale

The current requirement to measure spiny lobster before they are brought ~~aboard on board a the~~ vessel has been determined to be a safety issue for recreational hoop net fishermen who typically fish at night and have to lean over the side of a boat to measure spiny lobster at the surface of the water. In addition, it is not possible for someone fishing from a pier to measure lobster in the water. The proposed change will allow individuals to bring spiny lobster out of the water so they may be safely measured.

Option to add new subsection 29.90(f) marking of spiny lobster linked to option 121.5(e) prohibiting the possession of marked spiny lobsters in markets.

At its June 2016 meeting, the Commission chose not to pursue this option, so it has been removed.

Add new Subsection 29.90(f), Title 14, CCR; Requiring the Tail Clipping or Hole Punching of Spiny Lobsters Taken in the Recreational Fishery and Prohibiting the Release of Tail Clipped or Hole-Punched Spiny Lobster.

Proposed Changes

~~Currently, there is no regulation requiring the marking of spiny lobster to distinguish between those lobsters caught by the recreational and commercial fisheries. The proposed regulatory options would require recreational hoop netters and divers to:~~

~~Clip (Figure 1a) or hole punch (a minimum diameter of one fourth inch (1/4 inch), Figure 1b) the center tail fin of all retained spiny lobsters at or before the time catch information is required to be recorded on spiny lobster report cards (14 CCR Section 29.91(C)). The proposed regulation would also prohibit the release of tail clipped or hole-punched~~

lobster back into the water, with the exception of LED staff releasing hole punched lobster that have been retained unlawfully that may be encountered during enforcement activities.

Necessity and Rationale

The recent rise in the ex-vessel value of spiny lobster (Figure 2) has provided increased incentive for the illegal commercialization of recreationally-caught spiny lobsters. Some jurisdictions in other parts of the world require recreational fishermen to hole punch the tail or remove the center tail fin of each lobster taken in the recreational fishery to distinguish recreationally-caught lobsters from commercially-caught lobsters. Requiring the clipping or hole punching of the center tail flap is a simple tool to implement and enforce and can help prevent recreationally-caught spiny lobsters from entering the black market. Proposed regulation also includes a prohibition on the release of recreationally-caught spiny lobsters that are hole punched or tail clipped. This provision is to prevent hole punched or tail clip spiny lobsters from entering the commercial market. Some in the commercial sector have expressed a concern that recreational fishermen may intentionally release hole punched or tail clipped lobsters, which would make them unavailable for sale (as proposed in Section 121.5(e)) if caught by commercial fishermen.

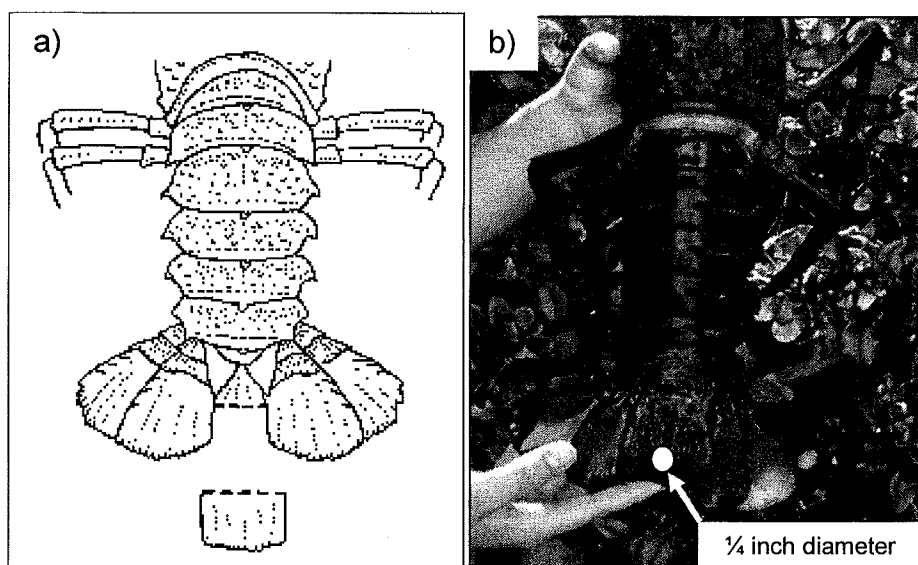
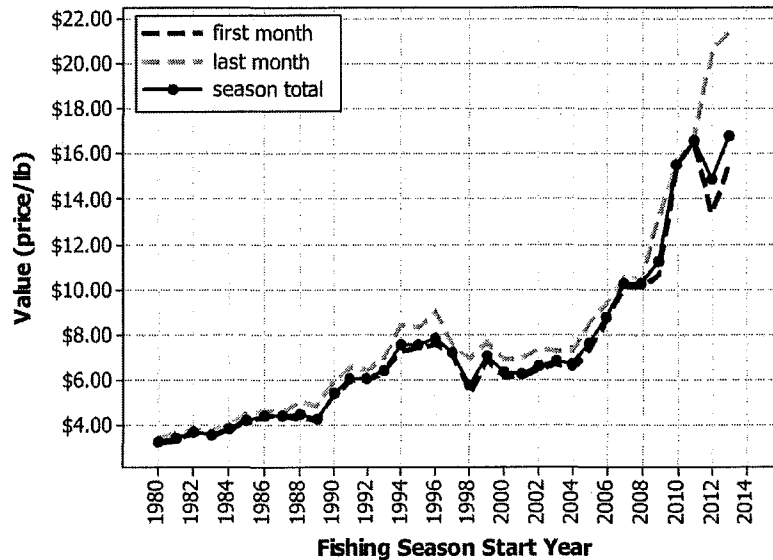


Figure 1. Proposed regulations for recreationally caught spiny lobster. Retained lobster will be required to have their center tail fin removed (a) or a hole punched in their center tail fin (minimum 1/4 inch diameter) (b) by the time that they are reported on spiny lobster report cards.



~~Figure 2. Average ex-vessel price/lb. of spiny lobster during the first month of the fishing season, last month of the fishing season, and total fishing season from 1980-2013 fishing seasons.~~

2) California Spiny Lobster Fishery Management Plan

Add Article 5.0 to Chapter 5.5, Title 14, CCR; California Spiny Lobster Fishery Management Plan

Proposed Regulation

This regulatory proposal will add Article 5.0 California Spiny Lobster Fishery Management Plan to Chapter 5.5, specifically sections 54.00, 54.01, 54.02, and 54.03 to Chapter 5.5 within Title 14 of the CCR. Regulations within Chapter 5.5 of Title 14 of the CCR primarily describe the overarching management strategy of the State's FMPs. FMPs generally describe the: 1) purpose and scope of each FMP, 2) relevant definitions used in each FMP, 3) process and timing of management, and 4) details regarding the management framework (e.g., harvest control rules, allocations). The new Article for the California Spiny Lobster FMP will contain four Sections: 54.00 Purpose and Scope, 54.01 Definitions, 54.02 Management Process and Timing, and 54.03 Harvest Control Rule.

Add Section 54.00, et seq. This proposed series of regulations serves to implement the California Spiny Lobster FMP, as follows:

Section 54.00 - Purpose and Scope. This section clarifies the purpose of this article consistent with the objectives and goals of the MLMA. It also states that this article together with other applicable state and federal laws and regulations will govern the spiny lobster fisheries. **The last two sentences of subsection (b) have been removed as they were duplicative, unnecessary and unclear.**

Section 54.01 - Definitions. This section provides definitions that are specific to this new article. All definitions in this section are based on and are consistent with the

definitions found in the California Spiny Lobster FMP. The definitions are also consistent with other provisions of state and federal laws. **Elements of the California Spiny Lobster FMP will be applied or enforced as a result of these new regulations, and therefore must be incorporated by reference.**

Section 54.02 - Management Process and Timing. This section states that the management of the spiny lobster fisheries would conform to the California Spiny Lobster FMP and applicable California law. The Department will monitor the condition of the fisheries and the spiny lobster population and provide reports and recommendations as needed.

Section 54.03 - Harvest Control Rule. This section serves to outline the proposed management actions presented in the California Spiny Lobster FMP. This section also provides other management and conservation measures that may be considered by the Commission for implementation at a later date, consistent with the goals and objectives of the California Spiny Lobster FMP. The California Spiny Lobster FMP prescribes a Harvest Control Rule (HCR) as the primary management tool for the spiny fisheries. The HCR contains: 1) a set of three threshold reference points, 2) a HCR matrix, and 3) a control rule toolbox of conservation and management measures. Descriptions of the three components of the HCR are provided below.

1. Threshold reference points are the trigger points for potential management actions. The three threshold reference points in the California Spiny Lobster FMP are based on the commercial lobster season catch (**i.e., multi-year running average of catch** in weight), CPUE, and SPR. Each threshold reference point is designed to gauge a particular aspect of the commercial fishery and set at a **reference** level that, if crossed, would be indicative of changes within the commercial fishery or spiny lobster resource that may require management action.
2. The HCR matrix is the tool prescribed by the California Spiny Lobster FMP to guide the interpretation of the status of the spiny lobster stock at any given time based on the status of the three threshold reference points (e.g., Catch, CPUE and SPR).
3. The eight conservation and management measures within the control rule toolbox of the California Spiny Lobster FMP were developed with input from the LAC and each have been utilized to manage lobster fisheries around the world. Several tools, such as a minimum size limit, are already used in California. The eight conservation and management measures are: change the commercial trap limit, change the recreational bag limit, implement a total allowable catch (TAC), fishing district closures, change season length, change minimum size limit, impose a maximum size limit, and implement a sex-selective fishery. These tools have been analyzed by Department staff and vetted with the public and constituents during the LAC process.

The HCR is designed to provide spiny lobster fisheries management with a proactive and coherent framework. The status of the spiny lobster fisheries would be assessed using predetermined metrics and interpretations, and management responses will be derived from the previously vetted conservation and management measures.

New subsection 54.03(c) previously made reference to a toolbox in Section 50.03(a), which has been corrected to say subsection 54.03(a).

3) Proposed Commercial Amendments

Amend Section 121 Title 14, CCR; Lobster, Spiny. Possession during Closed Season

Proposed Changes

Current regulations in Section 121 provide provisions for the possession of spiny lobsters during the closed season. Current FGC Section 8251 sets the commercial fishing season for taking spiny lobster and provides provisions for baiting commercial traps in advance of the commencement of the commercial season. Section 121 will be amended by adding language currently found in FGC 8251 to new subsection 121(a), which defines the start and end of the commercial spiny lobster season as between the first Wednesday in October and the first Wednesday after March 15. Provisions of FGC 8251 on when commercial traps can be baited are added to new Section 122.2 and described in that section. Existing regulations in Section 121 relating to the possession of spiny lobster during the closed season will be lettered 121(b) and the title of Section 121 will be amended to read: Lobster, Spiny. Open Season and Possession during Closed Season.

Necessity and Rationale

FGC Section 7078 gives the Commission authority to adopt regulations to implement an FMP and to list FGC sections that are made inoperative as to the particular fishery covered by the FMP. One of the conservation and management options in the HCR in the California Spiny Lobster FMP is a change to the commercial fishing season. In order for the Commission to make future regulatory changes to the season length as contemplated by the California Spiny Lobster FMP, the commercial fishing season as described in FGC Section 8251 is moved into Title 14, Section 121. FGC Section 8251 will be made inoperative as listed in the California Spiny Lobster FMP and these proposed regulations adopted by the Commission according to the process described in FGC sections 7078 and 7088.

Amend and add new Subsections to Section 121.5, Title 14, CCR; Lobster, Spiny. Minimum Size and Verification

Proposed Changes

Current regulations in this section describe the conditions that spiny lobsters are to be maintained in so that the minimum size of spiny lobsters as described in FGC 8252 can be verified. Current FGC Section 8252 sets the commercial minimum size for spiny

lobsters at 3.25 inches in length, describes how the measurement is to be taken, requires the possession of a measuring device, and the immediate release of undersized lobsters. Section 121.5 will be renamed: "Lobster, Spiny. Minimum Size and Verification. Current subsections (a) and (b) will be re-lettered (c) and (d), respectively, with minor, non-substantive changes to clarify the existing regulations. This includes the addition of the term "fixed caliper" to the requirement of possessing a measuring device in subsection 121.5(b) to clarify the type of measuring device that must be possessed. New language is added from FGC Section 8252 to new subsection 121.5(a) that defines the minimum size and new subsection 121.5(b) that defines how spiny lobsters are to be measured and how a trap shall be serviced prior to any additional trap being brought aboard a vessel.

Necessity and Rationale

Limiting a fisherman to having a maximum of one trap that has not been serviced aboard a vessel before pulling another trap helps ensure that any undersized lobster contained in the trap are measured and returned to the water in a timely manner.

Option to add Subsection 121.5(e) linked to option 29.90(f)

At its June 2016 meeting, the Commission chose not to pursue this option, so it has been removed.

~~Necessity and Rationale~~

~~Section 7078 of the FGC gives the Commission the authority to adopt regulations to implement an FMP and Section 7088 of the FGC provides that each FMP list any FGC sections that are made inoperative as to the particular fishery covered by the FMP. One of the management options in the California Spiny Lobster FMP Harvest Control Rule is a change to the minimum size of spiny lobsters that can be taken in the commercial fishery. Currently, the minimum size is set in the FGC. In order for the Commission to make future regulatory changes to the minimum size as contemplated by the FMP, the commercial minimum size limit as described in FGC Section 8252 is moved into Section 121.5, Title 14, CCR. Section 121.5(e) will be added to support the enforceability of the proposed regulation (Title 14, Section 29.90(f)) which will require the hole punching or tail clipping of recreationally caught lobster to address the issue of illegal commercialization of recreationally caught lobster. LED staff feels this regulation is necessary to enforce the marking provision proposed for the recreational fishery. Section 8252 of the FGC will be made inoperative, as listed in the California Spiny Lobster FMP, and the proposed new regulations Section 121.5 will be adopted by the Commission according to the process described in FGC Sections 7078 and 7088.~~

Amend and add new Subsections to Section 122, Title 14, CCR; Lobster, Spiny. Permits to Take.

To improve the organization and clarity of commercial regulations pertaining to the commercial take of spiny lobster, the proposed changes groups the subsections contained in Section 122 by similar regulation subject (Table 1) as well as amend and

add new regulations to provide additional information and/or clarification. Some subsections in Sections 122 that regulate the marking of traps and buoys and pulling of traps will be amended and moved to new sections 122.1 and 122.2, respectively. To reflect the proposed reorganization, Section 122 is to be renamed "Spiny Lobster Permits and Restricted Areas." Changes to Section 122 are described below.

Table 1. Summary of proposed relocation of existing subsections within Section 122.

CURRENT SUBSECTION NUMBER	REGULATION SUBJECT	PROPOSED SUBSECTION NUMBER
122(a)	Classes of Lobster Permits	No change
122(b)	Permit Renewal	No change
122(c)	Permit Transfers, Procedures, and Timeline	No change
122(d)	Permit Renewal	Move to 122(b)(2)
122(e)	Permit Renewal	Move to 122(b)(2)
122(f)	Permit Renewal	Move to 122(b)(4)
122(g)	General	Move to new 122(h)
122(h)	General	Proposed to be repealed*
122(i)	Pulling Lobster Traps	Move to 122.2(a)
122(j)	Lobster Buoys and Trap Tags	Move to 122.1(a)
122(k)	Lobster Buoys and Trap Tags	Move to 122.1(b)
122(l)	Pulling another permit holders traps	<u>Delete and replace with new</u> Moved to 122.2(h)**
122(m)	Pulling Lobster Traps	Move to 122.2(g)
122(n)	Pulling Lobster Traps	Move to 122.2(b)(4)
122(o)	Restricted Fishing Areas	New 122(d)
122(p)	General	New 122(e)
122(q)	General	New 122(f)
122(r)	Permit Transfers, Procedures, and Timeline	Move to 122(c)

* Subsection 122(h) will be repealed from the regulations as certain sections of the FGC applicable to lobster will become inoperative with the adoption of the California Spiny Lobster Fishery Management Plan and the proposed regulatory package.

** Section 122(l) The current requirement for servicing another fisherman's trap is proposed to be moved to 122.2(h) and replaced for the 2017/18 lobster season by a new subsection 122.2(i)(h) and a formal Department waiver process proposed under Section 122.2(i)(h)(2) of this regulatory package.

Amend Subsection 122(a), Title 14, CCR; Classes of Lobster Permit.

Proposed Changes

Currently, Section 122(a) describes take of spiny lobster as authorized under the three classes of spiny lobster permits in the commercial fishery: transferable lobster operator permit, non-transferable lobster operator permit, and lobster crewmember permit. The proposed amendments to paragraph (3) of Subsection 122(a) will clarify that any licensed commercial fisherman that does not possess a valid transferable or non-transferable lobster operator permit may purchase a lobster crewmember permit that will allow him or her to accompany and assist the lobster operator permit holder in the take of spiny lobster. In addition, minor modifications are proposed in paragraph (4) of Subsection 122(a) for clarity and consistency with terminology used in paragraph (1) of Subsection 122(a).

Necessity and Rationale

The proposed amendments are minor, non-substantive changes that would provide clarity and consistency of the existing regulations.

Amend Subsection 122(b), Title 14, CCR; Permit Renewal.

Proposed Changes

Currently, regulations pertaining to permit renewal are contained in various subsections under Section 122. To improve the logical organization of these regulations, amended Section 122(b) will be entitled "Permit Renewal." Current subsections 122(b) will be renumbered as paragraph (1) of subsection 122(b), and 122(d) and (e) are proposed to be consolidated into paragraph (2) of subsection 122(b). In addition, the proposed regulatory amendment will include a new provision (subsection 122(b)(3)) allowing the issuance of no more than two lobster operator permits to a licensed commercial fisherman; this new provision will bring this section into conformance with the new trap limit program (further detailed below in the new Section 122.1). Current requirements described in subsection 122(f) that outline the procedures and deadline for permit renewal will also be moved to Section 122(b) and renumbered as paragraph (4) under this subsection 122(b)(4).

By moving the rulemaking's effective date to April 1, 2017, reference to "beginning with the 2017-2018 lobster season" is no longer applicable; subsection 122(b)(3) has therefore been amended.

Necessity and Rationale

The proposed grouping and relocation of existing subsections by regulation subject are non-substantive changes to improve organization and clarity of the regulations. The addition of subsection 122(b)(3) is necessary to create consistency between existing and new regulations for the trap limit proposed as part of this regulatory package.

The overlap with FGC in subsection 122(b)(4) is necessary to help clarify the process for an appeal; the "show cause" language is consistent with the appellant bearing the burden of persuasion as stated in case law. See

McDonough v. Goodcell, 13 Cal.2d 741; McDonough v. Garrison, 68 Cal.App.2d 318; Hansen v. State Board of Equalization, 43 Cal.App.2d 176; San Diego Cotton Club v. State Board of Equalization, 139 Cal.App. 655; Glick v. Scudder, 69 Cal.App.2d 717; and Martin v. Alcoholic Bev. Etc. Appeals Bd., 52 Cal.2d 259.

Amend Subsection 122(c), Title 14, CCR; Permit Transfer, Procedures, and Timeline.

Proposed Changes

New subsection 122(c) is proposed, entitled "Permit Transfers, Procedures, and Timelines." Proposed changes to this subsection are summarized below.

Current subsection 122(c), which requires notice of a permit transfer, will be renumbered as paragraph (1) under new subsection 122(c) with minor amendments to the regulatory text in which "Fish and Game Commission" is replaced with "commission."

Current subsection 122(r)(1) will be amended and renumbered as paragraph (2) under subsection 122(c). Subsection 122(r)(1) currently allows for the transfer of a transferable lobster operator permit by a permit holder provided that an application in the form of a notarized letter is submitted to the Department and the nonrefundable transfer fee **specified in Section 705** is paid. Under the proposed amendment, a permit holder will be required to submit a notarized transfer application (DFW 1702) (New 2/2016) with the nonrefundable transfer fee to the Department in order to transfer his or her permit to another licensed commercial fisherman. **The permit holder would also be required to transfer all trap tags in his/her possession along with the permit.** The transfer will be effective upon approval of the application by the Department. In addition, the proposed amendment includes a new provision subsection (122(c)(2)(A)) that, ~~beginning with the 2017-2018 permit year,~~ if the lobster operator permit is transferred to a person with a valid transferable lobster operator permit and a non-transferable lobster operator permit, the non-transferable lobster operator permit becomes null and void and must be surrendered to the Department. This new requirement is consistent with the proposed provision of subsection 122(b)(3), in that a licensed commercial fisherman will not be issued more than two lobster operator permits.

Proposed new regulation (3) under subsection 122(c) is a new requirement that delays the transfer of a lobster operator permit when the permit holder is facing pending violations that could affect the status of the permit; this will prevent a permit from being transferred in an effort to avoid a suspension or revocation of a permit.

Current subsection 122(r)(2) will be amended and renumbered as new paragraph (4) under subsection 122(c). Currently, the estate of a transferable lobster operator permit holder may transfer that permit no later than one year from the death of the permit holder (subsection 122(r)(2)). The proposed amendment will extend the deadline for the estate to apply to transfer a transferable permit from one to two years.

Current subsection 122(r)(3) will be amended and renumbered as new paragraph (5) under subsection 122(c). Currently, a non-transferable permit becomes null and void upon the death of the individual to whom the permit was issued (subsection 122(r)(3)). The proposed amendment will add a requirement that requires the estate to immediately surrender the permit, including any Department issued trap tags to the Department after the death of the permit holder.

Proposed new regulation (6) under subsection 122(c) adds appeal provisions for permit transfers. Under existing regulations, no appeal provisions for denial of a transfer are specified. Under this new requirement, any applicant who is denied transfer of a transferable lobster permit may appeal the denial in writing to the Commission within 60 days of the date of the Department's decision.

By moving the rulemaking's effective date to April 1, 2017, references to "beginning with the 2017-2018 lobster season" is no longer applicable; subsection 122(c)(2)(A), 122(c)(4) and 122(c)(5) have therefore been amended.

Necessity and Rationale

The proposed grouping and relocation of existing regulations by subject are non-substantive changes to improve organization and clarity. The amendments also include new permit transfer procedures and deadlines to improve the administration and management of permits within the commercial lobster fishery. The limited-entry nature of the commercial **lobster** fishery restricts the number of commercial participants. As such, the amendments will clarify the eligibility requirements and procedures in which the Department will authorize the transfer of a lobster operator permit to allow **new** permit holders to participate in the fishery.

Subsection ~~122(c)(3)~~**122(c)(2)** is amended to standardize requirements for transfer of Lobster Operator Permits. The proposed regulation requires a notarized transfer application to formalize the transfer process and collect accurate information from the permit holder and the proposed permit holder in the place of a notarized letter for each transfer. **This subsection also clarifies that if the Department approves a transfer application, the lobster operator permit holder requesting the transfer will transfer the Department issued trap tags to the new permit holder to complete the transfer.**

Subsection 122(c)(2)(**A**) is proposed for added clarity in cases where a fisherman may be in possession of multiple lobster operator permits of different classes. When a lobster operator permit holder holds two permits, the proposed regulation clarifies that if a fisherman holds a non-transferable and a transferable lobster operator permit, the transfer of a second transferable permit to that fisherman would render the non-transferable permit null and void. This would require the permit holder to surrender the nontransferable permit and tags to the Department. This proposal is consistent with other regulations proposed as part of this regulatory package, including subsection 122(b)(3) and Section 122.1 (trap limit program).

In addition, to clarifying transfer procedures, the proposed amendment includes a new process (subsection 122(c)(6)) as a means for applicants to appeal the denial of a permit transfer if applicants do not agree with a decision made by the Department. Regulations for other fisheries have appeal provisions if a transfer of a permit is denied by the Department.

In the case of a lobster operator permit holder's death (subsection 122(c)(4) transferable permits and subsection 122(c)(5) non-transferable permits), the amendments require the estate to temporarily relinquish or surrender, respectively, the permit and trap tags ~~(beginning with the 2017-18 lobster season)~~ to the Department and extends the deadline for the estate to apply for a transfer of a transferable lobster permit. This amendment is necessary ~~because it is unlawful for the estate to fish the permit and therefore is required to surrender the permit to the Department; to protect the permit as an estate asset and to ensure an orderly and sustainable restricted access fishery (see FGC Section 7082(b)).~~ The personal representative of the estate is charged with managing the estate assets with the care of a prudent person dealing with someone else's property; this means that the representative must be cautious and may not make any speculative investments (see Probate Code Section 8404 and Judicial Council Form DE-147). Allowing the permit to be fished by an unauthorized individual would be illegal and make the permit subject to subsequent suspension or revocation. The amendment prevents a permit from being fished until a transfer application has been submitted by the estate and approved by the Department. Under 122(c)(4) the Department would retain physical possession of the permit and work with the estate to ensure that fees are paid so that the permit remains valid until a transfer application is submitted, and it will allow The amendment also allows more time for the estate to transfer a transferable permit after the death of the permit holder. Should probate delay an estate from filing an application within two years, Section 122(c)(6) allows any applicant who is denied a transfer to appeal the denial to the Commission; in this regard, ~~The~~ the proposed regulations are consistent with current regulations for southern rock crab trap permits ~~with, for which~~ the estate is allowed two years from the date of the permit holder's death to transfer the permit to another commercial fisherman (Title 14 Section 125(e)(4)).

Add New Subsection 122(d), Title 14, CCR; Restricted Fishing Areas.

Proposed Changes

As discussed above, several regulations contained in Section 122 are relocated and grouped by related subject to improve clarity and enforceability. As such, subsection 122(o) describing closed areas around harbors is amended as new subsection 122(d) with amendments to the descriptions of the restricted fishing areas. Current regulations in subsection 122(o)(2)(A), subsection 122(o)(2)(B), and subsection 122(o)(2)(C) within Title 14 will be amended by replacing current descriptions of restricted commercial fishing area boundaries with latitude and longitude coordinates that can be easily referenced and plotted using GPS. Currently, restricted

fishing area boundaries for Newport Bay, Dana Point Harbor, and Oceanside Harbor are defined by landmarks, navigational markers, and compass headings. The proposed regulations will provide clarity and improved spatial resolution for these boundaries using latitude and longitude coordinates.

Necessity and Rationale

This amendment is necessary to modernize the descriptions and provide for added clarity and enforcement. Many of the spatially referenced regulations currently found in Title 14 were created prior to GPS technology being readily available to the public. This resulted in general landmark locations and compass headings being the primary tool used to define spatially referenced regulations, which can sometimes result in regulations that are unclear and open to interpretation. For regulations that define restricted fishing areas (e.g., marine protected areas), it is important to have well defined and clear boundaries that can be easily interpreted and visualized. GPS technology provides this means and updating restricted fishing areas to latitude and longitude coordinates will greatly improve the understanding of these spatially referenced regulations. In addition, the current regulations do not accurately describe the restricted fishing area boundaries for Dana Point Harbor and Oceanside Harbor due to changes in the current locations of buoys and markers referenced in the regulations (Figure 3). For Dana Point Harbor, the eastern boundary of the restricted commercial fishing area will be extended to the current location of red buoy “4” as described in the current regulations. It is important to note that new charts list this buoy as red buoy “2”. For Oceanside Harbor, the southeastern boundary of the commercial fishing restricted area will be extended to adjust for an incorrect compass heading used to define the southeastern boundary line. This heading results in a boundary that does extend completely to the southern jetty as described in the current regulation. This amendment will correct these minor boundary discrepancies and provide coordinates that can aid commercial fishing and navigational activities.

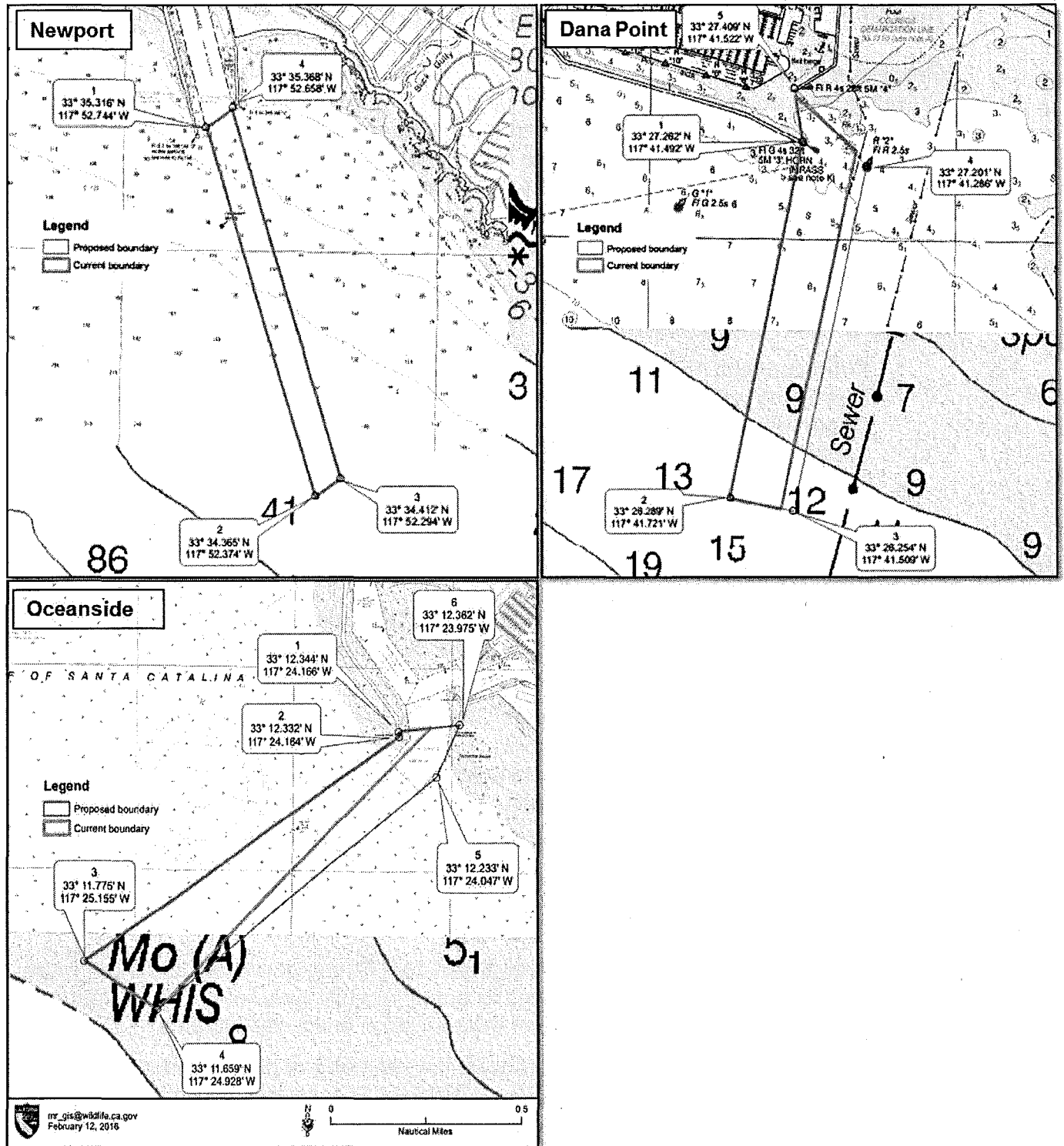


Figure 3. Proposed boundary modifications to restricted commercial fishing areas around Newport Bay, Dana Point, and Oceanside Harbor. The blue boundary lines represent the current boundaries defined by the regulations and the red boundary lines represent the proposed boundaries.

Amend Subsection 122(e), Title 14, CCR; Records.

Proposed Changes

Currently, any person who owns and/or operates any vessel used to take lobster must complete and submit an accurate record of all lobster fishing activities on a form (Daily Lobster Log, DFG 122) provided by the Department (Subsection 122(p)). As indicated in Table 1, current 122(p) is proposed to be re-lettered 122(e) as part of the restructuring of section 122. Additionally, an update to the format of the Daily Lobster Log (DFG 122 (7/96)), as referenced in the current regulation, is proposed to improve the collection of fishery-dependent data. The updated Daily Lobster Log (Rev. 03/04/16) is incorporated by reference into proposed subsection 122(e). Daily Lobster Log DFG 122 (7/96) differs from DFW 122 (Rev. 03/04/16) as follows:

1. Form contents have been updated to replace all instances of "Department of Fish and Game" with "Department of Fish and Wildlife" so that the form reflects the Department's name change, effective January 1, 2013, pursuant to Assembly Bill 2402.
2. The "Daily Lobster Fishing Log" page has been retitled "Daily Lobster Log" and the "Notice to Individuals" section of this page has been changed to "Notice to Permittees" to be consistent with language used in the daily lobster log form and the regulations.
3. Form notices were updated to include the Regional Manager of the Marine Region as the official for maintaining the daily lobster log information and FGC Section 8022 disclosure statement.
4. The "Southern California Fisheries Chart" map elements has been updated to include scale bars, delineation of U.S. and Mexican waters, map borders with latitude and longitude marks, and acknowledgements and notes to improve the presentation of spatial information.
5. Form instructions were updated to include new Department mailing address to return completed forms, additional definitions and instructions for new fields to ensure the consistency of the information recorded, and to improve the clarity of existing instructions.
6. The updated log page will now have only two fishing activity sections per page due to changes in the page layout to accommodate new fields. The important instructions are updated to reflect the reduction in activity sections.
7. The updated log page will now require the reporting of geographic coordinates ("LATITUDE" and "LONGITUDE") for "TRAP LOCATIONS," which will replace "NEAREST LANDMARK." New fields have been added to record the numerical value for latitude and longitude in degree and decimal minutes.
8. The updated log page will also provide two additional spaces (four spaces total) to record corresponding "LANDING RECEIPT NUMBER(S)" for each fishing activity section.

9. A new field named “# OF TRAPS CURRENTLY DEPLOYED” has been added to the log page under the “DATE TRAPS PULLED” section, which will require the reporting of number of traps currently deployed or fished.

Updated instructions that explain when and how logs are to be filled out, as well as when the logs are to be turned in to the Department, will accompany the form.

Necessity and Rationale

Currently, the reporting of landmarks for trap locations on the existing Daily Lobster Log form is not useful for management as the name and size of area for a particular landmark can vary from fisherman to fisherman. The proposed requirement of recording the geographic coordinates for a string or group of traps would modernize the location reporting requirement, be more consistent, and improve the Department's spatial understanding of fishing practices. Better spatial information on fishing practices will also be useful for informing gear recovery programs, identifying potential conflicts within the marine environment and for informing the issue of marine mammal gear interactions.

Increasing the number of spaces for fishermen to record landing receipt numbers would provide additional data to help the Department quantify the average weight of commercial lobsters landed. Average weight is a key input used to calculate the spawning potential ratio used to manage the fishery under the California Spiny Lobster FMP. Information on the number of lobsters caught and pounds landed come from two different sources. The number of legal size lobster retained by the commercial fishery is reported on the Daily Lobster Log and pounds landed reported on commercial landing receipts. Adding an additional space to record the landing receipt number associated with the catch on the Daily Lobster Log will improve correlation of these two data sources resulting in better estimates of the average weight of lobsters landed in the fishery.

The requirement to report of number of traps deployed will allow the estimation of number of traps fished at any one time during the season. This information is needed to estimate the number of traps used in the fishery and inform any future changes to the trap limit as contemplated in the California Spiny Lobster FMP. Overall, the proposed changes to update the format of the Daily Lobster Log will help improve Department fishery-dependent data collection, correlation of fishing logs and landing receipts, and overall assessment of the commercial fishery.

Amend Subsection 122(f), Title 14, CCR; Logs Submittal Requirements for an Annual Permit.

Proposed Changes

Current subsection 122(q), which requires a fisherman to submit his/her lobster logs in order to be eligible for a successive year annual permit is now under subsection 122(f).

Necessity and Rationale

This is a minor, non-substantive change in the numbering of subsections.

Add new Subsection 122(g), Title 14, CCR; Allowing More Than One Operator Permit Holder to Operate from the Same Vessel and Liability.

Proposed Changes

Current regulations do not explicitly prohibit more than one fisherman with a lobster operator permit from operating out of the same vessel at the same time. This regulation is being amended to clarify the provisions surrounding this activity. It states that if multiple lobster operator permit holders operate from the same vessel during the same trip, they may share joint liability for any potential violation arising out of their fishing activities.

In addition, the proposed regulation clarifies that each permittee whose traps are being pulled must be aboard the vessel.

Necessity and Rationale

Current regulations allow multiple lobster permittees to concurrently fish on the same vessel to maximize efficiency, and practical space limitations may require them to store their catch in a single hold. The fishermen each keep track of what they take, and the lobsters are then distributed prior to landing. Upon landing, the catch of each permittee is recorded on a landing receipt that identifies them and their permit, along with other relevant information (see FGC, Section 8043). Lobsters are a fungible commodity; there are no individual quotas in the fishery and how the catch is apportioned is not a fishery management concern. A permit allows the take and possession of lobster for commercial purposes. Fishermen may only take under the authority of their individual permits and, upon landing, must report their catch. The fishery is not subject to any restrictions on co-mingling aboard the vessel and in the absence of such restrictions, the fishermen may combine their catch prior to landing (see FGC, Section 8140).

However, effective fishery management also requires that persons be held accountable for the illegal take and possession of lobsters. Both lobster permit operators and lobster permit crewmembers exercise dominion and control over the lobsters taken and so may be held accountable for any illegal lobsters taken. Until distribution occurs, all permittees have constructive possession of the total catch and so remain jointly liable for any violations occurring during the take and possession of the total catch. Without the imposition of constructive possession it would be too easy to skirt the law by simply disclaiming ownership of any illegally taken lobster. "Constructive possession is deemed to exist when persons maintain control or a right to control contraband. Possession may be imputed when the contraband is found in a location which is immediately and exclusively accessible to the accused and subject to his dominion and control." (People v. Showers (1968) 68 Cal.2d 639). Here, this presumption of constructive possession is supported by the fact that the permittees are engaged in a highly regulated activity and are charged with knowledge of all the laws relating thereto,

and that they are engaged in the same activity at the same time within the confines of a vessel.

Current regulations do not define who is liable for fishing violations in situations where multiple lobster operator permit holders are fishing jointly on one vessel. This proposed addition would provide clarification for fishermen who operate from the same vessel and help them understand their responsibilities. The proposed regulation will minimize confusion regarding liabilities for fishing violations and improve enforcement surrounding this activity.

Repeal Subsection 122(h), Title 14, CCR

Proposed Changes

Currently, subsection 122(h) describes the responsibilities and conditions of each lobster operator permit holder their agents, servants, employees, or those acting under their direction or control to adhere to all of the provisions of the FGC and regulations of the Fish and Game Commission. This section is proposed for deletion from Section 122.

Necessity and Rationale

This regulation is redundant with FGC Section 12000 and unnecessary within Title 14 because as written it reiterates that all laws must be followed by permit holders and is a condition of the permits. FGC Section 12000 details that any violation of the Fish and Game Code or regulation adopted under the code, is a misdemeanor.

Add new Subsection 122(h), Title 14, CCR; Permission to Carry SCUBA Gear on Commercial Vessels.

Proposed Changes

Currently, no SCUBA equipment or other breathing device may be used to assist in the take of spiny lobster from a commercial lobster vessel (subsection 122(g)). Commercial harvest of spiny lobster is permitted only with the use of traps (subsection 122(a)(2)). The proposed new subsection 122(h) would replace current subsection 122(g) regulation and clarify that SCUBA equipment may be used for the purpose of locating and securing traps for retrieval. This new provision also specifies that lobsters contained in traps that had been secured using SCUBA may be possessed only after those traps have been serviced aboard the fishing vessel within the trap service interval requirement.

Necessity and Rationale

The proposed regulation is added to provide clarification on the use of SCUBA in the commercial fishery. This provision would allow SCUBA equipment to be kept onboard a commercial fishing vessel for the purpose of locating and securing traps only, and not to be used in the take of lobsters. This regulation will help to reduce gear loss by allowing fisherman to retrieve traps that would potentially be lost. In addition, this regulation will assist permit holders to retrieve the individual trap tags that are secured to these traps. Since the new trap tag program will limit the number of traps each fisherman can fish,

each trap tag will represent a unit of effort that cannot be replaced and there will be a greater incentive to recover trap tags.

Add new Section 122.1, Title 14, CCR; Lobster Buoys and Trap Tags.

Proposed Regulation

This new section will contain existing regulations on lobster buoys and a proposed new spiny lobster trap limit program. As discussed above, several existing regulations in Section 122 are proposed to be organized into new sections by similar subjects to improve clarity and enforceability. As such, current Section 122 regulations that explain buoy use (Section 122(j)) and describe proper identification markings on a buoy (Section 122(k)) will be moved to this section as subsection 122.1(a) and subsection 122.2(b), respectively. Minor additional modifications were made to the existing regulatory text of these proposed new subsections for clarity and consistency. **The word “operator” was inadvertently omitted from the last sentence of 122.1(b) and has been added.**

~~In addition, subsection 122.2(e)~~ Subsection 122.1(c) is added to this section to detail the proposed spiny lobster trap limit program, ~~effective beginning with the 2017-2018 commercial spiny lobster season.~~ The first two sentences of the originally proposed subsection 122.1(c) are combined to eliminate unnecessary verbiage and to clarify that a lobster trap must have attached a Department issued trap tag when possessed ~~on is while~~ on board a vessel or deployed, rather than on a dock or in a storage location. In addition, by moving the rulemaking’s effective date to April 1, 2017, reference to “beginning with the 2017-2018 lobster season” is no longer applicable and has been removed. Subsection 122.1(c)(2), which required buoy tags, was not adopted by the Commission; it has been struck from the regulatory language and the following subsections renumbered accordingly. What were previously subsections 122.1(c)(3)(C) and 122.1(c)(3)(D), which are now subsections 122.1(c)(2)(C) and 122.1(c)(2)(D), have been amended to add clarity by addressing syntax issues. Proposed subsection 122.1(c)(2) relating to lobster buoy tags was not adopted by the Commission and has been removed from the regulatory language.

Currently, there is no regulation in place that limits the number of traps each commercial lobster fisherman may fish. The proposed regulations would create a trap limit program for the commercial spiny lobster fishery. Under this new program, a commercial fisherman that holds a valid lobster operator permit may fish up to 300 traps for each valid lobster operator permit in his or her possession. A commercial fisherman may hold up to two lobster operator permits allowing them to fish a maximum of 600 traps (300 for each permit). To implement this new trap limit program, each lobster trap deployed must be marked with a single Department issued trap tag and each trap buoy must be marked with a buoy tag that is supplied by the fisherman. The buoy tag must be legibly marked with the lobster operator permit number and the number that is listed on the trap tag that the buoy is marking.

Before the beginning of each fishing season, each lobster operator permittee will be issued 300 individually numbered trap tags for each valid lobster operator permit they possess. ~~They~~**Lobster operator permit holders** will not receive any additional trap tags for that season unless they submit a signed “catastrophic loss” affidavit to the Department (proposed affidavit added to Section 705 of these regulations); this would allow for the in season replacement of trap tags lost due to a “catastrophic loss,” which is defined as the cumulative loss by a lobster operator permit holder of 75 or more trap tags for each valid lobster operator permit due to such circumstances beyond the permit holder’s control, such as weather, force majeure and acts of God. The affidavit will require the lobster operator permittee to provide details regarding the circumstances leading to the catastrophic loss event, dates the loss occurred, and the identification numbers of the lost trap tags. All affidavits need to be reviewed and approved by the Department before any replacement tags are issued. A nonrefundable fee will be charged for each replacement tag. Any trap tag reported as lost are null and void and if subsequently recovered during the season must be returned to the Department.

Necessity and Rationale

Establishing a trap limit for the commercial spiny lobster fishery is one of the most important components of the California Spiny Lobster FMP implementing regulations. The trap limit provisions proposed by the LAC solution with input from the Department address an ongoing problem identified by fishery participants. As demonstrated above in Figure 2, the ex-vessel price per pound of spiny lobster has risen significantly in the past years while, at the same time, the number of total trap pulls that the fleet experienced each fishing season has also increased (Figure 4). Feedback from commercial fishermen suggests that the total number of traps that each fisherman uses is increasing as well. This escalation of trap usage is likely brought on by competition for fishing grounds and the externalization that continue to incentivize individuals to increase their respective trap numbers.

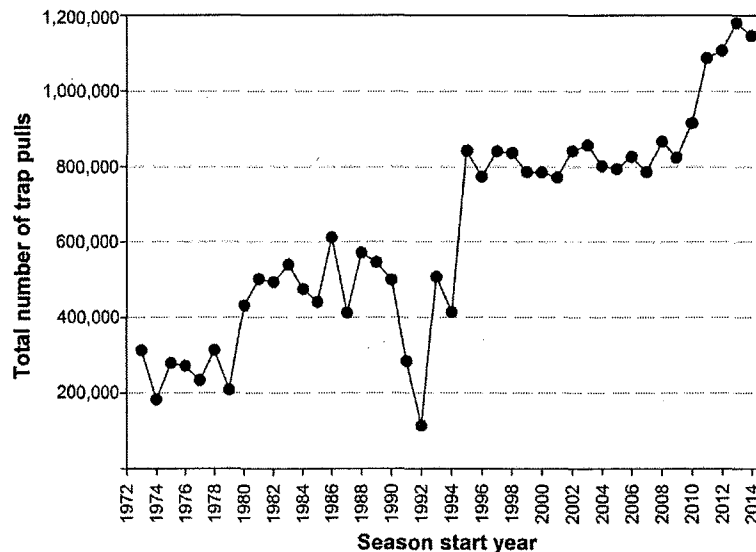


Figure 4. Total trap pulls recorded by the commercial spiny lobster fishery from 1973-2014 commercial fishing seasons.

The upward trend in the number of trap pulls in the fishery is unlikely to impact the biological sustainability of the spiny lobster stock itself due to other regulations currently in place. For example, all traps deployed by commercial fishermen are required to be outfitted with escape ports that allow small sub-legal sized individuals to escape and clips that are designed to dissolve overtime (destruction device). However, the reported rise in number of traps used in the fishery may impact other components of the ecosystem as well as increase the possibility of gear loss. More lost gear can, in turn, negatively impact the marine environment as well as the experience of those who enter that environment for recreational and other commercial purposes.

The escalating number of gear can also reduce the profitability of the commercial spiny lobster fishery. MLMA fishery management objectives include observing the long-term interest of people dependent on fishing for food, livelihood, or recreation” (FGC Section 7056(i)), and allowing fishery participants to propose methods to prevent or reduce excess effort in marine fisheries” (FGC Section 7056(e)). In 2013, the Department conducted the “California Department of Fish and Wildlife Commercial Lobster Survey” which targeted all holders of transferrable and non-transferrable lobster operator permits. The survey found that a majority of the respondents were in support of a trap limit. Of the 111 holders who responded, over 76 percent responded “yes” to the question, “Do you think there needs to be a trap limit?” Of the respondents who supported the trap limit, 48 percent wanted a trap limit of 300 or less and 34 percent wanted a trap limit of 350-400 traps. Of these respondents, 52 percent also expressed support for the ability to hold two permits to fish a maximum 600 traps while 67 percent did not support more than two permits.

Based on the responses to the 2013 survey, the LAC was asked to consider the development and implementation of a trap limit for the commercial sector. As a group, the LAC reached consensus on recommendations to establish a 300-trap limit for each lobster operator permit and implement the use of trap tags modelled generally after the Dungeness crab trap tag program. Under this new program, each commercial lobster fishermen will be required to properly affix a Department-issued trap tag to the lobster trap along with an identifying buoy tag, supplied by the lobster operator permit holder, affixed to the lobster trap buoy to verify the number of traps fished and aid enforcement. Trap tags also provide a method to identify and return lost traps to owners during the fishing season. Following the consensus recommendations from the LAC, the Department proposes regulatory amendments that will allow a licensed fisherman to possess a maximum of two lobster operator permits, and for each lobster operator permit held, the Department will issue 300 trap tags before the start of the fishing season. The possession of two lobster operator permits will allow a commercial fisherman to deploy a maximum of 600 traps. The 300-trap limit attached to each lobster operator permit applies to both transferrable and non-transferrable lobster operator permits. The establishment of a trap limit program and trap tag provisions will optimize and create a more orderly commercial fishery as well as provide improved understanding of the amount gear used in the fishery.

In addition, a catastrophic loss provision is proposed as part of the trap limit program, which will allow lobster operator permit holders to replace lost trap tags over a season. A catastrophic loss is defined as a loss of 75 or more traps with tags (25 percent or more loss) per permit, based on the LAC consensus recommendations. The catastrophic loss tags would be uniquely identifiable for enforcement purposes. This provision takes into consideration unusual or unforeseen circumstances that may be encountered during a season and help ensure that these circumstances do not pose an unfair hardship for fishermen to operate within their allotted number of traps.

Under the proposed regulations, lobster operator permit holders will be required to submit a signed Lobster Operator Permit Catastrophic Lost Trap Affidavit to the Department (proposed DFW 1701 added to Section 705) and pay the applicable fees to receive replacement trap tags. Commercial fishing is a highly regulated activity involving the take of public trust resources. Effective administration, management, and enforcement of marine fisheries require accurate information about the resources and those who participate in their take. Penal Code 115 makes it a crime to knowingly file a forged document with a government office in the state. Fish and Game Code Section 1054 makes it unlawful to submit any false, inaccurate, or otherwise misleading information on any application presented to the Department for the purpose of obtaining a license or permit, and allows the Department to require such applicants to show proof of the statements or facts required for obtaining such license or permit. Requiring that the signature of the applicant be made under penalty of perjury helps minimize the potential for fraud.

Add new Section 122.2, et seq. Title 14, CCR; Pulling Lobster Traps.

This new section 122.2 will specify (and therefore clarify) the pulling of traps for the take of spiny lobster. As discussed above, organizational changes affecting several Section 122 regulations are proposed to consolidate similar regulations in the same section and improve clarity and enforceability. Accordingly, the proposed changes would move current regulations that specify the time of day during which lobster traps shall not be pulled, raised, or placed in the water (subsection 122(i)), and provisions for which traps may be placed in the water before the opening of the spiny lobster season (subsection 122(n)), and disturbed or moved by Department employees (subsection 122(m)), ~~and servicing another fisherman's traps (subsection 122(l))~~ to this new section as subsection 122.2(a), subsection 122.2(b)(1), ~~and~~ subsection 122.2(g) ~~and subsection 122.2(h)~~, respectively. **Subsection 122(l) regarding servicing another fisherman's traps has been deleted and is replaced by a new 122.2(h).**

In addition, the proposed regulatory package would make existing FGC Section 8251 inoperative and language of that FGC section specifying that lobster traps may be set and baited 24 hours in advance of the spiny lobster season opening date is moved to this section as subsection 122.2(c). The current trap servicing requirement found in FGC Section 9004 that requires traps to be serviced every 96 hours (4 days) will be made inoperative and added to new subsection 122.2 (d)(1). ~~Subsection 122(d)(1)~~

~~will only be in effect for the 2016-2017 season and is proposed to be replaced by subsection 122.2(d)(2), while~~ extending the trap service requirement from 4 to 7 days. By moving the rulemaking's effective date to April 1, 2017, the 2016-2017 regulations are no longer applicable and have been removed.

Minor additional modifications were made to the existing regulatory text of the proposed new subsections for clarity and consistency. For example, proposed subsection 122.2(g) will replace the wording of "shall" to "may" when referring to Department staff inspecting commercial fishing traps while on official duty. New regulatory proposals in this section are discussed further in the subsection summary below.

Add new Subsection 122.2(b)(2), Title 14, CCR; Grace Period for Deploying and Retrieving Traps during the Closed Season.

Proposed Regulation

The proposed regulation would provide a three-day extension to the current grace period for which fishermen have to deploy traps before the start of the commercial season and to retrieve traps after the commercial season ends. Under current regulations, legally marked lobster traps may be placed in the water not more than six days before the opening of the season and may remain in the water for not more than six days after the close of the season, provided that the traps are unbaited with doors wired open (subsection 122(n)). ~~Beginning with the 2017-2018 spiny lobster season, the~~The proposed new subsection would allow fishermen to deploy their traps into the water nine days before the start of the season and nine days after the end of the season to retrieve traps and transport them back to shore. With the exception for the allowance of baiting traps 24 hours in advance of the start of the commercial season, any trap that is deployed before the season starts or is left in the water after the end of the season will still be required to be left unbaited and wired open.

By moving the rulemaking's effective date to April 1, 2017, the 2016-2017 regulations are no longer applicable; subsection 122.2(b)(1) is therefore deleted, and what was previously 122.2(b)(2) has become 122.2(b).

Necessity and Rationale

The extended grace period will provide additional time for fishermen to transport their traps to their desired fishing locations. It was discussed during the LAC process that the current six-day allowance posed a safety issue, since fisherman are currently overloading their boats with traps during the pre-season deployment period. Another benefit to the fishery is that this extended time would allow fishermen extra time to transport their own traps to fishing location, since currently some fishermen pay others to transport their traps. Similarly, the grace period after a season's close only requires fishermen to clean out the bait jars from their deployed traps, and the physical traps can be retrieved and transported safely over a course of nine days. The proposed regulation would give fishermen three extra days to further buffer these margins of safety. The new regulation will retain the requirement of keeping the traps unbaited and

wired open during the grace periods. This requirement will continue to minimize the risk of unwanted bycatch and ghost fishing

Add new Subsections 122.2(d)(1) and 122.2(d)(2), Title 14, CCR; Trap Service Requirement.

Proposed Regulation

Currently ~~regulation in~~ FGC Section 9004 requires that fishermen raise, clean, service, and empty their lobster traps at time intervals not to exceed 96 hours (four days) and also provides fishermen with an exemption if weather conditions do not allow the fishermen to service their traps. The proposed regulations would make current FGC Section 9004 inoperative as it relates to lobster and ~~add the current service requirement of 96 hours to subsection 122.2(d)(1) to be effective for the 2016-2017 lobster season only. Beginning with the 2017-2018 lobster season,~~ subsection 122.2(d)(2) will ~~replace subsection 122.2(d)(1) and~~ extend the maximum allowable trap servicing requirement to 168 hours (7 days). No weather exemptions are provided in the proposed subsection 122.2(d)(2), which is consistent with federal regulations governing servicing of fixed gear (50 CFR Section 660.230(b)(3)).

By moving the rulemaking's effective date to April 1, 2017, the 2016-2017 regulations are no longer applicable; previously proposed subsection 122.2(d)(1) has been deleted and what was previously 122.2(d)(2) has become 122.2(d).

Necessity and Rationale

The proposed regulation would extend the allowable trap servicing requirement to seven days. The proposed longer servicing requirement originated from the LAC process to provide fishermen with more discretion to selectively service their traps based on prevailing weather conditions and economic incentives. In addition, the current four-day service requirement does not supply some fishermen with enough time to service all of their traps. The seven-day servicing requirement is also in line with the federal regulation controlling the maximum servicing requirement for fixed gears in federal water (50 CFR Section 660.230(b)(3)), which does not provide specific or general weather exemptions. **The requirement for fishermen to clean, service and empty their traps is described below.**

Cleaned

When lobster traps are pulled from the seafloor, they are often covered with seaweed or other debris; this material could potentially defeat important destruction devices/panels and escape ports. Cleaning the trap of accumulated material helps for these measures to function properly every time it is pulled within the required time frame.

Serviced

Lobster traps also have a lot of mechanisms (construction) that allow them to work properly. A trap that has been damaged or corroded could potentially cause escape measures to not work properly, or there could be damage to the line, etc.

that could lead to the trap breaking off and becoming lost. The requirement to service the trap ensures that the trap is returned to the water in a condition where the escape measures and security of the trap are ensured each time it is pulled within the required time frame, consistent with Fish and Game Code sections 9003 and 9010.

Emptied

The requirement to empty a lobster trap is to ensure that all lobsters and other animals are removed from the trap (to avoid leaving undersized or female lobsters in the trap to attract other lobsters and to minimize bycatch mortality).

Add New Subsection 122.2(e), Title 14, CCR; Abandoned Traps.

Proposed Regulation

The proposed regulation specifies that it is unlawful to abandon lobster traps in the waters of the state. A trap will be considered abandoned if it is not retrieved 14 days after the close of the commercial spiny lobster season. ~~The regulation further specifies that from 15 days after the close of the season through September 15, an unlimited number of lobster traps may be retrieved by a lobster operator permit holder or a Department designee and transported to shore. Previously the last sentence of this subsection identified the time period after the end of a season when a lobster operator permit holder or a Department designee could pull and transport an unlimited number of abandoned traps of another lobster operator permit holder. This language more appropriately belongs under the exceptions provided in subsection 122.2(i) that is now proposed to become subsection 122.2(h).~~

Necessity and Rationale

Current regulations do not define when a trap is considered abandoned. The proposed regulation will provide clarification for identifying abandoned traps in state waters. ~~The regulation would also serve to help reduce the potential impact of abandoned fishing gear on living marine resources and underwater habitat and may help inform future lost gear recovery programs.~~

Add New Subsection 122.2(f), Title 14, CCR; Trap Loss Affidavit.

Proposed Regulation

~~Beginning with the 2017-2018 spiny lobster season, the~~The proposed subsection would require each fisherman who holds a lobster operator permit to submit to the Department by April 15 an end of the season trap loss affidavit (DFW 1020, New 2/18/2016) for each permit he/she holds at the end of each season. The provision provides that if a permit is transferred during the season, only the fisherman who is in possession of that lobster operator permit at the end of the season is required to submit the form, and that all trap tags shall be retained by each lobster operator permit holder until the beginning of the next lobster season.

By moving the rulemaking's effective date to April 1, 2017, reference to "beginning with the 2017-2018 lobster season" is no longer applicable.

Necessity and Rationale

The proposed regulation is part of the proposed trap tag program for the commercial spiny lobster fishery, ~~effective beginning with the 2017-2018 spiny lobster season.~~ The proposed regulation will provide needed essential fisheries information (FGC Section ~~9493~~) to estimate trap loss in the fishery to inform future management decisions and help fishermen account for the number of Department trap tags issued and lost during a season. The proposed change will also aid lost gear recovery programs by providing information on gear loss.

Add New Subsection 122.2(g), Title 14, CCR; Department Inspection of Traps for Compliance.

Proposed Regulation

Under current regulations (subsection 122(m)), the Department has authority to inspect lobster traps for compliance. Current subsection 122(m) is now proposed as subsection 122.2(g), with a modification to the original regulatory text from Department employees "...shall inspect any lobster trap..." to "...may inspect any lobster trap."

Necessity and Rationale

In the authority given to the Department to inspect lobster traps for compliance, the word "shall" was changed to "may" in an effort to give the Department discretion in determining if a lobster trap should be inspected for compliance. If the word "shall" was not changed to "may", the Department would not have discretion and would have to pull every lobster trap encountered on the water; this is not reasonable and would curtail general patrol efforts, leaving patrol vessels unable to conduct effective and efficient patrols.

Add New Subsection 122.2(h), Title 14, CCR; Allowing the Retrieval of Lost, Damaged, or Abandoned Traps.

Proposed Regulation

By moving the rulemaking's effective date to April 1, 2017, the 2016-2017 regulations are no longer applicable and previously proposed subsection 122.2(h) has been removed.

Add New Subsection ~~122.2(i)(1)~~ 122.2(h)(1), Title 14, CCR; Allowing the Retrieval of Lost, Damaged, or Abandoned Traps.

Proposed Regulation

Under current regulations, fishermen are prohibited from possessing and retrieving lobster traps other than their own unless they have written permission from the lobster operator permit holder. This regulatory proposal would allow a lobster operator permit

holder to retrieve lost, damaged, ~~or abandoned~~, or otherwise derelict lobster traps of another lobster permit holder without written permission or a waiver (**new subsection 122.2(h)(1)**). The regulatory language is mirrored after existing language for the Dungeness crab fishery. Fishermen are limited to retrieving up to six derelict lobster traps per trip during the spiny lobster season unless a waiver is granted by the Department (as described in new subsection ~~122.2(i)(2)~~**122.2(h)(2)** below). The time, location, number of traps retrieved, and the trap tag information must be recorded in the retrieving vessel's log. Any lobster caught in the retrieved traps cannot be retained and must be returned to the ocean immediately.

By moving the rulemaking's effective date to April 1, 2017, reference to "beginning with the 2017-2018 lobster season" is no longer applicable and has been removed.

Necessity and Rationale

The proposed provisions accommodate instances when it is necessary to retrieve lost, damaged, abandoned, or otherwise derelict traps during the season to help reduce potential impact of fishing gear on living marine resources and underwater habitat. The proposed regulations will also help the Department collect data on trap loss to support fisheries conservation and management.

As a result of clean up to the language in new subsection 122.2(h)(2), additional proposed revisions to this subsection maintain a parallel structure between the two subsections.

Add New Subsection ~~122.2(i)(2)~~122.2(h)(2), Title 14, CCR; Waiver Allowing One Commercial Fisherman to Service the Trap of Another.

Proposed Regulation

Under the current regulation, a fisherman with a valid lobster operator permit may pull and service the traps of a non-present fisherman, provided that the fisherman pulling the trap (i.e., retriever) possesses written permission from the trap owner explicitly allowing the retriever to pull the trap. This written permission or "note" process provides fishermen with a mechanism to satisfy the existing trap servicing limit, comply with season length limit, or prevent gear loss in the event of unforeseen circumstances (e.g., illness or engine breakdown).

The proposed regulation will formalize the current "note" process under this subsection by requiring fishermen to submit a waiver request to the Department. The fisherman applying for a waiver must describe the circumstances behind why having another lobster operator permit holder servicing his/her trap is necessary to prevent undue hardship. The waiver is not intended to lend or transfer the rights or privileges of a lobster operator permit to another fisherman, but to merely provide a mechanism to prevent undue complications in complying with the fishing regulations for circumstances beyond the control of the permit holder, such as vessel incapacitation. The Department may also disallow retrievers to retain any

legal size lobster captured during the process of servicing or retrieving traps based on the circumstances of the waiver request.

Under proposed subsection 122.2(h)(2)(F), legal-size lobster caught in the retrieved traps may be retained by the fisherman retrieving the trap, unless otherwise specified as a condition of the waiver. The Department may also attach other specific conditions to the waiver as is appropriate given the specific circumstances (proposed subsection 122.2(h)(2)(C)). For instance, once a retriever services a trap, he or she may potentially be required to transport the trap back to shore or redeploy the trap unbaited and wired open. ~~The Department may also disallow retrievers to retain any legal-size lobster captured during the process of servicing or retrieving traps.~~ In either case, liability for any violation related to improperly redeployed traps will transfer to the fisherman that has the permission to pull the traps.

Necessity and Rationale

This provision is necessary to provide fishermen flexibility to respond to unforeseen circumstances to prevent undue hardship and comply with fishing regulations. The proposed regulation will provide clear rules and procedures for requesting a waiver to minimize public confusion and improve regulatory enforcement.

Add New Subsection 122.2(h)(3), Title 14, CCR; Allowing the Retrieval of Abandoned Traps after the Lobster Season Ends

Proposed Regulation

Under current regulations, fishermen are prohibited from possessing and retrieving lobster traps other than their own unless they have written permission from the permit holder. Under proposed subsection 122.2(e) of this regulatory proposal, spiny lobster traps not retrieved 14 days after the close of the commercial lobster season will be considered abandoned. This regulation specifies that from 15 days after the close of the season through September 15, an unlimited number of lobster traps may be retrieved by a lobster operator permit holder or a Department designee and transported to shore.

Necessity and Rationale

This regulation accommodates instances when it is necessary to retrieve abandoned traps after the close of the spiny lobster season to help reduce the potential impact of fishing gear on living marine resources and underwater habitat. The proposed regulations may also help inform future abandoned and lost gear recovery programs.

Amend Section 705, Title 14, CCR; Commercial Fishing Applications, Permits, Tags and Fees

Proposed Changes

By moving the rulemaking's effective date to April 1, 2017, references to the 2016-2017 regulations are no longer applicable; reference to the 2016-2017 regulations and "beginning with the 2017-2018 lobster season" have been removed.

This regulatory proposal will add multiple subsections to Section 705 of Title 14 related to commercial lobster operator permits and the new trap tag program. ~~Current lobster operator permit fees will be added to subsection 705(a)(T) and will only be in effect for the 2016-2017 season.~~ Fees related to "Lobster Operator Permit and Trap Tags" will be added to subsection 705(a)(8)(U)(T) ~~to become effective for the 2017-2018 season.~~ Currently, the fee for a lobster operator permit is established in FGC Section 8254(c). Section 8254(c) will become inoperative as part of the California Spiny Lobster FMP implementing regulations and permit fees moved into Title 14. Moving the lobster operator permit fee to Section 705 is necessary to incorporate the cost of 300 annual trap tags to the annual permit fee as part of the proposed trap limit ~~for the 2017-2018 lobster season.~~ A fee will also be established for each replacement tag requested when a permit holder suffers a catastrophic loss of at least 75 tags during a season.

The proposed regulations explicitly describe the trap limit and issuance procedures for permit holders to acquire trap tags, the costs of which are added to the existing lobster operator permit fee, and replacement tags from the Department. The proposed fees for the lobster operator permits and replacement trap tags due to catastrophic loss were set based on a fiscal analyses completed by the Department to recover costs incurred by the Department pursuant to FGC Section 1050 (attachment 2). The proposed regulations require that all lobster traps are properly tagged during the season to ensure that lobster operator permit holders are operating within the proposed trap limit of 300 traps.

Other changes include a new Lobster Operator Permit Transfer Application (DFW 1702), **Lobster Operator Permit Catastrophic Lost Trap Tag Affidavit (DFW 1701), and End of Season Spiny Lobster Trap Loss Reporting Affidavit (DFW 1020).** **Each of the three forms will need to be reviewed and approved by the Department and require a signature "under penalty of perjury" that the information submitted is accurate; DFW 1702 must also be notarized.**

Commercial fishing is a highly regulated activity involving the take of public trust resources. Effective administration, management, and enforcement of marine fisheries require accurate information about the resources and those who participate in their take. Penal Code Section 115 makes it a crime to knowingly file a forged document with a government office in the state. Fish and Game Code Section 1054 makes it unlawful to submit any false, inaccurate, or otherwise misleading information on any application or other document presented to the department for the purpose of obtaining a license, permit, tag or other entitlements and allows the Department to require such applicants to show proof of the statements or facts required for obtaining such license or permit. California Code of Civil Procedure Section 2015.5 provides that such statements

or facts may be supported by an unsworn declaration in writing of such an applicant which recites that it is certified or declared to be true under penalty of perjury. By requiring such certification on its forms, the Department notifies the applicants of his/her legal duty while establishing his/her knowledge of such duty. Requiring that the signature of the applicant be notarized on DFW 1702 helps minimize the potential for fraud. (New 2/2016) for transferring a lobster operator permit is proposed for subsection 705(b)(1). The application replaces the notarized letter currently submitted by the permit holder who wants to transfer a lobster operator permit. Permit transfers are allowed under proposed subsection 122(c)(2). A Lobster Operator Permit Catastrophic Lost Trap Tag Affidavit (DFW1701) (New 2/2016) is proposed for subsection 705(c)(4) and its associated trap tag replacement fees are proposed for subsection 705(c)(5). Regulations for submitting catastrophic trap tag loss claims are described in proposed new subsection 122.2(c)(3). An End of Season Spiny Lobster Trap Loss Reporting Affidavit (DFW1020) (New 02/18/16) is proposed for subsection 705(c)(6) as described in proposed subsection 122.2(f). Lobster operator permit holders are required to submit a report identifying the number of traps lost during the just concluded lobster season.

Lobster Operator Permit Transfer Application (DFW 1702) (New 2/2016)

This form is proposed under subsection 122(c)(2) and would be added to subsection 705(b)(1).

Necessity and Rationale

Under existing regulations, permit holders submit a notarized letter when a permit is being transferred to another licensed commercial fisherman. The application replaces the notarized letter currently required in regulation. The application ensures that the permit holder or the estate accurately provides the information required in regulation for the Department to review and process the transfer. The application is also required to be notarized. It is easier and more efficient for the permit holder and the Department when an application is used so that the permit holder or estate does not have to draft a letter to the Department when transferring a permit.

Lobster Operator Permit Catastrophic Lost Trap Tag Affidavit (DFW 1701) (New 2/2016)

This form is proposed for subsection 705(c)(5) and its associated trap tag replacement fees are proposed for subsection 705(c)(6). Regulations for submitting catastrophic trap tag loss claims are described in proposed new subsection 122.1(c)(2). To request replacement trap tags, the lobster operator permit holder must complete DFW 1701, which includes:

- A description of the events that resulted in the destruction or loss of trap tags and any other information that will help the Department assess the circumstances of the loss.

- Documentation of any reports filed reporting the loss or destruction of trap tags.
- Date the trap tags were first known to be lost or destroyed.
- Last known location (latitude and longitude coordinates) of traps/tags.
- Date the traps were last serviced (if trap tags were lost due to trap loss).
- A description of weather events or other suspected caused of trap tag loss.
- Number of trap tags that were lost.

Necessity and Rationale

DFW 1701 is needed to provide the Department with a mechanism to document and assess claims of catastrophic trap tag loss as stipulated in proposed subsection 122.1(c)(2). The Department will only issue replacement tags for the number of trap tags reported as lost on the affidavit. All trap tags identified on the affidavit as lost by the lobster operator permit holder will become null and void, and remain so even if they are recovered at a later date, to ensure enforceability of the proposed 300 trap limit for each lobster operator permit.

End of Season Spiny Lobster Trap Loss Reporting Affidavit (DFW 1020) (New 02/18/16)

This form is proposed for subsection 705(c)(7) as described in proposed subsection 122.2(f). The proposed amendment would require that each lobster operator permit holder complete and submit DFW 1020 at the end of the fishing season (by April 15) for each lobster operator permit that he or she possesses to identify the number of traps lost during the just concluded lobster season. The affidavit must also describe the circumstances surrounding the loss of traps and, if possible, the approximate date and last known location of those traps. Fishermen are also required to indicate the trap tag numbers for each reported lost trap, including those lost traps marked with replacement tags acquired through a catastrophic loss claim.

Necessity and Rationale

The requirement for commercial fishermen to report end of season trap loss information (proposed DFW 1020) is necessary to estimate the number of traps lost during a season, verify the loss of Department issued tags and provide the Department with needed essential fisheries information (Fish and Game Code Section 93) to help inform future management decisions. The additional spatial information on trap loss will also be useful for informing gear recovery programs, identifying potential conflicts within the marine environment, and the issue of marine mammal gear interactions.

The Legislature finds and declares that the critical need to conserve, utilize, and manage the State's marine fish resources and to meet the policies and other

requirements stated in this part require that the State's fisheries be managed by means of fishery management plans.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Regulation: Authority: Sections 200, 202, 205, 215, 219, 220, 713, 1050, 2365, 7071, 7072, 7075, 7078, 7082, 8254, and 8259, Fish and Game Code.

Reference: Sections 200, 202, 205, 207, 215, 220, 1050, 2365, 7050, 7055, 7056, 7071, 7075, 7078, 7852.2, 8043, 8046, 8250, 8250.5, 8254, 9002, 9002.5, 9005, 9006, and 9010 Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change: None

(d) Identification of Reports or Documents Supporting Regulation Change:

Attachment 1: CDFW 2016. California Spiny Lobster Fishery Management Plan (Jan, 2016). California Department of Fish and Wildlife, Sacramento, California. <https://www.wildlife.ca.gov/Conservation/Marine/Lobster-FMP>

Attachment 2: Estimated CDFW cost and fees for procurement and administering lobster trap tags per permit license year and fee for replacement trap tags.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

Lobster Advisory Committee

The California Department of Fish and Wildlife (Department) conducted an extensive public scoping process to inform the development of the California Spiny Lobster FMP and the proposed implementation regulations. The Lobster Advisory Committee (LAC) was formed in the spring of 2012, following a call for volunteers to various public stakeholder groups by the Department. The purpose of the LAC is to involve constituent representatives with the development of the California Spiny Lobster FMP. The LAC provided guidance on California Spiny Lobster FMP objectives as well as management recommendations that addressed key issues put forth by members of the public. The LAC consisted of representatives from the marine science community, the recreational fishing sector, commercial fishing sector, the non-consumptive recreational sector, the environmental community, and the federal government. Nine LAC meetings occurred between June 2012 and September 2013; all meetings were open to the public, and public input was encouraged. The LAC meeting summaries as well as various background documents are available on the Department website at <https://www.wildlife.ca.gov/Conservation/Marine/Lobster-FMP/Committee>.

LAC public meetings 2012-2013

1. June 20, 2012, Department Office, Los Alamitos, CA

2. August 1, 2012, Department Office, Los Alamitos, CA
3. September 5, 2012, Department Office, Los Alamitos, CA
4. December 5, 2012, Department Office, Los Alamitos, CA
5. April 10, 2013, Department Office, Los Alamitos, CA
6. June 12, 2013, Department Office, Los Alamitos, CA
7. July 10, 2013, Department Office, Los Alamitos, CA
8. August 15, 2013, Department Office, Los Alamitos, CA
9. September 11, 2013, Department Office, Los Alamitos, CA

Fish and Game Commission meetings

The Department provided updates on the California Spiny Lobster FMP process and details of the management framework (harvest control rules) at Commission meetings and at Fish and Game Commission Marine Resources Committee (MRC) meetings from 2014- 2015. All meetings were open to the public and provided opportunities for public comments. The Department and LAC regulatory recommendations were previously transmitted to the MRC at its March 2015 meeting and to the Commission for consideration at its April and June 2015 meetings. At the June 2015 meeting, the Commission directed the Department to prepare this regulatory package. The California Spiny Lobster FMP was delivered to the Commission for its consideration at its December 2015 meeting, the discussion hearing was held at the February 2016 meeting and adoption ~~is scheduled for~~ was at the Commission's April 2016 meeting.

The California Spiny Lobster FMP and proposed recreational and commercial regulations were discussed at the following MRC and Commission meetings (2013-2016)

1. December 11, 2013 Commission meeting
2. March 24, 2014 MRC meeting
3. August 5, 2014: MRC meeting.
4. November 5, 2014 MRC meeting
5. March 4, 2015 MRC meeting
6. April 8, 2015 Commission meeting
7. June 10, 2015 Commission meeting
8. December 9, 2015 Commission meeting
9. February 10, 2016 Commission meeting

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: No alternatives were identified.
- (b) No Change Alternative:

Do not adopt the California Spiny Lobster FMP implementing regulations

~~and proposed commercial and recreational regulatory changes.~~

Continue managing the resource and fishery without a comprehensive management plan under current regulations. This alternative does nothing to promote a comprehensive management plan for the spiny lobster fisheries and does not bring spiny lobster management into conformance with the MLMA through adoption of implementing regulations as directed by the Legislature. While this alternative is not expected to result in immediate adverse impacts to the spiny lobster resource and fisheries, due to the generally conservative nature of current regulations (e.g. season and size limits), it would forego the greater opportunity for sustainable management under a comprehensive fishery management plan as required by the MLMA. The proposed commercial and recreational changes will clarify and improve enforcement of existing regulations and provide for a more orderly fishery.

(c) Consideration of Alternatives:

Other regulatory proposals considered by the Commission but not included in this regulatory proposal:

The LAC consensus and Department recommendations were presented to the Commission at the April 2015 meeting. At the June 2015 meeting, the Commission directed the Department to develop a regulatory package that included all Department and LAC recommendations except the following three below.

1. Restricting the use of mechanized pullers in the recreational fishery only to persons in possession of proof of disability. This was proposed to reduce the illegal tampering of commercial traps by recreational anglers using mechanized hoop net pullers. However, illegal use of mechanized pullers is not a commonly observed enforcement problem and as proposed would penalize the lawful anglers using mechanized pullers due to the very few anglers that may abuse the use of this gear.
2. A phase-in approach to the commercial trap limit. The phase-in trap limit approach was proposed by the LAC to provide fishermen with an alternative means of fishing up to 600 traps while waiting to purchase a second permit following the implementation of the commercial trap limit. The phase in approach was proposed in 2013 when the trap limit was thought to become effective for the 2015-16 season. The trap limit will not be effective until the 2017-18 season, which has provided individuals wanting to purchase a second permit with sufficient time to acquire a transferable permit. In addition, it would be difficult for the Department to implement and administer the program as proposed by the LAC.

3. Clarifying that branding of commercial trap floats is allowed. The branding of commercial floats is allowed under current regulations (subsection 122(k), Title 14, CCR; **proposed to become new subsection 122.1(b), Title 14, CCR**). The regulation currently requires the commercial fishing license number to “be in color which contrasts with that of the buoy.” The branding of commercial fishing license number onto floats will result in a color, which contrasts with that of the float. Therefore, the proposed regulation is currently covered under existing regulation.

- (d) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: None

VI. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VII. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the regulatory action will not substantially increase compliance costs, is not anticipated to impact harvest quantities, and only applies to a fishery that is unique to the state of California. The commercial spiny lobster fishery extends from Point Conception in Santa Barbara County to the U.S./Mexico border. The recreational spiny lobster fishery covers the same range but also extends further north into San Luis Obispo County.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The Commission anticipates no negative impacts on the creation or

elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses because the proposed action will not significantly increase costs or reduce harvest quotas. These actions are intended to promote orderly commercial and recreational fisheries while ensuring the long-term sustainability of the fisheries and spiny lobster resource.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission anticipates an increase in the commercial lobster operator permit fee due to the proposed trap tag program to be approximately \$395 per permit. Permit holders may have the potential for a substantial gain from expanded permit transfer options and potential fuel savings with the increase in time for the maximum trap servicing requirement. The Commission is not aware of any cost impacts in the recreational lobster fishery, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

VIII. Economic Impact Assessment:

Commercial Spiny Lobster Fishery Economic Impact

The commercial California spiny lobster fishery ranks as the fourth highest in ex-vessel value, ranging from \$15 to \$18 million in the last three seasons (after Dungeness crab, market squid, and Chinook salmon). This rank is achieved, despite having amongst the lowest harvest volume, by having generally the highest value per pound of all California fisheries. Market prices for spiny lobster have been increasing at a faster than average rate as well, in part driven by a boost in export demand. The spike in prices has been accompanied by increases in commercial trap effort over recent years.

The commercial spiny lobster fishery is a restricted access fishery with about 150 permits actively fished since 2008. In 2005, over two-thirds of the commercial lobster

permits became transferable. The high cost of market-traded permits (\$50,000-\$100,000) may also be a factor encouraging more trap pulls so as to recoup the cost of the permit.

The **California Spiny Lobster FMP Fishery Management Plan (FMP)** reports the 2009-10 to 2011-12 season average total economic output of the fishery statewide as \$22,523,000, which supports about 323 full-time equivalent (FTE) jobs. The annual harvest volume and market price have risen since. The 2012-13 to 2014-15 season estimates for the average total statewide economic output is now \$34,477,000, supporting about 495 FTE jobs. This is largely driven by the increase in ex-vessel value from \$11,188,354 (in \$2012) to \$17,141,722 (the average for the last three seasons in \$2015).

Commercial Lobster Fishery Average Economic Impacts (\$2015)

California South Coast: Santa Barbara, Ventura, Los Angeles, Orange, and San Diego Counties				
Mean 2012-13, 2013-14, & 2014-15	Ex-Vessel Value	Indirect Effects	Induced Effects	Total Effects
Output	\$ 17,141,722	\$ 7,764,017	\$ 9,571,423	\$ 34,477,180
Employee Compensation	\$ 1,066,181	\$ 2,167,982	\$ 2,675,566	\$ 5,909,729
Proprietor's Income	\$ 5,870,817	\$ 329,378	\$ 454,496	\$ 6,654,708
Labor Income Effect	\$ 6,937,015	\$ 2,497,360	\$ 3,130,061	\$ 12,564,437
Other Property Type Income	\$ 304,283	\$ 1,078,266	\$ 2,003,233	\$ 3,385,764
Indirect Business Taxes	\$ 1,149,472	\$ 520,491	\$ 565,557	\$ 2,235,538
Total Value Added	\$ 8,390,770	\$ 4,096,117	\$ 5,698,851	\$ 18,185,739
Jobs - Full Time Equivalent (FTE)	369.9	54.2	70.8	494.9

The largest landings occur within the first two weeks of the 23-24 week season. Eighty percent of the season's total catch is landed by the fifteenth week of the season. The economic impact of the catch by each south coast county for the last season, 2014-15 is shown below. The commercial lobster fishery adds about \$6.9 million dollars in total value added (also called net economic output) to Santa Barbara County, \$2.2 million to Ventura County, \$3.4 million dollars to Los Angeles County, \$2.1 million dollars to Orange County, and \$5.1 million dollars to San Diego County.

Commercial Lobster Fishery Economic Impacts by County for 2014-15 Season

County	(2015\$)	Ex-Vessel Value (2015)	Total Lobster- Associated Employment (2015)	Employee Compensation (2015)	Total Value Added (2015)	Total Economic Output (2015)
Santa Barbara*	\$	6,527,889	188.5	\$ 2,250,535	\$ 6,925,470	\$ 13,129,557
Ventura	\$	2,126,246	61.4	\$ 733,038	\$ 2,255,745	\$ 4,276,523
Los Angeles	\$	3,172,293	91.6	\$ 1,093,670	\$ 3,365,501	\$ 6,380,439
Orange	\$	2,014,218	58.1	\$ 694,416	\$ 2,136,894	\$ 4,051,200
San Diego	\$	4,846,048	139.9	\$ 1,670,709	\$ 5,141,197	\$ 9,746,866
California State Total	\$	18,686,694	539.5	\$ 6,442,368	\$ 19,824,807	\$ 37,584,585

* Santa Barbara County includes Channel Islands spiny lobster catch.

Recreational Spiny Lobster Fishery Economic Impact

The recreational spiny lobster fishery is not limited access and report card sales suggest that participation has fluctuated but overall remained stable over recent years. Newer hoop-net techniques deployed from boats have added another method beyond traditional diving for lobsters. Increased recreational activity brings more fisher spending into the coastal economies from San Luis Obispo County down to San Diego County, as the recreational fishery extends further north than the commercial fishery, into San Luis Obispo County. Annual expenditures in the recreational spiny lobster fishery were estimated to be \$37 million dollars for the 2011-12 season. Expenditures on spiny lobster fishing gear, personal boats, auto/vessel fuel, food, accommodations, dive/party boat fees, and other fishing-related expenditures circulate through the economy often doubling the initial direct spending in summing the total economic impact throughout the state. Recreational ocean fishing stimulates employment in a wide variety of sectors that support fishing-specific and traveler in general activities.

The proposed regulations are designed to balance the objectives of the long-term sustainability of the spiny lobster fishery while not burdening or limiting access for the spiny lobster commercial and recreational fisheries.

a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

The Commission anticipates no negative impacts on the creation or elimination of jobs within the state because the proposed action is not likely to reduce harvest quantities. These actions are intended to promote orderly commercial and recreational fisheries while ensuring the long-term sustainability of the fisheries and resource.

b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The Commission anticipates no negative impacts on the creation of new businesses or the elimination of existing businesses within the state because the proposed action is not likely to reduce harvest quantities. These actions are intended to promote orderly commercial and recreational fisheries while ensuring the long-term sustainability of the fisheries and resource.

c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The Commission anticipates no negative impacts on the expansion of businesses currently doing businesses within the state because the proposed action is not likely to reduce harvest quantities. These actions are intended to promote orderly commercial and recreational fisheries while ensuring the long-term sustainability of the fisheries and resource.

d) Benefits of the Regulation to the Health and Welfare of California Residents:

The Commission anticipates generalized benefits to the health and welfare of California residents through the sustainable management of the spiny lobster resource.

The proposed regulations are intended to implement the California Spiny Lobster FMP and add clarity to existing regulations to improve management of the fisheries. Implementation of the FMP is anticipated to benefit persons engaged in the spiny lobster fisheries by supporting the long-term viability of spiny lobster fisheries and associated business activities.

e) Benefits of the Regulation to Worker Safety:

The Commission anticipates that this regulatory action will not have any impact on worker safety.

f) Benefits of the Regulation to the State's Environment:

The Commission anticipates benefits to the State's Environment. It is the policy of this State to ensure "the conservation, sustainable use, and, where feasible, restoration of California's marine living resources for the benefit of all the citizens of the State" (FGC Section 7050(b)). The benefits of the proposed regulatory action are sustainable management of the spiny lobster resource for both the commercial and recreational fisheries. The proposed regulations to implement the California Spiny Lobster FMP supports the MLMA (FGC Sections 7070-7088), which requires the State's fisheries be managed by means of fishery management plans. The California Spiny Lobster FMP serves as the foundation for managing the spiny lobster resource, including mechanisms to prevent, detect, and recover from overfishing, as required by the MLMA. The proposed changes to existing commercial and recreational regulations clarify the implementation of the spiny lobster regulations to support orderly fisheries.

g) Other Benefits of the Regulation:

The intent of the proposed action is the long-term sustainability of the spiny lobster resource and viability of the commercial and recreational fisheries in accordance to the objectives of the MLMA. The proposed regulatory action will ensure the long-term economic, recreational, cultural, and social benefits of the fisheries by maintaining a healthy and sustainable spiny lobster resource.

Updated Informative Digest/Policy Statement Overview

Under current regulations, management of the California spiny lobster fishery is contained under multiple sections (sections 29.80, 29.90, 29.91, 121, 121.5 and 122) of Title 14 of the California Code of Regulations (CCR). Section 29.80 provides general gear restrictions for the recreational take of crustaceans. Section 29.90 provides recreational fishery regulations specific to spiny lobster with report card requirements for the recreational fishery found in Section 29.91. Section 121 regulates the possession of spiny lobster during the closed season. Section 121.5 regulates the processing of spiny lobster. Section 122 provides regulations for the commercial fishery, including permit requirements, gear provisions, trap servicing requirements, restricted fishing areas, permit transfers, and logbook requirements.

In accordance with the Marine Life Management Act (MLMA) of 1999 (Fish and Game Code (FGC) sections 7050-7090), regulations are proposed to implement a California Spiny Lobster Fishery Management Plan (FMP) and to amend existing recreational and commercial spiny lobster fishing regulations to manage the spiny lobster resource at a sustainable level and support orderly fisheries. It is the policy of the State to ensure the conservation, sustainable use, and, where feasible, restoration of California's marine living resources for the benefit of all the citizens of the State (FGC Section 7050(b)). The MLMA contemplates the management of state fishery resources through FMPs developed by the Department of Fish and Wildlife (Department) and adopted by the Fish and Game Commission (Commission) (FGC sections 7072, 7075 and 7078).

FGC subsection 7071(b) provides authority for the Commission to adopt regulations that implement a fishery management plan or plan amendment and make inoperative any fishery management statute that applies to that fishery. To implement the conservation and management measurements identified in the California Spiny Lobster FMP, including a proposed trap limit program, the implementing regulations of this FMP will render the following sections of the FGC inoperative once they are adopted:

- 1) FGC sections 8251, 8252, and 8258. These sections prescribe the commercial season length, size limit, and list the Districts where commercial lobster traps may be used. The FMP contemplates changes to season length, minimum size and district closures as possible future conservation and management measures. The commercial season length and size limit will be moved into Title 14, CCR reflecting the Commission's authority to make future adjustments.
- 2) FGC sections 7857(e), 7857(j), 8102, 8103, and 8254(c). These sections state the conditions for issuing and transferring commercial fishing permits and lobster operator permit fees. Each will be made inoperative as they apply to the spiny lobster fishery to be consistent with the commercial spiny lobster limited entry fishery permit program described in the FMP and proposed trap limit program.
- 3) FGC section 9004: This section requires commercial fishermen to service any deployed trap every 96 hours. The proposed trap servicing regulation in new

Section 122.2 will extend the servicing requirement to every 168 hours. As such, this section will be rendered inoperative as applied to the spiny lobster fishery.

Upon adoption by the Commission, the California Spiny Lobster FMP will establish a management program for the spiny lobster recreational and commercial fisheries and detail the procedures by which the spiny lobster resource will be managed by the Department. The proposed regulations would implement the FMP in accordance with the policy goals enumerated in the MLMA. The proposed implementing regulations are divided into three parts: 1) new regulations to implement the FMP, 2) amendments and additions to the recreational fishing regulations, and 3) amendments and additions to the commercial fishing regulations. The following is a summary of the proposed changes to Title 14, CCR:

- 1) Establish a new Article in Chapter 5.5, Subdivision 1, Division 1, Title 14, CCR and add new sections 54.00, 54.01, 54.02, and 54.03. The proposed new sections will:
 - a. describe the purpose and scope of the California Spiny Lobster FMP;
 - b. provide relevant definitions used in the California Spiny Lobster FMP;
 - c. describe management processes and timing; and
 - d. describe the harvest control rule (HCR) as the management basis for the California Spiny Lobster FMP.
- 2) Amendments are proposed to existing recreational lobster fishery regulations in subsections (b) and (g) of Section 29.80 and subsections (a), and (c), and (f) of Section 29.90. ~~If adopted, the~~ proposed amendments will:
 - ~~a. Provide an option to require hole punching or fin clipping of recreationally caught lobsters, with commercial market restrictions, to distinguish recreational catch from commercial catch for enforcement purposes.~~
 - b. Delay the start of the recreational season six hours from the current start time of 12:01 a.m. to 6:00 a.m. for safety purposes.
 - c. Require buoy marking of hoop nets used south of Point Arguello for identification and enforcement purposes.
 - d. Clarify existing language on the possession of a hooked device while taking lobster. This regulatory change will provide clarification for both recreational divers and enforcement.
 - e. Clarify measuring requirements in order to allow for measuring lobster aboard a boat. The proposed change will allow hoop netters to bring spiny lobster aboard a vessel where they can be measured safely.
 - f. Make editorial changes to improve clarity of existing regulations.
- 3) Amendments to the commercial fishing are proposed to sections 121, 121.5, 122, and 705 as well as the addition of new sections 122.1 and 122.2. ~~If adopted, the~~ proposed amendments will:

- a. Implement a new trap limit program, effective October 2017, to specify 300 traps per lobster operator permit, and establish lobster trap tags, ~~new buoy marking requirements~~, and lost trap replacement (i.e., "catastrophic trap tag loss") measures. The establishment of a trap limit program will optimize and create a more orderly commercial fishery as well as provide improved understanding of the amount gear used in the fishery.
- b. Allow permittees to possess up to two lobster operator permits. The possession of two lobster operator permits will allow a commercial fisherman to deploy a maximum of 600 traps in accordance with the proposed trap limit program.
- c. Allow permittees to retrieve up to 6 lobster traps of another lobster operator permit holder that were lost, ~~or~~ damaged, abandoned, or otherwise derelict lobster traps per fishing trip to help reduce potential impact of fishing gear on living marine resources and underwater habitat.
- d. Require Department approval of a waiver request for one lobster operator permit holder to service the trap of another. The proposed regulation will provide clear rules for requesting a waiver and improve regulatory enforcement.
- e. Require each fisherman who holds a lobster operator permit to submit an end of the season trap loss affidavit for each permit they hold at the end of each season to estimate gear loss in the fishery.
- f. Extend the maximum trap service requirement from 4 to 7 days to provide fishermen more flexibility to service their gear and for safety purposes.
- g. Extend the pre- and post-season gear deployment periods from 6 to 9 days for safety purposes.
- h. Extend the lobster operator permit holder death provision from 1 to 2 years to provide more time to transfer the lobster operator permit.
- i. Update permit renewal and transfer regulations for clarity and consistency with the proposed trap limit program.
- j. Update description of restricted fishing areas with latitude and longitude coordinates for clarification purposes.
- k. Provide clarification for identifying abandoned traps in state waters.
- l. Provide modifications to the existing fishing logbook format to improve data collection.
- ~~m. Provide an option that would prohibit the sale of hole-punched or tail-clipped lobster in the markets for enforcement purposes.~~
- n. Establish fees for lobster operator permit and trap tags. Currently, lobster operator permit fees are located in FGC Section 8254(c), however, this code section will be rendered inoperative as part of the California Spiny Lobster FMP implementing regulations ~~as needed to implement the trap limit and trap tag program for the 2017-2018 lobster season.~~
- o. Clarify that all lobster operator permit holder fishing jointly on one vessel

will be liable for any violation from that vessel.

- p. Clarify existing language on the use and possession of SCUBA gear in the Commercial fishery.
- q. Make editorial changes to improve clarity of existing regulations.

The proposed regulations were drafted to serve the sustainability and social policy objectives enumerated in FGC Sections 7050, 7055, and 7056. The amended sections would not conflict with existing Title 14 regulations, and any part of the FGC that conflict to the proposed regulations will be made inoperative as applied to the spiny lobster fishery (FGC Section 7071(b)).

UPDATE:

The amended Initial Statement of Reasons adds statements of necessity to Section III (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary; other clarifying statements; and, minor editorial changes. These statements are directly related to the revised proposed regulatory text in the California Spiny Lobster Fishery Management Plan implementing regulations. The California Spiny Lobster Fishery Management Plan, adopted by the Commission on April 13, 2016, is incorporated by reference in the amended regulatory language.

The additions to the Initial Statement of Reasons are indicated in bold, double underlined text in this Amended Initial Statement of Reasons; deletions are indicated by ~~bold double strikeout text~~. Minor edits and additions or deletions for improved clarity, spelling, punctuation, etc., that do not affect content, are not shown.

Revised Proposed Regulatory Language

Text originally proposed to be deleted is shown in ~~single strikeout~~ format and text newly proposed to be deleted is shown in ~~**bold double strikeout**~~ format.

Text originally proposed to be added is shown in single underline format and text newly proposed to be added is shown in **bold double underline** format.

Section 29.80, Title 14, CCR, is amended to read: **§ 29.80. Gear Restrictions.**

[No changes to subsection (a)]

(b) Hoop nets may be used to take spiny lobsters and all species of crabs. Between Point Arguello, Santa Barbara County, and the United States-Mexico border, not more than five hoop nets, as defined in (b)(1)(A) or (b)(1)(B), shall be possessed by a person when taking spiny lobster or crab, not to exceed a total of 10 hoop nets possessed when taking spiny lobster or crab, per vessel. The owner of the hoop net or person who placed the hoop net into the water shall raise the hoop net to the surface and inspect the contents of the hoop net at intervals not to exceed 2 hours.

[No changes to subsection (b)(1)]

(2) Any hoop net abandoned or left unchecked for more ~~thenthan~~ than 2 hours shall be considered abandoned and seized by any person authorized to enforce these regulations.

(3) ~~**Beginning on April 1, 2017, hoop**~~Hoop nets used south of Point Arguello shall be marked with a surface buoy. The surface buoy shall be legibly marked to identify the operator's GO ID number as stated on the operator's sport fishing license or lobster report card. Hoop nets deployed from persons on shore or manmade structures connected to the shore are not required to be marked with a surface buoy.

[No changes to subsections (c)-(f)]

(g) Diving for crustaceans: In all ocean waters, except as provided in Section 29.05, skin and SCUBA divers may take crustaceans by the use of the hands only. Divers may not possess any hooked device while diving or attempting to dive. Divers may be in possession of spearfishing equipment so long as possession of such equipment is otherwise lawful and is not being used to aid in the take of crustaceans.

[No changes to subsections (h)-(j)]

Note: Authority cited: Sections 200, 202, 205, 215, and 220, 7075 and 7078, Fish and Game Code. Reference: Sections 200, 202, 205, 206, 215, and 220, 7050, 7055 and 7056, Fish and Game Code.

Section 29.90, Title 14, CCR, is amended to read:

§ 29.90. Spiny Lobsters.

(a) Open season: ~~From the Saturday preceding the first Wednesday in October through the first Wednesday after the 15th of March. Beginning with the 2017-2018 lobster season:~~ From 6:00 a.m. on the Saturday preceding the first Wednesday in October through the first Wednesday after the 15th of March.

[No changes to subsection (b)]

(c) Minimum size: ~~Three and one fourth~~ 3 and 1/4 inches measured in a straight line on the mid-line of the back from the rear edge of the eye socket to the rear edge of the body shell. Any lobster may be brought to the surface of the water for the purpose of measuring, but no undersize lobster may be brought aboard any boat, placed in any type of receiver, kept on the person or retained in any person's possession or under his direct control; all lobsters shall be measured immediately upon being brought to the surface of the water, and any undersize lobster shall be released immediately into the water. All lobsters shall be measured immediately and any undersize lobster shall be released immediately into the water. Divers shall measure lobsters while in the water and shall not remove undersized lobsters from the water. Hoop netters may measure lobsters out of the water, but no undersize lobster may be placed in any type of receiver, kept on the person or retained in any person's possession or under his or her direct control.

[No changes to subsections (d)-(e)]

~~**Option—Require tail clipping along with market restrictions in the commercial regulations**~~

~~**(f) Marking of retained spiny lobster: Beginning with the 2017-2018 lobster season: A person taking spiny lobster recreationally shall punch a single circular hole in the center tail fin with a minimum circular diameter of one fourth inch (1/4 inch) or remove the bottom half of the central tail fin of all retained spiny lobster at or before the time catch information is required to be recorded on the report card as specified in Section 29.91(c) of these regulations. Hole punched or tail clipped lobsters shall not be released into ocean waters, except employees of the department may release hole punched lobster into ocean waters while performing their official duties.**~~

Note: Authority cited: Sections 200, 202, 205, 219, and 220, 7075 and 7078, Fish and Game Code. Reference: Sections 200, 202, 205, 210, and 220, 7050, 7055 and 7056, Fish and Game Code.

Article 5.0 of Chapter 5.5 of Subdivision 1 of Title 14, CCR is added to read:

Article 5.0 California Spiny Lobster Fishery Management Plan

Section 54.00, Title 14, CCR, is added to read:

§ 54.00 Purpose and Scope

(a) This Article implements the Spiny Lobster Fishery Management Plan (Spiny Lobster FMP) as adopted and amended by the commission consistent with the goals, objectives and procedures of the Marine Life Management Act of 1999. ~~These regulations~~ This Article, in combination with other applicable provisions of the Fish and Game Code and Title 14, CCR, govern management and regulation of the spiny lobster resources and fisheries.

(b) Regulations implementing the Spiny Lobster FMP are found in this Chapter. Regulations specific to recreational take of spiny lobster are found in Chapter 1, Section 1.74 and Chapter 4, beginning with Section 27.00, of these regulations. Regulations specific to the commercial take of spiny lobster are included in Chapter 6, beginning with Section 121 of these regulations. ~~Fish and Game Code Section 7256 prohibits recreational take of spiny lobster with means other than by hands or with hoop nets. Fish and Game Code Division 6 Part 3 Chapter 2 Article 5 further control various aspects of the commercial fishery.~~

(c) Pursuant to Fish and Game Code Section 7071(b), Fish and Game Code sections 8251, 8252, 8254(c), and 8258 are made inoperative.

(d) Pursuant to Fish and Game Code Section 7071(b), Fish and Game Code sections, 7857(e), 7857(j), 8102, 8103, and 9004 are made inoperative as applied to the commercial spiny lobster fishery.

Note: Authority cited: Sections 7071, 7075 and 7078, Fish and Game Code. Reference: Sections 7050, 7055, 7056, 7070, 7071, 7075 and 7078, Fish and Game Code.

Section 54.01, Title 14, CCR, is added to read:

§ 54.01 Definitions

(a) Catch, in the context of the harvest control rule, means the total weight of spiny lobster reported on commercial landing receipts in a fishing season.

(b) Catch per unit effort means the number of legal lobsters caught per trap pull for the commercial fishery.

(c) District closure means temporary or permanent closure of one or more Fishing Districts as defined in Fish and Game Code sections 11026, 11027, 11028, 11029, 11030, 11031, 11032, 11038, and 11039 to the commercial and/or recreational take of spiny lobster.

(d) Harvest control rule is defined in Section 50.01 of these regulations. In the Spiny Lobster FMP, the harvest control rule is a management framework consisting of three threshold reference points, a harvest control rule matrix, and a harvest control rule "toolbox" of conservation and management options.

(e) Harvest control rule matrix means the matrix prescribed in the Spiny Lobster FMP detailing the possible causes of having one, two, or all three threshold reference points crossed and the management response sequence for those scenarios.

(f) Harvest control rule toolbox means the conservation and management measures identified in the Spiny Lobster FMP harvest control rule that are available to the commission when threshold reference points are crossed and management action is recommended.

(g) Spawning Potential Ratio means the ratio of the number of eggs produced by a fished population over the number of eggs produced by an unfished population.

(h) Spiny lobster means ~~Panulirus interruptus~~ ***Panulirus interruptus*** as defined in Fish and Game Code Section 8250.

(i) *Spiny Lobster FMP* means chapters 1-6 of the California Spiny Lobster Fishery Management Plan as approved by the commission **on April 13, 2016, hereby incorporated by reference.**

(j) Threshold reference point means a quantitative value that indicates that the status of a stock is at a level of concern and that management action may be needed to improve stock status. In the Spiny Lobster FMP, threshold reference points are based on commercial catch, catch per unit effort, and spawning potential ratio.

(k) Trap limit means a formal program adopted by the commission that limits the number of traps a commercial fisherman may fish at any one time during a season.

(l) Total allowable catch means a specified numerical catch objective for each fishing season, the attainment (or expected attainment) of which may cause closure of the fishery.

(m) Definitions contained in Chapter 1 and Article 1 of Chapter 5.5 of these regulations, and Chapters 1 and 2 of Division 0.5 of the Fish and Game Code apply to the spiny lobster fishery in addition to definitions of this Section.

Note: Authority cited: Sections 7075 and 7078, Fish and Game Code. Reference: Sections 7071, 7082, 8252, ~~44026-44032~~ **11026, 11027, 11028, 11029, 11030, 11031, 11032**, 11038 and 11039, Fish and Game Code.

Section 54.02, Title 14, CCR, is added to read:

§ 54.02 Management Process and Timing

(a) Spiny lobster management will conform to the goals, objectives, criteria, procedures, and harvest control rule guidelines in the Spiny Lobster FMP, and other applicable state and federal laws and regulations.

(b) Monitoring and assessment of the spiny lobster fisheries will be conducted annually, including the collection and review of catch reports and fishing logbook information. The department will provide management recommendations to the commission as needed.

(c) Conservation and management measures may be developed, considered, and adopted in compliance the Administrative Procedures Act and implemented at any time of year to achieve management plan goals and objectives, and may apply to any or all management areas, or portions of management areas at the discretion of the commission.

Note: Authority cited: Sections 7075 and 7078, Fish and Game Code. Reference: Sections 7050, 7055, 7056, 7070, 7071, 7075 and 7078, Fish and Game Code.

Section 54.03, Title 14, CCR, is added to read:

§ 54.03 Harvest Control Rule

(a) The harvest control rule adopted and described in the Spiny Lobster FMP shall form the management basis for the spiny lobster commercial and recreational fisheries. The harvest control rule is comprised of three components.

- (1) Three threshold reference points as defined in the Spiny Lobster FMP based on commercial catch, catch per unit effort, and spawning potential ratio that serve as metrics to gauge the status of the spiny lobster fishery and resource.
- (2) A harvest control rule matrix that guides the appropriate management responses based on the status and trends of each threshold reference point scenario.
- (3) A suite of conservation and management measures in the harvest control rule "toolbox" giving the department and commission flexibility in addressing emerging and ongoing concerns within the spiny lobster fishery and resource.
- (b) Monitoring and assessment of the harvest control rule threshold reference points will be conducted annually utilizing the best readily available data and other relevant information. If one or more of the threshold reference points are crossed, the harvest control rule matrix will guide the department management response, which may include consultation with fishing communities and other stakeholders when investigating the cause of an exceeded reference point.
- (c) If the department determines that a management response is warranted, the commission may adopt one or more of the conservation and management measures specified in the Spiny Lobster FMP harvest control rule "toolbox" pursuant to Section ~~50.03(a)~~ 54.03(a) of these regulations.
- Note: Authority cited: Sections 7072 and 7082, Fish and Game Code. Reference: Sections 7050, 7055, 7056, 7070, 7071, 7075 and 7078, Fish and Game Code.

Section 121, Title 14, CCR, is amended to read:

§ 121. Lobsters, Spiny. Open Season and Possession During Closed Season.

- (a) Spiny lobsters may be taken only between the first Wednesday in October and the first Wednesday after the 15th of March.
- (b) No spiny lobsters may be sold or possessed during the closed season except as follows: Lobsters taken or imported during the open season which were cooked and frozen or frozen prior to the close of the open season, and lobsters imported into California during the twenty-six (26) days following the close of the open season, provided such lobsters were cooked and frozen or frozen prior to importation. During the closed season, after the twenty-six (26) day importation period, no spiny lobsters may be possessed on any boat, barge, or vessel.

Note: Authority cited: Sections 240 and 2365, Fish and Game Code. Reference: Sections 240, 2365 and 8254, Fish and Game Code.

Section 121.5, Title 14, CCR, is amended to read:

§ 121.5, Lobster, Spiny. Minimum Size and Verification of Size.

- (a) No spiny lobster less than ~~three and one-quarter~~ 3 and 1/4 inches in length measured in a straight line from the rear edge of the eye socket to the rear edge of the body shell, both points to be on the midline of the back, may be taken, possessed, purchased, or sold.
- (b) Every person taking spiny lobster shall carry a fixed caliper measuring device and shall measure any lobster immediately on removal from the trap and if it is found to be undersize the spiny lobster shall be returned to the water immediately. A trap shall be serviced prior to any additional trap being brought aboard a vessel.

(a)(c) All California spiny lobsters (~~Panulirus interruptus~~Panulirus interruptus) taken, possessed, transported or sold must be maintained in such a condition that their size can be determined as described in Section 121.5(a) of these regulations pursuant to ~~Fish and Game Code Section 8252~~ until prepared for immediate consumption or sold to the ultimate consumer except as provided for in subsection (d) below.

(b)(d) California ~~s~~Spiny lobsters may be split along the midline of the carapace by persons licensed pursuant to Fish and Game Code Section 8034 (Fish Processors License) or Section 8037 (Commercial Fish Business License) provided both halves of each lobster are kept together by banding or packaging until either displayed for purchase by the ultimate consumer or prepared for immediate consumption.

~~[Proposed addition of subsection (e) to align with sport tail clipping Option 29.90(f)]~~

~~(e) Beginning with the 2017-2018 lobster season, except as otherwise provided in subsection 29.90(f) of these regulations, it shall be unlawful to possess, sell, or offer for sale in a place of business where fish are bought, sold or processed, any spiny lobster that has been hole punched or tail clipped.~~

Note: Authority cited: Sections 240, 2365 and 8254, Fish and Game Code. Reference: Sections 240, 2365 and 8254, Fish and Game Code.

Section 122, Title 14, CCR, is amended to read:

§ 122. Lobsters, Permits to Take Spiny Lobster Permits and Restricted Areas.

(a) Classes of Lobster Permits.

(1) There is a transferable lobster operator permit, a non-transferable lobster operator permit and a lobster crewmember permit.

(2) Under operator permits issued by the department, licensed commercial fishermen may take spiny lobsters for commercial purposes, but only with traps used pursuant to Fish and Game Code Section 9010, except that such traps shall only be used in Districts 18, 19, 20A, and that part of District 20 southerly of Santa Catalina Island between Southeast Rock and China Point. No other method of take is authorized for the commercial harvest of spiny lobsters.

(3) Any licensed commercial fisherman ~~not eligible to obtain a lobster operator permit pursuant to this section~~that does not possess a valid transferable or non-transferable lobster operator permit may purchase a lobster crewmember permit, authorizing him/her to accompany the holder of a lobster operator permit holder and to assist ~~that person~~the lobster operator permit holder in the commercial take of spiny lobster.

(4) Exemption from Tidal Invertebrate Permit. A lobster operator permit holder or a lobster crewmember permit holder operating under the provisions of a lobster operator permit is not required to possess a Tidal Invertebrate Permit, but is subject to the provisions of Section 123 of these regulations.

(b) Permit Renewal.

(b)(1) Each lobster operator permit shall be issued annually and shall be valid for the period of the commercial lobster season. Each operator and crewmember permittee shall have his/her permit in immediate possession when taking lobsters.

(2) Applicants for renewal of a lobster operator permit shall be eligible to renew a lobster operator permit of the same classification, if they have held a valid lobster operator permit that has not been suspended or revoked, in the immediately preceding permit year.

(3) ~~Beginning with the 2017-2018 lobster season, not~~ No more than ~~two~~ 2 lobster operator permits shall be issued to a licensed commercial fisherman.

(4) Procedures and Deadline for Permit Renewal.

Applications for renewal of transferable and non-transferable lobster operator permits must be received by the department or if mailed, postmarked ~~not~~ no later than April 30 of each year. Late fees, late fee deadlines, and late renewal appeal provisions are specified in Fish and Game Code Section 7852.2. Any person denied a permit under ~~these regulations~~ this Section may submit a written request for an appeal to the commission to show cause why his/her permit request should not be denied. Such request must be received by the commission within 60 days of the department's denial.

(c) Permit Transfers, Procedures, and Timelines.

(e)(1) Except as provided in this section, a permit shall not be assigned or transferred, and any right or privilege granted thereunder is subject to revocation, without notice, by the Fish and Game Commission ~~commission~~, at any time.

(2) A person with a valid transferable lobster operator permit that has not been suspended or revoked may transfer his/her permit to another person licensed as a California commercial fisherman. The permit holder or the estate of the deceased permit holder shall submit the **notarized** transfer application and the nonrefundable permit-transfer fee specified in Section 705 for each permit transfer. The transfer shall take effect on the date written notice of approval of the application is given to the transferee by the department. **The permit holder shall transfer all department issued trap tags to the transferee after the permit transfer has been approved by the department.** The lobster operator permit shall be valid for the remainder of the permit year and may be renewed in subsequent years pursuant to ~~these regulations~~ this Section.

(A) ~~Beginning with the 2017-2018 permit year:~~ If a transferable lobster operator permit is transferred to a person with a valid transferable lobster operator permit and non-transferable lobster operator permit, the non-transferable lobster operator permit shall become null and void and the permit and trap tags shall be immediately surrendered to the department's License and Revenue Branch.

(3) An application for a transfer of a lobster operator permit shall be deferred **pending when the current permit holder is awaiting** final resolution of any ~~outstanding~~ **pending** criminal, civil and/or administrative action that could affect the status of the permit.

(4) Upon the death of a person with a valid transferable lobster operator permit, the estate of a person with a valid transferable lobster operator permit shall immediately ~~surrender~~ temporarily relinquish the permit to the department's License and Revenue Branch. ~~Beginning with the 2017-2018 lobster season, trap~~ Trap tags shall also be ~~surrendered~~ temporarily relinquished to the department's License and Revenue Branch. The estate may renew ~~that~~ the permit as provided for in ~~these regulations~~ this Section if needed to keep ~~it~~ the permit valid. The estate of the ~~decedent~~ may transfer ~~that~~ the permit pursuant to ~~these regulations~~ this Section no later than ~~two~~ 2 years from the date of death of the permit holder as listed on the death certificate.

~~(5) Upon the death of the person with a valid non-transferable lobster operator permit, the permit shall become null and void and the estate shall immediately surrender the permit to the department's License and Revenue Branch.~~

~~(A) Beginning with the 2017-2018 permit year:~~ Upon the death of thea person with a valid non-transferable lobster operator permit, the permit shall be null and void and the estate shall immediately surrender the permit and trap tags to the department's License and Revenue Branch.

~~(6) Any applicant who is denied transfer of a transferable lobster operator permit may submit a written request for an appeal to the commission within 60 days of the date of the department's denial.~~

~~(d) Applicants for the renewal of lobster operator permits shall have held a valid lobster operator permit, that has not been suspended or revoked, in the immediately preceding permit year.~~

~~(e) The holder of a valid lobster operator permit that has not been suspended or revoked, from the immediately preceding permit year shall be eligible to purchase a lobster operator permit of the same classification.~~

~~(f) Procedures and Deadline for Permit Renewal.~~

~~Applications for renewal of transferable and non-transferable lobster operator permits must be received by the department or if mailed, postmarked not later than April 30 of each year. Late fees, late fee deadlines, and late renewal appeal provisions are specified in Fish and Game Code Section 7852.2. Any person denied a permit under these regulations may request a hearing before the commission to show cause why his/her permit request should not be denied. Such request must be received by the commission within 60 days of the department's denial.~~

~~(g) No SCUBA equipment or other breathing device may be used to assist in the take of lobster on any boat being operated pursuant to a commercial lobster permit.~~

~~(h) All provisions of the Fish and Game Code and regulations of the Fish and Game Commission relating to lobsters shall be a condition of all permits to be fully performed by the holders thereof, their agents, servants, employees, or those acting under their direction or control.~~

~~(i) No lobster trap used under authority of this permit shall be pulled or raised or placed in the water between one hour after sunset to one hour before sunrise.~~

~~(j) All lobster traps and receivers impounding lobsters shall be individually buoyed. The buoys must be on the surface of the water, except after the first Tuesday in October when buoys may be submerged by means of metallic timing devices, commonly called "pop-ups."~~

~~(k) Each buoy identifying a lobster trap shall display the commercial fishing license identification number of the lobster operator permit holder followed by the letter P. The commercial fishing license number and the letter P shall be in a color which contrasts with that of the buoy and shall be at least one (1) inch in height and at least one-eighth (1/8) inch in width. All lobster permit holders shall maintain lobster trap buoys in such a condition that buoy identifying numbers are clearly readable.~~

~~(l) Any person pulling or raising lobster traps and receivers bearing a commercial fishing license number other than his/her own must have in his/her possession from the party who holds the permit assigned to said gear written permission to pull the traps, or receivers.~~

(m) The employees of the department may disturb or move any lobster trap at any time while such employees are engaged in the performance of their official duties and shall inspect any lobster trap to determine whether it is in compliance with all provisions of the Fish and Game Code and regulations of the commission.

(n) During the closed season for the taking of spiny lobster, no buoy attached to any trap may be marked in such manner as to identify the trap as a lobster trap, except that legally marked lobster traps may be placed in the water not more than six (6) days before the opening of the season and may remain in the water for not more than six (6) days after the close of the season, if the door or doors to such traps are wired open, the trap is unbaited, the buoy remains at the surface of the ocean, and no attempt is made to take spiny lobsters.

~~(e)~~(d) Restricted fishing areas Fishing Areas.

(1) No lobster trap used under the authority of this permit shall be used within 750 feet of any publicly-owned pier, wharf, jetty or breakwater; however, such traps may be used to within 75 feet of any privately-owned pier, wharf, jetty or breakwater.

(2) No lobster traps shall be set or operated within 250 feet of the following specified navigation channels.

(A) Newport Bay: Starting at the demarcation line at the entrance to Newport Bay and extension of the west side channel line, proceed southeasterly on a bearing of 151° magnetic one nautical mile; then northeasterly 44° magnetic 500 feet; then northwesterly 331° magnetic one nautical mile to the demarcation line and an extension of the east side channel line.

(B) Dana Point Harbor: Starting from Dana Point east jetty light "6," proceed on a bearing of 120° magnetic 450 yards to red buoy "4"; then south 180° magnetic one nautical mile; then westerly 270° , 300 yards; then north 0° magnetic approximately one nautical mile to Dana Point Harbor light "5."

(C) Oceanside Harbor: Starting from Oceanside Harbor breakwater light "1," proceed on a bearing of 225° magnetic for one nautical mile; then southeast for 450 yards on a bearing of 110° magnetic; then northeast on a bearing of 35° magnetic for one nautical mile to Oceanside Harbor south jetty light "2"; then west southwest on a bearing of 253° to the point of beginning at Oceanside Harbor breakwater light "1."

(A) Newport Bay Harbor entrance: This area is bounded by straight lines connecting the following points in the order listed:

$33^{\circ} 35.316' \text{ N. lat. } 117^{\circ} 52.744' \text{ W. long.};$

$33^{\circ} 34.365' \text{ N. lat. } 117^{\circ} 52.374' \text{ W. long.};$

$33^{\circ} 34.412' \text{ N. lat. } 117^{\circ} 52.294' \text{ W. long.};$

$33^{\circ} 35.368' \text{ N. lat. } 117^{\circ} 52.658' \text{ W. long.};$ and

$33^{\circ} 35.316' \text{ N. lat. } 117^{\circ} 52.744' \text{ W. long.}$

(B) Dana Point Harbor entrance: This area is bounded by straight lines connecting the following points in the order listed:

$33^{\circ} 27.262' \text{ N. lat. } 117^{\circ} 41.492' \text{ W. long.};$

$33^{\circ} 26.289' \text{ N. lat. } 117^{\circ} 41.721' \text{ W. long.};$

$33^{\circ} 26.254' \text{ N. lat. } 117^{\circ} 41.509' \text{ W. long.};$

$33^{\circ} 27.201' \text{ N. lat. } 117^{\circ} 41.286' \text{ W. long.};$

$33^{\circ} 27.409' \text{ N. lat. } 117^{\circ} 41.522' \text{ W. long.};$ and

$33^{\circ} 27.262' \text{ N. lat. } 117^{\circ} 41.492' \text{ W. long.}$

(C) Oceanside Harbor entrance: This area is bounded by straight lines connecting the following points in the order listed:

33° 12.344' N. lat. 117° 24.166' W. long.;

33° 12.332' N. lat. 117° 24.164' W. long.;

33° 11.775' N. lat. 117° 25.155' W. long.;

33° 11.659' N. lat. 117° 24.928' W. long.;

33° 12.233' N. lat. 117° 24.047' W. long.;

33° 12.362' N. lat. 117° 23.975' W. long.; and

33° 12.344' N. lat. 117° 24.166' W. long.

~~(p)~~(e) Records. Pursuant to ~~section~~ **Section 190** of these regulations, any person who owns and/or operates any vessel used to take lobsters for commercial purposes shall complete and submit an accurate record of his/her lobster fishing activities on a form (Daily Lobster Log, ~~DFGDFW 122 (7/96)~~ REV. 03/04/16), incorporated herein by reference) provided by the department.

~~(q)~~(f) The person required to submit logs pursuant to **Section 190 of** these regulations shall have complied with said regulations during the immediate past license year, or during the last year such person held a permit, in order to be eligible for a successive year annual permit.

(g) All lobster operator permit holders fishing jointly on one vessel shall both be liable for any violation incurred by any of the lobster operator permit holders or crew-member permit holders fishing from that vessel.

(h) No SCUBA or other underwater breathing apparatus equipment shall be used to take lobster, except that this equipment shall only be used to locate and secure traps for retrieval. Lobsters contained in a trap that has been secured using SCUBA, or any other underwater breathing apparatus equipment, may be possessed after the trap has been serviced aboard the vessel only if the secured trap(s) has not exceeded the trap service interval requirement as specified in subsection 122.2(d) of these regulations.

~~(r) Procedures, Timelines on Permit Transfers.~~

~~(1) The holder of a valid transferable lobster operator permit that has not been suspended or revoked may transfer his/her permit to another person licensed as a California commercial fisherman. The application to transfer a permit shall be in the form of a notarized letter from the existing permit holder identifying the transferee and shall include the original transferable lobster operator permit, a copy of the transferee's commercial fishing license and a nonrefundable permit transfer fee as specified in Section 705. The application shall be submitted to the department's License and Revenue Branch, 1740 N. Market Blvd., Sacramento, CA 95834. The transferable lobster operator permit shall be valid for the remainder of the current lobster season and may be renewed in subsequent years pursuant to these regulations. If the transferee holds a non-transferable lobster operator permit, that permit shall be cancelled.~~

~~(2) The estate of the holder of a transferable lobster operator permit may renew that permit as provided for in these regulations if needed to keep it valid. The estate of the decedent may transfer that permit pursuant to these regulations no later than one year from the date of death of the permit holder as listed on the death certificate.~~

~~(3) Upon the death of the individual to whom a non-transferable Lobster Operator Permit is issued, the permit shall become null and void.~~

Note: Authority cited: Sections 1050, 7075, 7078, 8254 and 8259, Fish and Game Code. Reference: Sections 1050, 2365, 7050, 7055, 7056, 7071, 7852.2, 8026, 8043, 8046, 8250-8259, 9002-9006~~8250, 8250.5, 8254, 9002, 9002.5, 9005, 9006 and 9010~~, Fish and Game Code.

Section 122.1 Title 14, CCR, is added to read:

§ 122.1 Lobster Buoys and Trap Tags

(a) All lobster traps and receivers impounding lobsters shall be individually buoyed. The buoys must be on the surface of the water, except after the first Tuesday in October when buoys may be submerged by means of metallic timing devices with a timed delay (commonly called "pop-ups") that does not exceed the trap service interval requirement as specified in subsection 122.2(d) of these regulations.

(b) Each buoy identifying a lobster trap shall display the commercial fishing license identification number of the lobster operator permit holder followed by the letter P. The commercial fishing license identification number and the letter P shall be in a color which contrasts with that of the buoy and shall be at least ~~one (1)~~ 1 inch in height and at least ~~one-eighth (1/8)~~ 1/8 inch in width. All lobster ~~operator~~ permit holders shall maintain lobster trap buoys in such a condition that buoy identifying numbers are clearly readable.

~~(c) Beginning with the 2017-2018 lobster season, no lobster operator permit holder shall possess, use, control, or operate any lobster trap without a valid department issued trap tag and a valid buoy tag supplied by the lobster operator permit holder. The trap tag assigned to the lobster operator permit holder shall be attached to the lobster trap, and have a valid buoy tag attached to the lobster trap buoy. Deployed lobster traps and those possessed by a lobster operator permit holder aboard a vessel shall have a valid department issued trap tag directly attached to the trap.~~ If the information on the trap tag is illegible or incorrect or if the trap tag is missing from the trap for any reason, the trap shall be considered not in compliance, and shall not be used to take spiny lobster for commercial purposes.

(1) Lobster trap tags. A lobster operator permit holder shall be issued 300 trap tags for use during that season for each valid lobster operator permit in possession.

~~(2) Lobster buoy tags. Buoy tags shall be supplied by the lobster operator permit holder and shall contain the lobster operator permit holder's permit number and the associated trap tag number that the buoy is affixed to.~~

~~(3)(2) Replacement procedures for catastrophic loss of trap tags.~~

(A) A lobster operator permit holder shall only be eligible to receive replacement trap tags for trap tags lost due to catastrophic loss.

(B) Catastrophic trap tag loss is defined as the cumulative loss of 75 or more trap tags for each valid lobster operator permit due to events beyond the lobster operator permit holder's control such as weather, force majeure and acts of God.

(C) The lobster operator permit holder shall submit ~~to the department's License and Revenue Branch~~ the affidavit ~~signed under penalty of perjury by the lobster operator permit holder~~ and nonrefundable fee for each replacement tag as specified in Section 705 of these regulations ~~signed under penalty of perjury by the lobster operator permit holder to the department's License and Revenue Branch.~~

(D) An affidavit for trap tag replacement due to catastrophic loss, with a description of the factual circumstances consistent with subsection (B) above, shall be approved by the department prior to any replacement trap tags being issued as evidence consistent with subsection (B) above.

(E) Any trap tag reported as lost and subsequently recovered during the season shall be invalid and immediately returned to the department's License and Revenue Branch.

Note: Authority cited: Sections 7075 and 7078, Fish and Game Code. Reference: Sections 7050, 7055, 7056, 8250.5, 9002 and 9010, Fish and Game Code.

Section 122.2, Title 14, CCR, is added to read:

§ 122.2 Pulling Lobster Traps.

(a) No lobster trap shall be pulled or raised or placed in the water between one hour after sunset to one hour before sunrise.

(b) During the closed season for the taking of spiny lobster:

~~(1) No buoy attached to any trap may be marked in such manner as to identify the trap as a lobster trap, except that legally marked lobster traps may be placed in the water not more than six (6) days before the opening of the season and may remain in the water for not more than six (6) days after the close of the season, if the door or doors to such traps are wired open, the trap is unbaited, the buoy remains at the surface of the ocean, and no attempt is made to take spiny lobsters.~~

~~(2) Beginning with the 2017-2018 lobster season,~~ no buoy attached to any trap may be marked in such manner as to identify the trap as a lobster trap, except that legally marked lobster traps may be placed in the water not more than ~~nine (9)~~**9** days before the opening of the season and may remain in the water for not more than ~~nine (9)~~**9** days after the close of the season, if the doors to such traps are wired open, the trap is unbaited, the buoy remains at the surface of the ocean, and no attempt is made to take spiny lobsters.

(c) Lobster traps may be set and baited 24 hours in advance of the opening date of the lobster season if no other attempt is made to take or possess the lobsters.

(d) Trap Service Interval Requirement:

~~(1) Every deployed lobster trap shall be raised, cleaned, serviced and emptied at intervals not to exceed 96 hours, weather conditions at sea permitting.~~

~~(2) Beginning with the 2017-2018 lobster season, every:~~ A deployed lobster trap shall be raised, cleaned ~~of debris,~~ serviced ~~to ensure mechanisms are properly functioning,~~ and emptied at intervals not to exceed 168 hours except that lobster traps are not required to be serviced during the ~~nine day pre and post 9-day pre- and post-~~ season period as described in Section 122.2(b)(2) of these regulations.

(e) No trap shall be abandoned in the waters of this state. Lobster traps not retrieved 14 days after the close of the commercial lobster season shall be considered abandoned.

~~From 15 days after the close of the commercial lobster season through September 15th, an unlimited number of lobster traps may be retrieved by a lobster operator permit holder or a department designee and transported to shore.~~

(f) ~~Beginning with the 2017-2018 lobster season, every~~ By April 15 of each year, every lobster operator permit holder shall submit a trap loss affidavit, as specified in Section 705, for each permit ~~they/he/she holds by April 15 of each year~~ to the address listed on the affidavit.

(1) If a permit is transferred during the season, only the lobster operator permit holder who is in possession of that permit at the end of the season is required to submit the affidavit.

(2) All trap tags shall be retained by each lobster operator permit holder until the beginning of the next lobster season.

(g) The employees of the department may disturb or move any lobster trap at any time while such employees are engaged in the performance of their official duties and may inspect any lobster trap to determine whether it is in compliance with ~~all~~ applicable provisions of the Fish and Game Code and ~~these regulations~~ this Chapter.

(h) ~~Prior to the 2017-2018 lobster season, any person pulling or raising lobster traps and receivers bearing a commercial fishing licenses number other than his/her own must have in his/her possession from the party who holds the permit assigned to said gear written permission to pull the traps, or receivers.~~

(i) ~~Beginning with the 2017-2018 lobster season, no~~ No lobster operator permit holder shall possess, use, control, or operate any lobster traps ~~during the spiny lobster fishing season without a valid trap tag assigned to that lobster operator permit holder or receivers with a trap tag bearing a permit number other than his/her own nor any receivers~~ bearing a commercial fishing license identification number other than ~~their~~ his/her own except:

(1) To retrieve from the ocean and transport to shore lobster trap(s) of another lobster operator permit holder that were lost, damaged, abandoned or otherwise derelict, provided that:

(A) No more than ~~six (6) lost~~ 6 derelict lobster traps may be retrieved per fishing trip, ~~except as provided in subsection (2) below.~~

(B) Lobster from the retrieved lobster trap(s) shall not be retained and shall be returned to the ocean waters immediately.

(C) Immediately upon retrieval of lobster trap(s), the lobster operator permit holder retrieving the traps shall document in the retrieving vessel's log the date and time of trap retrieval, number of retrieved lobster traps, location of retrieval, and retrieved trap tag information.

(D) Any retrieved lobster trap(s) shall be transported to shore during the same fishing trip that retrieval took place.

(2) Under a waiver granted by the department, pulling, servicing, ~~and/or~~ transporting receivers or more than ~~six (6)~~ 6 lobster traps ~~to shore~~ by another lobster operator permit holder is allowed if:

(A) The lobster operator permit holder is unable to ~~service their~~ pull, service or transport his/her traps or receivers due to circumstances beyond the control of the permit holder.

(B) A request for the waiver has been submitted in writing to the department's License and Revenue Branch.

The waiver shall include:

1. Name and permit number of the ~~requesting~~ lobster operator permit holder requesting the waiver;
 2. Name and permit number of the ~~retrieving~~ lobster operator permit holder ~~retrieving~~**pulling, servicing or transporting the traps and receivers;**
 3. Proposed time period and location to conduct ~~trap~~ operations; **and**
 4. Lobster trap tag numbers or number of traps **and receivers** to be ~~serviced;~~ **and pulled, serviced or transported.**
 - 5. Any other related information as requested by the department.**
- (C) The department may request other related information prior to granting or denying the waiver.**
- (C)(D) The waiver may include conditions such as time period to conduct ~~retrieval~~ activities, landing prohibitions or any other criteria the department deems necessary.**
- (D)(E) A copy of the waiver approved by the department shall be in the possession of the ~~retrieving~~ lobster operator permit holder when ~~servicing or retrieving~~**pulling, servicing, or transporting the traps and receivers.****
- (E)(F) The ~~retrieving~~ lobster operator permit holder ~~retrieving~~**pulling, servicing, or transporting the traps and receivers** may retain lobsters caught in the traps or contained in the receivers unless otherwise specified as a condition of the waiver.**
- (3) From 15 days after the close of the commercial lobster season through September 15, an unlimited number of lobster traps may be retrieved by a lobster operator permit holder or a department designee and transported to shore.**
- Note: Authority cited: Sections 1050 and 7078, Fish and Game Code. Reference: Sections, 7050, 7055, 7056, 8250.5, 8251, 9002, and 9010, Fish and Game Code.

Section 705, Title 14, CCR, is amended to read:

§ 705. Commercial Fishing Applications, Permits, Tags and Fees.

<i>(a) Application</i>	<i>Permit Fees (US\$)</i>	<i>Processing Fees (US\$)</i>
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[No changes to subsection (a)(1)-(a)(8)(S)]

<u>(T) Lobster Operator Permit for the 2016-2017 lobster season</u>	<u>369.75</u>
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<u>(U)(T) Lobster Operator Permit and Trap Tags beginning with the 2017-2018 lobster season.</u>	<u>765.25</u>
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(b) Transfer, Upgrade, or Change of Ownership

Fees (US\$)

(1)(A) Lobster Operator Permit Transfer
Application,
DFW 1702 (New 2/2016, incorporated by
reference herein.

500.00

[No changes to subsection (b)(2)-(b)(11)(c)]

(c) Tags and Miscellaneous

Fees (US\$)

[No changes to subsection (c)(1)-(c)(4)]

(5) Lobster Operator Permit Catastrophic
Lost Trap Tag Affidavit, DFW 1701 (New
2/2016), incorporated by reference
herein, ~~beginning with the 2017-2018
lobster season.~~

(6) Lobster Operator Permit Catastrophic
Lost Trap Tag Fee per tag ~~beginning
with the 2017-2018 lobster season.~~

1.25

(7) End of Season Spiny Lobster Trap
Loss Reporting Affidavit, DFW 1020
(New 02/18/16), incorporated by
reference herein, ~~beginning with the
2017-2018 lobster season.~~

[No changes to subsection (d)]

Note: Authority cited: Sections 713 and 1050, Fish and Game Code. Reference:
Sections 713 and 1050, Fish and Game Code.

Bos-11, op-18

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Edmund G. Brown Jr., Governor

Valerie Termini, Executive Director
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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

December 23, 2016

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending section 502, Title 14, California Code of Regulations, relating to waterfowl regulations, which is published in the California Regulatory Notice Register on December 23, 2016.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/2016/index.aspx>.

Melanie Weaver, Senior Environmental Scientist, Department of Fish and Wildlife at (916) 445-3717, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,


Jon D. Snellstrom

Associate Governmental Program Analyst

Attachment

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FISH & GAME COMMISSION
2016 DEC 27 PM 2:54
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TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 202 and 355 of the Fish and Game Code and to implement, interpret or make specific Sections 202, 355, and 356 of said Code, proposes to amend Section 502, Title 14, California Code of Regulations, relating to Waterfowl regulations.

Informative Digest/Policy Statement Overview

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits for waterfowl hunting.

The frameworks for the 2017-18 season have been approved by the Flyway Councils and will be considered for adoption at the Service Regulation's Committee meeting on October 25-26, 2016. The proposed frameworks allow for a liberal duck season which includes a 107 day season, 7 daily duck limit including 7 mallards but only 2 hen mallards, 1 pintail, 2 canvasback, 2 redheads, and 3 scaup (during an 86 day season). Duck daily bag limit ranges, duck season length ranges and goose season length ranges have been provided to allow the Commission flexibility. Lastly, Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone and with those of Oregon in the North Coast Special Management Area. Based on the frameworks, the Department of Fish and Wildlife (Department) provides an annual recommendation to the Fish and Game Commission.

The Department recommendations are as follows:

1. Modify the boundary descriptions in subsections 502(b)3 and 4 for the Southern California and Colorado River zones.
2. Allow the white-fronted goose season to be split into three segments in subsection 502(d)(1)B for the Northeastern California Zone.
3. Increase the daily bag limit for white geese in subsection 502(d)(4)(C) for the Colorado River Zone from 10 to 20 per day.

Minor editorial changes are also proposed to clarify and simplify the regulations and to comply with existing federal frameworks.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Evaluation of incompatibility with existing regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 502 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate waterfowl hunting regulations.

Summary of Proposed Waterfowl Hunting Regulations for 2017-18			
AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 75 in possession
Northeastern Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup, Dark Geese and White Geese. White geese and dark geese may be split 3-ways.</i>	Ducks	Between 38 & 105 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	No longer than 105 days	30/day, which may include: 20 white geese, 10 dark geese no more than 2 Large Canada geese. Possession limit triple the daily bag.
Southern San Joaquin Valley Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	No longer than 100 days	30/day, which may include: 20 white geese, 10 dark geese. Possession limit triple the daily bag.
Southern California Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 100 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	No longer than 100 days	23/day, which may include: 20 white geese, 3 dark geese. Possession limit triple the daily bag.
Colorado River Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	101 days	7/day, which may include: 7 mallards no more than 2 females or Mexican-like ducks, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	101 days	24/day, up to 20 white geese, up to 4 dark geese. Possession limit triple the daily bag.
Balance of State Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup and Dark and White Geese.</i>	Ducks	Between 38 & 100 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	Early Season: 5 days (CAGO only) Regular Season: no longer than 100 days Late Season: 5 days (whitefronts and white geese)	30/day, which may include: 20 white geese, 10 dark geese. Possession limit triple the daily bag.
North Coast <i>Season may be split</i>	All Canada Geese	105 days except for Large Canada geese which cannot exceed 100 days or extend beyond the last Sunday in January.	10/day, only 1 may be a Large Canada goose. Possession limit triple the daily bag. Large Canada geese are closed during the Late Season.
Humboldt Bay South Spit (West Side)	All species	Closed during brant season	
Sacramento Valley	White-fronted geese	Open concurrently with general goose season through Dec 21	3/day. Possession limit triple the daily bag.
Morro Bay	All species	Open in designated areas only	Waterfowl season opens concurrently with brant season.
Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	Open Nov 8 extending for 37 days	2/day. Possession limit triple the daily bag.
Balance of State Brant	Black Brant	Open Nov 9 extending for 37 days	2/day. Possession limit triple the daily bag.
Imperial County <i>Season may be split</i>	White Geese	Up to 102 days	20/day. Possession limit triple the daily bag.
YOUTH WATERFOWL HUNTING DAYS	(NOTE: To participate in these Youth Waterfowl Hunts, federal regulations require that hunters must be 17 years of age or younger and must be accompanied by a non-hunting adult 18 years of age or older.)		
	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season

Summary of Proposed Waterfowl Hunting Regulations for 2017-18			
AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
FALCONRY OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Between 38 and 105 days	3/ day, possession limit 9
Balance of State Zone		Between 38 and 107 days	
Southern San Joaquin Valley Zone		Between 38 and 107 days	
Southern California Zone		Between 38 and 107 days	
Colorado River Zone	Ducks only	105 days	

Benefits of the regulations

The benefits of the proposed regulations are concurrence with federal law and the sustainable management of the State's waterfowl resources. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continued adoption of waterfowl hunting seasons in 2017-18.

Consistency and Compatibility with State Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate hunting in California. Commission staff has searched the California Code of Regulations and has found no other agency with the authority to regulate the use of dogs for hunting mammals. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the DoubleTree by Hilton Hotel Sonoma, One Doubletree Drive, Rohnert Park, California, on Wednesday, February 22, 2017 at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Airtel Plaza Hotel, 7277 Valjean Ave., Van Nuys, California, on Wednesday, April 26, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on April 12, 2017 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 21, 2017. All comments must be received no later than February 8, 2017, at the hearing in Santa Rosa, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency

representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Jon Snellstrom at the preceding address or phone number. **Melanie Weaver, Senior Environmental Scientist, (916) 445-3717**, has been designated to respond to questions on the substance of the proposed Use of Dogs for Pursuit regulations. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations would provide additional recreational opportunity to the public and could result in minor increases in hunting days and hunter spending on equipment, fuel, food and accommodations.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed waterfowl regulations will set the 2017-18 waterfowl hunting season dates and bag limits within the federal frameworks. Little to minor positive impacts to jobs and/or businesses that provide services to waterfowl hunters may result from the proposed regulations for the waterfowl hunting season in 2017-18.

The most recent U.S. Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California (revised 2014), estimated that migratory bird hunters contributed about \$169,115,000 to businesses in California during the 2011 migratory bird hunting season. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to sustainably manage waterfowl populations, and consequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment by the sustainable management of California's waterfowl resources. The Commission does not anticipate any impacts to worker safety because the proposed amendments will not affect working conditions.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: December 15, 2016

Valerie Termini
Executive Director

B00-11
CPAGE

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Eric Sklar, President
Saint Helena
Jacque Hostler-Carmesin, Vice President
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Anthony C. Williams, Member
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Russell Burns, Member
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Peter Silva, Member
Chula Vista

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Sacramento, CA 95814
(916) 653-4899
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

December 9, 2016

TO ALL AFFECTED AND INTERESTED PARTIES:

Re: Use of Dogs for Pursuit/Take of Mammals, Section 265, Title 14, California Code of Regulations; published in California Notice Register, November 18, 2016, Notice File No. Z2016-1108-06, Register 2016, No. 47-Z.

In addition to this mailing, this document is available for public inspection between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, at 1416 Ninth Street, Room 1320, Sacramento, CA or on our website (link provided below).

Notice was given that any person interested may present statements, orally or in writing, relevant to this rulemaking at an adoption hearing to be held on February 8, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard. It was further noticed that a specific location would be determined and provided to interested and affected parties.

This notice is to inform you that the location for the scheduled adoption hearing on February 8, 2017 meeting, at 8:00 a.m. is:

DoubleTree by Hilton Hotel Sonoma
One Doubletree Drive
Rohnert Park, CA 94928

Additional information and all associated documents may be found on the Fish and Game Commission website at http://www.fgc.ca.gov/regulations/2016/index.aspx#265_2.

Sincerely,

Jon D. Snellstrom
Associate Governmental Program Analyst

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Commissioners
Eric Sklar, President
Saint Helena
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McKinleyville
Anthony C. Williams, Member
Huntington Beach
Russell Burns, Member
Napa
Peter Silva, Member
Chula Vista

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Valerie Termini, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

December 23, 2016

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending sections 360, 361, 362, 363, 364 and 364.1, Title 14, California Code of Regulations, relating to mammal regulations, which is published in the California Regulatory Notice Register on December 23, 2016.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/2016/index.aspx>.

Craig Stowers, Environmental Program Manager, Department of Fish and Wildlife, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Jon D. Snellstrom
Associate Governmental Program Analyst

Attachment

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TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 3960, 3960.2 and 3960.4 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 203, 203.1, and 207 of said Code, proposes to amend sections 360, 361, 362, 363, 364, and 364.1, Title 14, California Code of Regulations, relating to mammal hunting requirements.

Informative Digest/Policy Statement Overview

Subsection 360(b)

Existing regulations provide for the number of deer hunting tags for the X zones. The proposed action changes the number of tags for all existing zones to a series of ranges presented in the table below. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors such as severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the "Low Kill" alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Deer: § 360(b) X-Zone Hunts Tag Allocations			
§	Zone	Current 2016	Proposed 2017 [Range]
(1)	X-1	760	0 - 6,000
(2)	X-2	175	0 - 500
(3)	X-3a	355	0 - 1,200
(4)	X-3b	795	0 - 3,000
(5)	X-4	460	0 - 1,200
(6)	X-5a	75	0 - 200
(7)	X-5b	50	0 - 500
(8)	X-6a	330	0 - 1,200
(9)	X-6b	310	0 - 1,200
(10)	X-7a	230	0 - 500
(11)	X-7b	135	0 - 200
(12)	X-8	210	0 - 750
(13)	X-9a	650	0 - 1,200
(14)	X-9b	325	0 - 600
(15)	X-9c	325	0 - 600
(16)	X-10	400	0 - 600

(17)	X-12	680	0 - 1,200
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Subsection 360(c)

Existing regulations provide for the number of deer hunting tags in the Additional Hunts. The proposed action provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors such as severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the "Low Kill" alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 8 and continue for three (3) consecutive days and reopen on October 15 and continue for two (2) consecutive days, including the Columbus Day holiday. The proposal would modify the season to account for the annual calendar shift. The proposal would change the season dates to open on October 7 and October 14, for 3 and 2 consecutive days respectively, and include the Columbus Day holiday.

Existing regulations for Additional Hunt G-10 (Camp Pendleton Either-Sex Hunt) provide for hunting to begin on the first Saturday in September and extend through the first Sunday in December and allows hunting on Saturdays, Sundays, holidays and the day after Thanksgiving. The proposal would allow for the calendar shift and allow hunting on Fridays, Saturdays, Sundays, Labor Day, Columbus Day and Veterans Day.

Existing regulations for Additional Hunt G-11 (Vandenberg Either-Sex Deer Hunt) provide for hunting to begin on the last Monday in August and extend through December 31. The proposal would allow hunting to begin on August 28 and extend through October 1.

Minor editorial changes are necessary to provide consistency in subsection numbering, spelling, grammar, and clarification.

The proposed action changes the number of tags for all existing hunts (except those on military installations) to a series of ranges as indicated in the table below.

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(1)	G-1 (Late Season Buck Hunt for Zone C-4)	2,710	0 - 5,000
(2)	G-3 (Goodale Buck Hunt)	35	0 - 50
(3)	G-6 (Kern River Deer Herd Buck Hunt)	50	0 - 100
(4)	G-7 (Beale Either-Sex Deer Hunt)	20 Military*	20 Military*

(5)	G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	20 Tags Total* (10 Military & 10 Public)	20 Tags Total* (10 Military and 10 Public)
(6)	G-9 (Camp Roberts Antlerless Deer Hunt)	0	30 Tags Total* (15 Military and 15 Public)
(7)	G-10 (Camp Pendleton Either-Sex Deer Hunt)	250 Military*	250 Military*
(8)	G-11 (Vandenberg Either-Sex Deer Hunt)	200 Military*, DOD and as Authorized by the Installation Commander**	200 Military*, DOD and as Authorized by the Installation Commander**
(9)	G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	0 - 50
(10)	G-13 (San Diego Antlerless Deer Hunt)	300	0 - 300
(11)	G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	0 - 50
(12)	G-21 (Ventana Wilderness Buck Hunt)	25	0 - 100
(13)	G-37 (Anderson Flat Buck Hunt)	25	0 - 50
(14)	G-38 (X-10 Late Season Buck Hunt)	300	0 - 300
(15)	G-39 (Round Valley Late Season Buck Hunt)	5	0 - 150
(16)	M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	0 - 75
(17)	M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	5	0 - 50
(18)	M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	5	0 - 50
(19)	M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	0 - 100
(20)	M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	0 - 150
(21)	M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	0 - 50
(22)	M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	0 - 100
(23)	M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	0 - 200
(24)	MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	0 - 150
(25)	MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	0 - 150
(26)	J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	0 - 25

(27)	J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	0 - 30
(28)	J-4 Shasta-Trinity Apprentice Buck Hunt)	15	0 - 50
(29)	J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	0 - 50
(30)	J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	0 - 20
(31)	J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	0 - 10
(32)	J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	75 Tags Total* (15 Military & 60 Public)	85 Tags Total* (25 Military & 60 Public)
(33)	J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	0 - 50
(34)	J-12 (Round Valley Apprentice Buck Hunt)	10	0 - 20
(35)	J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	0 - 100
(36)	J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	0 - 75
(37)	J-15 (Anderson Flat Apprentice Buck Hunt)	10	0 - 30
(38)	J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	0 - 75
(39)	J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	0 - 25
(40)	J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	0 - 75
(41)	J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	0 - 40
(42)	J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	0 - 20
(43)	J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	0 - 80

**Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

***DOD = Department of Defense and eligible personnel as authorized by the Installation Commander.*

Section 361

Existing regulations provide for the number of deer hunting tags for existing area-specific archery hunts. The proposed action changes the number of tags for existing hunts to a series of ranges presented in the table below. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors such as severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the "Low Kill" alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Existing regulations for Hunt A-33 (Fort Hunter Liggett Late Season Archery Either Sex Hunt) provide for hunting to begin on the first Saturday in October and end on November 11. The proposal would modify the season to allow for the annual calendar shift by opening the season on the first Saturday in October and ending on November 12.

Archery Deer Hunting: § 361(b) Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(1)	A-1 (C Zones Archery Only Hunt)	1,945	[0 - 3,000]
(2)	A-3 (Zone X-1 Archery Hunt)	100	[0 - 1,000]
(3)	A-4 (Zone X-2 Archery Hunt)	10	[0 - 100]
(4)	A-5 (Zone X-3a Archery Hunt)	40	[0 - 300]
(5)	A-6 (Zone X-3b Archery Hunt)	70	[0 - 400]
(6)	A-7 (Zone X-4 Archery Hunt)	120	[0 - 400]
(7)	A-8 (Zone X-5a Archery Hunt)	15	[0 - 100]
(8)	A-9 (Zone X-5b Archery Hunt)	5	[0 - 100]
(9)	A-11 (Zone X-6a Archery Hunt)	50	[0 - 200]
(10)	A-12 (Zone X-6b Archery Hunt)	90	[0 - 200]
(11)	A-13 (Zone X-7a Archery Hunt)	45	[0 - 200]
(12)	A-14 (Zone X-7b Archery Hunt)	25	[0 - 100]
(13)	A-15 (Zone X-8 Archery Hunt)	40	[0 - 100]
(14)	A-16 (Zone X-9a Archery Hunt)	140	[0 - 500]
(15)	A-17 (Zone X-9b Archery Hunt)	300	[0 - 500]
(16)	A-18 (Zone X-9c Archery Hunt)	350	[0 - 500]
(17)	A-19 (Zone X-10 Archery Hunt)	100	[0 - 200]
(18)	A-20 (Zone X-12 Archery Hunt)	100	[0 - 500]
(19)	A-21 (Anderson Flat Archery Buck Hunt)	25	[0 - 100]
(20)	A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	[0 - 1,500]
(21)	A-24 (Monterey Archery Either-Sex Deer Hunt)	100	[0 - 200]
(22)	A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	[0 - 75]
(23)	A-26 (Bass Hill Archery Buck Hunt)	30	[0 - 100]
(24)	A-27 (Devil's Garden Archery Buck Hunt)	5	[0 - 75]
(25)	A-30 (Covelto Archery Buck Hunt)	40	[0 - 100]
(26)	A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	[0 - 1,500]
(27)	A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	[0 - 300]
(28)	A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	50 Tags Total* (25 Military & 25 Public)	50 Tags Total* (25 Military & 25 Public)

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

Section 362

The current regulation in Section 362, T14, CCR, provides for limited hunting of Nelson bighorn rams in specified areas of the State. The proposed amendments are intended to adjust the number of hunting tags for the 2017 season based on the Department's annual estimate of the population in each of the nine hunt zones. The Department's final recommendations will ensure that the take will be no more than 15 percent of the mature rams estimated in each zone in accordance with Fish and Game Code Section 4902.

Preliminarily, the tag numbers are presented as ranges (e.g., [0-3]) in the table in subsection 362(d) of the amended Regulatory Text. Final tag quotas for each zone will be identified and recommended to the Fish and Game Commission at the April 26, 2017 adoption hearing.

Section 363

Amend Section 363, Pronghorn Antelope, Title 14, California Code of Regulations (CCR).

In accordance with management goals and objectives, and in order to maintain hunting quality, tag quotas for Pronghorn Antelope hunts need to be adjusted annually. Current regulations specify the number of pronghorn antelope hunting tags for the 2016 season. This proposed regulatory action will amend subsection 363(m) providing the number of tags for hunting in 2017.

Preliminarily, the tag numbers are presented as ranges (e.g., [0-3]) in the table in subsection 363(m) of the amended Regulatory Text. Final tag quotas for each zone will be identified and recommended to the Fish and Game Commission at the April 26, 2017, adoption hearing.

Other minor changes to the regulatory text to reduce redundancy, improve accuracy and clarity are proposed.

Section 364

Existing regulations in Section 364, Title 14, CCR, specify elk license tag quotas for each hunt. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas, seasons, hunt areas and other criteria in response to dynamic environmental and biological conditions. The proposed amendments to Section 364 will establish 2017 tag quotas within each hunt area, adjusting for annual fluctuations in population number, season dates, and tag distribution.

The complete amended text is found in the amended Regulatory Text of Section 364 with the Initial Statement of Reasons.

Proposed Amendments:

- Establish the Goodale Tule Elk Hunt in the western part of the Independence zone. The Department is recommending adding a new subsection 364(d)(10)(A) establishing a Goodale General Methods Tule Elk Hunt.
- In order to achieve appropriate harvest levels and maintain hunting quality, it is necessary to annually adjust quotas (total number of tags) in response to dynamic environmental and biological conditions. Subsections 364(r) through (aa) specify elk license tag quotas for each hunt in accordance with management goals and objectives.

- **Modify Season Dates.** The Department makes many different times and seasons of the year available to the public. In order to provide opportunity for hunters, the Department modifies the calendar day for the start of individual hunts and the number of days of hunting. The proposed table sets forth the recommended days for each hunt.
- **Minor Editorial Changes** are proposed to improve clarity and reduce redundancy.

Section 364.1

Existing regulations in Section 364.1, Title 14, CCR, specify elk license tag quotas for each SHARE hunt. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas, seasons, hunt areas and other criteria, in response to dynamic environmental and biological conditions. The proposed amendments to Section 364.1 will establish 2017 tag quotas within each hunt adjusting for annual fluctuations in population number, season dates, and tag distribution.

- **Modify SHARE Hunt.** The Department is recommending establishing a new Goodale SHARE hunt in subsection 364(l)(10).
- **Modify Tag Quotas.** In order to achieve appropriate harvest levels and maintain hunting quality it is necessary to annually adjust quotas (total number of tags) in response to dynamic environmental and biological conditions. Section 364 regulations specify elk license tag quotas for each hunt in accordance with management goals and objectives.

Other minor editorial changes and renumbering have also been made.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Consistency and Compatibility with State Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate elk hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to elk tag allocations are consistent with Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

Benefits of the regulations

Sections 360 and 361 - The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by annually modifying the number of hunting tags. The final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. Adjusting tag allocations in response to current deer herd conditions contributes to the sustainable management of healthy deer populations and the maintenance of continued hunting opportunities.

Section 362 - The Nelson Bighorn Sheep management plans specify objective levels for the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from the population surveys. Adjusting tag allocations in response to current herd conditions contributes to the sustainable management of healthy bighorn sheep populations and the maintenance of continued hunting opportunities.

Section 363 - The management plans specify objective levels for the antelope herds. These levels are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from the population surveys. Adjusting tag allocations in response to current herd conditions contributes to the sustainable management of healthy pronghorn antelope populations and the maintenance of continued hunting opportunities.

Section 364 - The proposed elk regulations will contribute to the sustainable management of elk populations in California. Existing elk herd management goals specify objective levels for the proportion of bulls in the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from annual harvest and herd composition counts.

Section 364.1 - The proposed elk SHARE regulations will contribute to the sustainable management of elk populations in California. Existing elk herd management goals specify objective levels for the proportion of bulls in the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from annual harvest and herd composition counts in accordance with management goals and objectives.

Consistency and Compatibility with State Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate hunting in California. Commission staff has searched the California Code of Regulations and has found no other agency with the authority to regulate the use of dogs for hunting mammals. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the DoubleTree by Hilton Hotel Sonoma, One Doubletree Drive, Rohnert Park, California, on Wednesday, February 22, 2017 at 8:00 a.m. or, as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Airtel Plaza Hotel, 7277 Valjean Ave., Van Nuys, California, on Wednesday, April 26, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on April 12, 2017 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 21, 2017. All comments must be received no later than February 8, 2017, at the hearing in Santa Rosa, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Environmental Program Manager, (916) 445-3553**, has been designated to respond to questions on the substance of the proposed Use of Dogs for Pursuit regulations. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing deer hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed action will not have significant impacts on the creation or elimination of jobs or the creation of new businesses or the elimination of existing businesses within California because it is unlikely to result in a change in hunting effort. The proposed action does not provide benefits to worker safety because it does not address working conditions.

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources.

- (c) Cost Impacts on Private Persons:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs Mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: December 15, 2016

Valerie Termini
Executive Director

Commissioners
Eric Sklar, President
Saint Helena
Jacque Hostler-Carmesin, Vice President
McKinleyville
Anthony C. Williams, Member
Huntington Beach
Russell E. Burns, Member
Napa
Peter S. Silva, Member
Chula Vista

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Valerie Termini, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

December 14, 2016

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a Notice of Findings regarding the petition to list coast yellow leptosiphon as endangered under the California Endangered Species Act. This notice will be published in the California Regulatory Notice Register on December 23, 2016.

Sincerely,

Sheri Tiemann
Associate Governmental Program Analyst

Attachment

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BY AK

Commissioners

Eric Sklar, President

Saint Helena

Jacque Hostler-Carmesin, Vice President

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Anthony C. Williams, Member

Huntington Beach

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1416 Ninth Street, Room 1320

Sacramento, CA 95814

(916) 653-4899

www.fgc.ca.gov

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

CALIFORNIA FISH AND GAME COMMISSION NOTICE OF FINDINGS

Coast Yellow Leptosiphon (*Leptosiphon croceus*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its December 8, 2016, meeting in San Diego, California, accepted for consideration the petition submitted to list coast yellow leptosiphon as an endangered species. Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the Department of Fish and Wildlife's (Department) written report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on that finding and the acceptance of the petition, the Commission is also providing notice that the aforementioned species is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the December 8, 2016 Commission meeting, are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, California 95814, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

Fish and Game Commission

December 13, 2016

Valerie Termini
Executive Director

BOS-11/ copy

Commissioners
Eric Sklar, President
Saint Helena
Jacque Hostler-Carmesin, Vice President
McKinleyville
Anthony C. Williams, Member
Huntington Beach
Russell E. Burns, Member
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Peter S. Silva, Member
Chula Vista

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Valerie Termini, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
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Fish and Game Commission



Wildlife Heritage and Conservation
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December 14, 2016

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BY AK

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action resulting from the Commission's August 25, 2016 meeting, when it made a finding pursuant to Section 2075.5, Fish and Game Code, that listing Livermore tarplant as endangered under the California Endangered Species Act is warranted. The notice of proposed regulatory action will be published in the California Regulatory Notice Register on December 23, 2016.

Please note the date of the public hearing related to this matter and associated deadlines for receipt of written comments.

Mr. Jeb Bjerke, Department of Fish and Wildlife, phone (916) 651-6594 or email Jeb.Bjerke@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sheri Tiemann
Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections: 1904 and 2070 of the Fish and Game Code and to implement, interpret or make specific Sections 1755, 1904, 2062, 2067, 2070, 2072.7 and 2075.5 of said Code, proposes to amend Section 670.2, Title 14, California Code of Regulations, relating to Plants of California Declared to be Endangered, Threatened or Rare.

Informative Digest/Policy Statement Overview

Section 670.2 of Title 14, California Code of Regulations (CCR), provides a list, established by the California Fish and Game Commission (Commission), of plants designated as endangered, threatened or rare in California. The Commission has the authority to add or remove species from this list if it finds that the action is warranted.

As required by Fish and Game Code Section 2075.5, subsection (e)(2), the Commission must initiate proceedings in accordance with the Administrative Procedure Act to amend subsection (a)(2) of Section 670.2, to add Livermore tarplant (*Deinandra bacigalupii*) to the list of endangered plants.

In making the recommendation to list Livermore tarplant pursuant to the California Endangered Species Act, the Department identified the following primary threats: 1) recent and ongoing development and changes in land use; 2) impacts from invasive species; 3) recreation activities; 4) herbicide use; and 5) the vulnerability of small populations. More detail about the current status of Livermore tarplant can be found in the Report to the Fish and Game Commission, "Status Review of Livermore Tarplant (*Deinandra bacigalupii*)" (Department of Fish and Wildlife, April 2016).

The proposed regulation will benefit the environment by protecting Livermore tarplant as an endangered species.

Commission staff has searched the California Code of Regulations and has found that the proposed regulation is neither inconsistent nor incompatible with existing state regulations. No other state entity has the authority to list threatened and endangered species.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Rohnert Park, California, on February 8, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard at the DoubleTree by Hilton Hotel Sonoma, One Doubletree Drive, Rohnert Park, CA 94928. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on January 26, 2017 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received on February 6, 2017. All comments must be received no later than February 8, 2017, at the hearing in Rohnert Park, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for

the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sheri Tiemann at the preceding address or phone number. **Jeb Bjerke, Department of Fish and Wildlife, phone (916) 651-6594 or email Jeb.Bjerke@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

While the statutes of the California Endangered Species Act (CESA) do not specifically prohibit the consideration of economic impact in determining if listing is warranted, the Attorney General's Office has consistently advised the Commission that it should not consider economic impact in making a finding on listing. This is founded in the concept that CESA was drafted in the image of the federal Endangered Species Act. The federal act specifically prohibits consideration of economic impact during the listing process.

CESA is basically a two-stage process. During the first stage, the Commission must make a finding on whether or not the petitioned action is warranted. By statute, once the Commission has made a finding that the petitioned action is warranted, it must initiate a rulemaking process to make a corresponding regulatory change. To accomplish this second stage, the Commission follows the statutes of the Administrative Procedure Act (APA).

The provisions of the APA, specifically Sections 11346.3 and 11346.5 of the Government Code, require an analysis of the economic impact of the proposed regulatory action. While Section 11346.3 requires an analysis of economic impact on businesses and private persons, it also contains a subdivision (a) which provides that agencies shall satisfy economic assessment requirements only to the extent that the requirements do not conflict with other State laws. In this regard, the provisions of CESA leading to a finding are in apparent conflict with Section 11346.3, which is activated by the rulemaking component of CESA.

Since the finding portion of CESA is silent to consideration of economic impact, it is possible that subdivision (a) of Section 11346.3 does not exclude the requirement for

economic impact analysis. While the Commission does not believe this is the case, an abbreviated analysis of the likely economic impact of the proposed regulation change on businesses and private individuals is provided. The intent of this analysis is to provide disclosure, the basic premise of the APA process. The Commission believes that this analysis fully meets the intent and language of both statutory programs.

Designation of Livermore tarplant as endangered will subject it to the provisions of CESA. This Act prohibits take and possession except as may be permitted by the Department, the Native Plant Protection Act, or the California Desert Native Plants Act.

Endangered status is not expected to result in any significant adverse economic effect on small business or significant cost to private persons or entities undertaking activities subject to the California Environmental Quality Act (CEQA). CEQA requires local governments and private applicants undertaking projects subject to CEQA to consider de facto endangered species to be subject to the same requirements under CEQA as though they were already listed by the Commission in Section 670.2 (CEQA Guidelines, Section 15380). Livermore tarplant has qualified for protection under the CEQA Guidelines Section 15380 since its formal scientific description in 1999.

Required mitigation as a result of lead agency actions under CEQA, whether or not the species is listed by the Commission, may increase the cost of a project. Such costs may include, but are not limited to, purchasing off-site habitat, development and implementation of management plans, establishing new populations, installation of protective devices such as fencing, protection of additional habitat, and long-term monitoring of mitigation sites. Lead agencies may also require additional actions should the mitigation measures fail, resulting in added expenditures by the proponent. If the mitigation measures required by the CEQA lead agency do not minimize and fully mitigate to the standards of CESA, listing could increase business costs by requiring measures beyond those required by CEQA.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The entire distribution of Livermore tarplant is limited to four occurrences in and near the city of Livermore, California. Because of this localized distribution, adding Livermore tarplant to the list of endangered species under CESA is unlikely to affect the creation or elimination of jobs or businesses within the state as a whole.

The Commission does not anticipate benefits to the health and welfare of California residents or to worker safety.

The Commission anticipates benefits to the State's environment by the protection of Livermore tarplant.

- (c) Cost Impacts on Representative Private Persons/Business:

Designation of threatened or endangered status, per se, would not necessarily result in any

significant cost to private persons or entities undertaking activities subject to CEQA. CEQA presently requires private applicants undertaking projects subject to CEQA to consider *de facto* endangered (or threatened) and rare species to be subject to the same protections under CEQA as though they are already listed by the Commission in Section 670.2 or 670.5 of Title 14, CCR (CEQA Guidelines Section 15380).

Any added costs should be more than offset by savings that would be realized through the informal consultation process available to private applicants under CESA. The process would allow conflicts to be resolved at an early stage in project planning and development, thereby avoiding conflicts later in the CEQA review process, which would be more costly and difficult to resolve.

Although it is unlikely that the listing of Livermore tarplant will have an adverse economic impact, it should be noted that most populations of Livermore tarplant occur on private property. Such private holdings are subject to possible sale and/or development, which could be impacted by this listing action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: December 13, 2016

Valerie Termini
Executive Director

BOS-11, 0P28

Commissioners
Eric Sklar, President
Saint Helena
Jacque Hostler-Carmesin, Vice President
McKinleyville
Anthony C. Williams, Member
Huntington Beach
Russell Burns, Member
Napa
Peter Silva, Member
Chula Vista

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Valerie Termini, Executive Director
1416 Ninth Street, Room 1320
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Fish and Game Commission



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December 23, 2016

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending section 708.5, Title 14, California Code of Regulations, relating to deer tagging and reporting, which is published in the California Regulatory Notice Register on December 23, 2016.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/2016/index.aspx>.

Craig Stowers, Environmental Program Manager, Department of Fish and Wildlife, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Jon D. Snellstrom
Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, and 1050 of the Fish and Game Code and to implement, interpret or make specific Sections 1050 and 4336 of said Code, proposes to amend Section 708.5, Title 14, California Code of Regulations, relating to deer tagging and reporting requirements.

Informative Digest/Policy Statement Overview

The proposed amendments in Section 708.5 are intended to clarify the methods by which hunters may comply with mandatory deer harvest reporting. The amendments will: 1) eliminate "in person" delivery of report cards to the Department; and 2) add a provision stating "If a report card is submitted by mail and not received by the department, it is considered not reported."

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Consistency and Compatibility with State Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate deer hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to deer tag reporting are consistent with Sections 1.74, 361, 701, 702, 708.5 and 708.6 of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

Benefits of the regulations

The proposed changes in reporting deer harvest will clarify that the Department cannot receive report cards "in person"; and that the responsibility for compliance, regardless of report cards lost in the mail, is on the hunter. This may provide an incentive for hunters to enter their own data online or to check their online accounts to assure compliance in a timely fashion. The report card contains important information which the Department uses to measure deer populations and other vital data essential to the exercise of its responsibilities.

Consistency and Compatibility with State Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate hunting in California. Commission staff has searched the California Code of Regulations and has found no other agency with the authority to regulate the use of dogs for hunting mammals. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the DoubleTree by Hilton Hotel Sonoma, One Doubletree Drive, Rohnert Park, California, on Wednesday, February 22, 2017 at 8:00 a.m. or, as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Airtel Plaza Hotel, 7277 Valjean Ave., Van Nuys, California, on Wednesday, April 26, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on April 12, 2017 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 21, 2017. All comments must be received no later than February 8, 2017, at the hearing in Santa Rosa, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Environmental Program Manager, (916) 445-3553**, has been designated to respond to questions on the substance of the proposed Use of Dogs for Pursuit regulations. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact

directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action clarifies the methods available to individuals, not businesses, for the required reporting of their deer hunting activity.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates benefits to the health and welfare of California residents and to the state's environment. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources and the action contributes to the sustainable management of natural resources. Improved deer tag reporting will also improve the Department's ability to sustainably manage deer populations in the state.

The proposed action will not have significant impacts on jobs or business within California because no significant changes in hunting activity levels are anticipated. The proposed action does not provide benefits to worker safety.

- (c) Cost Impacts on Private Persons:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action. Under the current regulation, hunters are required to report their deer hunting activity. The proposed action to amend the regulation clarifies the methods available to individuals for the required reporting and does not impose any additional cost to do so.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs Mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: December 15, 2016

Valerie Termini
Executive Director

Commissioners
Eric Sklar, President
 Saint Helena
Jacque Hostler-Carmesin, Vice President
 McKinleyville
Anthony C. Williams, Member
 Huntington Beach
Russell Burns, Member
 Napa
Peter Silva, Member
 Chula Vista

STATE OF CALIFORNIA
 Edmund G. Brown Jr., Governor

Valerie Termini, Executive Director
 1416 Ninth Street, Room 1320
 Sacramento, CA 95814
 (916) 653-4899
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Fish and Game Commission



Wildlife Heritage and Conservation
 Since 1870

December 28, 2016

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to subsection (c) of Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing, which will be published in the California Regulatory Notice Register on December 30, 2015.

This is the first of two notices relating to ocean salmon sport fishing and pertains to the ocean salmon sport fishing regulations for April 2016. A separate notice pertaining to the remainder of the 2016 ocean salmon sport fishing regulations will also be published in the California Regulatory Notice Register on December 30, 2015.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/2016/index.aspx>.

Barry Miller, Environmental Scientist, Marine Region, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Miller can be reached at (707) 576-2860 or Barry.Miller@wildlife.ca.gov.

Sincerely,

Caren Woodson
 Associate Governmental Program Analyst

Attachment

2016 DEC 30 PM 3:08
 ALK

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections: 200, 202, 205, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend subsection (c) of Section 27.80, Title 14, California Code of Regulations, relating to Ocean Salmon Recreational Fishing – April 2017 Season.

Informative Digest/Policy Statement Overview – Inland Fisheries

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone (three to 200 miles offshore) along the coasts of Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the federal regulations to achieve optimum yield in California under the federal Salmon Fishery Management Plan. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these federal fishery management goals.

Present Regulations

Regulations for 2016 [subsections 27.80(c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 16 through May 31, June 16 through June 30, July 16 through August 16, and September 1 through September 5, 2016. Between Horse Mountain and Point Arena, ocean salmon recreational fishing was authorized seven days per week from April 2 to November 13, 2016. Between Point Arena and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 2 to October 31, 2016. Between Pigeon Point and Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to July 15, 2016. For areas south of Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to May 31, 2016. The bag limit for all areas in 2016 was two fish per day (all species except coho). The areas north of Point Arena had a minimum size limit of 20 inches total length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through April 30, 2016 and 20 inches total length thereafter. Areas south of Pigeon Point had a minimum size limit of 24 inches total length. Since the existing regulations pertained only to the 2016 season, amendment of these regulations is essential to allow for any fishing in State waters during 2017.

Proposed Regulations

Two separate Commission actions are necessary to conform State regulations to federal rules that will apply in 2017. The first action would amend subsection 27.80(c), establishing salmon fishing regulations for the month of April 2017 consistent with federal regulations for the federal fishery management zone off California. Recreational salmon fishing regulations for May 1

through the end of 2017 will be considered in the second rulemaking action, tentatively scheduled for adoption in April 2017.

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife (Department) is proposing the following regulations to encompass the range of federal ocean salmon regulations that are expected to be in effect April 1 through April 30, 2017. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters shortly after the federal rules are promulgated.

- (1) North of Horse Mountain and in Humboldt Bay: The fishery shall remain closed in this area during April. The remainder of the 2017 season will be decided in April by the PFMC and Commission and the section will be amended pursuant to the regulatory process.
- (2) South of Horse Mountain: The season, if any, may open on a date within the range of April 1 through April 30, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to each area for April 2017 and may be different for each area.

Benefits of the regulations

The benefits of the proposed regulations are concurrence with federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

Consistency and Compatibility with State Regulations

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The legislature has delegated authority to the Commission to adopt sport fishing regulations in general (Sections 200, 202 and 205, Fish and Game Code) and salmon sport fishing regulations specifically (Section 316.5, Fish and Game Code). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of salmon in the ocean.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the DoubleTree by Hilton Hotel Sonoma, One Doubletree Drive, Rhonert Park, California, on Thursday, February 9, 2017 at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be teleconference originating in the Fish and

Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Wednesday, March 15, 2017, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on March 2, 2017 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on March 10, 2017. All comments must be received no later than March 15, 2017, at the teleconference hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Caren Woodson at the preceding address or phone number. **Barry Miller, Environmental Scientist, Department of Fish and Wildlife, phone (707) 576-2860, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The Department anticipates status quo fishing levels for April 2017 as compared to the April 2016 ocean salmon sport fishing season.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate that the proposed regulations will have any impact on the creation or elimination of jobs, the creation or elimination of businesses or the expansion of businesses in California because no changes in fishing activity levels are expected .

The Commission anticipates benefits to the health and welfare of California residents. Salmon sport fishing contributes to increased mental health of its practitioners, provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of California's natural resources.

The Commission anticipates benefits to the State's environment in the sustainable management of salmon resources.

Additional benefits of the proposed regulations are concurrence with federal law, and promotion of businesses that rely on recreational ocean salmon fishing.

The Commission does not anticipate benefits to worker safety.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:
None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: December 13, 2016

Valerie Termini
Executive Director

Commissioners
Eric Sklar, President
Saint Helena
Jacque Hostler-Carmesin, Vice President
McKinleyville
Anthony C. Williams, Member
Huntington Beach
Russell E. Burns, Member
Napa
Peter S. Silva, Member
Chula Vista

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Valerie Termini, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

December 28, 2016

RECEIVED
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AK

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 28.20, Title 14, California Code of Regulations, relating to Pacific halibut sport fishing, which will be published in the California Regulatory Notice Register on December 30, 2016.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Melanie Parker, Environmental Scientist, Marine Region, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Ms. Parker can be reached at (831) 649-2814 or Melanie.Parker@wildlife.ca.gov.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 219, 220, 240 and 316 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203.1, 205, 207, 215, 219, 220 and 316 of said Code; 50 Code of Federal Regulation (CFR) Part 300, Subpart E; and 50 CFR 300.66, proposes to amend Section 28.20, Title 14, California Code of Regulations (CCR), relating to recreational fishing for Pacific halibut.

Informative Digest/Policy Statement Overview

Pacific halibut is internationally managed under the authority of the Northern Pacific Halibut Act of 1982 between the United States of America and Canada. Pacific halibut along the United States west coast is jointly managed through the International Pacific Halibut Commission (IPHC), Pacific Fishery Management Council (PFMC), and the National Marine Fisheries Service (NMFS), in conjunction with the west coast state agencies. The PFMC coordinates west coast management of all recreational and commercial Pacific halibut fisheries in United States waters through the Pacific Halibut Catch Sharing Plan (CSP), which constitutes a framework for recommending annual management measures. NMFS is responsible for specifying the final CSP language and management measures in federal regulations (50 CFR Part 300, Subpart E and the Federal Register) and noticing them on its halibut telephone hotline. Federal regulations for Pacific halibut are applicable in federal waters (three to 200 miles offshore) off Washington, Oregon, and California. Each state adjacent to federal waters adopts corresponding fishery regulations for their own waters (zero to three miles offshore).

For consistency, the Commission routinely adopts regulations to bring State law into conformance with federal and international law for Pacific halibut.

At its November 2016 meeting, the PFMC recommended changes to the 2017 CSP and recreational Pacific halibut fishery in California. The November PFMC regulatory recommendation and NMFS final rule will be considered by the Commission when it takes its own regulatory action to establish the State's recreational Pacific halibut fishery regulations for 2017.

Summary of Proposed Amendments

The Department of Fish and Wildlife (Department) is proposing the following regulatory changes to be consistent with PFMC recommendations and the CSP for Pacific halibut regulations in 2017. This approach will allow the Commission to adopt State recreational Pacific halibut regulations to conform in a timely manner to those taking effect in federal ocean waters on or before May 1, 2017.

The proposed regulatory changes modify Pacific halibut regulations to allow for timely conformance to federal fisheries regulations and inseason changes. The proposed regulatory changes would modify the seasons to include a range from May 1 to October 31 which may include periodic closures, and update the reference to the Federal Register specifying the 2017 federal quota amount. The final regulation will conform to the season established by federal regulations in May 2017.

Benefits of the Proposed Regulations

The benefits of the proposed regulations are: consistency with federal regulations, the sustainable management of California's Pacific halibut resources, and health and welfare of anglers.

Evaluation of Consistency and Compatibility with Existing State Regulations

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to adopt sport fishing regulations (Fish and Game Code, sections 200, 202, and 205) and Pacific halibut fishing regulations specifically (Fish and Game Code, Section 316). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the CCR and has found no other State regulations related to the recreational take of Pacific halibut.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held on Thursday, February 9, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard, at the DoubleTree by Hilton Hotel Sonoma, One DoubleTree Drive, Rohnert Park, California.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a teleconference hearing originating in the Fish and Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Thursday, April 13, 2017, at 8:30 a.m., or as soon thereafter as the matter may be heard. Interested persons may also participate at the following locations:

- Department of Fish and Wildlife, Conference Room, 50 Ericson Court, Arcata, California;
- Department of Fish and Wildlife, Conference Room, 4665 Lampson Avenue, Los Alamitos, California; and
- Department of Fish and Wildlife Conference Room, 7329 Silverado Trail, Napa, California.

Written comments may be submitted by mail to the Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, or by email to FGC@fgc.ca.gov. Written comments mailed or emailed to the Commission office, must be received before 12:00 noon on April 7, 2017. All comments must be received no later than April 13, 2017, at one of the teleconference hearing locations listed above. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission's website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sherrie Fonbuena at the preceding address or phone number. **Melanie Parker, Environmental Scientist, Department of Fish and Wildlife, phone**

(831) 649-2814, email Melanie.Parker@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the regulatory action does not substantially alter existing conditions.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities to participate in sport fisheries fosters conservation through education and appreciation of fish and wildlife.

The Commission anticipates benefits to the environment by the sustainable management of California's Pacific halibut resources.

The Commission does not anticipate any benefits to worker safety.

Additional benefits of the proposed regulations are consistency with federal regulations and promotion of businesses that rely on recreational Pacific halibut fishing.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: December 20, 2016

Valerie Termini
Executive Director

Commissioners
Eric Sklar, President
Saint Helena
Jacque Hostler-Carmesin, Vice President
McKinleyville
Anthony C. Williams, Member
Huntington Beach
Russell Burns, Member
Napa
Peter Silva, Member
Chula Vista

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Valerie Termini, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

December 28, 2016

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Lower Klamath River Basin sport fishing, which will be published in the California Regulatory Notice Register on December 30, 2016.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments. Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/2016/index.aspx>.

Wade Sinnen, Senior Environmental Scientist, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Sinnen can be reached by telephone at (707) 822-5119 or by email at Wade.Sinnen@wildlife.ca.gov.

Sincerely,

Caren Woodson
Associate Governmental Program Analyst

Attachment

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TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections: 200, 202, 205, 215, 220, 240, 315, and 316.5 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 205, 215, and 316.5 of said Code, proposes to amend subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath River Basin Sport Fishing Regulations.

Informative Digest/Policy Statement Overview – Inland Fisheries

The Klamath River Basin, which consists of the Klamath River and Trinity River systems, is managed through a cooperative system of State, federal, and tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean sport, ocean commercial, river sport and tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of sport and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The California Fish and Game Commission (Commission) adopts regulations for the ocean salmon sport (inside three miles) and the Klamath River Basin sport fisheries which are consistent with federal fishery management goals.

Two tribal entities within the Klamath River Basin, the Hoopa Valley Tribe and the Yurok Tribe, maintain fishing rights for ceremonial, subsistence and commercial fisheries that are managed consistent with federal fishery management goals. Tribal fishing regulations for the river are promulgated by the Hoopa and Yurok tribes.

For the purpose of PFMC mixed-stock fishery modeling and salmon stock assessment, salmon greater than 22 inches are defined as adult salmon (ages 3-5) and salmon less than or equal to 22 inches are defined as grilse salmon (age 2).

Klamath River Fall-Run Chinook Salmon

Klamath River fall-run Chinook Salmon (KRFC) harvest allocations and natural spawning escapement goals are established by the PFMC. The KRFC harvest allocation between tribal and non-tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The 2017 KRFC in-river sport fishery allocation recommended by the PFMC is currently unknown. All proposed closures for adult KRFC are designed to ensure sufficient spawning escapement in the Klamath River Basin and equitably distribute harvest while operating within

annual allocations.

Klamath River Spring-Run Chinook Salmon

The Klamath River System also supports Klamath River spring-run Chinook Salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases.

Presently, KRSC stocks are not managed or allocated by the PFMC. The in-river sport fishery is managed by general basin seasons, daily bag limit, and possession limit regulations. KRSC harvest will be monitored on the Lower Klamath River in 2017 and ensuing years by creel survey.

KRFC Allocation Management

The PFMC 2016 allocation for the Klamath River Basin sport harvest was 1,110 adult KRFC. Preseason stock projections of 2017 adult KRFC abundance will not be available from the PFMC until March 2017. The 2017 basin allocation will be recommended by the PFMC in April 2017 and presented to the Commission for adoption prior to its April 2017 meeting.

For public notice requirements, the Department of Fish and Wildlife (Department) recommends the Commission consider an allocation range of 0 – 67,600 adult KRFC in the Klamath River Basin for the river sport fishery. This recommended range encompasses the historical range of the Klamath River Basin allocations and allows the PFMC and Commission to make adjustments during the 2017 regulatory cycle.

The Commission may modify the KRFC in-river sport salmon harvest allocation which is normally 15 percent of the non-tribal PFMC harvest allocation. Commission modifications need to meet biological and fishery allocation goals specified in law or established in the PFMC Salmon Fishery Management Plan otherwise harvest opportunities may be reduced in the California ocean fisheries.

The annual KRFC in-river harvest allocation is split into four geographic areas with subquotas assigned to each. They are as follows:

1. for the main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec -- 17 percent of the sport fishery allocation;
2. for the main stem Klamath River from downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the sport fishery allocation;
3. for the Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat -- 16.5 percent of the sport fishery allocation; and
4. for the Trinity River downstream from the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River -- 16.5 percent of the sport fishery allocation.

The spit area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth) closes to all fishing after 15 percent of the total Klamath River Basin quota has been taken downstream of the Highway 101 bridge.

These geographic areas are based upon the historical distribution of angler effort and ensure equitable harvest of adult KRFC in the upper Klamath River and Trinity River. The subquota system requires the Department to monitor angler harvest of adult KRFC in each geographic area. All areas will be monitored on a real time basis except for the following:

Klamath River upstream of Weitchpec and the Trinity River: Due to funding and personnel reductions, the Department will be unable to deploy adequate personnel to conduct harvest monitoring in the Klamath River upstream of Weitchpec and in the Trinity River for the 2017 season. The Department has reviewed salmon harvest and run-timing data for these areas. Based on this review, the Department has developed a Harvest Predictor Model (HPM) which incorporates historic creel survey data from the Klamath River downstream of Iron Gate Dam to the confluence with the Pacific Ocean and the Trinity River downstream of Lewiston Dam to the confluence with the Klamath River. The HPM is driven by the positive relationship between KRFC harvested in the lower and upper Klamath River and the Trinity River. The HPM will be used by the Department to implement fishing closures to ensure that anglers do not exceed established subquota targets.

Current Sport Fishery Management

The KRFC in-river sport harvest allocation is divided into geographic areas and harvest is monitored under real time subquota management. KRSC in-river sport harvest is managed by general season, daily bag limit, and possession limit regulations.

The Department presently differentiates the two stocks by the following dates:

Klamath River

1. January 1 through August 14 - General Season KRSC. For purposes of clarity, daily bag and possession limits apply to that section of the Klamath River downstream of the Highway 96 bridge at Weitchpec to the mouth.
2. August 15 to December 31 - KRFC quota management.

Trinity River

1. January 1 through August 31 – General Season KRSC.
For purposes of clarity, daily bag and possession limits apply to that section of the Trinity River downstream of the Old Lewiston Bridge to the confluence with the South Fork Trinity River.
2. September 1 through December 31 – KRFC quota management.

The daily bag and possession limits apply to both stocks within the same sub-area and time period.

Proposed Changes

No changes are proposed for the general (KRSC) opening and closing season dates, and bag, possession and size limits.

No changes are proposed for the Klamath River spit area.

No changes are proposed for the Blue Creek area.

The following changes to current regulations are proposed:

KRFC QUOTA MANAGEMENT: Seasons, Bag and Possession Limits

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2017 Klamath River Basin quota is adopted. As in previous years, no retention of adult KRFC salmon is proposed for the following areas, once the subquota has been met.

The proposed open seasons and range of bag and possession limits for KRFC salmon stocks are as follows:

1. Klamath River - August 15 to December 31
2. Trinity River - September 1 to December 31
3. Bag Limit - [0-4] Chinook Salmon – of which no more than [0-4] fish over 22 inches total length may be retained until the subquota is met, then 0 fish over 22 inches total length.
4. Possession limit - [0-12] Chinook Salmon of which [0–12] fish over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

Necessity: The recommended ranges allow the Commission to make the final adjustments for alignment with the federal 2017 regulatory process. The final KRFC bag and possession limits will align with the final federal regulations to meet biological and fishery allocation goals specified in law or established in the PFMC Salmon Fishery Management Plan otherwise harvest opportunities may be reduced in the California ocean fisheries.

OTHER

Other changes are proposed for clarity and consistency.

Benefits of the regulations

It is the objective of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State. In addition, it is the objective of this State to promote the development of local California fisheries in harmony with federal law respecting fishing and the conservation of the living resources of the ocean and inland waters under the jurisdiction and influence of the State. The objectives of this practice include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based Klamath River Basin salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence.

The benefits of the proposed regulations are conformance with federal law, sustainable management of Klamath River Basin fish resources, and promotion of businesses that rely on

sport salmon fishing in the Klamath River Basin.

Consistency and Compatibility with State Regulations

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (Sections 200, 202, 205, 315, and 316.5, Fish and Game Code). Commission staff has searched the California Code of Regulations and has found no other State regulations related to sport fishing in the Klamath River Basin.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the DoubleTree by Hilton Hotel Sonoma, One Doubletree Drive, Rhonert Park, California, on Thursday, February 9, 2017 at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be teleconference originating in the Fish and Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Thursday, April 13, 2017, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on March 29, 2017 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 7, 2017. All comments must be received no later than April 13, 2017, at the teleconference hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Caren Woodson at the preceding address or phone number. **Wade Sinnen, Senior Environmental Scientist, Department of Fish and Wildlife, phone (707) 822-5119, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal

regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are projected to have minor impact on the net revenues to local businesses servicing sport fishermen. If the 2017 KRFC quota is reduced, visitor spending may correspondingly be reduced and in the absence of the emergence of alternative visitor activities, the drop in spending could induce business contraction. However, this will not likely affect the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:
- (c) The proposed regulations range from no fishing of KRFC adult salmon to a Klamath River Basin salmon season similar to 2016. The Commission anticipates some impact on the creation or elimination of jobs in California. The potential employment impacts range from 0 to 45 jobs which are not expected to create, eliminate or expand businesses in California. The Commission anticipates impacts on the creation, elimination or expansion of businesses in California ranging from no impact

to reduced revenues to approximately 30 businesses that serve sport fishing activities. However, the possibility of growth of businesses to serve substitute activities exists. Adverse impacts to jobs and/or businesses would be less if fishing of steelhead and grilse KRFC salmon is permitted than under a complete closure to all fishing. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable salmon stocks and, consequently promoting the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon sport fishery encourages a healthy outdoor activity and the consumption of a nutritious food.

The Commission anticipates benefits to the environment by the sustainable management of California's salmonid resources.

The Commission does not anticipate any benefits to worker safety because the proposed action does not affect working conditions.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: December 13, 2016

Valerie Termini
Executive Director