

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 17-0146

WHEREAS, San Francisco Public Utilities Commission (SFPUC) staff have developed a project description under the Water System Improvement Program (WSIP) for the improvements to the regional water supply system, otherwise known as Project No. CUW35201, Alameda Creek Recapture Project (the "Project"); and

WHEREAS, The objectives of the Project are to recapture the water that would have otherwise been stored in Calaveras Reservoir due to the release and bypass of flows from Calaveras Dam and the Alameda Creek Diversion Dam (ACDD), respectively, to meet instream flow requirements, thereby maintaining the historical annual transfers from the Alameda Watershed system to the SFPUC regional water system; minimize impacts on water supply during drought, system maintenance, and in the event of water supply problems or transmission disruptions in the Hetch Hetchy system; maximize local watershed supplies; and maximize the use of existing SFPUC facilities and infrastructure; and

WHEREAS, On June 22, 2017, the Planning Commission reviewed and considered the Final Environmental Impact Report (FEIR) in Planning Department File No. 2015-004827ENV, consisting of the Draft Environmental Impact Report (EIR) and the Comments and Responses document, and found that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code and found further that the FEIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the Draft EIR, and certified the completion of said FEIR in compliance with CEQA and the CEQA Guidelines in its Motion No. 19952; and

WHEREAS, This Commission has reviewed and considered the information contained in the FEIR, all written and oral information provided by the Planning Department, the public, relevant public agencies, SFPUC and other experts and the administrative files for the Project and the EIR; and

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

WHEREAS, The Planning Department, Jonas P. Ionin, is the custodian of records, located in File No. 2015-004827ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California; and

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

WHEREAS, The Project is a capital improvement project approved by this Commission as part of the WSIP; and

WHEREAS, A Final Programmatic EIR (PEIR) was prepared for the WSIP and certified by the Planning Commission on October 30, 2008 by Motion No. 17734; and

WHEREAS, Thereafter, the SFPUC approved the WSIP and adopted findings and a MMRP as required by CEQA on October 30, 2008 by Resolution No. 08-0200; and

WHEREAS, The Final EIR prepared for the Project is tiered from the WSIP PEIR, as authorized by and in accordance with CEQA; and

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

WHEREAS, Implementation of the Project mitigation measures will involve consultation with, or required approvals by, state regulatory agencies, including but not limited to the following: San Francisco Bay Regional Water Quality Control Board, State Water Resources Control Board Division of Drinking Water, Bay Area Air Quality Management District, California Department of Fish and Wildlife, and any other regulatory approvals as required; and

WHEREAS, For portions of the City-owned SFPUC watershed lands in the vicinity of where the Project work will occur, the SFPUC has issued easements, leases, permits, or licenses to certain parties to use watershed lands for various purposes, and in some instances other parties hold property rights or interests on lands along, over, under, adjacent to or in the vicinity of the watershed lands that may be affected by the Project; and

WHEREAS, The Project may require the SFPUC General Manager to apply for and execute various necessary permits, encroachment permits, temporary and permanent right-of-way agreements, or other approvals, and those permits shall be consistent with SFPUC existing fee or easement interests, where applicable, and will include terms and conditions including, but not limited to, maintenance, repair and relocation of improvements and possibly indemnity obligations; now, therefore, be it

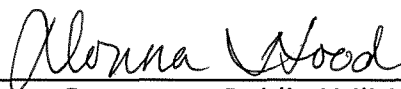
RESOLVED, This Commission has reviewed and considered the FEIR, finds that the FEIR is adequate for its use as the decision-making body for the actions taken herein, and hereby adopts the CEQA Findings, including the Statement of Overriding Considerations, attached hereto as Attachment A and incorporated herein as part of this Resolution by this reference thereto, and adopts the MMRP attached to this Resolution as Attachment B and incorporated herein as part of this Resolution by this reference thereto, and authorizes a request to the Board of Supervisors to adopt the same CEQA findings, Statement of Overriding Considerations, and MMRP that are necessary in connection with the release of funding for project construction; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to (i) exercise any City or SFPUC right under any deed, easement, lease, permit, or license as necessary or advisable in connection with the Project, and (ii) negotiate and execute with owners or occupiers of property interests or utility facilities or improvements, on, along, over, under, adjacent to, or in the vicinity of the SFPUC's watershed lands, new or amended easements, leases, permits, licenses, encroachment removal, or other project related agreements (each, a Use Instrument) with respect to uses and structures, fences, and other above-ground or subterranean improvements or interests; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to negotiate and execute revisions to Lease No. 4289 with Mission Valley Rock Company if such revisions are necessary for the construction of project structures by removing areas from the leased premises, with no other material changes to the lease terms, and to seek Board of Supervisors approval of the lease modification under Charter section 9.118; and be it

FURTHER RESOLVED, That this Commission hereby approves Project No. CUW35201, Alameda Creek Recapture Project, and authorizes staff to proceed with actions necessary to implement the Project consistent with this Resolution, including advertising for construction bids, provided, however, that staff will return to seek Commission approval for award of the construction contract.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of June 23, 2017.



Secretary, Public Utilities Commission