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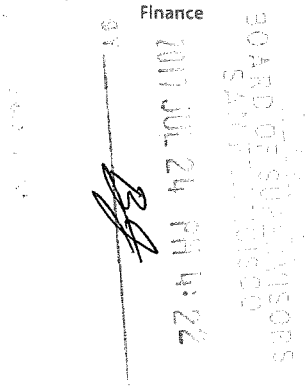
July 24, 2017



City and County of San Francisco
Clerk of the Board of Supervisors
Lisa Gibson, Environmental Review Officer
#1 Dr. Carlton B. Goodlett Place
Room #244
San Francisco, CA 94102

Dear Lisa Gibson, Clerk of the Board, and Members of the Board of Supervisors:

Subject: Appeal of the June 22, 2017, Planning Commission Decision and the June 23, 2017, SFPUC Decisions Regarding the Alameda Creek Recapture Project.

The Alameda County Water District (ACWD), in accordance with Administrative Code Section 31.16, hereby appeals the following two decisions:

1. Motion No. 19952, approved by the Planning Commission on June 22, 2017, certifying the Final Environmental Impact Report for the proposed Alameda Creek Recapture Project and adopting related findings; and

2. Resolution 17-0146, approved by the Public Utilities Commission on June 23, 2017, adopting the CEQA findings, including the Statement of Overriding Considerations, adopting the Mitigation Monitoring and Reporting Program, and approving Project No. CUW35201, Alameda Creek Recapture Project.

I. Background

ACWD has a strong interest in protecting and preserving water quality and water supply in Alameda Creek and the Alameda Creek Watershed. Since ACWD's founding, over 100 years ago, ACWD and Spring Valley Water and, later, the City and County of San Francisco, acting by and through the San Francisco Public Utilities Commission (SFPUC) have a long history of working together with a shared interest in the Alameda Creek Watershed. Because ACWD relies on Alameda Creek for approximately 40% of its water supply and operates and maintains facilities in the watershed to replenish the Niles Cone Groundwater Basin downstream of the Alameda Creek Recapture Project (Project), ACWD is uniquely familiar with, and concerned about, the Project. With a service area located downstream of the proposed Project location, ACWD uses water from the Alameda Creek watershed for drinking water supply to 351,000 people in the cities of Fremont, Newark, and Union City. ACWD is particularly concerned with potential impacts that the Project may have on ACWD's water supplies as well as ongoing

projects related to fisheries restoration in Alameda Creek. ACWD, together with the SFPUC and other watershed stakeholders, is actively involved in the ongoing steelhead restoration efforts to restore the steelhead run in the Alameda Creek Watershed. In fact, ACWD and Alameda County are making approximately $48.5M investments in fish ladders and screened diversions downstream of the Project. Additionally, Alameda County will be making additional significant investments to improve Alameda Creek to facilitate steelhead migration.

As a customer of the SFPUC, ACWD relies on the Regional Water System for about 20 percent of ACWD's water supply. ACWD acknowledges the significant accomplishments of the SFPUC to date in the implementation of the Water Supply Improvement Program (WSIP) since ACWD is a large customer and, therefore, a beneficiary of the water supply reliability improvements that the SFPUC is achieving through implementation of the WSIP.

II. Summary of Appeal

ACWD does not take the filing of this appeal lightly. Not only does ACWD have a long relationship of working cooperatively with the SFPUC in the Alameda Creek Watershed, ACWD is a large customer of the SFPUC and ACWD relies on the Regional Water System. SFPUC and ACWD have worked cooperatively since 1997 through the Alameda Creek Fisheries Work Group to reestablish a viable fishery for the federally threatened *Oncorhynchus mykiss,* or steelhead, in the Central California Coast region. This relationship will continue in the future.

ACWD generally supports the concept of the Project – recapturing water for beneficial uses can benefit all customers who use water provided by SFPUC, including ACWD. However, as described in the numerous comments on the Draft Environmental Impact Report (EIR) as well as testimony at the Planning Commission hearing and SFPUC meeting for the Project, ACWD firmly believes that the hydrology analysis undertaken in the EIR is insufficient to accurately determine impacts, including impacts to steelhead and to ACWD's water supply on Alameda Creek.

ACWD has consistently stated since the inception of this Project that the Alameda System Daily Hydrologic Model (ASDHM), relied on extensively in the EIR's impact analyses, is insufficient to analyze the surface water groundwater interaction necessary to evaluate Project impacts. It should be noted that, while the ASDHM contains the word "daily," the results presented in the EIR were compiled from the daily data and analyzed at a monthly time-step. Additionally, as ACWD stated in its comments on the Draft EIR, the conceptual approach taken in the Draft EIR to characterize surface water/groundwater interactions is grossly inadequate in its ability to evaluate potentially substantial adverse effects of the proposed ACRP on surface water, groundwater, and steelhead.

Likewise, since the Project was noticed, ACWD has requested to work initially with the SFPUC and then the Planning Department to develop a new, more robust, and appropriate tool to study the surface water groundwater interaction and the potential impacts of the proposed Project. ACWD proposed to collaborate in this effort and to contribute both financially and through in-kind services to the development of a new model which would benefit both agencies' activities in the watershed. ACWD's requests were largely ignored. ACWD's offer to work collaboratively

with the SFPUC for a more informed and complete understanding of the Alameda Creek Watershed remains open.

In comments on the Draft EIR, and in meetings with both the SFPUC and the Planning Department, ACWD stated that the flows analysis in the EIR should be at a daily rate or time-step, instead of the monthly analysis conducted in the EIR, to adequately analyze Project impacts. In a January 10, 2017, letter (see Exhibit D) and throughout this process ACWD has requested the daily data, which was not provided until June 7, 2017 (received on June 12, 2017), well after the close of the public comment period on January 30, 2017, and only 13 calendar days prior to the Planning Commission hearing certifying the EIR for the Project (see Exhibit E). Analysis of this data indicates the operation of the Project will result in severe impacts and potential "take" of the Central California Coast steelhead. These impacts were not included in the Final EIR.

III. Basis of Appeal

This appeal includes all of the grounds ACWD submitted to the Planning Commission and the SFPUC in its written and oral comments on the Draft EIR and Project, including the grounds listed in this letter and additional information that may be provided prior to the hearing on this matter, more specifically:

- The Final EIR includes inadequate and incomplete analysis, and it fails to adequately disclose and evaluate potentially significant impacts to the following environmental resources:
    - Biological and Fishery Resources
    - Hydrology and Water Quality
    - The Cumulative Impact analysis in the Draft EIR and Final EIR fails to disclose a considerable contribution to significant cumulative impacts to the environmental resources listed above.
- The Final EIR failed to analyze and adopt all feasible mitigation measures and alternatives to offset significant impacts to the environmental resources listed above.
- The Final EIR failed to respond adequately to comments on the Draft EIR.
- The Final EIR included an inadequate and incomplete Statement of Overriding Considerations that contains statements that are not supported by substantial evidence.
- The Final EIR failed to determine the required permits and Project approvals.
- Failure to revise modeling and analysis approaches and recirculate the Draft EIR because new information and daily modeling data were not analyzed in the Final EIR.

A. Procedural Flaws

Despite the multiple requests made by ACWD for daily modeling data, which is essential data to analyze the environmental impacts of the Project, ACWD only received the relevant requested data on June 12, 2017 – 192 days after the Draft EIR was published and well after the close of the public comment period on January 30, 2017. Withholding critical relevant data, and then providing it with less than 10 business days prior to the Planning Commission meeting is a violation of CEQA and deprives the public of a

meaningful opportunity to comment on the substantial adverse impacts, feasible mitigation, or alternatives to the Project.

Furthermore, this daily modeling data demonstrates that the Project will have significant environmental impacts to steelhead, as discussed further below.

B. Methodological Flaws Leading to Invalid Impact Determinations

Given the lack of sufficient credibility of the modeling approach, the majority of conclusions made by the Final EIR are unsupported, including conclusions of no significant impact on aquatic species or impacts as a result of reduced water supplies to downstream water rights holders.

1) ASDHM Niles Gauge data show significant impacts to steelhead when analyzed on a daily time-step.

- According to the modeled daily Niles Gauge streamflow data, the Project would result in a substantial, adverse impact to Central California Coast steelhead, a federally-listed threatened distinct population segment of steelhead. Specifically, the data indicates that flows in Alameda Creek would drop below the critical 25 cubic feet per second (cfs) on a substantially greater number of days during the December to April adult emigration migration period and the January to June post-spawn adult emigration period. These thresholds were identified by the National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW) as being minimum passage thresholds for adult and juvenile steelhead downstream of the Project location in the Alameda Creek Flood Control Channel and were integrated into the ASDHM analysis used to conclude CEQA impacts in the Final EIR (Table 14, Dhakal et al, 2012; cited in EIR Appendix HYD-1, page 48: Section 4, Note 1). This is a significant impact under CEQA and is neither disclosed nor mitigated in the Draft EIR or Final EIR. Instead, in both the Draft EIR and Final EIR, the impacts of the Project to steelhead are dismissed as less than significant. Consequently, no mitigation is proposed to offset this significant impact.

- Comparing with the modeled daily streamflow at Niles gage, the Project results in a 60% increase (138 additional days) in the number of non-passable days for threatened steelhead downstream of the proposed Project location during wet year migration seasons included in the study period. Similarly, a 34% increase in non-passable days (102 additional days) downstream of the Project area during migration season in dry years also is observed. These comparisons were made between the conditions that will exist when the Calaveras Dam Replacement Project (CDRP) has been completed and in operation (with-CDRP conditions) scenario and the conditions that would exist when both the CDRP and the Alameda Creek Recapture Project are completed and are in operation (with-Project conditions) scenario. These significant impacts to steelhead were neither

disclosed nor sufficiently analyzed in either the Draft EIR or Final EIR and renders unsupported the conclusions of no impact.

2) The ASDHM is insufficient to analyze the surface water groundwater interaction necessary to evaluate Project impacts.

- The SFPUC commissioned a Blue Ribbon Panel in August 2012 comprised of hydrologists and fisheries biologists, to provide an independent scientific review of the ASDHM model and concluded that "a groundwater modeling study will be necessary to evaluate the surface and groundwater interaction within the Alameda Creek watershed, including the effects of lowering of Pit F2 elevations." The CEQA analysis includes no such effort.
- The ASDHM modeling assumes that under Project conditions, the loss rate of surface water from Alameda Creek will not change relative to current conditions, when in reality the Project will lower local groundwater levels and increase surface water loss rates, which will impact downstream stream flow rates.
- Analyzing impacts to surface water hydrology on an aggregated monthly time-step serves to mask critical day-to-day changes in flow rates which in turn masks impacts to aquatic biology and surface water hydrology downstream of the Project.

3) The Conceptual Model is scientifically invalid and inadequate for the evaluation required to assess potential Project impacts.

In the Draft EIR and Final EIR, surface water and groundwater interactions are examined using an overly simplistic description (referred to as a "conceptual model") of the Alameda Creek surface water and groundwater basin. For example, the conceptual model includes a key assumption that the lower alluvium/Livermore gravels are not water-bearing. This key assumption is incorrect, which invalidates the application of the conceptual model for evaluating potential Project impacts. The EIR's reliance on such an overly simplistic model resulted in the failure to disclose significant impacts to surface water, groundwater, and fisheries.

C. <u>The Project Constitutes an Expansion of San Francisco's Water Rights Claim for Calaveras Reservoir Requiring State Water Resources Control Board Approval</u>

The rediversion and storage of recaptured water from the Project originates from sources other than Calaveras Reservoir and the Alameda Creek Diversion Dam and is outside of the scope of SFPUC's water rights. This was not analyzed nor disclosed in the EIR. The determination in the EIR that there will be no significant impacts because the Project would not cause downstream water users to alter operations in a way that would result in significant adverse environmental impacts is insufficient because it is predicated on the incorrect premise that the water being recaptured is exclusively SFPUC's pre-1914 surface water right and that the recapture operation does not expand these rights.

IV. Other Issues

A. An Incidental Take Permit (ITP) is Required for the Project

Based on the daily Niles Gauge streamflow data, the operation of the Project would likely result in "take" (as defined in the federal Endangered Species Act) of Central California Coast steelhead. The Central California Coast steelhead is federally-listed as a threatened distinct population segment. An ITP from the NMFS would be required under Section 10(a) of the federal Endangered Species Act. This ITP requirement was not adequately addressed in the response to comments and is not portrayed in the Project description. Even if a federal nexus exists for the Project (something that SFPUC states is not the case), the Project would require a Biological Opinion from the NMFS pursuant to Section 7 of the federal Endangered Species Act. No such Biological Opinion exists for the Project.

B. This is Not an Attempted "Water Grab" by ACWD

The NMFS will require ACWD to "bypass" the vast majority of releases from Calaveras Reservoir and the Alameda Creek Diversion Dam that may reach ACWD's service area during fish migration seasons; therefore, these releases will flow to San Francisco Bay. Since ACWD cannot take advantage of this water, this is not an attempted "water grab" by ACWD. However, as explained above, the Project may change the timing and flow rates in a way that negatively impacts ACWD's water supply. This is difficult to assess because the appropriate level of analysis has not been performed in the EIR.

V. Evidence Supporting Appeal

The final motion and resolution certifying the EIR, adopting findings and a statement of overriding considerations, and approving the Project are attached as **Exhibits A, B, and C**. Evidence in support of the appeal is attached as **Exhibits D and E,** and is also contained in the Draft and Final EIRs and the Planning Commission and SFPUC meeting packets, incorporated here by reference. **Exhibit F** is a link to the June 22, 2017, Planning Commission hearing. **Exhibit G** is a link to the June 23, 2017, special meeting of the SFPUC.

Attached Exhibits:

Exhibit A: Final Planning Commission Motion No. 19952
Exhibit B: Public Utilities Commission Resolution 17-0146
Exhibit C: Agenda Item for Public Utilities Commission Meeting, June 23, 2017
Exhibit D: Selected letters and documents

- July 27, 2015, ACWD Comments on Notice of Preparation
- January 10, 2017, ACWD Request for extension of time and for daily flow data.
- January 30, 2017, ACWD Comments of Draft EIR for the Alameda Creek Recapture Project

- June 21, 2017, ACWD Comments on the Final EIR for the Alameda Creek Recapture Project

Exhibit E: June 7, 2017, Planning Department letter containing Hydrology Data in EIR Administrative Record for SFPUC Alameda Creek Recapture Project.

Exhibit F: Link to video of June 22, 2017, Planning Commission hearing in which testimony was given on the Project.

Exhibit G: Link to video of June 23, 2017, SFPUC special meeting in which the Project was discussed and approved.

VI. Conclusion and Request

San Francisco has the well-deserved reputation of being a progressive and environmentally-friendly city. Therefore, ACWD does not understand why Planning and SFPUC staffs have been unreceptive to numerous requests to properly analyze and evaluate the potential impacts of the Project on Alameda Creek flows and threatened Central California Coast Steelhead downstream of the Project.

Accordingly, ACWD requests the Board of Supervisors to reverse the Certification of the EIR and Project approval and remand the final EIR to the Planning Commission and require the collaborative development, with the stakeholders in the Alameda Creek Watershed, including ACWD, of a new modelling tool to effectively analyze stream flows and impacts to fishery resources and downstream water users. Development of this new tool is both reasonable and feasible.

Sincerely,

Robert Shaver
General Manager

la/tf
cc: Steve Ritchie, San Francisco Public Utilities Commission
Ellen Levin, San Francisco Public Utilities Commission
Nicole Sandkulla, Bay Area Water Supply and Conservation Agencies (BAWSCA)
Daniel Woldesenbet, Alameda County Public Works
Hank Ackerman, Alameda County Public Works
Gary Stern, National Marine Fisheries Service
Eric Larson, California Department of Fish and Wildlife
Brian Wines, San Francisco Bay Regional Water Quality Control Board
Jeff Miller, Alameda Creek Alliance
Steven Inn, ACWD
Thomas Niesar, ACWD
Attachments

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PLANNING DEPARTMENT

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Planning Commission Motion No. 19952

HEARING DATE: June 22, 2017

Case No.:	**2015-004827ENV**
Project Address:	**SFPUC - Alameda Creek Recapture Project**
Project Location:	*Various Locations in SFPUC Alameda Watershed*
Project Sponsor:	San Francisco Public Utilities Commission 525 Golden Gate Avenue San Francisco, CA 94102
Staff Contact:	Chelsea Fordham – (415) 575-9071 chelsea.fordham@sfgov.org

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED ALAMEDA CREEK RECAPTURE PROJECT.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the final Environmental Impact Report identified as Case No. 2015-004827ENV, the "Alameda Creek Recapture Project" above (hereinafter 'ACRP Project"), located in the Sunol Valley, an unincorporated area of Alameda County, on Alameda Watershed lands owned by the City and County of San Francisco and managed by the SFPUC, based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

   A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on June 24, 2015.

   B. The Department held a public scoping meeting on July 9, 2015 in order to solicit public comment on the scope of the ACRP Project's environmental review.

   C. On November 30, 2016, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

D. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on November 30, 2016.

E. On November 30, 2016, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.

F. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on November 30, 2016.

2. The Commission held a duly advertised public hearing on said DEIR on January 5, 2017 at which opportunity for public comment was given, and public comment was received on the DEIR. In response to requests by agencies and interested organizations, the Planning Department extended the required 45-day review period to 62-days, ending on January 30, 2017.

3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 62-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Comments and Responses document, published on June 7, 2017, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

4. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.

5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.

6. On June 22, 2017, the Commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

7. The Planning Commission hereby does find that the FEIR concerning File No. 2015-004827ENV 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 DEIR, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA and the CEQA Guidelines.

8. The Commission further finds, in certifying the completion of said FEIR, that the Project described in the FEIR is a component of the SFPUC's adopted Water Supply Improvement Program ("WSIP") for which the Planning Commission certified a Program Environmental Impact Report on October 30,

2008 (Case No. 2005.0159E) and the SFPUC approved by Resolution No. 08-0200; as part of the WSIP, the Commission finds that the Project will contribute to a significant and unavoidable impact related to indirect growth-inducement impacts in the SFPUC service area.

9. The Commission, in certifying the completion of said FEIR, hereby does find that the ARCP project described in the EIR would result in either less than significant impacts, or less-than-significant with implementation of identified mitigation measures. No significant and unavoidable impacts were identified in the project-level environmental review of the ACRP.

10. The Planning Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of June 22, 2017.

Jonas P. Ionin
Commission Secretary

AYES: Richards, Fong, Hillis, Melgar, and Moore

NOES: None

ABSENT: Johnson, Koppel

ADOPTED: June 22, 2017

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.

Donna Wood

Secretary, Public Utilities Commission

AGENDA ITEM
Public Utilities Commission
City and County of San Francisco

DEPARTMENT Infrastructure Division AGENDA NO. 4

MEETING DATE June 23, 2017

Approve Project - Environmental Impact Report (EIR): Regular Calendar
Project Manager: Bryan Dessaure

Approve Project No. CUW35201, Alameda Creek Recapture Project

Summary of Proposed Commission Action:	**Approve** Water Enterprise, Water System Improvement Program (WSIP) funded Project No. CUW35201, Alameda Creek Recapture Project (the "Project"); **Adopt** the required California Environmental Quality Act (CEQA) Findings, including a Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program (MMRP); and **authorize** the General Manager to implement the Project, in compliance with the Charter and applicable law, and subject to subsequent Commission action and Board of Supervisors approval, where required.
Background:	The Alameda Creek Recapture Project would recapture water that will be released from Calaveras Reservoir and/or bypassed around the Alameda Creek Diversion Dam (ACDD) when the San Francisco Public Utilities Commission (SFPUC) implements the instream flow schedules required as part of the regulatory permits for future operations of Calaveras Reservoir. Released and bypassed water will flow naturally down Alameda Creek through the Sunol Valley and will percolate into and collect in a quarry pit referred to as Pit F2 that is currently leased to Mission Valley Rock Company under Lease number 4289 for water management activities related to aggregate mining activities. The SFPUC would recapture water collected in Pit F2 by pumping it to existing SFPUC water supply facilities in the Sunol Valley for treatment and eventual distribution to its water supply customers in the Bay Area. The recaptured water would maintain the historical contribution from the Alameda Watershed to the SFPUC regional water system, in accordance with the City and County of San Francisco's (CCSF) existing pre-1914 appropriative water rights for Calaveras Reservoir and the ACDD. Project objectives are as follows: • Recapture the water that would have otherwise been stored in

APPROVAL:

COMMISSION SECRETARY Donna Hood

	Calaveras Reservoir due to the release and bypass of flows from Calaveras Dam and the 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. • Maximize the use of existing SFPUC facilities and infrastructure. • Provide a sufficient flow to the Sunol Valley Water Treatment Plant (SVWTP) to meet its minimum operating requirements. This project includes: • Installation of four pumps on floating barges in Pit F2, each connected to a flexible discharge pipeline connecting to a new pipe manifold onshore. • Construction of a 100-foot-long pipeline connection between the new pipe manifold and the existing Sunol Pump Station Pipeline. • Construction of an electrical control building, including power and fiber optic line connections. • Construction of an access road, security fencing, and other general site improvements.
Result of Inaction:	A delay in approving this project item will delay efforts to implement the project. This will restrict the SFPUC's ability to meet WSIP objectives for water delivery reliability and water supply needs.
Description of Project Action:	In order to move forward with the Alameda Creek Recapture Project, this Commission must review and consider the Final Environmental Impact Report (FEIR) (consisting of the Draft Environmental Impact Report (EIR) and Responses to Comments document), anticipated to be certified by the Planning Commission on June 22, 2017, and adopt the CEQA Findings for the Project, including the Statement of Overriding Considerations, and the MMRP. The FEIR was provided to each member of this Commission. The CEQA Findings and MMRP are attached to this agenda (Attachments A and B). 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. The Resolution 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 permits, or other project related agreements (each, a Use Instrument) with respect to uses, structures, fences, and other above-ground or subterranean improvements or interests. The General Manager's authority so granted will include the authority, if necessary for the Project, to enter into, amend, or exercise rights under existing or new Use Instruments with any owner or occupier of property on, along, over, under, adjacent to, or in the vicinity of the SFPUC right-of-way, including Use Instruments required to accommodate project construction activities or schedule, or to implement Project mitigation measures. Any such new or amended Use Instrument will be in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to effectuate the purposes and intent of this Commission Resolution, and in compliance with the Charter and all applicable laws, and approved as to form by the City Attorney. Upon approval of the Project, SFPUC staff will proceed with plans to obtain permits and approvals from State resource agencies, and advertise for construction bids. SFPUC staff will return to this Commission at a future public meeting to request permission to award a construction contract.
Environmental Review:	The San Francisco Planning Commission will consider certifying a FEIR for Project No. CUW35201, Alameda Creek Recapture on June 22, 2017. If the Motion is adopted by the Planning Commission, then the proposed Resolution will be considered by this Commission.
Recommendation:	SFPUC staff recommends that this Commission adopt the attached resolution.
Attachments:	1. California Environmental Quality Act Findings 2. Mitigation Monitoring and Reporting Program

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. _____

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. _____; 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. 08-200; 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

Attachment A

Alameda Creek Recapture Project

California Environmental Quality Act Findings: Findings of Fact, Evaluation of Mitigation Measures and Alternatives

San Francisco Public Utilities Commission

In determining to approve the Alameda Creek Recapture Project ("ACRP" or "Project") described in Section I, Project Description, below, the San Francisco Public Utilities Commission ("SFPUC" or "Commission") makes and adopts the following findings of fact and decisions regarding mitigation measures and alternatives, based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act ("CEQA"), California Public Resources Code Sections 21000 et seq., particularly Sections 21081 and 21081.5, the Guidelines for Implementation of CEQA ("CEQA Guidelines"), 14 California Code of Regulations Sections 15000 et seq., particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

This document is organized as follows:

Section I provides a description of the Project proposed for adoption, the environmental review process for the Project Environmental Impact Report (the "Final EIR" or "EIR"), Planning Department Case No., 2015-004827ENV, State Clearinghouse No. 2015062072, the approval actions to be taken and the location of records;

Section II identifies the impacts found not to be significant that do not require mitigation;

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures;

Section IV identifies significant impacts that cannot be avoided or reduced to less-than-significant levels and describes any applicable mitigation measures as well as the disposition of the mitigation measures; and

Section V evaluates the different Project alternatives and the economic, legal, social, technological and other considerations that support approval of the Project and the rejection of alternatives, or elements thereof, analyzed.

Section VI presents a statement of overriding considerations setting forth specific reasons in support of the Commission's actions and rejection of alternatives not incorporated into the Project.

The Mitigation Monitoring and Reporting Program ("MMRP") for the mitigation measures that have been proposed for adoption is attached with these findings as **Attachment B to Resolution No. XX-XXXX**. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. Attachment B provides a table setting forth each mitigation measure listed in the Final Environmental Impact Report for the Project ("Final EIR") that is required to reduce or avoid a significant adverse impact. Attachment B also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures is set forth in Attachment B.

These findings are based upon substantial evidence in the entire record before the Commission. The references set forth in these findings to certain pages or sections of the Draft Environmental Impact Report ("Draft EIR" or "DEIR") or the Responses to Comments document in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

I. Approval of the Project

A. Project Description

By this action, the SFPUC adopts and implements the ACRP identified in the Final EIR. The Project as adopted by the Commission is described in detail in the Draft EIR at pages 3-8 through 3-32. Clarifications regarding the Project description are contained in the Responses to Comments document in Section 12.2.2. A summary of the key components of the Project follows.

The ACRP would include the construction of several improvements in and around quarry Pit F2 to pump recaptured water from the quarry pit and convey it to existing water supply infrastructure in the SFPUC Alameda Watershed. Specifically, the Project adopted by the SFPUC includes installation and/or construction of the following:

- Four 400-horsepower vertical turbine pumps on floating barges centrally located in Pit F2, approximately 400 feet from the shore, with a mooring system to secure the floating barges.
- Four 700-foot-long, 16-inch-diameter high density polyethylene (HDPE) flexible discharge pipelines extending from each vertical turbine pump to a new pipe manifold located on shore.
- A 100-foot-long, 36-inch-diameter welded steel pipeline connection between the new pipe manifold and the existing Sunol Pump Station Pipeline.
- Throttling valves and a flow meter.
- An electrical control building.
- An electrical transformer, and up to fifteen power and fiber optic line poles, and 1,800 feet of overhead power lines extending from HHWP Calaveras Electrical Substation to the new electrical control building (alternatively, if the HHWP Calaveras Electrical Substation cannot

meet the power needs of the ACRP, power would come from the PG&E Sunol Electrical Substation).

- In addition, approximately 2,800 feet of overhead fiber optic communication lines would extend from the HHWP Calaveras Electrical Substation to the new electrical control building below the overhead power lines along the new and existing power poles.

B. Project Objectives

The primary goal of the ACRP is to recapture water that the SFPUC will release from Calaveras Reservoir and bypass around the Alameda Creek Diversion Dam (ACDD) when the SFPUC implements the instream flow schedules required as part of the regulatory permits for future operations of Calaveras Reservoir. The recaptured water would maintain the historical contribution from the Alameda Watershed to the SFPUC regional water system, in accordance with the CCSF existing water rights. The project-specific objectives of the ACRP are as follows:

- 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, 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.
- Maximize the use of existing SFPUC facilities and infrastructure.
- Provide a sufficient flow to the Sunol Valley Water Treatment Plant to meet its minimum operating requirements.

In addition, the Project is part of the SFPUC's adopted Water System Improvement Program ("WSIP") adopted by this Commission on October 30, 2008 (see Section C.1). The WSIP consists of over 70 local and regional facility improvement projects that would increase the ability of the SFPUC's water supply system to withstand major seismic events and prolonged droughts and to meet estimated water-purchase requests in the service areas. The overall goals of the WSIP for the regional water system are to:

- Maintain high-quality water.
- Reduce vulnerability to earthquakes.
- Increase water delivery reliability.
- Meet customer water supply needs.
- Enhance sustainability.
- Achieve a cost-effective, fully operational system.

The Project would help meet WSIP goals by maintaining the historical annual transfers from the Alameda Watershed system to the SFPUC regional water system, thereby increasing water delivery reliability and meeting customer supply needs.

C. Environmental Review

1. Water System Improvement Program Environmental Impact Report

On October 30, 2008, the SFPUC approved the Water System Improvement Program (also known as the "Phased WSIP") with the objective of repairing, replacing, and seismically upgrading the system's aging pipelines, tunnels, reservoirs, pump stations, and storage tanks (SFPUC, 2008; SFPUC Resolution No. 08-0200). The WSIP improvements span seven counties—Tuolumne, Stanislaus, San Joaquin, Alameda, Santa Clara, San Mateo, and San Francisco (see SFPUC Resolution No. 08-0200).

To address the potential environmental effects of the WSIP, the San Francisco Planning Department prepared a Program EIR ("PEIR"), which was certified by the San Francisco Planning Commission on October 30, 2008 (Motion No. 17734). At a project-level of detail, the PEIR evaluated the environmental impacts of the WSIP's water supply strategy and, at a program level of detail, it evaluated the environmental impacts of the WSIP's facility improvement projects. The PEIR contemplated that additional project-level environmental review would be conducted for the facility improvement projects, including the Alameda Creek Recapture Project.

2. Alameda Creek Recapture Project Environmental Impact Report

In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the Environmental Planning ("EP") staff of the San Francisco Planning Department, as lead agency, prepared a Notice of Preparation ("NOP") and conducted a scoping meeting for the Project EIR. The San Francisco Planning Department released the NOP on June 24, 2015, held a scoping meeting on July 9, 2015 in Sunol, and accepted written comments on the NOP through July 27, 2015.

EP distributed the NOP to the State Clearinghouse, and mailed notices of the availability of the NOP to approximately 600 interested parties, including property owners and tenants within 300 feet of the proposed Project. The scoping meeting was noticed in local newspapers. Approximately 11 people attended the meeting.

The San Francisco Planning Department received four verbal comments at the scoping meeting and eleven written comment letters. The comment inventories are included in the Scoping Report in Appendix A of the EIR.

The San Francisco Planning Department then prepared the Draft EIR, which described the Project and the environmental setting, identified potential impacts, presented mitigation measures for impacts found to be significant or potentially significant, and evaluated Project alternatives. The Draft EIR analyzed the impacts associated with each of the key components of the Project, and identified mitigation measures applicable to reduce impacts found to be significant or potentially

significant for each key component. It also included an analysis of two alternatives to the Project. In assessing construction and operational impacts of the Project, the EIR considered the impacts of the Project as well as the cumulative impacts associated with the proposed Project in combination with other past, present, and future actions that could affect the same resources.

Each environmental issue presented in the Draft EIR was analyzed with respect to significance criteria that are based on EP guidance regarding the environmental effects to be considered significant. EP guidance is, in turn, based on CEQA Guidelines Appendix G, with some modifications.

The Draft EIR was circulated for public comment on November 30, 2016 for a 62-day comment period, which closed at 5:00pm on January 30, 2017. The San Francisco Planning Commission held a public hearing on the Draft EIR to accept written or oral comments at San Francisco City Hall on January 5, 2017. During the public review period, the Planning Department received written comments sent through the mail, fax, or email. A court reporter was present at the public hearing, transcribed the public hearing verbatim, and prepared a written transcript.

The Planning Department then prepared the Responses to Comments document, which provided written responses to each comment received on the Draft EIR. The Responses to Comments document was published on June 7, 2017 and included copies of all of the comments received on the Draft EIR and individual responses to those comments. The Responses to Comments provided additional, updated information and clarification on issues raised by commenters, as well as SFPUC and Planning Department staff-initiated text changes to address Project updates. The Planning Commission reviewed and considered the Final EIR, which includes the Draft EIR and the Responses to Comments document, and all of the supporting information. The Final EIR provided augmented and updated information presented in the Draft EIR, on the following topics: project description, baseline conditions, cultural resources, terrestrial biological and fishery resources, hydrology and water quality, alternatives, and EIR authors and consultants. This augmentation and update of information in the Draft EIR did not constitute new information or significance that altered any of the conclusions of the EIR.

In certifying the Final EIR, the Planning Commission determined that none of the factors are present that would necessitate recirculation of the Final EIR under CEQA Guidelines Section 15088.5. The Final EIR contains no information revealing (1) any new significant environmental impact that would result from the Project or from a new mitigation measure proposed to be implemented, (2) any substantial increase in the severity of a previously identified environmental impact, (3) any feasible Project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project, but that was rejected by the Project's proponents, or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. This Commission concurs in that determination.

The Commission finds that the Project is within the scope of the Project analyzed in the Final EIR and the Final EIR fully analyzed the Project proposed for approval. No new impacts have been identified that were not analyzed in the Final EIR.

D. Approval Actions

Under San Francisco's Administrative Code Chapter 31 procedures, the San Francisco Planning Commission certifies the Final EIR as complete and all approving bodies subject to CEQA adopt CEQA findings at the time of the approval actions. Anticipated approval actions are listed below.

1. San Francisco Public Utilities Commission

The SFPUC is taking the following actions and approvals to implement the Project:

- Adopts these CEQA findings and the attached Mitigation Monitoring and Reporting Program.
- Approves the Project, as described in these findings, and authorizes the General Manager or his designee to obtain necessary permits, consents, agreements and approvals as set forth in the Commission's Resolution No. 15-0187 approving the Project to which this Attachment A is attached.

2. San Francisco Board of Supervisors Actions

- Considers any appeal of the Planning Commission's certification of the Final EIR.
- Approves an allocation of bond monies to pay for implementation of the project.

3. Other – Federal, State, and Local Agencies

Implementation of the Project may involve consultation with or required approvals by other local, state, and federal regulatory agencies, including (but not limited to) the following:

- United States Fish and Wildlife Service (USFWS) (ESA consultation)
- California Department of Water Resources (construction access approval)
- State Water Resources Control Board Division of Drinking Water (amendment to domestic water supply permit)
- California Regional Water Quality Control Board, San Francisco Bay Region (construction general permit)
- California Department of Fish and Wildlife (CDFW) (Section 2081 incidental take permit)
- Bay Area Air Quality Management District (authority to construct permit)
- State Water Resources Control Board (NPDES permit)

To the extent that the identified mitigation measures require consultation or approval by these other agencies, this Commission urges these agencies to assist in implementing, coordinating, or approving the mitigation measures, as appropriate to the particular measure.

E. Contents and Location of Records

The record upon which all findings and determinations related to the Project are based ("Record of Proceedings") includes the following:

- The Draft EIR and all documents referenced in or relied upon by the EIR. (The references in these findings to the EIR or Final EIR include both the Draft EIR and the Comments and Responses document.)

- The PEIR for the Phased WSIP Variant, which is incorporated by reference in the Alameda Creek Recapture Project EIR.

- All information (including written evidence and testimony) provided by City staff to the SFPUC and Planning Commission relating to the EIR, the Project, and the alternatives set forth in the EIR.

- All information (including written evidence and testimony) presented to the SFPUC and the Planning Commission by the environmental consultant and sub-consultants who prepared the EIR or that was incorporated into reports presented to the SFPUC.

- All information presented at any public hearing or workshop related to the Project and the EIR.

- The Mitigation Monitoring and Reporting Program.

- All other documents available to the SFPUC and the public, comprising the administrative record pursuant to Public Resources Code Section 21167.6(e).

The Commission has relied on all of the information listed above in reaching its decision on the Project, even if not every document was formally presented to the SFPUC. Without exception, these documents fall into one of two categories. Many documents reflect prior planning or legislative decisions that the SFPUC was aware of in approving the Project. Other documents influenced the expert advice provided to Planning Department staff or consultants, who then provided advice to the SFPUC. For these reasons, such documents form part of the underlying factual basis for the SFPUC's decisions relating to the adoption of the Project.

The public hearing transcript, a copy of all letters regarding the Draft EIR received during the public review period, the administrative record, and background documentation for the Final EIR are available at the San Francisco Planning Department, 1650 Mission Street, San Francisco. **Jonas P. Ionin**, Commission Secretary, is the Custodian of Records for the Planning Department Materials concerning approval of the Project and adoption of these findings are contained in SFPUC files, **SFPUC Project No. CUW35301** in the Bureau of Environmental Management, San Francisco Public Utilities Commission, 525 Golden Gate Avenue, San Francisco, California 94102. The Custodian of Records is **Bill Idzerda.** All files have been made available to the

SFPUC and the public for review in considering these findings and whether to approve the Project.

F. Findings about Significant Environmental Impacts and Mitigation Measures

The following Sections II, III, and IV set forth the SFPUC's findings about the Final EIR's determinations regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide the written analysis and conclusions of the SFPUC regarding the environmental impacts of the Project and the mitigation measures included as part of the Final EIR and adopted by the SFPUC as part of the Project. To avoid duplication and redundancy, and because the SFPUC agrees with, and hereby adopts, the conclusions in the Final EIR, these findings will not repeat the analysis and conclusions in the Final EIR but instead incorporate them by reference and rely upon them as substantial evidence supporting these findings.

In making these findings, the SFPUC has considered the opinions of SFPUC staff and experts, other agencies, and members of the public. The SFPUC finds that (i) the determination of significance thresholds is a judgment decision within the discretion of the City and County of San Francisco; (ii) the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and City staff; and (iii) the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project. Thus, although, as a legal matter, the SFPUC is not bound by the significance determinations in the EIR (see Public Resources Code, Section 21082.2, subdivision (e)), the SFPUC finds them persuasive and hereby adopts them as its own.

These findings do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, a full explanation of these environmental findings and conclusions can be found in the Final EIR, and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the determination regarding the project impact and mitigation measures designed to address those impacts. In making these findings, the SFPUC ratifies, adopts and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

As set forth below, the SFPUC adopts and incorporates all of the mitigation measures set forth in the Final EIR and the attached MMRP to substantially lessen or avoid the potentially significant and significant impacts of the Project. The SFPUC intends to adopt each of the mitigation measures proposed in the Final EIR. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the policies and implementation measures as set forth in the Final EIR shall

control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the Final EIR.

In Sections II, III and IV below, the same findings are made for a category of environmental impacts and mitigation measures. Rather than repeat the identical finding dozens of times to address each and every significant effect and mitigation measure, the initial finding obviates the need for such repetition because in no instance is the SFPUC rejecting the conclusions of the Final EIR or the mitigation measures recommended in the Final EIR for the Project.

II. Impacts Found Not To Be Significant and Thus Do Not Require Mitigation

Under CEQA, no mitigation measures are required for impacts that are less than significant (Public Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subdivision (a)(3), 15091). Based on the evidence in the whole record of this proceeding, the SFPUC finds that the implementation of the Project will result in no impacts in the following areas: project-level impacts to population and housing[1], wind and shadow, and public services. These subjects are not further discussed in these findings.

The SFPUC further finds that implementation of the Project will not result in any significant impacts in the following areas and that these impact areas therefore do not require mitigation:

Land Use

- **Impact LU-1:** Project construction would not have a substantial impact on the existing character of the vicinity. (DEIR Section 5.2.3.3, Page 5.2-4)
- **Impact LU-2:** Project operations would not conflict with any applicable land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. (DEIR Section 5.2.3.4, Pages 5.2-5 to 5.2-6)
- **Impact LU-3:** Project operations would not impact the existing character of the vicinity. (DEIR Section 5.2.3.4, Page 5.2-6)
- **Impact C-LU:** The Project would not have a cumulative impact on land use. (DEIR Section 5.2.3.5, Pages 5.2-7 to 5.2-8)

Aesthetics

- **Impact AE-1:** Project construction would not have an adverse effect on a scenic vista, scenic resource, or the existing visual character or quality of the site and its surroundings. (DEIR Section 5.3.3.3, Pages 5.3-8 to 5.3-9)

[1] As part of the WSIP, the Project would contribute to the growth-inducing impacts considered in the WSIP PEIR. See Section IV.B of these Findings.

- **Impact AE-2:** The proposed project would not have long-term adverse effects on scenic vistas and scenic resources or degrade the visual character of the site and its surroundings. (DEIR Section 5.3.3.4, Pages 5.3-10 to 5.3-12)

- **Impact AE-3:** The Project would not result in a substantial source of light or glare. (DEIR Section 5.3.3.4, Page 5.3-13)

- **Impact C-AE:** The Project would not have a cumulative impact on aesthetics. (DEIR Section 5.3.3.5, Pages 5.3-13 to 5.3-15)

Transportation and Circulation

- **Impact TR-1:** Construction of the proposed project would not substantially conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of travel. (DEIR Section 5.6.3.3, Pages 5.6-7 to 5.6-10)

- **Impact TR-2:** Project construction activities would not result in inadequate emergency access. (DEIR Section 5.6.3.3, Page 5.6-11)

- **Impact TR-3:** Project construction activities could decrease the safety of public roadways for vehicles, bicyclists, and pedestrians. (DEIR Section 5.6.3.3, Pages 5.6-11 to 5.6-12)

- **Impact TR-4:** Project operations and maintenance activities would not substantially alter transportation conditions, increase vehicle miles travelled (VMT), and would not cause conflicts with emergency vehicle, transit, bicycle, and pedestrian travel. (DEIR Section 5.6.3.3, Page 5.6-12)

- **Impact C-TR:** The project, in combination with past, present, and probable future projects, would not substantially affect transportation and circulation. (DEIR Section 5.6.3.4, Pages 5.6-12 to 5.6-14)

Noise and Vibration

- **Impact NO-1:** Construction of the project would not result in a substantial temporary increase in ambient noise levels at the closest residential receptors, and would not expose persons to substantial noise levels in excess of standards established in the Alameda County Noise Ordinance. (DEIR Section 5.7.3.3, Pages 5.7-14 to 5.7-16)

- **Impact NO-2:** Construction activities would not result in excessive groundborne vibration. (DEIR Section 5.7.3.3, Pages 5.7-16 to 5.7-17)

- **Impact NO-3:** Project operations would not result in a substantial increase in ambient noise levels in the project vicinity or significant impacts related to the exposure of people to noise levels in excess of standards established by the Alameda County Noise Ordinance. (DEIR Section 5.7.3.4, Pages 5.7-17 to 5.7-18)

- **Impact C-NO:** The Project would not have significant cumulative noise or vibration impacts. (DEIR Section 5.7.3.5, Pages 5.7-18 to 5.7-21)

Air Quality

- **Impact AQ-2:** Project construction activities would not create objectionable odors affecting a substantial number of people. (DEIR Section 5.8.3.3, Pages 5.8-15 to 5.8-16)

Greenhouse Gas Emissions

- **Impact C-GG-1:** Project construction and operation would not generate GHG emissions that could have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. (DEIR Section 5.9.3.3, Pages 5.9-12 to 5.9-15)

Recreation

- **Impact RE-1:** The proposed project would not substantially degrade existing recreational uses during construction. (DEIR Section 5.11.3.3, Pages 5.11-4 to 5.11-5)

- **Impact C-RE:** The Project would not have a significant cumulative impact on recreation. (DEIR Section 5.11.3.4, Pages 5.11-5 to 5.11-6)

Utilities and Service Systems

- **Impact UT-1:** Project construction would not result in a substantial adverse effect related to landfill capacity. (DEIR Section 5.12.3.3, Page 5.12-7)

- **Impact UT-2:** Project construction would not result in a substantial adverse effect related to compliance with federal, state, and local statutes and regulations pertaining to solid waste. (DEIR Section 5.12.3.3, Page 5.12-8)

- **Impact C-UT:** The Project would not have a significant cumulative impact on utilities and service systems. (DEIR Section 5.12.3.4, Pages 5.12-8 to 5.12-9)

Biological Resources

- **Impact BI-4:** Project construction would not interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (DEIR Section 5.14.4.3, Pages 5.14-91 to 5.14-92)

- **Impact BI-5:** Project operations would not have a substantial adverse effect on special-status species. (DEIR Section 5.14.4.4, Pages 5.14-92 to 5.14-97)

- **Impact BI-7:** Project operations would not interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (DEIR Section 5.14.4.4, Pages 5.14-103 to 5.14-104)

- **Impact BI-9:** Construction of the proposed project would not degrade the quality of habitat in Alameda Creek or interfere with the movement of common native fish species. (DEIR Section 5.14.7.3, Pages 5.14-142 to 5.14-143)

- **Impact BI-10:** Project operations would not degrade the quality of habitat in Alameda Creek or substantially interfere with the movement of common native fish species. (DEIR Section 5.14.7.4, Pages 5.14-143 to 5.14-144)

- **Impact BI-11:** Project operations would not substantially interfere with the movement or migration of special-status fish species, including CCC steelhead DPS. (DEIR Section 5.14.7.4, Pages 5.14-144 to 5.14-148)

- **Impact BI-12:** Construction and operation of the proposed project would not conflict with local policies or ordinances protecting fisheries resources. (DEIR Section 5.14.7.4, Pages 5.14-148 to 5.14-149)

- **Impact C-BI-2:** The project, in combination with past, present, and probable future projects, would not substantially affect fisheries resources. (DEIR Section 5.14.7.5, Pages 5.14-149 to 5.14-151)

Geology and Soils

- **Impact GE-1:** The project would not be located on a geologic unit that could become unstable as a result of project construction. (DEIR Section 5.15.3.3, Pages 5.15-21 to 5.15-23)

- **Impact GE-2:** Project construction would not result in substantial soil erosion and loss of topsoil. (DEIR Section 5.15.3.3, Pages 5.15-23 to 5.15-24)

- **Impact GE-4:** The project would not be located on a geologic unit that could become unstable as a result of project operations. (DEIR Section 5.15.3.4, Page 5.15-26.)

- **Impact GE-5:** Project operations would not result in substantial soil erosion or loss of topsoil. (DEIR Section 5.15.3.4, Page 5.15-27.)

- **Impact GE-6:** The project would not expose people or structures to substantial adverse effects related to the risk of property loss, injury, or death due to rupture of a known earthquake fault. (DEIR Section 5.15.3.4, Page 5.15-28.)

- **Impact GE-7:** The project would not expose people or structures to substantial adverse effects related to the risk of property loss, injury, or death due to seismically-induced groundshaking. (DEIR Section 5.15.3.4, Pages 5.15-28 to 5.15-29.)

- **Impact GE-8:** The project would not expose people or structures to substantial adverse effects related to the risk of property loss, injury, or death due to seismically-induced ground failure, including liquefaction, lateral spreading, or settlement. (DEIR Section 5.15.3.4, Page 5.15-29.)

- **Impact GE-9:** The project would not expose people or structures to substantial adverse effects related to the risk of property loss, injury, or death due to seismically-induced landslides or other slope failures. (DEIR Section 5.15.3.4, Page 5.15-30.)

- **Impact GE-10:** The project would not create substantial risks to life or property due to expansive or corrosive soils. (DEIR Section 5.15.3.4, Page 5.15-31.)

- **Impact GE-11:** The project would not substantially change the topography or any unique geologic or physical features of the project area. (DEIR Section 5.15.3.4, Pages 5.15-31 to 5.15-32.)

Hydrology and Water Quality

- **Impact HY-1:** Project construction would not substantially degrade water quality as a result of dewatering effluent discharges, increased soil erosion and sedimentation of downstream water bodies, or an accidental release of hazardous materials. (DEIR Section 5.16.4.3, Pages 5.16-65 to 5.16-69)

- **Impact HY-2:** Operation of the ACRP would not substantially alter the movement of subsurface water or substantially affect groundwater recharge in the Sunol Valley such that it would affect the production rate of pre-existing nearby wells. (DEIR Section 5.16.4.3, Pages 5.16-69 to 5.16-71)

- **Impact HY-3:** Operation of the ACRP would not substantially alter water quality in Alameda Creek. (DEIR Section 5.16.4.3, Page 5.16-71)

- **Impact HY-4:** Operation of the ACRP would not alter flood hazards. (DEIR Section 5.16.4.3, Pages 5.16-72 to 5.16-73)

- **Impact HY-5:** Operation of the ACRP would not cause downstream water users, as a result of project-induced flow changes, to alter their operations in a way that would result in significant adverse environmental impacts. (DEIR Section 5.16.4.3, Pages 5.16-73 to 5.16-77)

- **Impact C-HY:** The project, in combination with past, present, and probable future projects, would not substantially affect hydrology and water quality. (DEIR Section 5.16.4.3, Pages 5.16-77 to 5.16-79)

Hazards and Hazardous Materials

- **Impact HZ-1:** Project construction would not result in a substantial adverse effect related to reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (DEIR Section 5.17.3.3, Pages 5.17-12 to 5.17-14)

- **Impact HZ-2:** Project construction would not result in a substantial adverse effect related to accident conditions involving the release of hazardous construction chemicals into the environment. (DEIR Section 5.17.3.3, Pages 5.17-14 to 5.17-15)

- **Impact HZ-3:** Project construction would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. (DEIR Section 5.17.3.3, Page 5.17-15)

- **Impact HZ-4:** Project construction would not expose people or structures to a significant risk of property loss, injury, or death involving fires. (DEIR Section 5.17.3.3, Pages 5.17-15 to 5.17-16)

- **Impact HZ-5:** Project operations would not result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (DEIR Section 5.17.3.4, Pages 5.17-16 to 5.17-17)

- **Impact C-HZ:** The project, in combination with past, present, and probable future projects, would not substantially affect hazards and hazardous materials. (DEIR Section 5.17.3.5, Pages 5.17-17 to 5.17-18)

Mineral and Energy Resources

- **Impact ME-1:** Project construction would not result in the temporary loss of availability of known mineral resources that would be of value to the region or residents of the state, or the temporary loss of availability of a locally important mineral resource recovery site. (DEIR Section 5.18.3.3, Page 5.18-9)

- **Impact ME-2:** Project construction would not result in substantial adverse effects related to the use of large amounts of fuel or energy, or the use of these resources in a wasteful manner. (DEIR Section 5.18.3.3, Pages 5.18-9 to 5.18-10)

- **Impact ME-3:** Project operations would not result in the permanent loss of availability of known mineral resources that would be of value to the region or residents of the state, or the permanent loss of availability of a locally important mineral resource recovery site. (DEIR Section 5.18.3.4, Page 5.18-10)

Agriculture and Forest Resources

- **Impact AG-1:** Implementation of the proposed project would not result in the conversion of Unique Farmland, as shown on the maps pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. (DEIR Section 5.19.3.3, Pages 5.19-7 to 5.19-8)

- **Impact C-AG:** The project, in combination with past, present, and probable future projects, would not substantially affect agricultural and forestry resources. (DEIR Section 5.19.3.4, Pages 5.19-8 to 5.19-10)

III. Findings of Potentially Significant or Significant Impacts That Can Be Avoided or Reduced to a Less-Than-Significant Level through Mitigation and the Disposition of the Mitigation Measures

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potentially significant impacts if such measures are feasible (unless mitigation to such levels is achieved through adoption of a project alternative). The findings in this Section III and in Section IV concern mitigation measures set forth in the EIR. These findings discuss mitigation measures as proposed in the EIR and recommended for adoption by the SFPUC, which can be implemented by the SFPUC. The mitigation measures proposed for adoption in this section and referenced following each Project impact discussed in this Section III, are the same as the mitigation measures identified in the Final EIR for the Project. The full text of each mitigation measure listed in this section is contained in the Final

EIR and in Attachment B, the MMRP. Attachment B identifies the SFPUC as the agency responsible for the implementation of all mitigation measures and establishes monitoring actions and a monitoring schedule.

This Commission recognizes that some of the mitigation measures are partially within the jurisdiction of other agencies. The agencies and measures are:

- USFWS (Mitigation Measure M-BI-1g: Measures to Minimize Disturbance to Special-Status Bird Species and Mitigation Measure M-BI-1e: Prepare and Implement a Vegetation Restoration Plan and Compensatory Mitigation);

- CDFW (Mitigation Measure M-BI-1e: Prepare and Implement a Vegetation Restoration Plan and Compensatory Mitigation; Mitigation Measure M-BI-1f: Measures to Minimize Disturbance to Western Burrowing Owl; Mitigation Measure M-BI-1g: Measures to Minimize Disturbance to Special-Status Bird Species; and Mitigation Measure M-BI-1i: Avoidance and Minimization Measures for American Badger); and

- San Francisco Planning Department (Mitigation Measure M-CUL-1: Accidental Discovery of Archaeological Resources; Mitigation Measure M-CUL-2: Accidental Discovery of Human Remains; Mitigation Measure M-AQ 1: BAAQMD Basic Construction Measures; Mitigation Measure M-BI-6a: Baseline Riparian Habitat Mapping; Mitigation Measure M-BI-6b: Annual Riparian Habitat Monitoring and Reporting; Mitigation Measure M-BI-6c: Habitat Enhancement, Subreaches B and C1 to Achieve No Net Loss of Tree-Supporting Riparian Alliances; and Mitigation Measure M-GE-3: Accidental Discovery of Paleontological Resources).

The Commission urges these remaining agencies to assist in implementing these mitigation measures and finds that these agencies can and should participate in implementing these mitigation measures.

The Commission adopts all of the mitigation measures proposed for the Project. The Commission finds that all of the mitigation measures are appropriate and feasible and that changes or alternations will be required in, or incorporated into, the Project that mitigate or avoid the significant environmental effects as identified in the Final EIR. The Commission finds that for the reasons set forth in the Final EIR and elsewhere in the record, the impacts identified in this section would be reduced to a less-than-significant level through implementation of the mitigation measures identified in this section.

Project Impacts

Cultural Resources

Impact CUL-1: Project construction could cause a substantial adverse change in the significance of an archaeological resource that qualifies as a historical or unique archaeological resource. (DEIR Section 5.5.3.3, Pages 5.5-22 to 5.5-23)

Implementation of Mitigation Measure M-CUL-1 would reduce any impacts on previously unrecorded and buried (or otherwise obscured) archaeological deposits to *less-than-significant* levels by requiring the SFPUC and its contractors to adhere to the appropriate procedures and protocols to identify and appropriately treat possible archaeological resources discovered during ACRP construction activities.

- *Mitigation Measure M-CUL-1: Accidental Discovery of Archaeological Resources.*

Impact CUL-2: Project construction could result in a substantial adverse effect related to the disturbance of human remains. (DEIR Section 5.5.3.3, Page 5.5-24)

Implementation of Mitigation Measure M-CUL-2 would reduce any impacts on buried human remains and associated or unassociated funerary objects that are accidentally discovered during project construction activities to *less-than-significant* levels by requiring the SFPUC to solicit the Most Likely Descendant's recommendations and adhere to appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition protocols.

- *Mitigation Measure M-CUL-2: Accidental Discovery of Human Remains.*

Impact C-CUL: The project, in combination with past, present, and probable future projects, could substantially affect cultural resources. (DEIR Section 5.5.3.4, Pages 5.5-24 to 5.5-25)

See Impacts CUL-2, and CUL-2. Implementation of the listed mitigation measures would reduce the Project's contribution to cumulative impacts on archaeological resources and human remains encountered during construction to a *less-than-significant* level.

- *Mitigation Measure M-CUL-1: Accidental Discovery of Archaeological Resources.*
- *Mitigation Measure M-CUL-2: Accidental Discovery of Human Remains.*

Air Quality

Impact AQ-1: Emissions generated during project construction activities could violate air quality standards and contribute substantially to an existing air quality violation. (DEIR Section 5.8.3.3, Pages 5.8-13 to 5.8-15)

Implementation of Mitigation Measure M-AQ-1 (BAAQMD Basic Construction Measures) would reduce any impacts from fugitive dust during ACRP construction to *less-than-significant* levels by requiring implementation of best management practices to minimize dust emissions, criteria pollutants, and precursor emissions associated with project construction.

- *Mitigation Measure M-AQ 1a: BAAQMD Basic Construction Measures.*

Impact AQ-3: Implementation of the proposed project could conflict with or obstruct implementation of the 2010 Clean Air Plan. (DEIR Section 5.8.3.3, Page 5.8-16)

The project would be consistent with applicable Clean Air Plan control measures and would not hinder implementation of the Clean Air Plan by implementing Mitigation Measure M-AQ-1 (BAAQMD Basic Construction Measures). This measure would reduce construction-related pollutant emission to a *less-than-significant* levels by requiring best management practices to minimize criteria pollutants.

- *Mitigation Measure M-AQ 1a: BAAQMD Basic Construction Measures.*

Impact C-AQ: The project, in combination with past, present, and probable future projects, could substantially affect air quality. (DEIR Section 5.8.3.4, Page 5.8-17)

See Impact AQ-1. Implementation of the listed mitigation measure would reduce the Project's contribution to cumulative impacts to a less-than-significant level.

- *Mitigation Measure M-AQ 1a: BAAQMD Basic Construction Measures.*

Terrestrial Biological & Fishery Resources

Impact BI-1: Construction of the proposed project could have a substantial adverse effect on special-status species. (DEIR Section 5.14.4.3, Pages 5.14-75 to 5.14-88)

Implementation of Mitigation Measures M-BI-1a through M-BI-1i would reduce any potential impacts on special-status species to *less-than-significant* levels by requiring general protection measures, worker training and awareness programs, preconstruction surveys, vegetation restoration plan and compensatory mitigation, and specific minimization and avoidance measures.

- *Mitigation Measure M-BI-1a: General Protection Measures.*
- *Mitigation Measure M-BI-1b: Worker Training and Awareness Program.*
- *Mitigation Measure M-BI-1c: Prevent Movement of Sensitive Wildlife Species through the Work Areas.*
- *Mitigation Measure M-BI-1d: Preconstruction Surveys and Construction Monitoring and Protocols for California Tiger Salamander, California Red-Legged Frog, and Alameda Whipsnake.*
- *Mitigation Measure M-BI-1e: Prepare and Implement a Vegetation Restoration Plan and Compensatory Mitigation.*
- *Mitigation Measure M-BI-1f: Measures to Minimize Disturbance to Western Burrowing Owl.*
- *Mitigation Measure M-BI-1g: Measures to Minimize Disturbance to Special-Status Bird Species.*
- *Mitigation Measure M-BI-1h: Conduct Preconstruction Surveys for Special-Status Bats and Implement Avoidance and Minimization Measures.*

- *Mitigation Measure M-BI-1i: Avoidance and Minimization Measures for American Badger.*

Impact BI-2: Construction of the proposed project could have a substantial adverse effect on riparian habitat and other sensitive habitats. (DEIR Section 5.14.4.3, Pages 5.14-88 to 5.14-89)

Implementation of Mitigation Measure M-BI-2 (Avoidance and Protection Measures for Riparian Habitats and Wetlands) and Mitigation Measures M-BI-1a, 1b, and 1e (General Protection Measures, Worker Training and Awareness Program, Vegetation Restoration Plan and Compensatory Mitigation, respectively) would reduce impacts on riparian habitat to *less-than-significant* levels by requiring fencing adjacent to riparian habitats and slope stabilization to protect water quality in receiving water bodies during construction activities, requiring general protection measures, requiring worker training regarding the resources present, and establishing protocols and performance standards for revegetation and restoration activities for impacted upland areas.

- *Mitigation Measure M-BI-2: Avoidance and Protection Measures for Riparian Habitats and Wetlands.*
- *Mitigation Measure M-BI-1a: General Protection Measures.*
- *Mitigation Measure M-BI-1b: Worker Training and Awareness Program.*
- *Mitigation Measure M-BI-1e: Prepare and Implement a Vegetation Restoration Plan and Compensatory Mitigation.*

Impact BI-3: Construction of the proposed project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means. (DEIR Section 5.14.4.3, Pages 5.14-90 to 5.14-91)

Implementation of Mitigation Measures M-BI-1a, 1b, and 1e (General Protection Measures, Worker Training and Awareness Program, Vegetation Restoration Plan and Compensatory Mitigation, respectively) and Mitigation Measure M-BI-2 (Avoidance and Protection Measures for Riparian Habitats and Wetlands) would reduce impacts on riparian habitat to *less-than-significant* levels by requiring general protection measures, requiring worker training regarding the resources present, establishing protocols and performance standards for revegetation and restoration activities for impacted upland areas, and requiring fencing adjacent to wetlands and slope stabilization to protect water quality in receiving water bodies during construction activities.

- *Mitigation Measure M-BI-1a: General Protection Measures.*
- *Mitigation Measure M-BI-1b: Worker Training and Awareness Program.*
- *Mitigation Measure M-BI-1e: Prepare and Implement a Vegetation Restoration Plan and Compensatory Mitigation.*

- *Mitigation Measure M-BI-2: Avoidance and Protection Measures for Riparian Habitats and Wetlands.*

Impact BI-6: Project operations could have a substantial adverse effect on riparian habitat or other sensitive natural community, including wetland habitats. (DEIR Section 5.14.4.4, Pages 5.14-97 to 5.14-103)

Implementation of Mitigation Measure M-BI-6a through M-BI-6c would reduce impacts on tree-supporting riparian vegetation alliances to *less-than-significant* levels by requiring mapping, monitoring, and habitat enhancement as appropriate.

- *Mitigation Measure M-BI-6a: Baseline riparian habitat mapping.*
- *Mitigation Measure M-BI-6b: Annual riparian habitat monitoring and reporting.*
- *Mitigation Measure M-BI-6c: Habitat enhancement, Subreaches B and C1 to achieve no net loss of tree-supporting riparian alliances.*

Impact BI-8: Construction and operations of the proposed project could conflict with local policies or ordinances protecting biological resources. (DEIR Section 5.14.4.4, Pages 5.14-104 to 5.14-106)

Implementation of Mitigation Measures M-BI-1a through M-BI-1i, M-BI-2, and M-BI-6a through M-BI-6c would reduce impacts on biological resources to *less-than-significant* levels by implementing biological resources protection measures that would minimize conflict with the East County Area Plan.

- *Mitigation Measure M-BI-1a: General Protection Measures.*
- *Mitigation Measure M-BI-1b: Worker Training and Awareness Program.*
- *Mitigation Measure M-BI-1c: Prevent Movement of Sensitive Wildlife Species through the Work Areas.*
- *Mitigation Measure M-BI-1d: Preconstruction Surveys and Construction Monitoring and Protocols for California Tiger Salamander, California Red-Legged Frog, and Alameda Whipsnake.*
- *Mitigation Measure M-BI-1e: Prepare and Implement a Vegetation Restoration Plan and Compensatory Mitigation.*
- *Mitigation Measure M-BI-1f: Measures to Minimize Disturbance to Western Burrowing Owl.*
- *Mitigation Measure M-BI-1g: Measures to Minimize Disturbance to Special-Status Bird Species.*
- *Mitigation Measure M-BI-1h: Conduct Preconstruction Surveys for Any Special-Status Bats and Implement Avoidance and Minimization Measures.*
- *Mitigation Measure M-BI-1i: Avoidance and Minimization Measures for American Badger.*

- *Mitigation Measure M-BI-2: Avoidance and Protection Measures for Riparian Habitats and Wetlands.*
- *Mitigation Measure M-BI-6a: Baseline riparian habitat monitoring.*
- *Mitigation Measure M-BI-6b: Annual riparian habitat monitoring and reporting.*
- *Mitigation Measure M-BI-6c: Habitat enhancement, Subreaches B and C1 to achieve no net loss of tree-supporting riparian alliances.*

Impact C-BI-1: The project, in combination with past, present, and probable future projects, could substantially affect terrestrial biological resources. (DEIR Section 5.14.4.5, Pages 5.14-106 to 5.14-113)

See Impacts BI-1, BI-2, BI-3, and BI-6. Implementation of the listed mitigation measures would reduce the Project's contribution to cumulative temporary impacts on biological resources to a less-than-significant level. In addition to mitigations previously discussed, Mitigation Measure M-C-BI would require the SFPUC to coordinate its implementation of mitigation measures with these other cumulative projects. By doing so, the SFPUC would reduce the project's contribution to any potential cumulative impacts to less than significant.

- *Mitigation Measure M-BI-1a: General Protection Measures*
- *Mitigation Measure M-BI-1b: Worker Training and Awareness Program*
- *Mitigation Measure M-BI-1c: Prevent Movement of Sensitive Wildlife Species through the Work Areas*
- *Mitigation Measure M-BI-1d: Preconstruction Surveys and Construction Monitoring and Protocols for California Tiger Salamander, Red-Legged Frog, and Alameda Whipsnake*
- *Mitigation Measure M-BI-1e: Prepare and Implement a Vegetation Restoration Plan and Compensatory Mitigation*
- *Mitigation Measure M-BI-1f: Measures to Minimize Disturbance to Western Burrowing Owl*
- *Mitigation Measure M-BI-1g: Measures to Minimize Disturbance to Special-Status Bird Species*
- *Mitigation Measure M-BI-1h: Conduct Preconstruction Surveys for Special-Status Bats and Implement Avoidance and Minimization Measures*
- *Mitigation Measure M-BI-1i: Avoidance and Minimization Measures for American Badger*
- *Mitigation Measure M-BI-2: Avoidance and Protection Measures for Riparian Habitats and Wetlands.*
- *Mitigation Measure M-C-BI: Coordination of Measures for Monitoring and Habitat Enhancement in Subreaches A, B, and C1*
- *Mitigation Measure M-BI-6a: Baseline riparian habitat monitoring.*
- *Mitigation Measure M-BI-6b: Annual riparian habitat monitoring and reporting.*
- *Mitigation Measure M-BI-6c: Habitat enhancement, Subreaches B and C1 to achieve no net loss of tree-supporting riparian alliances.*

Geology and Soils

Impact GE-3: Project construction could result in a substantial adverse effect by directly or indirectly destroying a unique paleontological resource or site or unique geologic feature. (DEIR Section 5.15.3.3, Pages 5.15-24 to 5.15-26)

Implementation of Mitigation Measure M-GE-3, Accidental Discovery of Paleontological Resources, would reduce the Project's potential construction-related impacts on paleontological resources to *less-than-significant* levels by requiring that construction work be temporarily halted or diverted in the event of a paleontological resource discovery, and adherence to appropriate protocols for assessing and salvaging any potential fossil finds.

- *Mitigation Measure M-GE-3: Accidental Discovery of Paleontological Resources.*

Impact C-GE: The project, in combination with past, present, and probable future projects, could substantially affect paleontological resources. (DEIR Section 5.15.3.5, Pages 5.15-32 to 5.15-33)

See Impacts GE-3. Implementation of the listed mitigation measure would reduce the Project's contribution to cumulative impacts on paleontological resources encountered during construction to a *less-than-significant* level.

- *Mitigation Measure M-GE-3: Accidental Discovery of Paleontological Resources*

Mineral and Energy Resources

Impact ME-4: Project operations could encourage activities that use large amounts of fuel or energy, or the use of these resources in a wasteful manner. (DEIR Section 5.18.3.4, Pages 5.18-10 to 5.18-12)

Implementation of Mitigation Measure M-ME-4, Incorporation of Energy Efficient Measures, would reduce the Project's potential to use of fuel and energy to *less-than-significant* levels by requiring that energy efficient equipment be used.

- *Mitigation Measure ME-4: (WSIP PEIR Measure 4.15-2, Incorporation of Energy Efficiency Measures)*

Impact C-ME: The project, in combination with past, present, and probable future projects, could substantially affect energy resources. (DEIR Section 5.18.3.5, Pages 5.18-12 to 5.18-14)

See Impact ME-4. Implementation of the listed mitigation measure would reduce the Project's contribution to cumulative impacts on energy resources to a *less-than-significant* level.

- *Mitigation Measure ME-4: (WSIP PEIR Measure 4.15-2, Incorporation of Energy Efficiency Measures)*

IV. Significant Impacts That Cannot Be Avoided or Reduced to a Less-Than-Significant Level

ACRP Impact

Based on substantial evidence in the whole record of these proceedings, the SFPUC finds that, where feasible, changes or alterations have been required or incorporated into the Alameda Creek Restoration Project to reduce the significant environmental impacts as identified in the Final EIR for the Project. All Project-specific impacts will be reduced to a **less-than-significant level** with the implementation of the mitigation measures proposed in the Final EIR and set forth in the MMRP, attached hereto as Attachment B.

The SFPUC further finds, however, that the Project is a component of the WSIP and, therefore, will contribute to the significant and unavoidable impact caused by the WSIP water supply decision. For the WSIP impact listed below, the effect remains **significant and unavoidable**. The SFPUC determines that the following significant impact on the environment, as reflected in the Final PEIR, is unavoidable, but under Public Resources Code Section 21081(a) (3) and (b), and CEQA Guidelines Sections 15091(a) (3), 15092(b) (2) (B), and 15093, the SFPUC determines that the impact is acceptable due to the overriding considerations described in Section VI below. This finding is supported by substantial evidence in the record of this proceeding.

WSIP Impact

The WSIP PEIR and this Commission's Resolution No. 08-0200 related to the WSIP water supply decision identified three significant and unavoidable impacts of the WSIP: ***Impact 5.4.1-2-****Stream Flow: Effects on flow along Alameda Creek below the Alameda Creek Division Dam*; ***Impact 5.5.5-1-****Fisheries: Effects on fishery resources in Crystal Springs reservoir (Upper and Lower);* and ***Impact 7-1-****Indirect growth inducing impacts in the SFPUC service area.* Mitigation measures that were proposed in the PEIR were adopted by this Commission for these impacts; however, the mitigation measures could not reduce all the impacts to a less than significant level, and these impacts were determined to be significant and unavoidable. This Commission has already adopted the mitigation measures proposed in the PEIR to reduce these impacts when it approved the WSIP in its Resolution No. 08-0200. This Commission also adopted a Mitigation Monitoring and Reporting Program as part of that approval. The findings regarding the three impacts and mitigation measures for these impacts set forth in Resolution No.

08-0200 are incorporated into these findings by this reference, as though fully set forth in these CEQA Findings.

Subsequent to the certification of the PEIR, the Planning Department has conducted more detailed, site-specific review of two of the significant and unavoidable water supply impacts identified in the PEIR. In the case of ***Impact 5.5.5.-1***, the Project-level fisheries analysis in the Lower Crystal Springs Dam Improvement Project Final EIR modifies the PEIR impact determination based on more detailed site-specific data and analysis and determined that impacts on fishery resources due to inundation effects would be less than significant. Project-level conclusions supersede any contrary impact conclusions in the PEIR. The SFPUC adopted CEQA Findings with respect to the approval of the Lower Crystal Springs Dam Improvement Project in Resolution No. 10-0175. The CEQA Findings in Resolution No. 10-0175 related to the impacts on fishery resources due to inundation effects are incorporated into these findings by this reference, as though fully set forth in these CEQA Findings.

In the case of ***Impact 5.4.1-2***, the project level analysis in the Calaveras Dam Replacement project Final EIR modifies the PEIR determination and concludes that the impact related to stream flow along Alameda Creek between the diversion dam and the confluence with Calaveras Creek (PEIR Impact 5.4.1-2) will be less than significant based on more detailed, site-specific modeling and data. Project-level conclusions supersede any contrary impact conclusions in the PEIR. The SFPUC adopted CEQA Findings with respect to the approval of the Calaveras Dam Improvement Project in Resolution No. 11-0015. The CEQA Findings in Resolution No. 11-0015 related to the impacts on fishery resources due to inundation effects are incorporated into these findings by this reference, as though fully set forth in these CEQA Findings.

The remaining significant and unavoidable water supply impact listed in Resolution No. 08-0200 is as follows, relating to ***Impact 7-1***:

- **PEIR Impact 7-1 Indirect growth inducing impacts in the SFPUC service area.**

The WSIP would result in potentially significant and unavoidable indirect growth-inducement impacts in the SFPUC service area. By providing water to support planned growth in the SFPUC service area, the WSIP will result in significant and unavoidable growth inducement effects that primarily relate to secondary effects such as air quality, traffic congestion and water quality. (PEIR Chapter 7). The WSIP identified mitigation measures adopted by jurisdictions that have prepared general plans and related land use plans and major projects in the SFPUC service area to reduce the identified impacts of planned growth. A summary of projects reviewed under CEQA and mitigation measures identified are included in Appendix E, Section E.6 of the PEIR.

Despite the adoption of mitigation measures, some of the identified impacts of planned growth cannot be reduced to a less-than-significant level, and the WSIP, which has a longer planning horizon and somewhat different growth projections than some general plans, would be expected to result in impacts not addressed by adopted mitigation measures as summarized in the PEIR Chapter 7. Jurisdictions have adopted statements of overriding considerations in approving plans that support growth for which mitigation measures have not been identified and the SFPUC

adopted a statement of overriding considerations in approving the WSIP through Resolution No. 08-0200. Thus, some of the growth that the WSIP would support would result in secondary impacts that would remain **significant and unavoidable**.

V. Evaluation of Project Alternatives

This section describes the Project as well as alternatives and the reasons for approving the Project and for rejecting the alternatives as infeasible. CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR also evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the Project in terms of their significant impacts and their ability to meet Project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the Project.

A. Reasons for Approval of the Project

The overall goals of the WSIP for the regional water system are to:

- Maintain high-quality water and a gravity-driven system.
- Reduce vulnerability to earthquakes – deliver basic service to the three regions in the service area within 24 hours and restore facilities to meet average-day demand within 30 days after a major earthquake.
- Increase delivery reliability – allow planned maintenance shutdown without customer service interruption and minimize risk of service interruption from unplanned outages.
- Meet customer water supply needs through 2018 – meet average annual water purchase requests during non-drought years and meet dry-year delivery needs while limiting rationing to a maximum 20 percent systemwide; diversify water supply options during non-drought and drought years and improve use of new water resources, including the use of groundwater, recycled water, conservation and transfers.
- Enhance sustainability.
- Achieve a cost-effective, fully operational system.

The Project would help meet WSIP level-of-service goals and system performance objectives. Specific 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, 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.
- Maximize the use of existing SFPUC facilities and infrastructure.
- Provide a sufficient flow to the Sunol Valley Water Treatment Plant to meet its minimum operating requirements.

The Project would help meet WSIP goals by maintaining the historical annual transfers from the Alameda Watershed system to the SFPUC regional water system, thereby increasing water delivery reliability and meeting customer supply needs. The proposed Project is a fundamental component of the SFPUC's WSIP and is needed to fully meet WSIP goals and objectives, in particular those for delivery reliability and water supply reliability. On an average annual basis, the project is estimated to recapture 7,178 acre-feet per year of water that is equivalent to the estimated average loss of yield to the SFPUC's water system associated with the flow releases and bypasses required by state and federal resource agency permits for the Calaveras Dam Replacement Project ("CDRP").

B. Alternatives Rejected and Reasons for Rejection

The Commission rejects the alternatives set forth in the Final EIR and listed below because the Commission finds that there is substantial evidence, including evidence of economic, legal, social, technological, and other considerations described in this section in addition to those described in Section VI below under CEQA Guidelines 15091(a)(3), that make such Alternatives infeasible. In making these infeasibility determinations, the Commission is aware that CEQA defines "feasibility" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors." The Commission is also aware that under CEQA case law the concept of "feasibility" encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project, and (ii) the question of whether an alternative is "desirable" from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

Alternative A: No Project

Under the No Project Alternative, the Alameda Creek Recapture Project would not be constructed or operated. Without the ACRP, the SFPUC would not recapture the flows released from Calaveras Reservoir and bypassed at the ACDD. Instead, the instream flow releases and bypasses would continue down Alameda Creek as surface or subsurface flows, with a portion of the flow entering the existing quarry pits as explained in Chapter 5, Section 5.16, Hydrology and Water Quality, the same as described under the "with-CDRP" conditions. Under the No Project Alternative, the SFPUC's yield from Calaveras Reservoir under its pre-1914 appropriative water rights would be reduced by approximately 6.4 million gallons per day (mgd) compared to the

estimated available deliveries from the Alameda Creek watershed assumed in the Phased WSIP analysis in the WSIP PEIR.

Under the No Project Alternative, the SFPUC would continue to operate its regional system to maximize use of the local watershed supplies for domestic and other purposes. To make up for the loss of yield from the Alameda watershed, the SFPUC could be expected to search for alternative water supplies, such as participation in the Bay Area Regional Desalination Project (BARDP) and additional water transfers, if any feasible transfers are identified. The success of such efforts is uncertain.

The No Project Alternative would undermine the SFPUC's ability to exercise its water rights in the Alameda Creek watershed, and the associated loss of yield to the regional system would hinder the SFPUC's ability to reliably meet the water supply needs of its 2.6 million customers in San Francisco, San Mateo, Santa Clara, Alameda, and Tuolumne Counties.

The No Project Alternative would fail to meet all but one of the fundamental ACRP objectives. More importantly, the No Project Alternative would not meet the water supply objectives of the ACRP or the WSIP. Under the No Project Alternative, the SFPUC would continue to maintain and operate the regional water system in the Alameda watershed. Although the system would be operated differently than it would be under the proposed project, the SFPUC would presumably maximize the use of its existing facilities and infrastructure, thereby meeting the fourth project objective, even though there could be unused capacity in some of the facilities due to the reduced yield from the Alameda watershed.

The No Project Alternative would jeopardize the SFPUC's ability to meet the water supply and delivery reliability WSIP program goal and system performance objectives. The loss of 6.4 mgd yield from the Alameda Watershed would affect the SFPUC's ability to guarantee it can meet customer demand with no more than 20 percent rationing in drought periods. It would undermine the SFPUC's ability to exercise its water rights in the Alameda Creek watershed. It would fail to meet project objectives, as it would not recapture water released from Calaveras Dam and bypassed at the ACDD, maintain 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; maximize local watershed supplies; and provide a sufficient flow rate to the Sunol Valley Water Treatment Plant (SVWTP) to meet its minimum operating requirements. While it would provide for continued use of existing SFPUC facilities and infrastructure it might not fully meet the objective of maximizing use of facilities and infrastructure – reduced yield from the Alameda watershed could result in unused capacity in some of the facilities.

Under the No Project Alternative, current conditions would continue and all construction-related impacts would be avoided. The only unmitigated impact that would occur with the Project is the Project's contribution to the WSIP impact of indirect impacts related to growth. To the extent that the 6.4 mgd of water supply from the Project contributes to growth, the Project's contribution to the indirect impacts associated with growth would not occur with the No Project Alternative. However, under the No Project Alternative, the SFPUC would be expected to pursue actions to

make up for the loss of yield from the Alameda watershed as described above. Impacts associated with pursuing the Bay Area Regional Desalination Project are discussed below under Alternative B. Environmental impacts associated with a water transfer project are unknown as no feasible transfer is identified at this time, but such action could result in environmental impacts different from the project and could affect a different watershed from the Alameda Creek watershed. If the SFPUC successfully located an alternative water source, it could contribute to the indirect impacts associated with growth as identified for the WSIP in the WSIP PEIR.

The Commission rejects the No Project Alternative as infeasible because other than partially meeting the objective of maximizing use of existing SFPUC facilities and infrastructure, it would not meet the project objectives, and it would jeopardize the SFPUC's ability to meet the adopted WSIP goals and objectives as set forth in SFPUC Resolution No. 08-0200. It would require the SFPUC to search for uncertain, alternative water supplies and if the SFPUC were successful, implementation of these supplies would be expected to result in project specific environmental impacts as well as the significant and unavoidable growth inducing impact associated with the WSIP.

Alternative B: Regional Desalination

This alternative consists of implementation of the Bay Area Regional Desalination Project (BARDP), a collaboration of five Bay Area water agencies to investigate a year-round regional water supply project using desalination and water transfers to serve the needs of over 5.6 million residents and businesses in the region.[2] The SFPUC, along with the Contra Costa Water District (CCWD), East Bay Municipal Utility District (EBMUD), Santa Clara Valley Water District, and Zone 7 Water Agency, have been working together on the BARDP for over a decade. These agencies have completed a number of feasibility studies, pilot testing, site-specific analyses, and reliability studies. With the studies completed to date, the agencies have determined that the BARDP is technically feasible. However, the schedule for the next steps in implementing the BARDP, including preliminary design, environmental review, and construction is still to be determined.[3]

Under the BARDP, other participating agencies would receive the desalinated water, but the SFPUC would not directly receive desalinated water. Instead, the SFPUC would receive an exchange of EBMUD system water through the SFPUC's existing Hayward Intertie facility for its share of desalinated water. For planning purposes, it is assumed that the SFPUC's share of the regional water supply would be 9 mgd in all year types. The final share would be subject to negotiation with the other partners.

The Regional Desalination Alternative would support the second ACRP objective of "minimiz[ing] impacts on water supply during system maintenance and in the event of drought, water supply problems, or transmission disruptions in the Hetch Hetchy system." The estimated yield of 9 mgd

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[2] The Regional Desalination for Drought Alternative analyzed in the WSIP PEIR was based on the BARDP as envisioned at that time, which was for a drought only supply. Currently, the BARDP is envisioned as a year-round supply for the SFPUC, which is the alternative analyzed here in the ACRP EIR.

[3] Bay Area Regional Desalination Project. Website accessed on April 8, 2016. http://www.regionaldesal.com/ .

from the Regional Desalination Alternative would theoretically compensate for the loss of yield of 6.4 mgd from the Alameda watershed during both non-drought and drought periods if the ACRP were not to be implemented. Although the SFPUC's Alameda watershed facilities would be operated differently than it would be under the proposed project, the SFPUC would presumably maximize the use of its existing facilities and infrastructure in the Alameda watershed as well as use of the existing Hayward Intertie; however, there could be unused capacity in some of the facilities due to the reduced yield from the Alameda watershed. Thus, this alternative would partially meet the fourth project objective to maximize the use of existing SFPUC facilities and infrastructure.

This alternative would fail all the other ACRP objectives and would: (1) not recapture the water that will be released from Calaveras Dam and bypassed at the ACDD, nor maintain the historical annual transfers from the Alameda Watershed system to the SFPUC regional water system; (2) not maximize local watershed supplies; and (3) not provide a sufficient flow rate to the SVWTP to meet its minimum operating requirements.

Detailed environmental review will be required prior to project approval to identify the project- and site-specific environmental impacts of this alternative. Nevertheless, conceptual planning studies available at the time of the WSIP PEIR, as described in PEIR Volume 4, Chapter 8, which is incorporated by reference in the Final EIR, and subsequent additional planning and development that has resulted in several additional site-specific studies, preliminary indications of the BARDP can be deduced. Given the nature and magnitude of the BARDP relative to the ACRP, it is likely that both the construction and operations of the BARDP would result in more numerous and more severe environmental impacts than those of the ACRP. The impacts would occur in the vicinity of the BARDP site in Contra Costa County rather than in the Alameda Creek watershed in Alameda County. Potential impacts from construction activities include: conflicts with land uses; degradation of scenic resources; geological and/or seismic hazards associated with facility siting; water quality impacts; short-term depletion of groundwater resources; impacts on biological resources transportation impacts; air quality emissions and potential odors; noise impacts; and impacts associated with encountering hazardous materials in soil and groundwater. Potential impacts from operations include: entrainment or impingement of special-status aquatic organisms in the intake pipeline; discharge of toxic substances from the outfall structure; impacts on wetlands, marshlands, and other sensitive habitats; substantial use of nonrenewable energy resources; generation of greenhouse gases; permanent land use conflicts; degradation of visual resources/scenic views; operational air quality emissions and odors; and permanent increases in noise and vibration.

The SFPUC rejects the Alternative B as infeasible. Alternative B would fail to meet three of the four project objectives. As noted above, it is likely that BARDP would result in more numerous and more severe environmental impacts than those of the ACRP. All Project impacts, with the exception of the WSIP-related impact to growth can be mitigated. If the BARDP resulted in replacement water supply equivalent to the ACRP, it would result in the same WSIP growth inducing impact as the ACRP. Thus, the Alternative B does not have a clear environmental benefit over the Project and fails to meet all of the project objectives. The Project would mitigate its impacts and it is unclear whether the increased impacts of Alternative B can be fully mitigated.

To the extent that Alternative B meets the project objective of minimiz[ing] impacts on water supply during system maintenance and in the event of drought, water supply problems, or transmission disruptions in the Hetch Hetchy system, it would have the same WSIP growth-inducing impact as the ACRP.

For all of these reasons, the SFPUC rejects Alternative B as infeasible.

Environmentally Superior Alternative. The proposed project presented is the environmentally superior alternative. The environmental analysis for the proposed project presented in the EIR determined that the ACRP would result in no project-level significant and unavoidable impacts, and that all identified impacts were either less than significant or could be mitigated to a less-than-significant level with implementation of identified mitigation measures. Therefore, compared to the No Project and Regional Desalination Alternatives, the proposed project is the environmentally superior alternative.

C. Alternatives Considered but not Analyzed in Detail

The Draft EIR, Section 7.5 explains the process for selecting the ACRP and the alternatives considered and evaluated in the Draft EIR. As explained in the Draft EIR, altogether 36 alternative recapture options/alternatives were evaluated, including the following:

- One option involving an inflatable dam in Alameda Creek downstream of the Sunol Valley Water Treatment Plant.
- Twelve options involving in-stream infiltration gallery at various locations along Alameda Creek.
- Six options involving shallow wells (well fields) that would pump groundwater from the shallow alluvium.
- Ten options involving near stream or in-stream horizontal drains.
- Two options involving pumping from quarry pits (one of which ultimately became the ACRP).
- One option involving deep wells in the Livermore Gravels.
- One option involving extra local sources, based on recovering water from tributaries to Alameda Creek.
- One option involving recirculation of surface water and construction of a diversion or retention facility downstream of the Sunol Valley Water Treatment Plant.
- One option involving rehabilitation of the existing Sunol Filter Gallery.
- One option involving a cooperative agreement with the Alameda County Water District.

The Draft EIR explains that all of these alternative concepts or locations were determined to either be infeasible or to result in the same or more severe environmental impacts compared to those of the ACRP. The process the SFPUC undertook to consider all of these alternatives and a detailed analysis of these alternatives considered and the reasons they have been rejected from further analysis is described in the Draft EIR, Section 7.5. The SFPUC finds each of these reasons provide sufficient independent grounds for rejecting these alternatives. The Planning Department received two comments on the Draft EIR suggesting that the Draft EIR should have analyzed additional alternatives in detail, although no commenter suggested specific alternatives that the Draft EIR should have included. The Responses to Comments document (Responses to Comments, Section 11.6) explains that in addition to a detailed analysis and comparison of two alternatives to the ACRP in the Draft EIR, the CEQA alternatives analysis also describes and discusses the alternatives listed above and the reasons they were determined not to avoid or lessen significant impacts or were otherwise infeasible. The SFPUC finds that the Draft EIR evaluated a reasonable range of alternatives, as required by CEQA that allows Project decision-makers and the public to evaluate and compare the potential impacts of the proposed project with alternatives designed to avoid or lessen the project's environmental effects. The SFPUC finds each of these reasons provide sufficient independent grounds for rejecting these alternatives.

VI. Statement of Overriding Considerations

Pursuant to CEQA Section 21081 and CEQA Guidelines Section 15093, the Commission hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below, independently and collectively outweighs the significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings, as defined in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Commission specifically finds that there are significant benefits of the Project in spite of the unavoidable significant impacts, and therefore makes this Statement of Overriding Considerations. The Commission further finds that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All mitigation measures proposed in the Final EIR for the Project are adopted as part of this approval action. Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social, and other considerations.

As stated in Section 3.2.2 of the EIR, the SFPUC included the ACRP in the WSIP because as part of the CDRP, the SFPUC intended to implement instream flow releases to improve habitat

conditions for native rainbow trout in accordance with a 1997 Memorandum of Understand (MOU) with CDFW (then referred to as California Department of Fish and Game (CDFG)). The WSIP referred to the ACRP as the Alameda Creek Fishery Enhancement Project (WSIP at Section 3.8). At the time of the WSIP, the SFPUC had studied release of water from Calaveras Dam to benefit native fish populations for many years following a 1990 complaint by the organization California Trout filed with the California State Water Resources Control Board. In response to that complaint, the SFPUC entered into the MOU with CDFG.

The MOU contemplated release of water from Calaveras Reservoir and recapture of these flows using an on- stream diversion (inflatable dam) in Sunol Valley (SFPUC Resolution No. 97-0200 and Board of Supervisors Resolution No. 995-97). The intent of the SFPUC in approving the MOU was to accommodate support of native fishes in its operation of the Regional Water System while maintaining the SFPUC's existing pre-1914 water rights to water in Calaveras Reservoir. Those water rights include the diversion of water to storage in Calaveras Reservoir from the ACDD. In May, 2001 the SFPUC received a letter from the U.S. Environmental Protection Agency (U.S.EPA) stating that the proposed inflatable dam might not be approved under section 404 of the Clean Water Act as the least environmentally damaging practical alternative. (Letter to Michael Carlin, SFPUC from Tim Vendlinski, U.S.EPA Region IX, re Alameda Creek Fishery Enhancement and Recapture Facility, May 8, 2001.) That same year the DSOD issued an order restricting storage in Calaveras Dam due to seismic safety concerns, which prevented progress in implementing the MOU. The SFPUC developed plans to rebuild Calaveras Dam and began exploring alternatives for implementation of the MOU. The flow releases contemplated in the 1997 MOU were ultimately superseded by the flow release and bypass requirements imposed in federal (National Marine Fisheries Service) and state (CDFG) resource agency permits for rebuilding Calaveras Dam as part of the CDRP. The recovery of the releases and bypasses that result in loss of yield to the SFPUC system are included in the operation of the ACRP.

As explained in the EIR, Section 7.5, Alternatives Considered but Eliminated From Further Analysis, the SFPUC completed several studies of alternatives for recovery the releases and bypasses, including the *2004 Alameda Creek Fishery Enhancement Needs Assessment & Alternatives Analysis*, and the *2009 Final Updated Alternatives Analysis Report for Alameda Creek Fishery Enhancement Project.* These studies explored numerous alternative options, including in-stream infiltration galleries, shallow wells, horizontal drains, pumping from quarry pits, deep wells, recovery of water from other local sources, recirculation of surface water, and rehabilitation of the existing Sunol Filter Gallery. The ACRP analyzed in the DEIR is the environmentally superior alternative of all alternatives considered.

The Project will have the following benefits:

- The Project would maintain historical annual transfers from the Alameda Watershed system to the SFPUC regional water system, consistent with its existing pre-1914 water rights, by recapturing water that would have otherwise been stored in Calaveras Reservoir due to the release and bypass of flows from Calaveras Dam and the ACDD, respectively.

- The ACRP avoids any construction in the channel of Alameda Creek by instead relying on the passive accumulation of water within quarry pits in Sunol Valley. It avoids any impact to passage of threatened steelhead trout through Sunol Valley while simultaneously meeting the SFPUC's longstanding goal of preserving yield under its existing pre-1914 water rights for Calaveras Dam.

- The Project would make use of existing SFPUC infrastructure and facilities and minimize the need for construction of new facilities by assuring existing available capacity is used to its maximum feasible extent. Reliance on existing facilities and infrastructure enables the SFPUC to avoid construction of an entirely new water storage system. The SFPUC has adopted mitigation measures that will reduce all of the direct environmental impacts associated with the construction and operation of the Project to a less than significant level.

- The Project will further the WSIP's goals and objectives. As part of the approval of Resolution 08-2000, the SFPUC adopted a Statement of Overriding Considerations as to why the benefits of the WSIP outweighed the significant and unavoidable impacts associated with the WSIP. This Statement of Overriding Considerations is relevant to the significant and unavoidable impact related to growth-inducement to which this Project contributes. The findings regarding the Statement of Overriding Considerations set forth in Resolution No. 08-2000 are incorporated into these findings by this reference, as though fully set forth in these CEQA Findings. In addition, for the particular reasons set forth below, this Project helps to implement the following benefits of the WSIP:

- The SFPUC WSIP identifies the goal of reducing vulnerability to earthquakes. It establishes an objective of delivering basic service to three regions in the SFPUC service area – East/South Bay, Peninsula, and San Francisco within 24 hours after a major earthquake. The performance objective is to deliver 104 mgd to the East/South Bay, 44 mgd to the Peninsula, and 81 mgd to San Francisco. The Project, by delivering up to 6.4 mgd on an average annual basis of local water supply from the Alameda Watershed, would provide increased local water supply in the event of an emergency such as an earthquake. Providing water security is critical to the Bay Area's economic security, competitiveness and quality of life.

- The SFPUC WSIP identifies the goal of increasing delivery reliability and improving the ability to maintain the SFPUC regional system by providing operational flexibility. The ACRP would provide 6.4 mgd of local water supply from the Alameda Watershed in the event of system maintenance, or water supply problems or transmissions disruptions in the Hetch Hetchy system, thereby furthering this important goal of the WSIP.

- The WSIP identifies the goal of meeting SFPUC retail and wholesale customer water demand during drought and nondrought periods, including providing an annual average of 265 mgd of retail and wholesale customer purchases from the SFPUC watersheds. The WSIP also establishes the goal of limiting rationing in a drought to a maximum of 20 percent for the 2.46 million persons in San Francisco, San Mateo, Santa Clara, Alameda and Tuolumne counties served by the SFPUC' regional water system. The Project

would provide approximately 6.4 mgd on an average annual basis and thereby contribute toward meeting these supply water goals.

- The WSIP projects are designed to meet applicable federal and state water quality requirements. The Project will further this objective as the EIR for the Project determined that the Project would have no significant impact on water quality and would not degrade drinking water.

Having considered these benefits, including the benefits discussed in Section I above, the Commission finds that the benefits of the Project and the Project's furtherance of the WSIP goals and objectives outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting			
			Responsible Party	Reviewing and Approval Party	Monitoring and Reporting Actions	Implementation Schedule
Cultural and Paleontological Resources						
CP-1	Project construction could cause a substantial adverse change in the significance of an archeological resource that qualifies as a historical or unique archeological resource.	**Mitigation Measure M-CUL-1: Accidental Discovery of Archeological Resources.** The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and (c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet. Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken. If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archeologist. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor. Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions. The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	1) SFPUC EMB 2) SFPUC CMB 3) SFPUC CMB/SFPUC BEM (qualified archeologist) 4) SFPUC CMB/SFPUCBEM (qualified archeologist)	1) SFPUC BEM 2) SFPUC BEM/SF Planning ERO 3) SF Planning ERO 4) SF Planning ERO	1) Ensure that the contract documents include measures related to archeological discoveries. 2) Ensure that all personnel attend environmental training prior to and during any construction-related soil-disturbing activities, receive the ALERT sheet, and sign the training sign-in sheet. Maintain file of signature sheets for submittal to ERO. Monitor to ensure that the contractor implements measures in contract documents. Report noncompliance and ensure corrective action. 3) In the event of any indication of an archeological resource encountered during any soils disturbing activity of the project, evaluate the potential discovery and advise the ERO as to the significance of the discovery. If warranted, proceed with measures that may include the following: a. On-site preservation of resource; b. Archeological monitoring program with prior review/approval of ERO; or c. Archeological testing program with prior review/approval of ERO. 4) In the event of any discovered archeological resource, prepare a Final Archeological Resources Report. Submit to ERO for review and approval. Submit to others as required once approved by ERO.	1) Design 2) Preconstruction/Construction 3) Construction 4) Post construction

USFWS = U.S. Fish and Wildlife Service
CDFW = California Department of Fish and Wildlife
BAAQMD = Bay Area Air Quality Management District

SFPUC = San Francisco Public Utilities Commission
SF Planning = San Francisco Planning Department
CMB = (SFPUC) Construction Management Bureau

EMB = (SFPUC) Engineering Management Bureau
BEM = (SFPUC) Bureau of Environmental Management

ERO = (SF Planning) Environmental Review Officer

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting		Monitoring and Reporting Actions	Implementation Schedule
			Responsible Party	Reviewing and Approval Party		
Cultural and Paleontological Resources (cont.)						
CP-1 (cont.)		Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound copy, one unbound copy and one unlocked, searchable PDF copy on CD three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.				
CP-2	Project construction could result in a substantial adverse effect related to the disturbance of human remains.	***Mitigation Measure M-CUL-2: Accidental Discovery of Human Remains.*** The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of Alameda County and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the SFPUC and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.	1) SFPUC EMB 2) SFPUC CMB (qualified archeologist), SFPUC BEM, SF Planning ERO 3) SFPUC CMB	1) SFPUC BEM 2) SFPUC BEM/SF Planning ERO 3) SFPUC BEM/SF Planning ERO	1) Ensure that contract documents include measures related to discovery of human remains. 2) If potential human remains are encountered, mobilize an archeologist to confirm existence of human remains. If human remains are confirmed, perform required coordination and notifications. 3) If human remains are encountered and confirmed, monitor to ensure that the contractor implements measures in contract documents including insuring that all potential human remains are reported as required and that contractor suspends work in the vicinity. Report noncompliance and ensure corrective action.	1) Design 2) Construction 3) Construction
C-CP	The project, in combination with past, present, and probable future projects, could substantially affect cultural resources.	Implement Mitigation Measures M-CUL-1 (Accidental Discovery of Archeological Resources) and M-CUL-2 (Accidental Discovery of Human Remains).	—	—	—	—

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			Implementation and Reporting		Monitoring and Reporting Actions	Implementation Schedule
			Responsible Party	Reviewing and Approval Party		
Air Quality						
AQ-1	Emissions generated during project construction activities could violate air quality standards and contribute substantially to an existing air quality violation.	***Mitigation Measure M-AQ 1: BAAQMD Basic Construction Measures.*** To limit dust, criteria pollutants, and precursor emissions associated with project construction, the following BAAQMD-recommended Basic Construction Measures shall be included in all construction contract specifications for the proposed project: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All paving shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. • Post a publicly visible sign with the telephone number and person to contact at the SFPUC regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.	1) SFPUC EMB 2) SFPUC CMB 3) SFPUC CMB	1) SFPUC BEM 2) SFPUC CMB/SF Planning ERO 3) SFPUC BEM	1) Ensure that the contract documents include specified dust control measures and exhaust control measures, including signage requirements and construction equipment maintenance. 2) Monitor to ensure that the contractor implements measures in contract documents, including the requirement to post signage regarding dust complaints and idling times. Report noncompliance and ensure corrective action. 3) Designate project liaison responsible for handling complaints related to dust or vehicle idling. Develop procedures for receiving and responding to complaints. Post contact information for the liaison and the BAAQMD Compliance and Enforcement Division on publicly visible signs in the project area. Ensure questions and complaints are responded to and corrective actions taken as needed.	1) Design 2) Construction 3) Construction
AQ-3	Implementation of the proposed project could conflict with or obstruct implementation of the 2010 Clean Air Plan.	Implement Mitigation Measures M-AQ-1 (BAAQMD Basic Construction Measures)	—	—	—	—
C-AQ	The project, in combination with past, present, and probable future projects, could substantially affect air quality.	Implement Mitigation Measures M-AQ-1 (BAAQMD Basic Construction Measures)	—	—	—	—

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Terrestrial Biological & Fisheries Resources						
BI-1	Construction of the proposed project could have a substantial adverse effect on special-status species.	***Mitigation Measure M-BI-1a: General Protection Measures.*** The SFPUC shall ensure that the following general measures are implemented by the contractor(s) during construction to minimize or avoid impacts on biological resources: • Construction contractor(s) shall limit the construction disturbance area to that necessary for project construction and avoid outside areas by posting signage delineating the construction disturbance area with flags, stakes, or fencing. • Protective fencing shall be installed outside the driplines of all trees to be retained that are located within 50 feet of any grading, road improvements, underground utilities, or other construction activity. A biologist who is experienced in special-status species and sensitive habitat identification and the SFPUC must first approve any encroachment beyond these fenced areas. The contractor shall maintain the temporary fencing until all construction activities are completed. No construction activities, parking, or staging shall occur beyond the fenced areas. • Project-related vehicles shall observe a 15-mile-per-hour speed limit on unpaved roads in the work area, or as otherwise determined by the applicable regulatory agencies. • The contractor shall provide closed garbage containers for the disposal of all food-related trash items (e.g., wrappers, cans, bottles, food scraps). All garbage shall be collected daily from the project area and placed in a closed container, from which garbage shall be removed weekly. • Construction personnel shall not feed or otherwise attract fish or wildlife in the project area. • No pets shall be allowed in the project area. • No firearms shall be allowed in the project area. • Staging areas shall be located at least 50 feet from riparian habitat, creeks, and wetlands. • If vehicle or equipment fueling or maintenance is necessary, it shall be performed in the designated staging areas and at least 50 feet from riparian habitat, creeks, or wetlands. • In cases where excavations require dewatering, the intakes shall be screened with a maximum mesh size of 5 millimeters.	1) SFPUC EMB 2) SFPUC CMB (qualified biologist)	1) SFPUC BEM 2) SFPUC BEM	1) Ensure that the contract documents includes the general protection measures. 2) Monitor to ensure that contractor implements measures in contract documents. Report noncompliance and ensure corrective action.	1) Design 2) Preconstruction/ Construction
		Mitigation Measure M-BI-1b: Worker Training and Awareness Program. The SFPUC shall ensure that mandatory biological-resources awareness training is provided to all construction personnel as follows: • The training shall be developed and provided by a biologist who is experienced in special-status species and sensitive habitat identification or a construction compliance manager familiar with the sensitive species that may occur in the project area. • The training shall be provided before any work, including vegetation clearing and grading, occurs within the work area boundaries.	1) SFPUC EMB 2) SFPUC CMB (qualified biologist) 3) SFPUC CMB (qualified biologist)	1) SFPUC BEM 2) SFPUC BEM 3) SFPUC BEM	1) Ensure the contract documents include the requirement that all construction personnel attend biological resources awareness training. 2) Prepare biological-resources awareness program. Include documentation of qualifications of the consulting biologist developing the training program (e.g., resume). 3) Prior to construction, and during construction as needed, implement training program. Monitor to ensure that all personnel attend training prior to beginning work and sign training sign-in sheet. Maintain file of sign-in sheets. Report noncompliance and ensure corrective action.	1) Design 2) Preconstruction 3) Preconstruction/Construction

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Biological Resources (cont.)						
BI-1 (cont.)		• The training shall provide education on the natural history of the special-status species potentially occurring in the project area, and discuss the required mitigation measures to avoid impacts on the special-status species and the penalties for failing to comply with biological mitigation requirements. • If new construction personnel are added to the project, the contractor shall ensure that they receive training prior to starting work. The subsequent training of personnel can include a videotape of the initial training and/or the use of written materials rather than in-person training by a biologist.				
		Mitigation Measure M-BI-1c: Prevent Movement of Sensitive Wildlife Species through the Work Areas. To prevent California tiger salamander (CTS), California red-legged frog (CRLF), and Alameda whipsnake (AWS), western pond turtle, and American badger from moving through the project area, the SFPUC or its contractors shall install temporary wildlife exclusion fencing along the work area boundaries (including access roads, staging areas, spoils sites etc.) prior to the start of project construction activities. The SFPUC shall ensure that the temporary fencing is continuously maintained until all construction activities are completed and that construction equipment is confined to the designated work areas. The fencing shall be made of suitable material that does not allow any of the animals listed above to pass through, and the bottom shall be buried to a depth of 6 inches (or to a sufficient depth as specified by the applicable resource agencies) so that these species cannot crawl under the fence. Fencing shall be equipped with exit funnels at least every 200 feet. To provide wildlife refugia and minimize CTS and CRLF mortality during construction, plywood coverboards (approximately 3 feet by 3 feet) shall be placed adjacent to the exclusion fence at a minimum interval of least 200 feet, alternating inside and outside of the fence. During fence installation and immediately prior to any initial ground-disturbing or vegetation removal activities, a biologist who is experienced in special-status species and sensitive habitat identification shall be present onsite to monitor for any special-status species present in suitable habitat within the fence installation area. If a special-status species is present within the fence installation area, work shall cease in the vicinity of the animal, and the animal shall be allowed to relocate of its own volition unless relocation is permitted by state and/or federal regulatory agencies. After construction is completed, the exclusion fencing and cover boards shall be removed.	1) SFPUC EMB 2) SFPUC CMB (qualified biologist) 3) SFPUC CMB (qualified biologist) 4) SFPUC CMB (qualified biologist)	1) SFPUC BEM 2) SFPUC BEM 3) SFPUC BEM 4) SFPUC BEM	1) Ensure that contract documents include wildlife exclusionary fencing measures. 2) Obtain and review resume or other documentation of consulting biologist's qualifications. Prior to construction, monitor fence installation. Conduct monitoring and relocation as required. Document activities in monitoring logs. 3) Monitor to ensure that the contractor implements measures in contract documents. Report noncompliance and ensure corrective action. 4) Monitor removal of exclusion fencing and cover boards.	1) Design 2) Preconstruction/Construction 3) Construction 4) Post construction
		Mitigation Measure M-BI-1d: Preconstruction Surveys and Construction Monitoring and Protocols for California Tiger Salamander, California Red-Legged Frog, and Alameda Whipsnake. ***Preconstruction Surveys*** Prior to initial ground-disturbing activities in the project area, a biologist who is experienced in the identification of CTS, CRLF, and AWS shall survey the project area for the presence of CTS, CRLF, and AWS, as follows: *California tiger salamander and California red-legged frog.* Not more than two weeks prior to the onset of work activities (including equipment mobilization) and immediately	1) SFPUC EMB 2) SFPUC CMB (qualified biologist) 3) SFPUC CMB (qualified biologist) 4) SFPUC CMB (qualified biologist)	1) SFPUC BEM 2) SFPUC BEM 3) SFPUC BEM 4) SFPUC BEM	1) Ensure that contract documents include the appropriate language for protection of CTS, CRLF, and AWS. 2) Obtain and review resume or other documentation of consulting biologist's qualifications. Prior to construction, conduct surveys, monitoring, burrow excavation and relocation activities. Document activities in monitoring logs. If a burrow is present within the construction footprint and cannot be avoided or relocation is required, coordinate with USFWS and CDFW.	1) Design 2) Preconstruction/Construction 3) Construction 4) Construction

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Biological Resources (cont.)						
BI-1 (cont.)		prior to commencing work, a biologist who is experienced in the identification of CTS and CRLF shall survey suitable habitat in the project area for CTS and CRLF. Burrow areas identified within the project boundaries shall be temporarily fenced and avoided, where feasible. If a burrow is present within the construction footprint and cannot be avoided, the biologist shall coordinate with USFWS and CDFW to avoid impacts to CTS and CRLF to the extent feasible using the most recent CTS and CRLF clearance methodology recognized by the USFWS and CDFW. *Alameda whipsnake*. Not more than two weeks prior to the onset of work activities (including equipment mobilization) and immediately prior to commencing work, a biologist who is experienced in the identification of AWS shall conduct a reconnaissance survey of suitable upland habitat for AWS in the project area. Federal or state listed species shall only be relocated upon authorization from federal (USFWS) and/or state (CDFW) regulatory agencies. Otherwise, encountered individuals shall be allowed to relocate of their own volition. ***Construction Monitoring and Protocols*** At the beginning of each workday that includes initial ground disturbance, including grading, excavation, and vegetation-removal activities, a biologist who is experienced in the identification of CTS, CRLF, and AWS (biological monitor) shall conduct onsite monitoring for the presence of CTS, CRLF, and AWS in the area where ground disturbance or vegetation removal shall occur. The following protective provisions shall apply: • Suitable CTS, CRLF, and AWS habitat shall be surveyed immediately prior to any ground-disturbing or vegetation removal activities. • Perimeter fences shall be inspected to ensure they do not have any tears or holes, that the bottoms of the fences are still buried, and that no individuals have been trapped in the fences. • Coverboards shall be inspected once a month between June 15 and October 15, once a week from October 15 to June 15, daily during a rain event, and once following the rain event (within 48 hours of the rain event), or as otherwise approved by USFWS and/or CDFW. • Any CTS, CRLF, or AWS found along and inside the fence shall be closely monitored until they move away from the construction area or, if they don't move out of the work area of their own volition shall be relocated by the biologist with authorization from USFWS and/or CDFW. The time to wait for the animal to move of its own volition shall be determined by the biological monitor and as approved by USFWS and/or CDFW. • All open trenches or holes and areas under parked vehicles shall be checked for the presence of CTS, CRLF, and AWS. • All excavated or deep-walled holes or trenches greater than 2 feet shall be covered at the end of each workday using plywood, steel plates, or similar materials, or escape ramps shall be constructed of earth fill or wooden planks to allow animals to exit. Before such holes are filled, they shall be thoroughly inspected for trapped animals.			3) Monitor to ensure that the contractor implements measures in contract documents. If any CTS, CRLF or AWS are identified along and inside the fence and/or require relocation or observations of any harm, injury, or mortality of a special-status species occur during construction (including entrapment), coordinate with USFWS and CDFW. Designate an SFPUC representative as the point of contact in the event that a CTS, CRLF, or AWS is discovered onsite when the biological monitor is not present. Report noncompliance and ensure corrective actions. 4) If observations are made of federal- and state-listed species, provide reports to California Natural Diversity Database (CNDDB).	

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			Implementation and Reporting		Monitoring and Reporting Actions	Implementation Schedule
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Biological Resources (cont.)						
BI-1 (cont.)		• Project personnel shall be required to immediately report any harm, injury, or mortality of a special-status species during construction (including entrapment) to the construction foreman or biological monitor, and the construction foreman or biological monitor shall immediately notify the SFPUC. The SFPUC shall provide verbal notification to the USFWS Endangered Species Office in Sacramento, California and/or to the local CDFW warden or biologist (as applicable) and written notification as requested by the agencies. The SFPUC shall designate an SFPUC representative as the point of contact in the event that a CTS, CRLF, or AWS is discovered onsite when the biological monitor is not present. If the biological monitor or construction personnel find any of these species within the work area, construction activities shall cease in the immediate vicinity. The animals shall be allowed to relocate of its own volition outside of the work area or, if they don't move out of the work area of their own volition shall be relocated by a biologist who is experienced in the identification of CTS and CRLF. Federal or state listed species shall not be relocated without authorization from federal (USFWS) and/or state (CDFW) regulatory agencies. Once all initial ground-disturbing activities are completed, the biological monitor shall perform spot checks of the project area at least once a week, and during rain events, for the duration of construction to ensure that the perimeter fence is in good order, trenches are being covered if left open overnight (or escape ramps provided), project personnel are conducting checks beneath parked vehicles prior to their movement, and all other required biological protection measures are being followed. All observations of federally and state-listed species shall be reported to the CNDDB.				
		Mitigation Measure M-BI-1e: Prepare and Implement a Vegetation Restoration Plan and Compensatory Mitigation. To restore temporarily impacted habitat for CTS, CRLF and AWS, the SFPUC shall prepare and implement a vegetation restoration plan with detailed specifications for minimizing the introduction of invasive weeds and restoring all temporarily disturbed areas, and shall ensure that the contractor successfully implements the plan. The plan shall indicate the best time of year for seeding to occur. To facilitate preparation of the plan, the SFPUC shall ensure that, prior to construction, a botanist (experienced in identifying sensitive plant species in the project area) performs additional preconstruction surveys of the areas to collect more detailed vegetation composition data, including species occurrence, vegetation characterization (tree diameter size, etc.), and percent cover of plant species. Photo documentation shall be used to show pre-project conditions. • The minimum weed control and restoration measures as well as success criteria to be included in the vegetation restoration plan are described below. ***Invasive Weed Control Measures*** Invasive weeds such as yellow star-thistle, purple star-thistle, Italian thistle, bull thistle, milk thistle, shortpod mustard, jubata or pampas grass, and stinkwort readily colonize soils that have been disturbed by grading or other mechanical disturbance. Although much of the project area has an extensive weed infestation and relatively few native species, the SFPUC shall incorporate the following measures into the construction plans and specifications to prevent the further spread of invasive weeds into nearby areas:	1) SFPUC EMB 2) SFPUC BEM (qualified biologist) 3) SFPUC CMB (qualified biologist) 4) SFPUC CMB (qualified biologist) 5) SFPUC BEM (qualified biologist) 6) SFPUC BEM/SFPUC NRLMD (qualified biologist)	1) SFPUC BEM 2) SFPUC BEM 3) SFPUC BEM 4) SFPUC BEM 5) SFPUC BEM / Resource agencies 6) SFPUC BEM/ NRLMD/Resource agencies	1) Ensure that contract documents include on-site restoration requirements, including invasive weed control measures. 2) Obtain and review resume or other documentation of consulting botanist's qualifications (e.g., resume). Perform preconstruction vegetation surveys. Undertake photo documentation of pre-project conditions. 3) Ensure that environmental training includes information on invasive weed control measures (see Mitigation Measure M-BI-1b). 4) Monitor to ensure that the contractor implements measures in contract documents. Report noncompliance and ensure corrective action. 5) Obtain and review resume or other documentation of restoration biologist and arborist's qualifications (e.g., resume), Develop vegetation restoration plan and submit to resource agencies, as required. Implement approved vegetation restoration plan. 6) Implement approved vegetation restoration plan. Perform revegetation and document long-term monitoring of on-site restoration as specified in the vegetation restoration plan. Provide documentation to resource agencies as required.	1) Design 2) Preconstruction 3) Preconstruction/Construction 4) Construction 5) Post construction as specified in the approved vegetation restoration plan 6) Prior to, during, or following construction, and if applicable, consistent with the Sunol Region Mitigation and Monitoring Plan

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Biological Resources (cont.)						
BI-1 (cont.)		• Construction equipment shall arrive at the project area free of soil, seed, and plant parts to reduce the likelihood of introducing new weed species. • Any imported fill material, soil amendments, gravel etc., required for construction and/or restoration activities that would be placed within the upper 12 inches of the ground surface shall be free of vegetation and plant material. • Certified, weed-free, imported erosion-control materials (or rice straw in upland areas) shall be used exclusively, as applicable (this measure concerns biological material and does not preclude the use of silt fences, etc.). • The environmental awareness training program for construction personnel shall include an orientation regarding the importance of preventing the spread of invasive weeds. • To reduce the seed bank in weed-dominated ruderal areas, the contractor shall mow, disk, apply spot-applications of herbicide to weeds, and/or remove weeds, as appropriate (i.e., before seed set and dispersal) and prior to surface clearing and site preparation. • The top 3 inches of soil shall not be conserved and re-spread due to the high levels of weed seeds it contains. This soil may be disposed of offsite or in the spoils deposit area. • Before tracked and heavy construction equipment leaves the project area, any accumulation of plant debris, soil, and mud shall be washed off the equipment or otherwise removed onsite, and air filters shall be blown out. • The restoration plan shall specify measures to remove and/or control weeds in the project area, including not conserving and respreading the surface layer of soil which contains a high level of weed seeds. • No invasive species shall be used in any restoration seeding. • Implementation of these measures during construction and site restoration activities shall be verified and documented by a biological or environmental monitor. ***Minimum Restoration Measures*** Restoration areas are areas within the project area that would be disturbed during project-related construction activities but would subsequently be restored to their preconstruction conditions, or better. Current SFPUC policy specifies that no container stock or soil-containing plant materials may be used for revegetation on Watershed lands to avoid inadvertent introduction of non-native plant pathogens like phytophthora (*Phytophthora species*). The use or exclusion of container stock for restoration actions shall abide by effective SFPUC directives at the time of planting. To restore temporarily-disturbed areas, the SFPUC shall ensure the following: • The SFPUC shall specify that topsoil is not salvaged to minimize respreading of weeds. All areas proposed for disturbance are composed of poorly-sorted alluvium containing cobbles, gravels, sand and silt and material from any depth can be used as material for final grading. • Grassland, ruderal, coyote brush scrub and mixed scrub areas shall be reseeded with a native or non-invasive grass and forb seed mix.				

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Biological Resources (cont.)						
BI-1 (cont.)		• Willow thickets within Pit F2 shall be allowed to revegetate naturally; planting willow stakes is impractical on the steep slopes of the pits. Willow thickets elsewhere, if impacted, shall be replanted using willow stakes derived from cuttings of local willow plants. • For any tree to be removed, the SFPUC shall ensure that replacement trees are planted within or in the vicinity of the project area as follows: – For each isolated locally native tree removed that is 6 inches in diameter at breast height [dbh] or 10 inches aggregate dbh for multi-trunk trees, one replacement planting shall be installed per inch of diameter of trees removed. For example, eight planting basins shall be planted with coast live oak acorns to replace one 8-inch coast live oak tree. Seeds shall be used at planting sites rather than container stock to prevent the spread of soil-borne pathogens such as phytophthora. Replacement plantings shall be of the same species as that removed, unless site conditions are unsuitable, in which case either the replacement plantings shall be located in proximity to the project area where site conditions are suitable for that species or a suitable native species shall be installed. "Suitable" species are defined as those native to the Sunol Valley and capable of growing, once established, under prevailing site conditions without additional inputs of water or other chemicals. – Trees shall be replaced within the first year after the completion of construction or as soon as possible in an area where construction is completed during a favorable time of year as determined by an arborist or biologist with experience in restoration. – Replacement trees shall be planted in or near the location from where trees were removed as feasible and in locations suitable for the replacement species. – Selection of replacement sites and installation of replacement plantings shall be supervised by an arborist or biologist with experience in restoration. Irrigation of tree plantings during the initial establishment period shall be provided as deemed necessary by an arborist or biologist with experience in restoration. – An arborist or biologist with experience in restoration shall monitor new plantings at least once a year for five years (seven years for oaks) or as otherwise determined by the applicable resource agencies. – Any replacement plantings installed as remediation for failed plantings shall be planted as stipulated here for original plantings, and shall be monitored for a period of five years (seven years for oaks) following installation, or as otherwise determined by the applicable resource agencies. ***Minimum Success Criteria*** Unless the applicable resource agencies determine different but equivalent or more stringent criteria should be applied, the success criteria for restoring temporarily disturbed areas shall be as follows: • All temporarily disturbed areas shall be restored to approximate their baseline condition. Vegetation cover shall be at least 70 percent of the baseline; that is, absolute cover of the revegetation site shall be no less than 70 percent of baseline absolute cover of native and naturalized species (i.e., excluding target invasives). Cover in the revegetation site shall contain no more than 10 percent absolute cover of target invasives or no more cover of invasives than the baseline, whichever is greater, as defined in the summary table, below.				

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			Responsible Party	Reviewing and Approval Party		
Biological Resources (cont.)						
BI-1 (cont.)		• Vegetation within restoration areas shall be functional, fully established, and self-sustaining as evidenced by successive years of healthy vegetative growth; observed increase in vegetative cover, canopy cover, and/or plant height; successful flowering, seed set, and/or vegetative reproduction over the five-year monitoring period. • Revegetation work shall start within one year of construction completion. • Revegetation of grassland areas shall be monitored at least once a year for five years or as otherwise determined by the applicable resource agencies. With the exception of oak trees, which shall be monitored for up to seven years, all other replacement trees shall be monitored for five years. • Restoration areas shall be monitored for target invasive plants quarterly in the first five years following replanting. If invasive plants are found during the five-year monitoring period, they shall be removed as necessary to support meeting the cover and vegetation composition success criteria. • Monitoring and maintenance shall continue until the minimum success criteria specified in the **Table M-BI-1E**, below are met, or as otherwise determined by the applicable resource agencies. **TABLE M-BI-1E** **MINIMUM SUCCESS CRITERIA FOR VEGETATION RESTORATION** **Parameter** / **Field Indicator/Measurement** Vegetative Cover: **Grassland:** 70 percent relative cover (relative cover is cover compared with baseline) of typical native and naturalized grassland species known from the Sunol Region by the end of the fifth monitoring year. **Individual Native Trees:** 65 percent survivorship by the fifth monitoring year. Invasive Species: At the end of the fifth monitoring year, a restoration area shall have no more cover by invasives than the baseline. Invasive plant species shall be defined as any high-level species on the California Invasive Plant Council Inventory ***Compensatory Mitigation*** The SFPUC shall fully compensate for permanent losses of non-native grassland and ruderal habitat that provide potential low-quality upland refugia and dispersal habitat for CTS and CRLF, as well as potential low quality foraging and dispersal habitat for AWS. This area is approximately 0.43 acre. Compensatory mitigation may occur through habitat enhancements at any one of the SFPUC's Bioregional Habitat Restoration sites, such as the Goat Rock compensation site and the San Antonio Creek compensation site, or through purchase of credits at an off-site mitigation bank. Permanently impacted areas shall be mitigated at a ratio of 2:1, unless otherwise approved by USFWS and/or CDFW. Enhancements at the SFPUC's Bioregional Habitat Restoration sites shall be conducted in accordance with the SFPUC's Sunol Region Mitigation and Monitoring Plan, which specifies the success criteria and mechanisms for monitoring to ensure compensation.				

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Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting		Monitoring and Reporting Actions	Implementation Schedule
			Responsible Party	Reviewing and Approval Party		
Biological Resources (cont.)						
BI-1 (cont.)		**Mitigation Measure M-BI-1f: Measures to Minimize Disturbance to Western Burrowing Owl.** The SFPUC shall implement one of the following two measures to avoid and minimize impact on western burrowing owl: 1. The SFPUC shall provide evidence (in the form of a burrowing owl habitat assessment, focused survey, etc.) to, and receive concurrence from, CDFW that western burrowing owl are not expected to occur within the project area and a 500-foot buffer. 2. If the potential for presence of western burrowing owl cannot be ruled out, the SFPUC shall implement preconstruction surveys for burrowing owl as follows: a. A biologist with experience in western burrowing owl identification (qualified biologist) shall conduct preconstruction surveys of suitable habitat within the project area, and in a 500-foot buffer of the project area (as access is allowed on adjacent private lands), to locate active breeding or wintering burrowing owl burrows less than 14 days prior to construction and/or prior to exclusion fencing installation. If no burrowing owls are detected, no additional action is necessary. b. If burrowing owls are detected during the nesting and fledging seasons (April 1 to August 15 and August 16 to October 15, respectively), the SFPUC shall establish a no-disturbance buffer around the nesting location to avoid disturbance or destruction of the nest site until after the breeding season or after the biologist determines that the young have fledged or would not be affected by planned construction activities. The extent of these buffers shall be determined by the biologist and would depend on the level of noise or construction disturbance; line of sight between the nest and the disturbance; ambient noise under existing conditions (baseline noise) and other disturbances; and consideration of other topographical or artificial barriers. c. If burrowing owls are detected during the non-breeding (winter) season (October 16 to March 31), the SFPUC shall establish a no-disturbance buffer around any active burrows. The extent of the buffer shall be determined by the biologist. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows according to recommendations made in the *Staff Report on Burrowing Owl Mitigation*.[1] Burrowing owls should not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed by the qualified biologist.	1) SFPUC EMB 2) SFPUC BEM (qualified biologist) 3) SFPUC CMB (qualified biologist)	1) SFPUC BEM 2) SFPUC BEM/CDFW 3) SFPUC BEM/CDFW	1) Ensure that contract documents include the appropriate language for protection of western burrowing owl. 2) Provide evidence that western burrowing owl are not expected to occur within the project area and obtain concurrence with CDFW, or, if the potential for presence of western burrowing owl cannot be ruled out, conduct preconstruction surveys, mapping. Document activities in monitoring logs. Obtain and review resume or other documentation of consulting biologist's qualifications. 3) If burrowing owls are detected, monitor to ensure that the contractor implements measures in contract documents. Report noncompliance and ensure corrective action.	1) Design 2) Preconstruction 3) Construction

[1] California Department of Fish and Game, 2012. Staff Report on Burrowing Owl Mitigation. March 7, 2012.

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Biological Resources (cont.)						
BI-1 (cont.)		***Mitigation Measure M-BI-1g: Measures to Minimize Disturbance to Special-Status Bird Species.*** The SFPUC shall conduct tree and shrub removal in the project area during the nonbreeding season (generally August 16 through February 14) for migratory birds and raptors if possible. In the event that the construction schedule requires work during the breeding season, then tree and shrub removal may have to occur during the breeding season. If the SFPUC must conduct construction activities during the avian breeding season (February 15 to August 15), the SFPUC shall retain a wildlife biologist who is experienced in identifying birds and their habitat to conduct nesting-raptor surveys in and within 500 feet of the project area (as access is allowed on adjacent private lands). Migratory bird surveys shall be conducted within at least 250 feet of all work areas (as access is allowed on adjacent private lands). All migratory bird and active raptor nests within these areas shall be mapped. These surveys shall be conducted within two weeks prior to initiation of construction activities at any time between February 15 and August 15. If no active nests are detected during surveys, no additional mitigation is required. If migratory bird and/or active raptor nests are found in the project area or in the adjacent surveyed area, the SFPUC shall establish a no-disturbance buffer around the nesting location to avoid disturbance or destruction of the nest site until after the breeding season or after the biologist determines that the young have fledged (usually late June through mid-July). The extent of these buffers shall be determined by the biologist and would depend on the species' sensitivity to disturbance (which can vary among species); the level of noise or construction disturbance; line of sight between the nest and the disturbance; ambient noise under existing conditions (baseline noise) and other disturbances; and consideration of other topographical or artificial barriers. CDFW and/or USFWS shall be consulted regarding nesting bird buffers if the species is a listed species.	1) SFPUC EMB 2) SFPUC CMB (qualified biologist) 3) SFPUC CMB (qualified biologist) 4) SFPUC CMB (qualified biologist)	1) SFPUC BEM 2) SFPUC BEM 3) SFPUC BEM (Also CDFW and USFWS if potentially affected bird is a listed species) 4) SFPUC BEM	1) Ensure that contract documents include the appropriate language for protection of special-status bird species. 2) Obtain and review resume or other documentation of consulting biologist's qualifications. Conduct preconstruction surveys, mapping, and agency coordination. Document activities in monitoring logs. 3) If migratory bird and/or active raptor nests are found in the project area or in the adjacent surveyed area, establish a no-distance buffer. 4) Monitor to ensure that the contractor implements measures in contract documents. Report noncompliance and ensure corrective action.	1) Design 2) Preconstruction 3) Construction 4) Construction
		Mitigation Measure M-BI-1h: Conduct Preconstruction Surveys for Special-Status Bats and Implement Avoidance and Minimization Measures. A pre-construction survey for special-status bats shall be conducted by a biologist who is experienced in the identification of special-status bats (qualified biologist) in advance of any tree removal to identify potential bat habitat and identify active roost sites. Should potential roosting habitat or active bat roosts be found in trees to be disturbed under the project, the following measures shall be implemented: • Trimming of trees shall occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15; outside of bat maternity roosting season (approximately April 15 to August 15) if a maternity roost is present and outside of months of winter torpor (approximately October 15 to February 28 or as determined by a biologist who is experienced in the identification of special-status bats), to the extent feasible. • If trimming of trees during the periods when bats are active is not feasible and bat roosts being used for maternity or hibernation purposes are found on or in the immediate vicinity of the project area where these activities are planned, a no-disturbance buffer as determined by a biologist who is experienced in the identification of special-status bats shall be established around these roost sites until they are determined to be no longer in-use as maternity or hibernation roosts or the young are volant.	1) SFPUC EMB 2) SFPUC CMB (qualified biologist) 3) SFPUC CMB (qualified biologist) 4) SFPUC CMB (qualified biologist)	1) SFPUC BEM 2) SFPUC BEM 3) SFPUC BEM 4) SFPUC BEM	1) Ensure contract documents include the appropriate language for protection of special-status bats. 2) Obtain and review resume or other documentation of consulting biologist's qualifications. Conduct preconstruction surveys, mapping, and agency coordination and monitoring. Document activities in monitoring logs. 3) If potential roosting habitat or active bat roosts are identified, establish a no-disturbance buffer. 4) Monitor to ensure that the contractor implements measures in contract documents. Report noncompliance and ensure corrective action.	1) Design 2) Preconstruction 3) Construction 4) Construction

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			Implementation and Reporting		Monitoring and Reporting Actions	Implementation Schedule
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Biological Resources (cont.)						
BI-1 (cont.)		Buffer distances may be adjusted around roosts depending on the level of surrounding ambient activity (i.e., if the project area is adjacent to a road or active quarry area) and if an obstruction, such as a large rock formation, is within line-of-sight between the nest and construction. For bat species that are State-sensitive species (i.e. any of the species of special concern with potential to occur on the project area), an SFPUC representative, supported by the qualified biologist, shall consult with CDFW regarding modifying roosts buffers, prohibiting construction within the buffer, and modifying construction around maternity and hibernation roosts. • A biologist who is experienced in the identification of special-status bats shall be present during tree trimming and disturbance to rock crevices or outcrops if bat roosts are present. Trees and rock crevices with roosts shall be disturbed only when no rain is occurring or is forecast to occur for three days and when daytime temperatures are at least 50 degrees Fahrenheit (°F). • Trimming of trees containing or suspected to contain roost sites shall be done under supervision of a biologist who is experienced in the identification of special-status bats and implemented over two days. On one day, branches and limbs not containing cavities or fissures in which bats could roost shall be cut only using chainsaws. The following day, branches or limbs containing roost sites shall be trimmed, under the supervision of the biologist, also using chainsaws. • Bat roosts that begin during construction shall be presumed to be unaffected, and no buffer shall be necessary.				
		Mitigation Measure M-BI-1i: Avoidance and Minimization Measures for American Badger. The following measures shall be implemented to avoid and minimize impacts on American badger: a) A biologist who is experienced in American badger identification (qualified biologist) shall conduct preconstruction surveys for American badger dens prior to the start of construction at potentially affected sites. The survey results shall be submitted to the SFPUC. b) Areas of suitable habitat for American badger in the project area include non-native grasslands. Surveys shall be conducted wherever this vegetation community exists within 100 feet of the project area boundary. Surveys shall be phased to occur within 14 days prior to disturbance. c) If no potential American badger dens are found during the preconstruction surveys, no further action is required. d) If the qualified biologist determines that any potential dens identified during the preconstruction surveys are inactive, the biologist shall excavate the dens by hand with a shovel to prevent use by badgers during construction. e) If active badger dens are found during the course of preconstruction surveys, the following measures shall be taken to avoid and minimize adverse effects on American badger:	1) SFPUC EMB 2) SFPUC CMB (qualified biologist) 3) SFPUC CMB (qualified biologist)	1) SFPUC BEM 2) SFPUC BEM 3) SFPUC BEM/CDFW if dens are determined to be active	1) Ensure contract documents include the appropriate language for protection of American Badger. 2) Obtain and review resume or other documentation of consulting biologist's qualifications. Conduct preconstruction surveys, mapping, and agency coordination and monitoring. Document activities in monitoring logs. 3) If potential dens are identified, monitor to ensure that the contractor implements measures in contract documents. Report noncompliance and ensure corrective action.	1) Design 2) Preconstruction 3) Construction

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			Implementation and Reporting		Monitoring and Reporting Actions	Implementation Schedule
			Responsible Party	Reviewing and Approval Party		
Biological Resources (cont.)						
BI-1 (cont.)		i. Relocation shall be prohibited during the badger pupping season (typically February 15 to June 1). ii. Construction activities shall not occur within 50 feet of active badger dens. The biologist shall contact CDFW immediately if natal badger dens are detected to determine suitable buffers. iii. If the qualified biologist determines that potential dens within the project area, and outside the breeding season, may be active, the biologist shall notify the CDFW. Badgers shall be passively relocated from active dens during the non-breeding season. Passive relocation may include incrementally blocking the den entrance with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. After the qualified biologist determines that badgers have abandoned any active dens found within the project area, the dens shall be hand-excavated with a shovel to prevent re-use during construction.				
BI-2	Construction of the proposed project could have a substantial adverse effect on riparian habitat and other sensitive habitats.	***Mitigation Measure M-BI-2: Avoidance and Protection Measures for Riparian Habitats and Wetlands.*** The SFPUC and its contractors shall avoid impacts on riparian habitats and jurisdictional wetlands, by implementing the following measures: • A silt fence shall be installed adjacent to all riparian habitats and wetlands to be avoided within 50 feet of any proposed construction activity, and signs installed indicating the required avoidance. No equipment mobilization, grading, clearing, or storage of equipment or machinery, or similar activity, shall occur until a biologist who is experienced in the identification of riparian habitats and wetlands has inspected and approved the fencing installed around these features. This restriction applies to both onsite construction and any offsite mitigation area. The SFPUC shall ensure that the temporary fencing is continuously maintained until all construction activities are completed. No construction activities, including equipment movement, material storage, or temporary spoil stockpiling, shall be allowed within the fenced areas protecting riparian habitats and wetlands. • Exposed slopes shall be stabilized immediately upon the completion of construction activities. Implement Mitigation Measures M-BI-1a (General Protection Measures); M-BI-1b (Worker Training and Awareness Program); M-BI-1e (Prepare and Implement a Vegetation Restoration Plan and Compensatory Mitigation);	1) SFPUC EMB 2) SFPUC CMB 3) SFPUC CMB	1) SFPUC BEM 2) SFPUC BEM 3) SFPUC BEM	1) Design project to avoid impacts to waters of the United States and state. Ensure appropriate language is included in contract documents for protection of riparian habitats and wetlands. 2) Monitor to ensure that the contractor implements measures in contract documents. Report noncompliance and ensure corrective action. 3) Stabilize exposed slopes immediately upon completion of construction.	1) Design 2) Construction 3) Construction
BI-3	Construction of the proposed project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means.	Implement Mitigation Measures M-BI-1a, 1b, and 1e (General Protection Measures, Worker Training and Awareness Program, Vegetation Restoration Plan and Compensatory Mitigation) and Mitigation Measure M-BI-2 (Avoidance and Protection Measures for Riparian and Wetlands)	—	—	—	—

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			Implementation and Reporting		Monitoring and Reporting Actions	Implementation Schedule
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Biological Resources (cont.)						
BI-6	Project operations could have a substantial adverse effect on riparian habitat or other sensitive natural community, including wetland habitats.	***Mitigation Measure M-BI-6a: Baseline riparian habitat mapping.*** Prior to commencing project operations, the SFPUC shall prepare a plan to submit to the Environmental Review Officer (ERO) for review and approval describing quantitative methods for measuring extent of baseline riparian habitat and subsequent changes in extent following commencement of project operations. The SFPUC shall map the extent of tree-supporting riparian alliances (i.e., sandbar and arroyo willow thickets and mixed riparian forest) along Alameda Creek Subreaches A, B, and C1, starting from the confluence with San Antonio Creek and extending downstream to about the northern end of the former Sunol Valley Golf Club (see Figure 5.14-2).	1) SFPUC BEM/SFPUC NRLMD (qualified biologist)	1) SF Planning ERO	1) Develop baseline riparian habitat mapping and measurement plan in accordance with mitigation requirements, include documentation of qualifications of botanist (e.g., resume). Submit to ERO for approval. Conduct baseline mapping of tree-supporting riparian alliances in accordance with ERO-approved methodology.	1) Post-construction (prior to operations)
		Mitigation Measure M-BI-6b: Annual riparian habitat monitoring and reporting. Once ACRP recapture operations begin, the SFPUC shall conduct annual monitoring within Subreaches A, B, and C1, applying the same mapping protocol used to establish the baseline map (Mitigation Measure M-BI-6a), to document the extent of tree-supporting riparian alliances. A reduction in extent of tree-supporting riparian alliances from the baseline conditions, as calculated below, shall trigger implementation of habitat enhancement measures described in Mitigation Measure M-BI-6c on a 1:1 ratio based on extent. Changes in the extent of tree-supporting woody riparian alliances shall be calculated as the difference in extent between the baseline conditions and a multi-year rolling average based on the current year and the years preceding. The SFPUC shall prepare and submit to the ERO an annual report documenting the annual monitoring of riparian habitat and any associated habitat enhancement activities, with the first year report consisting of baseline monitoring and plan for habitat enhancement (see Mitigation Measure M-BI-6c). In the future, when quarry operations cease, implementation of this mitigation measure shall cease.	1) SFPUC BEM/SFPUC NRLMD (qualified biologist)	1) SF Planning ERO	1) Conduct annual monitoring and mapping applying the same mapping protocol used to establish the baseline map. Prepare annual report documenting the monitoring of riparian habitat and any associated habitat enhancement activities. Submit annual report to ERO.	1) Post-construction
		Mitigation Measure M-BI-6c: Habitat enhancement, Subreaches B and C1 to achieve no net loss of tree-supporting riparian alliances. The SFPUC shall develop a habitat enhancement plan to be reviewed and approved by the Environmental Review Officer and shall implement the plan based on the triggers described in Mitigation Measure M-BI-6b. The plan shall be consistent with the SFPUC's Sunol Valley Restoration Report (in prep.) and shall consist of a combination of plantings such as valley oaks and sycamores in the floodplain, and protecting and managing natural valley oak and sycamore recruits. Mitigation gains in woody riparian habitat shall be calculated in the same manner as losses are calculated in Mitigation Measure M-BI-6b. To the extent feasible, habitat enhancement shall be implemented in a portion of Subreaches B and C1, and in all cases, within the Sunol Valley. No net loss will be considered to be achieved under this mitigation measure at such time that the SFPUC establishes and maintains woody riparian habitat that fully replaces the baseline extent of woody riparian habitat in accordance with the approved habitat enhancement plan. Upon documentation that this performance standard has been satisfied, the SFPUC may request ERO approval to discontinue the monitoring and enhancement actions required under this mitigation measure.	1) SFPUC BEM/SFPUC NRLMD (qualified biologist)	1) SF Planning ERO	1) Develop a habitat enhancement plan in accordance with mitigation requirements. Submit to ERO for approval. Implement the plan based on the triggers described in Mitigation Measure M-BI-6b.	1) Post-Construction

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Biological Resources (cont.)						
BI-6 (cont.)		This measure shall be superseded at such time that the SFPUC implements the Sunol Valley Restoration Report that accomplishes the equivalent or greater habitat enhancement. In the future, when quarry operations cease, implementation of this mitigation measure shall cease.				
BI-8	Construction and operation of the proposed project could conflict with local policies or ordinances protecting biological resources.	Implement Mitigation Measures M-BI-1a (General Protection Measures); M-BI-1b (Worker Training and Awareness Program); M-BI-1c (Prevent Movement of Sensitive Wildlife Species through the Work Areas); M-BI-1d (Preconstruction Surveys and Construction Monitoring and Protocols for California Tiger Salamander, California Red-Legged Frog, and Alameda Whipsnake);M-BI-1e (Prepare and Implement a Vegetation Restoration Plan and Compensatory Mitigation); M-BI-1f (Measures to Minimize Disturbance to Western Burrowing Owl); M-BI-1g (Measures to Minimize Disturbance to Special-Status Bird Species); M-BI-1h (Conduct Preconstruction Surveys for Special-Status Bats and Implement Avoidance and Minimization Measures); M-BI-1i (Avoidance and Minimization Measures for American Badger); M-BI-2 (Avoidance and Protection Measures for Riparian Habitats and Wetlands); M-BI-6a (Baseline riparian habitat mapping); M-BI-6b (Annual riparian habitat monitoring and reporting); M-BI-6c (Habitat enhancement, Subreaches B and C1 to achieve no net loss of tree-supporting riparian alliances)	—	—	—	—
C-BI-1	The project, in combination with past, present, and probable future projects, could substantially affect terrestrial biological resources.	Implement Mitigation Measures M-BI-1a (General Protection Measures), M-BI-1b (Worker Training and Awareness Program), M-BI-1c (Prevent Movement of Sensitive Wildlife Species through the Work Areas), M-BI-1d (Preconstruction Surveys and Construction Monitoring and Protocols for California Tiger Salamander, Red-Legged Frog, and Alameda Whipsnake), M-BI-1e (Prepare and Implement a Vegetation Restoration Plan and Compensatory Mitigation), Mitigation Measure M-BI-1f (Measures to Minimize Disturbance to Western Burrowing Owl), M-BI-1g (Measures to Minimize Disturbance to Special-Status Bird Species), M-BI-1h (Conduct Preconstruction Surveys for Special-Status Bats and Implement Avoidance and Minimization Measures), and M-BI-1i (Avoidance and Minimization Measures for American Badger). Implement Mitigation Measure M-BI-2 (Avoidance and Protection Measures for Riparian Habitats and Wetlands. ***Mitigation Measure M-C-BI: Coordination of Measures for Monitoring and Habitat Enhancement in Subreaches A, B, and C1.*** In the event that implementation of the SMP-30 quarry expansion, SMP-30 cut-off wall, and PG&E Line 303 relocation (either individually or collectively) are determined to result in downstream impacts to riparian habitat in Subreaches A, B, and C1 of Alameda Creek (i.e., tree-supporting riparian vegetation alliances), and mitigation measures are required by those projects to mitigate significant impacts to riparian habitat in these subreaches, then the SFPUC shall coordinate or as necessary modify the habitat enhancement plan it developed to implement Mitigation Measure M-BI-6c, to ensure that habitat restoration and enhancement efforts along Alameda Creek are consistent with each other in these subreaches. Implement Mitigation Measure M-BI-6a (Baseline riparian habitat mapping); M-BI-6b (Annual riparian habitat monitoring and reporting); M-BI-6c (Habitat enhancement, Subreaches B and C1)	1) See above for previously described measures 2) SFPUC BEM/SFPUC NRLMD (qualified biologist)	1) See above for previously described measures 2) SFPUC BEM/SFPUC NRLMD	1) See above for previously described measures 2) In the event that implementation of future cumulative projects require mitigation measures for riparian habitat in Subreaches A, B, and C1 of Alameda Creek, determine consistency of all required mitigation measures and modify as necessary to ensure consistency of long term habitat enhancement plan.	1) See above for previously described measures 2) Post-Construction

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Geology and Soils						
GE-3	Project construction could result in a substantial adverse effect by directly or indirectly destroying a unique paleontological resource or site or unique geologic feature.	***Mitigation Measure M-GE-3: Accidental Discovery of Paleontological Resources.*** If construction workers discover potential fossils, all earthwork associated with the mooring piers shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find. Based on the scientific value or uniqueness of the find, the paleontologist may record the find and allow work to continue, or recommend salvage and recovery of the fossil. The paleontologist may also propose modifications to the stop-work radius based on the nature of the find, site geology, and the activities occurring on the site. Recommendations for any necessary treatment shall be consistent with the Society of Vertebrate Paleontology (SVP) 1995 Guidelines and currently accepted scientific practices. If required, treatment for fossil remains may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection, and may also include preparation and publication of a report describing the finds. The paleontologist's recommendations shall be subject to review and approval by the ERO or designee. The SFPUC shall be responsible for ensuring that treatment is implemented and reported to the San Francisco Planning Department. If no report is required, the SFPUC shall nonetheless ensure that information on the nature, location, and depth of all finds is readily available to the scientific community through university curation or other appropriate means.	1) SFPUC EMB 2) SFPUC CMB (qualified paleontologist) 3) SFPUC CMB (qualified paleontologist)	1) SFPUC BEM 2) SFPUC BEM 3) SFPUC BEM/SF Planning ERO	1) Ensure that contract documents include requirement that contractor implement measures related to paleontological resources including discoveries. 2) Obtain and review resume or other documentation of paleontologist's qualifications. Ensure that all personnel attend environmental training prior to any earthwork associated with the mooring piers to be familiarized with the potential for encountering paleontological resources. 3) In the event of a discovery, confirm suspension of work, examination of fossil by qualified paleontologist, and implementation of paleontologist's recommendations. Report as required.	1) Design 2) Pre-construction/Construction 3) Construction
C-GE	The project, in combination with past, present, and probable future projects, could substantially affect paleontological resources.	Implement Mitigation Measure M-GE-3 (Accidental Discovery of Paleontological Resources)	—	—	—	—
Minerals and Energy Resources						
ME-4	Project operations could encourage activities that use large amounts of fuel or energy, or use these resources in a wasteful manner.	***Mitigation Measure M-ME-4(WSIP PEIR Measure 4.15-2): Incorporation of Energy Efficiency Measures*** Consistent with the Energy Action Plan II priorities for reducing energy usage, the SFPUC will ensure that energy efficient equipment is used in all WSIP projects. A repair and maintenance plan will also be prepared for each facility to minimize power use. The potential for use of renewable energy resources (such as solar power) at facility sites will be evaluated during project-specific design.	1) SFPUC EMB 2) SFPUC EMB	1) SFPUC BEM 2) SFPUC BEM	1) Evaluate the potential for use of renewable energy sources such as solar power and ensure that energy-efficient equipment is used in project design. 2) Prepare a repair and maintenance plan that minimizes power use.	1) Design 2) Prior to operation
C-ME	The project, in combination with past, present, and probable future projects, could substantially affect energy resources.	Implement Mitigation Measures M-ME-4 (Incorporation of Energy Efficiency Measures)	—	—	—	—

USFWS = U.S. Fish and Wildlife Service
CDFW = California Department of Fish and Wildlife
BAAQMD = Bay Area Air Quality Management District

SFPUC = San Francisco Public Utilities Commission
CMB = (SFPUC) Construction Management Bureau
NRLMD = (SFPUC) Natural Resources and Land Management Division

EMB = (SFPUC) Engineering Management Bureau
BEM = (SFPUC) Bureau of Environmental Management

ERO = (SF Planning Department) Environmental Review Officer

ALAMEDA COUNTY WATER DISTRICT

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July 27, 2015

Sarah B. Jones
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Ms. Jones:

Subject: Comments on the Notice of Preparation of an Environmental Impact Report for the Alameda Creek Recapture Project

Thank you for the opportunity to provide comments on the proposed Alameda Creek Recapture Project (ACRP) during the project scoping phase. The Alameda County Water District (ACWD) acknowledges the significant accomplishments of the SFPUC to date in the implementation of the Water Supply Improvement Program (WSIP) since ACWD is a customer and, therefore, a beneficiary of the water supply reliability improvements that the SFPUC is achieving through its implementation.

That said, ACWD has a strong interest in protecting and preserving water quality and water supply in Alameda Creek and the Alameda Creek Watershed. ACWD is particularly concerned with potential impacts that the ACRP may have on ACWD's water supplies as well as ongoing projects related to fisheries restoration in Alameda Creek. With a service area located downstream of the proposed project location, ACWD uses water from the Alameda Creek watershed for drinking water supply to over 344,000 people in the cities of Fremont, Newark, and Union City. ACWD relies on adequate flow in Alameda Creek for groundwater recharge and its subsequent use as a potable drinking water supply. Additionally, ACWD, together with the SFPUC and other watershed stakeholders, is actively involved in the ongoing steelhead restoration efforts to restore the steelhead run in the Alameda Creek Watershed.

ACWD's Understanding of the ACRP

The ACRP is intended to recapture flows released from Calaveras Reservoir and/or bypassed around the Alameda Creek Diversion Dam as part of the future operations plan described in the Calaveras Dam Replacement Project Biological Opinion. The ACRP will rely on the slow and steady percolation of surface water from Alameda Creek, into the Sunol Groundwater Basin, and

into Pit-F2 from where it will be captured and pumped to surface storage or treatment. Pit-F2 will effectively act as a sump for southern Sunol Valley and the dewatering of Pit-F2 could, in theory, facilitate recapture by increasing the potential head needed to increase percolation out of Alameda Creek.

As indicated in the Notice of Preparation (NOP), the volume of water that the ACRP intends to recapture is approximately equal to the average annual water to be released or bypassed. However, while annual totals may be the same, the actual daily rate of releases or bypass flows will be quantifiably different from the recapture rate provided by the ACRP. Real-time releases and bypasses will be on the order of tens to thousands of cubic feet per second (cfs), while the real time recapture rate will likely be on the order of ones to tens of cfs. Thus, when releases or bypasses are high, a substantial amount of the actual flows will exit Sunol Valley rather than percolate into the ground. Conversely, when releases or bypasses are low, the ACRP may continue to *capture* flows from Alameda Creek that are neither releases nor bypasses. The disparity in the release and recapture rates may have impacts in a variety of areas of concern and will need to be analyzed in sufficient detail for potential impacts to be understood and ultimately mitigated if necessary.

Since much of the releases and bypass flows will exit Sunol Valley, in order to make the annual average volume of yield from the ACRP equal the volume released or bypassed, the ACRP must "make-up" additional water. Some release or bypass water will be recaptured; however, additional water originating from sources other than Calaveras Reservoir and the Diversion Dam, such as Welch Creek, may be captured, pumped, and delivered to storage or treatment as a result of the ACRP. Due to this mechanism of operations, it is difficult to define the ACRP as strictly a 'recapture' facility. Rather, the ACRP will act as an alternative water supply or management system to compensate for lost yield from Calaveras Dam and Alameda Creek Diversion Dam.

It is with this understanding that the following comments are provided.

ACWD Comments

The Environmental Impact Report (EIR) must adequately address issues associated with protection of Alameda Creek, and the Alameda Creek Watershed as well as address potential impacts to downstream agencies. ACWD requests the EIR include sufficient detail to address the following areas of concern:

1. Rigor of Analysis

Surface water and groundwater interactions are complex and dynamic physical processes. The Alameda System Daily Hydrologic Model (ASDHM) cited in the NOP is an empirically derived surface water model developed to analyze surface water flow rates under existing and future conditions. By design, the proposed ACRP will influence the surface water and groundwater interaction in a manner different from existing conditions. Therefore this empirical model will need to be substantially modified and may prove to be insufficient to fully analyze the impacts of

operation of the ACRP. The EIR should consider using a more robust, physically based hydrological model capable of estimating the impact on stream flows throughout the project area, in Niles Canyon, and out to the San Francisco Bay. Alternatively, as is often the case with surface water and groundwater interactions, controlled physical tests could be conducted and would likely be more conclusive.

The following information should be considered as part of the analysis:

a) Evaluation of the groundwater seepage and surface water recharge from Alameda Creek and San Antonio Creek into Pit F2.

b) Quantify the amount of release and bypass water that will actually percolate into the Sunol Valley Groundwater Basin (including water captured at the existing infiltration gallery) that can actually be defined as "recapture."

c) Description of the origin of water other than the "recapture" that will be pumped out of Pit F2 at the various times of operation (*i.e.*, surface water or groundwater).

2. Hydrologic, Biological, and Water Supply Impacts

a) The EIR should provide sufficient detail to analyze impacts associated with the differing rates of release and recapture on the following:
   - Anadromous fish passage in the Alameda Creek Flood Control Channel, Niles Canyon and Sunol Valley.
   - Aquatic and riparian habitat in Niles Canyon and Sunol Valley.
   - ACWD groundwater recharge operations and water supply.

b) The potential impacts of the ACRP will likely vary significantly between dry, average, and wet year conditions. The EIR analysis should address these separate hydrologic year types.

3. Inconsistency with the WSIP Programmatic EIR

Previous environmental reporting described a recapture facility with capacity of up to 6,300 AF/year. The proposed ACRP capacity has been increased to 9,820 AF/year. The EIR should address this discrepancy and any additional environmental impacts from the increased capacity.

4. Water Rights

The EIR should identify the alternative water supply that is being captured as a result of the ACRP and include an analysis of the impact to both surface water and groundwater rights in the affected area.

5. Past, Present, and Future Work on Fisheries Projects

The NOP states that the EIR will evaluate potential cumulative impacts resulting from implementation of the ACRP in combination with other projects in the vicinity. This cumulative impacts analysis should include projects that are being pursued by the Alameda Creek Fisheries Workgroup including; ACWD/Alameda County Flood Control and Water Conservation District's Joint Fish Passage Projects, Alameda County Flood Control's projects in the lower Alameda Creek, SFPUC's projects in Niles Canyon, and PG&E's plans to address fish passage in Sunol Valley.

6. Permits and Approvals

a) The NOP states that no federal permits are anticipated. ACWD encourages the SFPUC to evaluate the potential impacts to "waters of the United States" and permit requirements under the Clean Water Rule published on June 29, 2015, in the Federal Register (80 FR 37054). The final rule becomes effective on August 28, 2015, modifying the definition of waters of the United States under 40 C.F.R. 230.3.

b) The NOP does not indicate that notification of California Department of Fish and Wildlife is required under Fish and Game Code section 1602. This determination in the environmental impact report should take into account the recent holding in the case *Siskiyou County Farm Bureau v. Department of Fish and Wildlife* C.D.O.S. 5632, No. C073735 (June 4, 2015) that notification is required even if there is no disturbance of a streambed or bank.

7. Infrastructure Concerns

Pit-F2 lies adjacent to the South Bay Aqueduct (SBA), which supplies water to the Zone 7 Water Agency, ACWD, and the Santa Clara Valley Water District. Recent studies indicate the section of the SBA located adjacent to Pit F2 is at an increased risk of failure under seismic events.Given these findings, ACWD requests that the EIR evaluate whether cycling water levels in Pit F2 will have the potential to compromise the integrity and stability of soils in this area.

8. Considerations for the Alternatives Analysis

As stated in the NOP, the California Environmental Quality Act (CEQA) requires an evaluation of alternatives to the project. ACWD, being both a downstream agency and wholesale customer of the SFPUC, believes that there is a potential to coordinate in the scoping and assessment of some project alternatives, including operational alternatives of the proposed project, and welcomes discussions with the SFPUC on ways in which our two agencies can achieve the goals of enhancing environmental conditions within the Alameda Creek watershed while minimizing impacts to water supply reliability for both of our agencies.

Thank you again for the opportunity to comment during the project scoping phase. Should you have any questions about these comments or about ACWD's Alameda Creek water supply and downstream operations, please feel free to contact Steven Inn, Manager of Water Resources, at (510) 668-4441. We look forward to coordinating further with you on this project.

Sincerely,

Robert Shaver
General Manager

tn/tf
cc: Steven Inn, ACWD
Michael Carlin, SFPUC
Steve Ritchie, SFPUC

ALAMEDA COUNTY WATER DISTRICT

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January 10, 2017

Lisa M. Gibson
Acting Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Ms. Gibson:

Subject: Request for Extension of Time - Draft Environmental Impact Report for the Alameda Creek Recapture Project

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Draft Environmental Impact Report for the Alameda Creek Recapture Project (ACRP) located in the Sunol Valley (Draft EIR).

ACWD staff is reviewing the Draft EIR, which at over 700 pages with technical appendices is a long and complex document. While the California Environmental Quality Act (CEQA) provides for a public review period of not be less than 45 days and the notice for the Draft EIR provided a comment deadline of January 17, 2017, ACWD is requesting an extension of time, allowing for 60 days to adequately review the Draft EIR. (CEQA Guidelines § 15203; San Francisco Administrative Code § 31.14(b)(1).) The technical analysis in the Draft EIR requires a thorough review by highly specialized professionals who have knowledge of the Alameda Creek system and ACWD's operations. The release of the Draft EIR in late November has resulted in limited time for a number of key ACWD staff to adequately review the highly technical data and analysis covered in the Draft EIR due to multiple holidays occurring during the public review period.

ACWD review of the analysis in the Draft EIR has also been constrained by the incomplete release of modeling information. ACWD identified in its July 27, 2015, comment letter for the Notice of Preparation for the Draft EIR that "while annual [flow] totals may be the same, the actual daily rate of releases or bypass flows will be quantifiably different from the recapture rate provided by the ACRP," and that, "[t]he disparity in the release and recapture rates may have impacts in a variety of areas of concern and will need to be analyzed in sufficient detail for

potential impacts to be understood and ultimately mitigated if necessary." In order to evaluate potential impacts, ACWD requests an opportunity to review the daily flow rates provided by the modeling. Upon review of this additional data, ACWD requests a meeting with San Francisco staff to further discuss potential impacts of the ACRP prior to providing comments on the Draft EIR. Therefore, ACWD further requests an extension of time to more fully review the requested data, meet with San Francisco, and comment on the Draft EIR.

Thank you again for the opportunity to comment on the Draft EIR. For further discussions about these comments or about ACWD's Alameda Creek water supply and downstream operations, please contact Steven Inn, Manager of Water Resources, at (510) 668-4441. We look forward to coordinating further with you on this project.

Sincerely,

Robert Shaver
General Manager

la/tf
By E-mail
cc: Steven Inn, ACWD
Michael Carlin, SFPUC
Steve Ritchie, SFPUC

ALAMEDA COUNTY WATER DISTRICT

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January 30, 2017

Lisa M. Gibson
Acting Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Ms. Gibson:

Subject: Comments on the Draft EIR for the Alameda Creek Recapture Project

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the proposed Alameda Creek Recapture Project (ACRP) during the environmental review phase. The Alameda County Water District (ACWD) acknowledges and appreciates the significant accomplishments of the San Francisco Public Utilities Commission (SFPUC) to date in the implementation of the Water Supply Improvement Program (WSIP). ACWD is a customer and a beneficiary of the high quality water that SFPUC currently provides and the water supply reliability improvements that the SFPUC is achieving through the overall implementation of the WSIP.

ACWD is also appreciative of the San Francisco Planning Department (Planning Department) Staff for extending the comment period on this important project.

ACWD has a strong interest in protecting and preserving water quality and water supply in Alameda Creek and the Alameda Creek watershed. ACWD staff has carefully reviewed the DEIR and we are particularly concerned with potential impacts the ACRP may have on ACWD's water supplies, as well as ongoing projects related to fisheries restoration in Alameda Creek. With a service area located downstream of the proposed project location, ACWD uses water from the Alameda Creek watershed for drinking water supply to over 349,000 residents in the cities of Fremont, Newark, and Union City. ACWD relies on flow in Alameda Creek for groundwater recharge and its subsequent use as a potable drinking water supply. Additionally, ACWD, together with the SFPUC and other watershed stakeholders, is actively involved in the ongoing efforts to restore the federally-threatened Central California Coast (CCC) steelhead (*Oncorhynchus mykiss*) in Alameda Creek.

The DEIR describes that the intent of the ACRP is to recapture the volume of water released from Calaveras Reservoir and/or bypassed around the Alameda Creek Diversion Dam (ACDD)

as part of the future operations plan described in the Calaveras Dam Replacement Project Biological Opinion (CDRPBO) (Page 3-7, Section 3.2.2 of the DEIR.) The ACRP will rely on the slow and steady percolation of surface water from Alameda Creek into the Sunol Groundwater Basin, and into a former quarry pit referred to as Pit F2. Water from Pit F2 will be pumped to surface storage in San Antonio Reservoir or treatment at the Sunol Valley Water Treatment Plant (SVWTP).

ACWD Comments

The DEIR must adequately address issues associated with protection of Alameda Creek, and the Alameda Creek Watershed, as well as address the project's potential impacts to downstream water users. An EIR must identify and focus on the "significant environmental effects" of the proposed project (Public Resources Code § 21100(b); CEQA Guidelines §§ 15126(a), 15126.2(a), 15143.) A significant effect on the environment is defined as a substantial or potentially substantial change in the environment. (Public Resources Code §§ 21068, 21100(d)(b); CEQA Guidelines § 15382.) ACWD requests these comments be incorporated and addressed in the final EIR for this project to ensure a sufficient level of detail in the analysis of the potential environmental impacts from the construction and operation of the ACRP.

1. Hydrologic Analysis and Use of the Alameda System Daily Hydrologic (ASDH) Model

    a. **The ASDH Model was identified to have shortcomings by the SFPUC's Blue Ribbon Panel.** The DEIR uses the ASDH Model to perform the assessment of impacts to surface water flow and groundwater elevations in the vicinity of the project. This model was originally developed in 2011 as an empirically derived mass balance model of existing conditions, and in coordination with all partners from the Alameda Creek Fisheries Workgroup, to analyze the effects of the flow releases described in the CDRPBO on Alameda Creek from the location of Calaveras Dam and the ACDD out to the San Francisco Bay. The SFPUC commissioned a Blue Ribbon Panel in August 2012 to provide an independent scientific review of this model in order to validate its usage for development of a Habitat Conservation Plan (HCP) for operation of SFPUC's facilities in the Alameda Creek watershed (Review of the Alameda Creek HCP Modeling Strategy, Aug 2012.) The Blue Ribbon Panel concluded that "a groundwater modeling study will be necessary to evaluate the effects of both continued lowering of Pit F2 elevations and several designs of the seepage cutoff walls, which have been proposed to minimize flow losses." These modifications were not made to the ASDH Model and, given the independent review and recommendation of the panel, the current use of this model is insufficient to perform the environmental analysis required. ACWD recommends that the DEIR incorporate the recommendation of the Blue Ribbon Panel and re-evaluate the impacts of the ACRP on surface and groundwater flows within the Alameda Creek watershed.

b. **The with-Project Conditions scenario *appears* to create water, which is not possible.** The scenario analysis, based on the ASDH Model and published in the DEIR, indicates a violation of conservation of mass, which in turn renders the analysis flawed and thus the conclusions of the analysis unsupported. The ASDH Model was developed to analyze the effects of the flow releases from the CDRPBO on fish populations, and a key assumption in the original ASDH Model is that there is a fixed loss rate from Alameda Creek in the Sunol Valley (between Nodes 4 and 5), and that the lost mass does not reappear anywhere else in the model. The fixed loss rate was a conservative assumption made to evaluate impacts in the CDRPBO on downstream flows needed for fish passage. However, when using the ASDH Model to evaluate multiple scenarios, as was done in this DEIR, in order to satisfy the conservation of mass requirement, this fixed lost mass of water cannot reappear in some scenarios while remaining lost in others. Unfortunately, the with-CDRP Conditions scenario indicates significant lost mass relative to the with-Project Conditions scenario, and thus violates conservation of mass. Analyzing the scenarios from a mass-balance perspective, either the with-CDRP Conditions scenario has a significant loss of water (a.k.a. an "infinite sink"), or the with-Project Conditions scenario has a significant addition of water from an unknown source (an "infinite source"). Infinite sinks and sources are significant sources of error in mass balance analyses, and two scenarios cannot be compared if one scenario has one and the other does not. The end result, and in layperson's terms, is that the with-Project Conditions scenario *creates* water, which is not possible.

The primary evidence of violation of conservation of mass appears in Table HYD8-1 on page 122 of the HYD-1 appendix. The total mass of water exiting the ASDH Model at Node 9 is larger in the with-Project Conditions scenario (average of 97,797 AF/year) than in the with-CDRP Conditions baseline (average of 94,575 AF/year). Since the stated Project Goals and Objectives (Page 3-8 of the DEIR) include "[m]aximize the use of local watershed supplies," it must be assumed that the other significant outflow from the system above Node 9 (i.e., exports to SFPUC's drinking water system) are at least equivalent between the two scenarios, if not higher in the with-Project Conditions scenario. Page 3-27, Section 3.6.1.2, Operating Parameters, of the DEIR states: "It is anticipated that, in most cases, the water withdrawn from Pit F2 would be conveyed to the SVWTP and thereby reduce the volume of water conveyed from Calaveras Reservoir to SVWTP, enabling the SFPUC to conserve water in the Calaveras Reservoir and *maintain the historical annual transfers from the Alameda Watershed system to the regional water system.*" According to this statement, as well as the Project Goals and Objectives, it must be assumed that in the with-Project Conditions scenario, there is no equivalent decrease in mass outflows in another part of the system to balance out the increase in mass outflows at Node 9. Meanwhile, the mass inflow to the "SFPUC Alameda Watershed" system (i.e., rainfall-generated runoff into Calaveras reservoir and rainfall-generated flow above the ACDD) must, by reasonable assumption, be the same in all scenarios evaluated. The combination of these mass flows results in significant mass imbalances,

indicating either a significant infinite sink in the with-CDRP Conditions baseline or a significant infinite source in the with-Project Conditions scenario. The lack of consistency in assumptions between these scenarios results in a violation of conservation of mass and renders the conclusions of the analysis in the DEIR unsupported (CEQA Guidelines § 15151.)

c. **The ASDH Model does not analyze impacts to the environment during critically dry periods.** The SFPUC's Blue Ribbon Panel also identified deficiencies in the ASHD Model by stating, "[a] limitation of the empirical modeling approach, based on such short and fragmented records, is that the resulting model cannot represent well an important feature of California hydrology, which is the occurrence of enduring droughts... Because of the potential importance of multi-year droughts on fish populations... there seems to be some value in continuing to re-visit a process-based streamflow modeling strategy..." (Review of the Alameda Creek Habitat Conservation Plan Modeling Strategy, Aug. 2012). The ASDH Model only covers the hydrologic period between Water Year 1996 and 2013, which does not incorporate periods of extreme drought, therefore the Analysis conclusions in the DEIR does not analyze impacts of operations of the ACRP to the environment during these times. ACWD recommends that the model and analysis framework in the DEIR be revised to incorporate a range of historic droughts, or at the very least through 2015 which would capture the recent, critically dry rain year 2013-2014.

The DEIR proposes an accounting methodology to dictate the amount of water the SFPUC is allowed to pump from Pit F2 for recapture based on the premise that average annual volume of water proposed for recapture is less than average inflow from bypasses and releases. Page 3-27 of the DEIR states that this might not be the case during dry years; during these years, recapture operations would account for carryover water released and bypassed and collected in Pit F2 during prior years. Given the conclusions of the Blue Ribbon Panel on limitations of the ASDH Model in dry years, and the proposed carryover accounting methodology, the current evaluation of impacts to surface water hydrology should be expanded to include historic drought periods, in order to adequately analyze the impacts of the project. For example, increased extraction of water out of Pit F2 during dry periods will draw the Sunol Valley Groundwater Basin down, and increase the loss rate of surface water flow from Alameda Creek in the location of the project. This in turn may reduce the number of days that the surface water flow in Alameda Creek in Sunol remains connected to flow in Niles Canyon, which could impact fish and other species located downstream of the CDRP when comparing 1) the With-CDRP Conditions and 2) the With-Project Conditions scenarios. For fish migration, the hydrologic analysis needs to include an evaluation on how the ACRP will change the available migration periods compared to the selected baseline conditions.

d. **The DEIR does not provide modeling results in an appropriate time-step needed to analyze downstream impacts.** In addition to the comments above, the ASDH

Model uses a daily time-step to calculate the movement of water throughout the Alameda Creek Watershed, but the results of the modeling work are presented in terms of average annual volumes. Given the dynamic nature of surface water flows in Alameda Creek, the hydrologic analysis needs to include a discussion about day to day changes in surface flows within Alameda Creek in order to fully identify potential impacts to fisheries as well as downstream water users. To illustrate, ACWD recently published a mitigated negative declaration for a series of fish passage projects within the Alameda Creek Flood Control Channel where detailed daily evaluations of proposed flow releases are documented, published, and used to determine potential impacts (Joint Lower Alameda Fish Passage Improvements MND, 2016.) The ACRP DEIR must discuss how the ACRP may impact these future conditions, and to do so, needs to provide an additional level of detail in the hydrologic analysis.

The volume of water that ACRP intends to recapture is approximately equal to the average annual water to be released and/or bypassed. However, while annual totals may be the same, the actual daily rate of releases and/or bypass flows will be markedly different from the slow and steady recapture provided by the ACRP. Real-time releases and bypasses will be on the order of tens to thousands of cubic feet per second (cfs), while the recapture will likely be on the order of ones to tens of cfs. Thus, when releases and/or bypasses are high, a substantial amount of the actual flows will exit Sunol Valley rather than percolate into the ground. Conversely, when releases and/or bypasses are low or are not occurring, the ACRP may continue to capture flows from Alameda Creek that are neither releases nor bypasses. This time-step discrepancy can lead to environmental impacts from operations of the ACRP that are not identified or discussed in the DEIR for the project. The DEIR's hydrologic analysis should be refined to determine the environmental impacts of operations of the ACRP on a daily basis, instead of discussing the magnitude of impacts using average annual or monthly values.

e. **The DEIR conclusion that there are no significant impacts to ACWD's downstream operations is unsupported.** The DEIR concludes that the operation of the ACRP will not have a significant impact on ACWD's downstream recharge operations by describing an average annual change in the volume of water available at the Niles gage. This is an insufficient level of detail to conclude that there are no impacts to ACWD. ACWD's recharge operations function in a real-time manner, and are highly dependent on the daily fluctuation of flow at the Niles gage. ACWD requests that the SFPUC work with ACWD to identify potential impacts from operation of the ACRP before the Planning Department adopts the EIR for this project.

f. **The DEIR cumulative impacts do not include effects of cutoff walls.** Figure 1-1 of the DEIR displays existing cutoff walls around Pit F2, which were installed to minimize seepage of Alameda Creek surface water into the groundwater basin and

into Pit F2. The figure also displays proposed future cutoff walls around sections of Pit F6. Installation of this future cutoff wall will likely provide additional protection from surface streamflow losses to the Sunol groundwater basin. The hydrologic analysis must be refined to include the proposed cutoff wall, and any associated changes in streamflow loss rate to determine cumulative impacts and adequately model future streamflow conditions through this reach (CEQA Guidelines §§ 15065(a)(3), 15130).

g. **The DEIR does not analyze surface water-groundwater interactions.** The use of the ASDH Model does not provide a sufficient degree of analysis to provide the Planning Department with information that enables them to adequately take account of the environmental consequences or adequately determine feasible alternative or mitigation measures (CEQA Guidelines §15151, 15126.4, 15126.6.) The DEIR's hydrologic analysis, based on the recommendations of the SFPUC's Blue Ribbon Panel, must be performed with a proper surface water to groundwater process-based model with an adequate level of detail to fully identify the impacts the operation of the ACRP will have to the surface water and groundwater hydrology within the Alameda Creek Watershed (CEQA Guidelines §15144.) ACWD recommends the development of this model to occur collaboratively with other watershed stakeholders prior to using it to determine levels of impacts from the ACRP.

To address the deficiencies of the ASDH Model and this DEIR, ACWD recommends that the SFPUC work to develop a new, more robust, and appropriate tool to study the potential impacts of the proposed ACRP and the Planning Department to not adopt this DEIR until a detailed analysis is performed. ACWD proposes to collaborate in this effort and to contribute both financially and through in-kind services to the development of a new model.

2. CEQA Piecemealing and Consistency with CDRPBO

a. **The ACRP project is in conflict with the stated expectations from the National Marine Fisheries Service on the operation of the CDRP project.** The ACRP is a project that is dependent on the Calaveras Dam Replacement Project (CDRP) and associated flow schedule, and was previously identified in the CDRP EIR as the "Filter Gallery Project." An accurate, stable, and finite project description is an indispensable component of an informative and legally sufficient EIR (CEQA Guidelines § 15124.) A "project" is the "whole of an action" that has the potential to result in a physical change to the environment "directly or indirectly" (CEQA Guidelines § 15378(a).) An agency cannot subdivide a project into multiple components to avoid analyzing and discussing in the EIR the sum of environmental impacts resulting from the project (*Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180, 193.) In 2009, ACWD provided comments on the DEIR of the CDRP stating that:

> "...meeting the primary objectives of the CDRP is dependent on implementation of the Filter Gallery Project, the DEIR should consider the Filter Gallery Project as part of the overall Calaveras Dam Replacement Project, and include it in the DEIR's project description of the CDRP. Without including the Filter Gallery as part of the CDRP Project Description, the primary objective of water supply reliability may not be met, and the SFPUC would be 'piecemealing' the environmental analyses of these two projects..."

Because the CDRP and the ACRP (formally the Filter Gallery Project) components were not analyzed together, inconsistencies exist between the stated goals of the ACRP and the Biological Opinion issued to the SFPUC for take coverage associated with operation of the CDRP. For example, the CDRPBO (pages 49 through 52) states that bypass flows at the ACDD are intended to provide suitable migration conditions from Alameda Creek below the ACDD through Niles Canyon and out to the Bay. Furthermore, page 52 of the CDRPBO states, "CDRP minimum flows from the southern watershed when combined with flows from the northern watershed (at the confluence of Arroyo de la Laguna) through Niles Canyon are expected to provide suitable conditions for adult upstream migration and smolt downstream migration." Since the ACRP project has been analyzed separately from the CDRP project, the fundamental concept of recapturing CDRPBO flow releases and ACDD bypasses is in conflict with the stated expectations from the National Marine Fisheries Service (NMFS) on the operation of the CDRP project. The DEIR must analyze the impacts that operation of the ACRP will have on the future flow and habitat conditions described in the CDRPBO, and fully analyze the whole of the action taken by SFPUC (CEQA Guidelines § 15378(a).) Without this analysis the separate approval of these related projects could lead to severe impacts on flow and habitat conditions in Alameda Creek (CEQA Guidelines § 15130.)

3. Source of Project Water and Potential Impacts to ACWD's Water Rights

   a. **The SFPUC needs to seek authorization from the State Water Resources Control Board before it can proceed with the project.** The DEIR claims the source of the recapture water is SFPUC's existing pre-1914 appropriative water rights. A pre-1914 appropriative right can be maintained only by continuous beneficial use of the water. The amount of water and scope of the right is fixed by the amount that can be shown to be actually beneficially used as to both amount and season of diversion.

      Under California Water Code section 1706, the point of diversion, place of use, or purpose of use of a pre-1914 appropriative surface water right can be changed if others are not injured by that change. Under the "no injury rule," a transfer of this type would not be authorized to the extent that it reduced the availability of water for downstream users, regardless of the water priority of those users. California water law protects junior water right holders who would be harmed if seniors could increase the amount of water they divert under their senior priority. Likewise, juniors could be

hurt if seniors could change their point of diversion, place of use, or purpose of use in a manner that reduces the quantity or quality of water relied upon by juniors for their diversion.

The DEIR on page 2-11 claims that SFPUC would recapture the subject water "without expanding the CCSF's existing water rights" which is presumably determined from modeling based on historical hydrological data (*see also* DEIR at p. 3-25.) However, the DEIR does not adequately describe the actual historic beneficial use of the water as to both amount and season of diversion at the time of vesting required to determine if the SFPUC's water right is expanded as a result of the recapture project. It is unclear from the DEIR how the point of diversion/re-diversion for these surface waters is changed to divert water into Pit F2. Page 3-27 of the DEIR indicates there might be "carry over released" during dry years. There is no information in the DEIR that these pre-1914 water rights include carryover storage or how they operate as to timing and volume of capture, release, and consumptive use. Further, there is no information indicating the timing and rate of diversion of these water rights at the time of vesting and how this is changed through the ACRP. Finally, additional water originating from sources other than Calvarias Reservoir and the ACDD, such as Welch Creek, may be also recaptured in Pit F2. Any new appropriation of surface water requires State Water Resources Control Board approval and a finding that the change will not injure any legal water user (including any water right holders who are junior in priority and anyone who contracts with a legal water user) and that the change will not harm fish or wildlife. The Planning Department should not adopt the DEIR until a thorough evaluation of impacts to downstream water rights holders can be performed.

b. **The DEIR analysis is insufficient to determine impacts to other's water rights.** As described above, given the dynamic nature of surface water flows in Alameda Creek, the hydrologic analysis needs to include a discussion about day to day changes in surface flows within Alameda Creek in order to determine the source of the water pumped from Pit F2 (surface water or groundwater) and to fully identify potential impacts to fisheries and downstream water users. Any groundwater captured in Pit F2 through the project is not authorized as a change in SFPUC's pre-1914 surface water rights under California Water Code section 1706.

c. **The Project constitutes an expansion of San Francisco's water rights claim for Calaveras Reservoir.** The DEIR states that the source water which flows into Pit F2 will be comprised of flows released from Calaveras Dam, flows bypassed around the ACDD, and flow from other tributaries downstream of those two facilities. Since the ACRP operations do not physically distinguish which of these three sources is being extracted, the proposed operations of the ACRP constitute an expansion of San Francisco's water rights claim for Calaveras Reservoir. An expansion of the SFPUC's claimed water right to Arroyo Hondo and Alameda Creek may cause an impact or injury to other legal downstream users in the Alameda Creek Watershed.

The SFPUC must work with the State Water Resources Control Board to legally acquire the necessary water rights for operation of the ACRP.

d. **The DEIR concludes that downstream users will not have to alter operations without completing a sufficient analysis.** The DEIR determines that there will be no significant impacts because the ACRP would not cause ACWD, a downstream water user, to alter it operation in a way that would result in significant adverse environmental impacts. However, this analysis is insufficient because it is predicated on the unproven premise that the water being recaptured is exclusively SFPUC's pre-1914 surface water right and that the recapture operation does not expand these rights.

4. Sunol Valley Water Treatment Plant Source Water Quality

a. **The source water to the Sunol Valley Water Treatment Plant and other related issues need to be fully evaluated before adopting the DEIR.**

1.) In Figure 1-1 of the DEIR, it appears that surface water flow originating from rainfall has the ability to run directly into Pit F2. Former nurseries are located immediately adjacent to the north and south of Pit F2. The DEIR must include a comprehensive analysis and assessment at this location to ensure that surface soil is not contaminated in the vicinity of Pit F2. Contaminated surface soil could impact the water quality of surface runoff to Pit F2.

2.) The DEIR must provide a discussion about the impacts this new source of water may have on algae, taste and odor concerns, and the potential for cyanotoxins in Pit F2, as well as discuss current treatment processes that are in place or will be implemented to address these potential source water quality issues.

3.) ACWD recommends a pilot study of straight and blended treatment of water from Pit F2 before adopting the DEIR. Page 3-11 of the DEIR states that "monitoring data generally indicates that with the possible exception of total coliform levels" the water in Pit F2 meets the drinking water standards found in Title 22 of the California Code of Regulations. The word "generally" is too vague. The DEIR must contain a table with the available data, including results for metals, radionuclides, and total organic carbon (TOC). The DEIR should also compare TOC levels and turbidity between San Antonio Reservoir and water in Pit F2. The water quality in Pit F2 may be sufficient, but different enough from San Antonio Reservoir water that treatment at SVWTP is more difficult or requires additional or upgraded treatment processes. For example, straight Pit F2 water or Pit F2/San Antonio Reservoir water may be more easily treated with a different coagulant, may produce more solids, or may require additional pretreatment. ACWD recommends that the Planning Department not adopt this DEIR until a pilot study of this treatment plant source water quality change can be carried out.

4.) Pit F2 is in close proximity to the South Bay Aqueduct (SBA) and a PG&E Gas Pipeline. The DEIR does not account for how water quality in Pit F2 will be protected if the SBA, the PG&E pipeline, or embankment were to fail during a seismic event. Changes in source water quality can be very disruptive to treatment plant operations and end users of this water. It is unclear if the project proposes to develop a disaster recovery plan to restore water quality to acceptable levels for treatment at the SVWTP. Such a plan must be incorporated into the project.

5. **The DEIR does not consider consultation and permits with the appropriate agencies.** ACWD agrees with the January 4, 2017, comment from Alameda Creek Alliance that SFPUC should consult with NMFS regarding impacts to Steelhead and required permits for the project, with the Army Corps of Engineers regarding required Clean Water Act permits, and the California Department of Fish and Wildlife regarding coverage under California Fish and Game Code section 1602. Consultation and permits issued by these agencies will ensure that the goals of the ACRP are consistent with the environmental restoration efforts being carried out by the SFPUC, ACWD, and other watershed stakeholders.

6. **The DEIR does not analyze reasonable alternatives to the project.** A major function of the EIR is to preview and ensure that all reasonable alternatives are thoroughly assessed by the responsible official or board *(Inyo County v. City of Los Angeles*, (1977) 71 Cal.App.3d 185). "An EIR shall describe a range of reasonable alternatives to the project ... which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (CEQA Guidelines § 15126.6(a).) The DEIR evaluates only 1) the no Project Alternative and 2) the Regional Desalination Alternative. ACWD recommends the Planning Department not adopt this DEIR until a detailed alternatives analysis is performed.

7. **The DEIR does not analyze current conditions as a separate alternative to the No Action Alternative.** CEQA guidelines provide that the environmental setting as it exists when the EIR is being prepared should be treated as the baseline for gauging the changes to the environment that will be caused by the proposed action (CEQA Guidelines § 15125(a).) While comparisons to current conditions are referred to occasionally in the Draft EIR, use of baseline conditions is incomplete, including omission of comparisons in the vital categories of effects on water resources and biological resources.

Thank you again for the opportunity to comment during this review period. ACWD is appreciative of staff from the SFPUC and Planning Department for working to address these comments, and welcomes opportunities to collaborate to resolve the issues identified in this letter. If you have any questions about these comments, please contact Steven Inn, Manager of Water Resources, at (510) 668-4441.

Sincerely,

Robert Shaver
General Manager

eb/tf
cc: Steven Inn, ACWD
Steve Ritchie, SFPUC
Ellen Levin, SFPUC
Christopher Thomas, SFPUC
Nicole Sandkulla, BAWSCA

ALAMEDA COUNTY WATER DISTRICT

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June 21, 2017

Jonas P. Ionin
Commission Secretary
San Francisco Planning Commission
1660 Mission Street
San Francisco, CA 94103
Email: Commissions.Secretary@sfgov.org

Dear Jonas Ionin:

Subject: Comments on the Final EIR for the Alameda Creek Recapture Project

The Alameda County Water District (ACWD) would like to thank the Planning Commission and its staff for the opportunity to provide comments on the Alameda Creek Recapture Project (ACRP or Project) Final Environmental Impact Report (FEIR), and for the extension of time that was previously granted for the submission of ACWD's comments on the Draft Environmental Impact Report (DEIR).

As a customer of the San Francisco Public Utilities Commission (SFPUC), ACWD relies on the Regional Water System for about 20 percent of our water supply. The Regional Water System supplies ACWD with a reliable supply of high quality water, which is an essential resource for ACWD to serve a population of 351,000 in Fremont, Newark, and Union City. In addition to being a customer of SFPUC, ACWD has a long history of working together with SFPUC on shared interests in the Alameda Creek Watershed. Both agencies have reputations of being progressive water agencies and good stewards of the environment in California. In fact, our agencies have worked cooperatively since 1997 through the Alameda Creek Fisheries Work Group to reestablish a viable fishery for the federally threatened *Oncorhynchus mykiss*, or steelhead, in the Central Coast region.

ACWD generally supports the concept of the Project – recapturing water for beneficial uses can benefit all customers who use water provided by SFPUC, including ACWD. However, the Project must be done in a way that does not have significant, unmitigated impacts on the environment. Because ACWD relies on Alameda Creek for approximately 40% of its water supply and operates and maintains facilities in the watershed to replenish the Niles Cone Groundwater Basin downstream of the Project, ACWD is uniquely familiar with, and concerned about, the Project.

ACWD submitted detailed written comments on the Notice of Preparation on July 27, 2015, expressing concerns about the complexity of the system and outlining specific information that would be required in order for our agency to evaluate potential impacts on downstream water supply operations and environmental flows for steelhead. The San Francisco Planning Department circulated the DEIR on November 30, 2016. Unfortunately, the DEIR did not include the relevant details ACWD needed to analyze Project impacts, and therefore ACWD submitted comments on the DEIR on January 30, 2017, setting forth concerns about the adequacy of the DEIR. Similar concerns were noted and commented on by the National Marine Fisheries Services, the Regional Water Quality Control Board, as well as several local non-governmental organizations. Having evaluated the responses to ACWD's comments, ACWD still does not believe that the FEIR includes a sufficient degree of analysis needed to determine the environmental impacts of the Project.

Therefore, ACWD requests that the Planning Commission delay taking any action on the FEIR and direct its staff to undertake an analysis that addresses these potentially significant impacts. Specifically, ACWD believes the CEQA analysis to be inadequate for the following reasons:

1) The studies and methodology in the FEIR are not sufficiently credible to support the FEIR impact analysis and Project approval.

    - ACWD commented on a critical mass balance discrepancy in the DEIR analysis, which shows that construction of the ACRP would, on an average annual basis, cause more water to flow out of the Project area relative to the with-Calaveras Dam Replacement Project no-ACRP scenario. This increase in total flow downstream of the Project area (specifically, as modeled at the "Niles" streamflow gage on Alameda Creek) suggests a fundamental flaw in the numerical analysis.
    - The Planning Department responded to ACWD's comment by stating "...the slight increase in water volume leaving the system at the Niles gage must be balanced by a slight decrease in the amount abstracted by the SFPUC." (RTC 11.5-34). This response states that SFPUC intends to lose approximately 3,000 AF/year of water supply by construction of the ACRP, which is the opposite of the Project's intent. This response indicates a lack of sufficient credibility in the fundamental modeling assumptions underpinning the FEIR's analysis.
    - Given the lack of sufficient credibility of the modeling approach, the majority of conclusions made by the FEIR are unsupported, including conclusions of no significant impact to downstream water rights holders and aquatic species.

2) The EIR was not prepared with a sufficient degree of analysis for decision makers to take account of environmental effects.

    - The analysis of the Project's impacts on stream flows and aquatic habitat and affected species is inadequate. The FEIR fails to analyze impacts on environmental flows for aquatic species of concern as well as downstream water

supply operations, despite the availability of a reasonably feasible analysis that was requested by ACWD and National Marine Fisheries Service (NMFS) which involves close inspection of changes in daily flow rates.

- The FEIR relies on a monthly averaging of total volume, which masks impacts which can only be observed when considering changes in flow rates on a daily time step.
- An initial inspection of the daily data provided by the Planning Department to ACWD on June 10, 2017, and after the comment period closed, indicates a 60% increase (138 additional days) in the number of non-passable days for threatened steelhead downstream of the proposed project location during wet year migration seasons included in the study period. Similarly, a 34% increase in non-passable days (102 additional days) downstream of the project area during migration season in dry years is also observed.
- These potentially significant impacts to steelhead were not properly analyzed in the FEIR and renders unsupported the conclusions of no impact.
- Furthermore, as discussed in 1) above, ACWD has significant concerns that the studies and modelling used by SFPUC to generate this data is not sufficiently credible, and is not adequate to evaluate the impacts to downstream water users and aquatic species. The actual impacts could be even greater than those indicated by the daily modeling results that ACWD received from the Planning Department.

o The FEIR analysis makes assumptions about the relationship of flow losses, Pit F2 levels, and local groundwater conditions that are unsupported by substantial evidence. The FEIR is internally inconsistent and the response to comments failed to address this inconsistency. Appendix HYD-1 Section 6.2 acknowledges that stream losses can be influenced by changing groundwater conditions which will result from the Project. However, the modeling analysis makes no effort to reflect changing stream losses, nor are changing stream losses reflected in the FEIR's impact analysis.

- The use of the conceptual hydrogeologic model to evaluate Pit F2 water levels based on *a single test condition* (HYD-1 page 83) does not provide sufficient evidence to determine effects of changing hydrologic conditions. Sufficient evidence would require at least two test conditions to determine a trend, or more test conditions if there is more than one variable that needs to be tested. Thus, the Planning Department's dismissal of the conceptual model described on page 80 of HYD-1 is not based on sufficient evidence, and the impacts analysis of surface water conditions is inadequate and unsupported.
- The FEIR does not support the assumption of percolation rates with sufficiently credible evidence. The analysis presented in HYD-1 Section 6.2.1 indicates approximately 4 cfs (17 AF over four days) enters Pit F2 during a four-day storm period, or approximately 25% of the 17 cfs stated

to be lost from the stream during that period (HYD-1 page 83). However, conflicting analysis provides that "it was assumed that all of the Alameda Creek surface water that percolates into the subsurface between the Welch Creek and San Antonio Creek confluences finds its way into Pit F2." (HYD-1 page 42). This is a substantial departure from the evidence presented in the FEIR test condition, which indicated 25% of stream flow losses percolate into Pit F2, while the stated assumption used for modeling is that a 100% of stream flow loss percolates into Pit F2. This 100% percolation rate is not supported by substantial evidence, and the resulting conclusions of no impacts are inadequate.

- Many commenters, including ACWD, expressed serious concern that the DEIR disregarded the critical and unexamined relationship between stream flow loss and pit water surface levels, and requested the Planning Department to determine the true relationship. However, the Planning Department's response to these comments was unresponsive and simply reiterated the unsupported analysis based on insufficient evidence presented in the DEIR. See comments HY-2 (RTC page 11.5-9), HY-3 (RTC page 11.5-12), HY-6 (RTC page 11.5-27), and HY-8 (RTC page 11.5-34).

3) The Planning Department failed to provide the data needed to evaluate substantial impacts from the Project and to fully disclose scientific methodology.

Despite the multiple requests made by ACWD for daily modeling data, ACWD only received the relevant requested data on June 10, 2017 – 192 days after the Draft EIR was published and 131days after the close of the public comment period, including extension. Withholding requested relevant data, and then providing said data with less than 10 business days prior to the Planning Commission meeting to analyze such a complex system deprives the public of a meaningful opportunity to comment on the substantial adverse Project impacts, feasible mitigation or alternatives.

- Moreover, the data provided is still incomplete since it does not include the accounting of water entering and leaving Pit F2, as modified by the Planning Department and used to complete the CEQA analysis. This lack of critical data hinders ACWD's ability to perform an independent review of the actual analysis and to fully evaluate impacts.

4) The FEIR and response to comments fail to address impacts to downstream water users.

- The response to comments failed to address the Project's changes in the use, storage and diversion of SFPUC's water rights and potential injury to ACWD's water rights under Water Code section 1706. The authorities cited in response to comments have no application to the proposed ACRP.

- The failure to address injury to downstream water users and resulting potential changes to ACWD's operation makes the no impacts analysis in section 11.7.4 of the FEIR inadequate and unsupported.

The Alameda County Water District had hoped to work together with the Planning Department to fully study the potential impacts of this Project and offered financial and staff resources towards the analysis (see comment HY-4). Unfortunately, while the SFPUC made coordination efforts with ACWD, very little cooperative progress was made to properly analyze the effects of the Project. ACWD still welcomes an opportunity to cooperatively study the operation of the Project in a public process, via the Alameda Creek Fisheries workgroup, if so desired by the SFPUC, with full public transparency. ACWD requests that the Planning Commission delay approval of the Project until sufficient analysis is conducted to determine impacts to threatened species and water resources that exist downstream of the Project.

If you have any questions about these comments, please contact me at (510) 668-4202.

Sincerely,

Robert Shaver
General Manager

la/tf
cc: Steven Inn, ACWD
Steve Ritchie, SFPUC
Ellen Levin, SFPUC
Chelsea Fordham, SF Planning Department
Nicole Sandkulla, BAWSCA

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Notice of Electronic Transmittal

Hydrology Data in EIR Administrative Record for SFPUC Alameda Creek Recapture Project

DATE: June 7, 2017

RECEIVED
JUN 12 2017
A.C.W.D.

TO: Robert Shaver, General Manager
Alameda County Water District

FROM: Chelsea Fordham, Senior Environmental Planner
San Francisco Planning Department

RE: Hydrology Data - SFPUC Alameda Creek Recapture Project EIR, Case No. 2015-004827ENV

Enclosed for distribution to the Alameda County Water District please find three CD's of the hydrology data sets contained in the administrative record from both the Draft Environmental Impact Report (DEIR) and Response to Comments (RTC) documents for the SFPUC Alameda Creek Recapture Project (Case No. 2015-004827ENV). The CD's contain the following referenced data sets in the administrative record of the EIR:

- **SFPUC, 2016.** Simulated Stream flows for different scenarios at 5 nodes and pond elevation for Alameda Creek Recapture Project. Excel spreadsheet provided by Amod Dhakal on July 7, 2016.

- **ESA/Orion & SFPUC, 2016.** Simulated Stream flows for different scenarios at 5 nodes and pond elevation for Alameda Creek Recapture Project. Updated by ESA/Orion to reflect historic quarry discharge from SMP-24 and loss of surface flow to groundwater between San Antonio Creek confluence and the confluence with Arroyo de la Laguna. Completed for Alameda Creek Recapture Project Draft EIR, November 30, 2016.

- **ESA/Orion & SFPUC, 2017.** Simulated Stream flows for Node 9 (Niles) for the Alameda Creek Recapture Project. Summarized to reflect potential changes to Alameda County Water District operations as a result of ACRP implementation.

Excel spreadsheet completed for Alameda Creek Recapture Project Responses to Comments document, June 7, 2017

These hydrology data sets are being provided to you in response to a letter received on January 10, 2017 from the Alameda County Water District requesting modeling information on the daily flow rates. These hydrology data sets are referenced in both the DEIR and RTC, and are available for review at the Planning Department as part of the administrative record for the SFPUC Alameda Creek Recapture Project. **The Final EIR, consisting of the RTC document, along with the Draft EIR, will be before the San Francisco Planning Commission for EIR certification on June 22, 2017.** Please note that the public comment period on the Draft EIR ended on January 30, 2017.

If you have any questions, regarding this matter, please contact Chelsea Fordham at 415-575-9071 or chelsea.fordham@sfgov.org.

Exhibit F:
Link to Video of June 22, 2017 Planning Commission Hearing

June 22, 2017 Planning Commission Meeting:
http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=28183
The District's testimony starts at approximately 2:00:00 of the video.

Exhibit G:
Link to Video of June 23, 2017 San Francisco Public Utilities Commission Meeting

June 23, 2017 San Francisco Public Utilities Commission Meeting
http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=22&clip_id=28198
The District's testimony begins at approximately 13:20 of the video.

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