

File No. 100901

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date July 26, 2010

Board of Supervisors Meeting

Date _____

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form (for hearings)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
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<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER

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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Planning Department's Note to file, Dated, June 14, 2010</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Public Utilities Commission, Resolution Nos. 08-0120, 09-0120, 09-0190, 09-0203, 10-0081</u>
* <input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Alameda Watershed Biological Resources Report</u>
* <input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Archaeological/Architectural Survey Report, Dated Nov 2009</u>
* <input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Addendum I to the Archaeological/Architectural Report</u>
* <input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Final Environmental Impact Report, Dated, December 03, 2009</u>
* <input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>DRAFT Environmental Impact Report, Dated, June 03, 2009</u>
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: LaTonia Stokes Date July 23, 2010

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [California Environmental Quality Act Findings for Water System Improvement Program
2 Habitat Mitigation Actions

3 **Resolution adopting findings under the California Environmental Quality Act (CEQA),**
4 **including the adoption of a mitigation and monitoring reporting program and a statement**
5 **of overriding considerations, related to full implementation of Habitat Mitigation Actions**
6 **at two sites in Alameda County for the San Francisco Public Utilities Commission Sunol**
7 **Valley Water Treatment Plant Expansion and Treated Water Reservoir project**
8 **[CUW38101] and other Water System Improvement Program projects, and directing the**
9 **Clerk of the Board of Supervisors to notify the Controller of this action.**

10
11 WHEREAS, Implementation of habitat compensation mitigation measures for water
12 infrastructure projects included as part of the San Francisco Public Utilities Commission
13 ("SFPUC") Water System Improvement Program ("WSIP") are proposed at compensation
14 sites developed in consultation with state and federal regulatory agencies, including, but not
15 necessarily limited to, sites on SFPUC property. Satisfaction of the requirements of these
16 regulatory agencies in connection with approval of the habitat compensatory mitigation at
17 these habitat compensation mitigation sites will include construction, long term monitoring and
18 management, financial assurances and mechanisms to ensure retention of the sites for their
19 intended purpose as habitat compensation (collectively, "Habitat Mitigation Actions"); and

20 WHEREAS, Two habitat compensation mitigation sites, among others, have been
21 identified by the SFPUC in Alameda County, known as Goat Rock and Goldfish Pond. The
22 Goat Rock site, an approximately 630 acre site located north of upper Alameda Creek, would
23 include improvements to and the long term management of grassland habitat and a seasonal
24 wetland. The Goldfish Pond site, an approximately 20 acre site located in the southern part of
25

1 the Alameda watershed near Calaveras Creek, would include habitat restoration and
2 enhancement, and the creation and long term management of three seasonal wetlands; and

3 WHEREAS, The Goat Rock and Goldfish Pond sites are proposed by the SFPUC to
4 satisfy mitigation requirements for the Sunol Valley Water Treatment Plan Expansion and
5 Treated Water Reservoir project ("SVWTP-TWR Project"), a WSIP infrastructure project for
6 which a final environmental impact report ("FEIR") was certified by the San Francisco
7 Planning Commission by Motion No. 17992 adopted December 3, 2009 (City Planning File
8 No. 2006.0137E), and that has been approved, and CEQA findings, including a statement of
9 overriding considerations and a Mitigation Monitoring and Reporting Program ("MMRP")
10 adopted, by the SFPUC by Resolution No.09-0203, on December 8, 2009, a copy of which is
11 included in Board of Supervisors File No. 091478 and is incorporated herein by this reference,
12 and for which the Board of Supervisors ("Board") adopted CEQA Findings by its Resolution
13 No. 25-10, adopted January 26, 2010, a copy of which is included in Board of Supervisors File
14 No. 091478 and which is incorporated herein by this reference; and

15 WHEREAS, The FEIR, a copy of which is included in Board of Supervisors File No.
16 091478, is tiered from the WSIP Program Environmental Impact Report ("PEIR") certified by
17 the Planning Commission on October 30, 2008 by Motion No. 17734 (City Planning File No.
18 2005.0159E); and

19 WHEREAS, The SFPUC approved the WSIP and adopted findings and a Mitigation
20 Monitoring and Reporting Program ("PEIR MMRP") as required by CEQA on October 30,
21 2008 by Resolution No. 08-200; and

22 WHEREAS, The SFPUC proposes that the Goat Rock and Goldfish Pond sites also
23 provide mitigation for and satisfy certain mitigation requirements for other WSIP facility
24 improvement projects, including the New Irvington Tunnel Project ("NIT Project"), Bay Division
25 Pipeline Reliability Upgrade Project ("BDPL 5 Project"), Alameda Siphon #4 Project ("Siphon

1 Project"), and possibly the proposed Calavaras Dam Replacement Project ("Calavaras
2 Project") and proposed San Antonio Backup Pipeline Project ("SABPL Project"); and

3 WHEREAS, The SFPUC adopted CEQA Findings and approved the NIT Project by
4 Resolution No. 09-0190 adopted November 10, 2009, for which the Board of Supervisors
5 adopted CEQA Findings by its Resolution No. 505-09 on December 15, 2009, (copies of both
6 Resolutions are included in Board of Supervisors File No. 091326 and are incorporated herein
7 by this reference); the SFPUC adopted CEQA Findings and approved the BDPL 5 Project by
8 Resolution No. 09-0120 adopted July 14, 2009, for which the Board of Supervisors adopted
9 CEQA Findings by its Resolution No. 371-09 on September 22, 2009 (copies of both
10 Resolutions are included in Board of Supervisors File No. 090979 and are incorporated herein
11 by this reference); the SFPUC adopted CEQA Findings and approved the Siphons Project by
12 Resolution No. 08-0120 adopted July 8, 2008, for which the Board of Supervisors adopted
13 CEQA Findings by its Resolution No. 94-09 adopted March 31, 2009 (copies of both
14 Resolutions are included in Board of Supervisors File No. 090281 and are incorporated herein
15 by this reference); and

16 WHEREAS, The proposed Calavaras and SABPL Projects are undergoing
17 environmental review and have not been approved by the SFPUC or the Board; and

18 WHEREAS, The FEIR identified project mitigation measures to be implemented in
19 connection with the Goat Rock site and by Note to the File for the SVWTP-TWR Project (City
20 Planning File No. 2006.0137E) dated June 14, 2010, a copy of which is included in Board of
21 Supervisors File No. 100901, the San Francisco Planning Department, Major Environmental
22 Analysis Division, determined that implementation of habitat compensation at the Goldfish
23 Pond site will not result in any additional significant impacts beyond those disclosed for the
24 SVWTP-TWR Project in the FEIR, and that implementation of proposed project mitigation
25

1 measures for the habitat compensation sites as described in the FEIR will reduce all
2 associated impacts to a less than significant level; and

3 WHEREAS, The FEIR and Note to File, and the SFPUC and Board Resolutions
4 referred to above are contained in the files identified above and have been made available for
5 review by the Board and the public, and are considered part of the record before this Board;
6 and

7 WHEREAS, Mitigation measures identified in the FEIR that would reduce potentially
8 significant impacts associated with implementation of the Goat Rock and Goldfish Pond
9 habitat mitigation sites to a less than significant level will be implemented in connection with
10 those habitat mitigation sites; and

11 WHEREAS, The Goat Rock and Goldfish Pond habitat compensation mitigation sites
12 were selected and designed using the conservation principles required by the PEIR and
13 subsequent SFPUC adoption of the PEIR MMRP, which prescribe a coordinated approach in
14 developing mitigation for biological resource impacts of individual WSIP facility projects in
15 order to avoid habitat fragmentation, preserve wildlife movement corridors and allow for plants
16 and wildlife to disperse over large contiguous habitat areas. The SFPUC proposes to
17 undertake Habitat Mitigation Actions in connection with these compensatory mitigation habitat
18 sites to minimize overall environmental impacts, and to achieve the overall habitat
19 preservation and creation functions of the sites, notwithstanding that mitigation at these sites
20 may provide mitigation, if approved by the state and federal regulatory agencies, for approved
21 WSIP projects, projects still under consideration by the SFPUC, or projects yet to be
22 identified; and

23 WHEREAS, The SFPUC has applied for state and federal regulatory agency permits
24 that would allow for, and intends to proceed with, construction of the Goat Rock and Goldfish
25 Pond sites and other Habitat Mitigation Actions, subject to state and federal regulatory agency

1 approval, award of construction contracts by the SFPUC and other actions and approvals that
2 may be necessary. In a memorandum from the SFPUC to the Board of Supervisors, dated
3 July 1, 2010 ("SFPUC Memo"), a copy of which is included in Board of Supervisors File No.
4 100901 the SFPUC has demonstrated that it is appropriate to proceed with full
5 implementation of the Habitat Mitigation Actions for the Goat Rock and Goldfish Pond sites in
6 order to maximize habitat area creation, minimize overall environmental impacts and to
7 achieve the overall habitat preservation and creation functions of the site, notwithstanding that
8 mitigation at these sites may be in excess of regulatory agency requirements for the SWWTP-
9 TWR Project and other approved WSIP facility improvement projects for which the Board has
10 adopted CEQA findings as identified above; and

11 WHEREAS, The Board adopted Ordinance No. 0092-10 that placed WSIP
12 appropriated funds on Controller's Appropriation Reserve, by project, making release of
13 appropriation reserves by the Controller subject to the prior occurrence of: (1) the SFPUC's
14 and the Board's discretionary adoption of CEQA Findings for each project, following review
15 and consideration of completed project-related environmental analysis, pursuant to CEQA, the
16 State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, where
17 required, and (2) the Controller's certification of funds availability, including proceeds of
18 indebtedness; and

19 WHEREAS, The Board's actions adopting CEQA Findings and approving the SWWTP-
20 TWR Project, and other projects referred to above for which the Board has adopted CEQA
21 findings, authorized the Controller to release appropriation reserves, including funds for
22 mitigation, and

23 WHEREAS, Release of appropriated funds to implement the Habitat Mitigation Actions
24 for the whole of the Goat Rock and Goldfish Pond sites will facilitate implementation of the
25 mitigation identified in the PEIR and PEIR MMRP, and in the environmental review for the

1 SWWTP Project and other projects referred to above for which the Board has adopted CEQA
2 findings, and will do so in a manner that minimizes overall environmental impacts associated
3 with construction at these sites, achieves the overall habitat preservation and creation
4 functions of the sites and is cost and resource efficient; and

5 WHEREAS, By adopting CEQA Findings for the full implementation of the Goat Rock
6 and Goldfish Pond sites, if all requisite approvals are obtained, the Board is not making any
7 commitment to approve any other WSIP project or mitigation, nor does the Board make any
8 determination as to the adequacy of the Goat Rock or Goldfish Pond sites as compensatory
9 habitat mitigation for any WSIP project that has not yet been approved, including but not
10 limited to the Calaveras Project and SABPL Project, and the Board retains full discretion to
11 consider the environmental documents for other WSIP projects, including but not limited to
12 mitigation measures therein, and to adopt or decline to adopt findings required under CEQA
13 for release of funds for those WSIP projects, should such projects be approved by the
14 SFPUC. Funding for the Mitigation Habitat Actions will be provided, in part, from Project No.
15 CUW3880100, referred to as the Habitat Reserve Program in the Supplemental Appropriation
16 Ordinance 0092-10; and

17 WHEREAS, The Board has reviewed and considered the information and findings
18 contained in the FEIR and Note to the File, PEIR, SFPUC and Board Resolutions referred to
19 above, the SFPUC Memo and all written and oral information provided by the Planning
20 Department, the public, relevant public agencies, SFPUC and other experts and the
21 administrative files for this action as identified above; now, therefore, be it

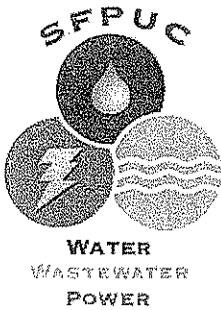
22 RESOLVED, That the Board of Supervisors has reviewed and considered the FEIR
23 and record as a whole, finds that the FEIR is adequate for its use as the decision-making
24 body for the action taken herein adopting findings under CEQA, including a statement of
25 overriding considerations and a MMRP, thereby authorizing the Controller to release

1 appropriation reserves in an amount that will enable the SFPUC to proceed with the Habitat
2 Mitigation Actions for full implementation of the Goat Rock and Goldfish Pond sites subject to
3 approval of the Habitat Mitigation Actions by the resource agencies and SFPUC; and, be it

4 FURTHER RESOLVED, That the Board finds that the project mitigation measures
5 identified in the FEIR to mitigate potential significant impacts associated with the habitat
6 compensation sites and adopted by the SFPUC will be implemented as reflected in and in
7 accordance with the MMRP; and, be it

8 FURTHER RESOLVED, The Board finds that since the FEIR was finalized, there have
9 been no substantial changes in the SVWTP-TWR Project, and no substantial changes in
10 circumstances relating to the project that would require major revisions to the FEIR due to the
11 involvement of new significant environmental effects or an increase in the severity of
12 previously identified significant impacts, and there is no new information of substantial
13 importance that would change the conclusions set forth in the FEIR; and, be it

14 FURTHER RESOLVED, That the Board directs the Clerk of the Board to forward this
15 Resolution to the Controller.
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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
SAN FRANCISCO PUBLIC UTILITIES COMMISSION

1155 Market St., 11th Floor, San Francisco, CA 94103 • Tel. (415) 554-3155 • Fax (415) 554-3161 • TTY (415) 554-3488

2010 JUL -2 AM 11:33



TO: Angela Calvillo, Clerk of the Board of Supervisors
BY: AK

FROM: Nathan Purkiss, 554-3404

File # 100901

DATE: July 1, 2010

SUBJECT: Resolution adopting findings under the California Environmental Quality Act ("CEQA") related to Habitat Mitigation Actions at two sites in Alameda County

GAVIN NEWSOM
MAYOR

F.X. CROWLEY
PRESIDENT

FRANCESCA VIETOR
VICE PRESIDENT

ANN MOLLER CAEN
COMMISSIONER

JULIET ELLIS
COMMISSIONER

ANSON B. MORAN
COMMISSIONER

ED HARRINGTON
GENERAL MANAGER

Please find the original and 4 copies of a proposed Resolution attached to this cover memorandum, as well as supplemental materials regarding the resolution. The Resolution adopts findings under the California Environmental Quality Act ("CEQA") related to habitat mitigation actions at two sites in Alameda County known as Goat Rock and Goldfish Pond.

Background:

The proposed Resolution would allow implementation of two environmental mitigation sites to satisfy regulatory permit requirements for various SFPUC Water System Improvement Program ("WSIP") projects, including the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir ("SVWTP-TWP Project"), New Irvington Tunnel, Bay Division Pipeline Reliability Upgrade and other projects as described in the proposed Resolution. Construction at the two environmental mitigation sites needs to begin this fall in order to meet current project schedules.

The SFPUC has previously approved related WSIP projects and adopted CEQA findings, and the proposed Resolution cross references the Board of Supervisors files that include the SFPUC Resolution #09-0203 (SVWTP-TWR Project); SFPUC Resolution #09-0190 (New Irvington Tunnel); SFPUC Resolution #09-0120 (BDPL 5); and SFPUC Resolution #08-0120 (Alameda Siphons Project); and the CEQA documents that the Board reviewed and approved when it adopted CEQA findings for those projects. The SVWTP-TWR Project later required a Note to File (NTF) to address habitat compensation at one of the environmental mitigation sites. This NTF is attached to and addressed in a memo from Irina P. Torrey to Julie Labonte. This memo also describes why the two environmental mitigation sites need to be fully implemented, rather than incrementally as each WSIP project is approved. Both the memo and the NTF are referenced in the Resolution as being included in the Board file for this Resolution.

The proposed Resolution resolves that the Board of Supervisors has reviewed and considered the complete CEQA review of the SVWTP-TWP project (including the NTF), agrees that the SFPUC can proceed with full implementation of the two environmental mitigation sites, and directs that the Resolution be provided to the Controller, which is a condition to the Controller's ability to release funds for implementation of the sites habitat mitigation actions. In order to avoid duplication of files at the Board, we are not resubmitting the CEQA documents that the Board already reviewed and acted upon. Rather, only the new documents (the memo to

22:11W 9-17-01

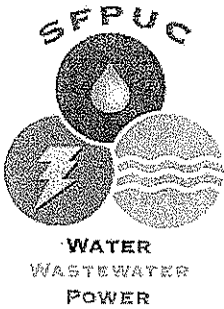
Julie Labonte with the Planning Department's Note to File attached) are submitted with this Resolution, since the other CEQA related documents already exist within the Board files, as recited in the Resolution.

Departmental representative to receive a copy of the adopted resolution:

Name: Nathan Purkiss

Phone: 554-3404

Interoffice Mail Address: 1155 Market Street, 11th Floor



BUREAU OF ENVIRONMENTAL MANAGEMENT

1145 Market Street, Suite 500, San Francisco, CA 94103

TO: Julie Labonte

FROM: Irina P. Torrey

DATE: June 17, 2010

SUBJECT: Basis for full implementation of habitat compensation sites, Gold Fish Pond and Goat Rock, in the Sunol Valley area of the Alameda Watershed

Introduction

In December, 2009, the San Francisco Public Utilities Commission (SFPUC) approved the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir project (SVWTP-TWR Project), and adopted findings required under the California Environmental Quality Act (CEQA) and a Mitigation Monitoring and Reporting Program (MMRP). The SVWTP-TWR Project is one of the facility improvement projects under the Water System Improvement Program (WSIP). Thereafter, in January, 2010, the Board of Supervisors adopted CEQA findings for the SVWTP-TWR Project. The SVWTP-TWR Project is scheduled to break ground on Wednesday, June 23, 2010.

Two habitat compensation sites are being proposed to provide mitigation (among other mitigation measures) for the biological resources impacts associated with the SVWTP-TWR Project: Gold Fish Pond and Goat Rock. In consultation with the U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, California Department of Fish & Game, and Regional Water Quality Control Board, these sites have been identified as appropriate for habitat compensation consisting of wetland creation, restoration, and enhancement; and grassland enhancement. Each of these types of habitats satisfies mitigation for the resources under the jurisdiction of one of the agencies listed above. These sites and the proposed habitat improvements were identified and designed taking into consideration the conservation principles required under the WSIP Program Environmental Impact Report Mitigation Measure (PEIR Measure 4.16.4a) for mitigation of bioregional impacts associated with implementation of the various WSIP facility projects. These principles call for mitigation to be developed and coordinated with other mitigation efforts to avoid habitat fragmentation, preserve wildlife movement and allow plants and animals to disperse over large contiguous areas.

The Gold Fish Pond and Goat Rock compensation sites were selected by the SFPUC in part because they encompass areas of the SFPUC Alameda watershed that do not contribute directly to water supply or water system operations. They also contain habitat that has been impaired or degraded and where proposed habitat improvements would increase existing habitat functions and values. Water availability and suitable topography were key to selecting the sites appropriate for wetland and riparian habitat compensation. Geology and soils were key to grassland enhancement. At the Gold Fish Pond site non-native grassland can be removed with site grading and excavation to pond surface

water over a larger area. At the Goat Rock site, grazing practices can be altered to preferentially benefit native species to increase the numbers and diversity of native grassland species.

Proposed habitat improvements at the Goat Rock and Goldfish Pond compensation sites provide comprehensive and coordinated habitat mitigation, avoid additional impacts to habitat and species that otherwise would likely result if work at the site was divided by area or type of improvement and are also expected to reduce overall cost. Located on sites within the SFPUC Alameda Watershed that are contiguous with other open space watershed lands, these sites are suitable as part of a coordinated approach to habitat compensation for WSIP facility projects. As such, these sites also include habitat improvements that the SFPUC proposes to mitigate for more than the SVWTP-TWR Project. The additional habitat improvements are proposed to mitigate impacts associated with other WSIP facility improvement projects, including the Alameda Siphons #4, New Irvington Tunnel, Bay Division Pipeline Reliability Upgrade, Calaveras Dam Replacement (CDRP) and San Antonio Backup Pipeline (SABPL) projects. All of these projects, with the exception of the CDRP and SABPL projects, have been approved by the SFPUC and respectively CEQA findings were adopted by the Board of Supervisors. The SABPL project is undergoing environmental review, and a Draft EIR has not yet been published. The CDRP project is in the final phases of environmental review.

Full implementation of the two habitat mitigation sites is necessary and appropriate for the following reasons:

Gold Fish Pond Compensation Site, Alameda Watershed

Implementation of wetlands at Gold Fish Pond needs to be completed as a single coordinated event because serial construction of new wetland to expand the pond would result in impacts to the prior-construction portions of the pond and potential impacts to special-status species. In addition, the hydraulic design of the enlarged stock pond requires complete implementation at one time, as the proposed wetland requires reconfiguration of the entire pond where some of the excavated material is used to balance water supply and habitat generation. Also, the rebuilding of the embankment and the outfall structure can not be incrementally implemented and the success of the wetlands, regardless of the seasonal wetland area, requires rebuilding the embankment and outfall structure.

Goat Rock Compensation Site, Alameda Watershed

The proposed habitat improvements rely on changes in the grazing management over approximately 600 acre pasture. These grazing management changes are supported by physical modifications to fencing that isolate and exclude particular grassland resources and to the water supply system that provides livestock water to the cattle. The proposed wildlife friendly fence will exclude access to some of the existing water sources and divide the larger pasture into two grazing units to allow for controlled changes in grazing. The internal fence that subdivides the larger pasture can not be incrementally installed as it extends from one side of the pasture to the other. A shorter fence would not protect the target habitats that are dependent on specific geology and soils. A new well, solar power and pumps would distribute water through a new pipe distribution system to tanks and troughs distributed across the landscape. These troughs would replace water sources fenced off to protect aquatic dependent species. The distribution network would allow water to be rotated around the pastures to distribute grazing over the entire pasture to support native plants and species over a larger area. The proposed water supply improvements can not be incrementally implemented because they work together to provide the grazing manager the flexibility to move cattle over the landscape by adjusting the location of water in the various fenced areas.

The secondary impacts associated with implementation of the Goat Rock site are addressed in the SVWTP-TWR Project EIR. By Note to File dated June 14, 2010 (attached), the Planning Department examined whether implementation of habitat mitigation at the Goldfish Pond compensation site would result in any additional significant impacts beyond those disclosed in the SVWTP-TWR Project EIR, and determined that it would not.

Formal approval action on the SABPL and the CDRP projects, and the mitigation for biological impacts associated with those projects, has not yet been taken by the SFPUC or the resource agencies. However, since the SVWTP-TWR Project and the other projects identified above for which the Goat Rock and Goldfish Pond compensation sites are proposed to provide mitigation have been approved by the SFPUC, appropriate resource agency permits to implement the mitigation at these sites are being sought. As a result of the bio-regional approach to habitat compensation consistent with Measure 4.16.4a in the PEIR, the habitat improvements associated with full implementation of the proposed compensation sites have been included in the applications to the resource agencies and, assuming issuance of the permits by the resource agencies, and with the Board of Supervisors authorization for release of funds for full implementation of the habitat compensation at these sites, SFPUC staff will request that the SFPUC Commission award a contract to proceed with full implementation at these sites.

If you have any questions on this memorandum, please contact me at 554-3232 or Greg Lyman at 554-1601.

Attachments:

San Francisco Planning Department, Note to File for Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project Environmental Impact Report – Secondary Impacts of Mitigation, June 14 2010.



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Date: June 14, 2010
Case No.: 2006.0137E
Project: Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir
Project Sponsor: San Francisco Public Utilities Commission
MEA Contact: Carrie Dovzak – (415) 575- 9030
carrie.dovzak@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

NOTE TO FILE FOR SUNOL VALLEY WATER TREATMENT PLANT EXPANSION AND TREATED WATER RESERVOIR PROJECT ENVIRONMENTAL IMPACT REPORT – SECONDARY IMPACTS OF MITIGATION

BACKGROUND

On December 3, 2009, the San Francisco Planning Commission certified the Final Environmental Impact Report (EIR) for the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project (Project). Subsequently, on December 8, 2009, by Resolution No. 09-0203, the San Francisco Public Utilities Commission (SFPUC) approved the Project, and adopted CEQA findings and a Mitigation Monitoring and Reporting Program (MMRP). The EIR and MMRP included mitigation measures that are required to compensate for significant impacts of the Project on biological resources. At the time that the EIR was certified and the Project was adopted, three sites were identified for the compensatory mitigation (Portal Road, Alameda Creek North, and Goat Rock), and the EIR discusses the environmental effects related to implementing mitigation measures at these sites in accordance with CEQA Guidelines Section 15126.4(a)(1)(D). Since certification of the EIR, the SFPUC has added a fourth mitigation site, Goldfish Pond, which was not specifically identified in the EIR. As such, this Note to File discusses the environmental effects related to implementing compensatory habitat mitigation at the Goldfish Pond site in accordance with the CEQA Guidelines.

LOCATION AND DESCRIPTION OF MITIGATION ACTIVITIES

The Goldfish Pond site is located in the SFPUC's Alameda watershed near the intersection of Felter Road and Marsh Road and is bounded on the north by Calaveras Road. The site is owned by the City and County of San Francisco and is managed by the SFPUC.

Mitigation at the Goldfish Pond site will improve 15 acres of annual grassland, 2 acres of riparian and stream habitat, 4 acres of wetland habitat (seasonal wetland and perennial wetland), and 2 acres of pond/aquatic habitat. Three seasonal wetlands will be created by reconstructing an earthen embankment and excavating the existing grade to create suitable slopes for establishing seasonal wetlands. Prior to the start of habitat restoration and enhancement, the existing pond will be dewatered with screened pumps, and vegetation and topsoil will be removed to allow for excavation. Following excavation, existing soil embankments will be reconstructed, including construction of armored overflow outlets and

drain outlets. Non-native vegetation will be removed using manual and mechanical methods and native wetland vegetation will be planted.

Invasive plants will be removed from the grasslands around the edge of the riparian area using manual and mechanical methods and spot burning and the area will be seeded with native grasses. Permanent fencing will be installed around the riparian and grassland enhancement areas to manage grazing.

The site will be accessed from existing roads via Felter Road and Marsh Road. An existing roadway from Marsh Road will be reconstructed to provide access to the Goldfish Pond embankment area. Staging and spoils disposal areas will be located in non-native grasslands, and will avoid sensitive habitats. Approximately 20,000 cubic yards of excavated material will be reused onsite and approximately 40,000 cubic yards of excess spoils will be disposed of offsite. The proposed activities will result in a total of approximately 23 acres of temporary ground disturbance.

Project construction will require up to 15 workers and will occur over a 17-week period between approximately August 1 and January 31. All proposed in-stream earthwork will be conducted between August 1 and October 15. All other proposed earthwork and construction activities will occur throughout the construction period.

Following completion of construction, the SFPUC will conduct long-term management activities at the site in perpetuity which is expected to include inspection and repair, predator control, spot application of herbicides, spot burning, hand vegetation removal and managed grazing.

SECONDARY IMPACTS OF MITIGATION MEASURES

Consistent with the analysis of secondary impacts of mitigation measures provided in Section 5.5.1 of the EIR, implementation of habitat compensation at the Goldfish Pond site will not result in any additional significant impacts beyond those disclosed for the proposed project. Implementation of proposed project mitigation measures for the habitat compensation sites as described in Section 5.5.1 of the EIR will reduce all associated impacts to a less than significant level.

The following are potential secondary impacts of the habitat compensation actions proposed at the Goldfish Pond mitigation site:

LAND USE

Habitat compensation proposed at the Goldfish Pond site will occur on SFPUC property, in undeveloped areas where habitat compensation activities will be consistent with the existing character and land use, and with the policies of the SFPUC Alameda Watershed Management Plan.

AESTHETICS

Short-term activities, including excavation and grading, will have temporary, short term (approximately four months) impacts on the visual character of the site. These activities will be similar in nature to ongoing management activities in the watershed. Activities will not occur at night and will not result in any new temporary or permanent sources of lighting or glare. In the long-term, restoration and enhancement of native habitats will enhance the existing visual quality and character of the site. Therefore, the impacts of the proposed habitat compensation actions on aesthetic resources will be less than significant.

POPULATION AND HOUSING

The proposed habitat compensation activities will not induce population growth either directly or indirectly, and will not displace existing housing units or people. Therefore, the proposed actions will have no effect on population and housing.

CULTURAL RESOURCES

The San Francisco Planning Department conducted a records search and field surveys and consulted with the Native American Heritage Commission, other Native American organizations and individuals and Historical Society organizations to ascertain whether historical structures, archaeological resources or Native American artifacts or burial sites may be present at the Goldfish Pond site (Pacific Legacy/Carey & Company 2009). Based on the records search and the Native American and Historical Society consultations, no pre-historic or historic era resources have been recorded within the Goldfish Pond site.

Although a previously recorded architectural resource is present within the vicinity of the Goldfish Pond site, this structure has been found ineligible for listing on both the National Register and the California Register, and it is located outside of the area that will be affected by the proposed habitat compensation activities.

Proposed ground-disturbing activities, including excavation and grading, could affect undiscovered archeological resources, paleontological resources or human remains. Impacts associated with the habitat compensation activities will be similar to the impacts associated with the Sunol Valley Water Treatment Plant Improvement Project although the scale of impacts will be substantially less (see Impacts CR-1, CR-2, and CR-3). These impacts will be mitigated through implementation of Mitigation Measures CR-1a through CR-1e, CR-2, and CR-3, and therefore, the impacts of the proposed habitat compensation activities on cultural resources will be less than significant with mitigation.

TRAFFIC, AIR QUALITY, NOISE AND VIBRATION

Potential temporary construction impacts of habitat compensation could be related to increased truck traffic (e.g., water trucks) on local streets, construction noise, and dust and pollutant emissions (similar to Impacts TRANS-1, TRANS-2, NOI-1, AIR-2, and AIR-3). Application of Mitigation Measures TRANS-1, NOI -1, AIR-2a, AIR-2b, and AIR-2c will provide for traffic controls, noise controls, and dust and pollutant controls, and thus these

impacts will be less than significant. Project-related truck trips will be minimal and be limited to the short duration of the projects. The minimal amount of traffic added to Marsh Road, which currently operates at LOS A will not be expected to cause LOS to deteriorate to LOS E, which is acceptable by Santa Clara County. All activities associated with habitat compensation will be performed during daytime hours; noise from construction activities during daytime hours are exempt by Santa Clara County. With implementation of the above mitigation measures, impacts will be less than significant.

RECREATION

There are no public recreational resources in the areas proposed for habitat compensation, and furthermore, the Goldfish Pond site is not publically accessible. Marsh Road, which is proposed for use as access to the site, is frequently used by bicyclists. During the 17-week construction period between August and January, there will be increased traffic along Marsh Road and other access roads to the site on weekdays. However, the number of truck trips will not substantially disrupt recreational use of Marsh Road. Additionally, the proposed habitat compensation activities will not affect the use of existing parks or recreational facilities or create additional demand for recreational facilities. Therefore, the habitat compensation activities proposed at the Goldfish Pond site will result in a less-than-significant impact on recreation.

UTILITIES AND PUBLIC SERVICES

Existing utilities are either not present or will be avoided by habitat compensation activities. Local water sources will be used to support habitat compensation activities and will not require connection to utility lines. Habitat compensation will not create any demand for utilities or public services, and therefore, no impacts will occur.

BIOLOGICAL RESOURCES

Habitat compensation activities proposed at the Goldfish Pond site are intended to benefit special-status species and sensitive habitats and serve as mitigation for biological resources impacts associated with the Sunol Valley Water Treatment Plant Improvement Project. While the construction of habitat restoration and enhancement activities may temporarily disrupt existing habitats that may support special-status species, sensitive natural vegetation communities, and native mature trees, the proposed actions will have an overall beneficial effect on biological resources. Habitat compensation activities at the Goldfish Pond site have been designed to avoid impacts on sensitive habitats and species to the extent feasible as documented through biological resources field surveys, including rare plant surveys and delineation of wetlands and other waters of the U.S. and state, and through consultations with the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, California Department of Fish and Game and the San Francisco Bay Regional Water Quality Control Board (ESA+Orion 2010). In addition, implementation of Mitigation Measures BIO-1a through BIO-1e, BIO-5, BIO-6, BIO-7, BIO-10, and BIO-13, as appropriate, will reduce impacts on biological resources to a less-than-significant level.

The SFPUC proposes to use spot application of herbicides during implementation of habitat compensation activities and as a part of long-term management activities to control and remove invasive non-native plants in order to restore and enhance native vegetation. The SFPUC will only use herbicides in the case that other weed control methods are unsuccessful or impractical and then only in strict compliance with all applicable federal, state and local regulations. In particular, herbicides may only be applied in accordance with all Environmental Protection Agency (EPA) label instructions, which specify how an herbicide may be applied, stored, and disposed of and precautions for avoiding spray drift.

The SFPUC is proposing to use four herbicides, including: Transline®, Milestone™, Telar® XP, and Landmark® XP. These herbicides are classified at the federal level as low-impact EPA Category 3 materials (i.e., "slightly toxic"). The California Department of Pesticide Regulation classifies herbicides as "restricted materials" and, as such, they are subject to the state and local regulations. Of these four herbicides, only Milestone™ is listed on the San Francisco list of reduced-risk pesticides. Therefore, use of Transline®, Telar® XP, and Landmark® XP will only be used if reviewed and approved in accordance with San Francisco's Integrated Pest Management Ordinance.

Considering federal, state, and local regulatory control of herbicides and the low toxicity rating of the proposed herbicides, the proposed use of herbicides at the Goldfish Pond site will not have a substantial adverse effect on special-status species or sensitive habitats. As such, impacts from the proposed use of herbicides on biological resources will be less than significant.

GEOLOGY AND SOILS

Habitat compensation activities proposed at the Goldfish Pond site will include excavation and grading. These activities will not substantially alter the existing topography or physical features of the site. Additionally, the habitat compensation activities will not be affected by or contribute to earthquakes, soil liquefaction, landslides, expansive soils, subsidence or other geological hazards.

HYDROLOGY AND WATER QUALITY

Habitat compensation activities proposed at the Goldfish Pond site include non-native vegetation removal, excavation, and grading to reconstruct an existing earthen embankment and to create suitable slopes to establish seasonal wetlands. These activities will not substantially alter drainage patterns, nor increase the rate of runoff such that flooding will occur. The Goldfish Pond site is also located in undeveloped area and will not contribute runoff water to storm drainage systems, or expose people or structures to risks due to flooding or inundation. The activities at the Goldfish Pond site will disturb more than one acre; therefore, in accordance with San Francisco Bay Regional Water Quality Control Board requirements, the SFPUC will prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). Implementing a SWPPP will ensure that impacts of the proposed habitat compensation activities on water quality will be less than significant.

HAZARDS AND HAZARDOUS MATERIALS

The SFPUC will implement appropriate measures to characterize and dispose of hazardous materials should they be encountered during ground-disturbing activities. Contract specifications will mandate full compliance with all applicable local, state, and federal regulations related to the identification, transportation, and disposal of hazardous materials/soils. As necessary, a spill prevention and countermeasure plan will also be prepared and therefore, impacts will be less than significant.

Excavation and grading activities at the Goldfish Pond site could occur in areas of naturally occurring asbestos (NOA). In all cases where NOA could potentially be encountered during excavation and grading, the SFPUC is required to comply with the asbestos ATCM (California Air Resources Board's Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations) regulations, which will ensure that potential impacts related to exposure to NOA-containing material will be less than significant.

MINERAL RESOURCES

The Goldfish Pond site is not located within a significant mineral, oil, or gas resource producing area. The proposed habitat compensation activities will not result in the loss of known mineral resources or make them inaccessible, nor result in the loss of a locally important mineral resource recovery site. Therefore, no impacts related to mineral resources will occur.

ENERGY

Habitat compensation actions will consume minor amounts of energy during construction, and compensation will involve minimal energy consumption for long term management activities, therefore, no significant impacts will occur.

AGRICULTURAL RESOURCES

The proposed compensation site is not in agricultural use and no impacts will occur.

CONCLUSION

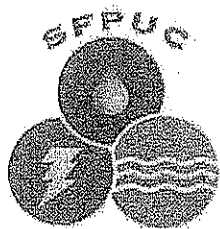
Overall, implementation of habitat compensation activities at the Goldfish Pond site will not result in any additional significant impacts beyond those disclosed for the Project or an increase in the severity of a significant impact. Implementation of mitigation measures identified in the EIR for the Project where applicable will reduce all associated impacts to a less than significant level. Consistent with Mitigation Measure 4.16-4a of the SFPUC Water System Improvement Program (WSIP) Final EIR, habitat compensation mitigation actions at the Goldfish Pond site will be undertaken as part of a coordinated regional approach to minimize the overall impacts on and to benefit multiple species and habitats that will be impacted by the WSIP facility improvement projects (SFPUC 2010).

References

Pacific Legacy/Carey & Company 2009. Historic Context and Archaeological/Architectural Survey Report for the Habitat Reserve Program, Alameda, San Mateo, Santa Clara, and Tuolumne Counties, California. November 2009.

ESA+Orion 2010. San Francisco Public Utilities Commission Habitat Reserve Program: Alameda Watershed Biological Resources. June 2010.

SFPUC 2010. WSIP Final Program EIR Report for Mitigation Measure 4.16-4a, San Francisco Public Utilities Commission, April 30, 2010.



WATER
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SAN FRANCISCO PUBLIC UTILITIES COMMISSION

BUREAU OF ENVIRONMENTAL MANAGEMENT
1145 Market St., Suite 500, San Francisco, CA 94103 • Tel. (415) 934-5700 • Fax (415) 934-5750 • TTY (415) 554.3468



TO: Diana Sokolove, SF Planning Department/MEA

FROM: Kelley Capone, SFPUC *KC*

DATE: April 30, 2010

SUBJECT: WSIP Final Program EIR Report for Mitigation Measure 4.16-4a

GAVIN NEWSOM
MAYOR

F.X. CROWLEY
PRESIDENT

FRANCESCA VIOTOR
VICE PRESIDENT

ANN MOLLER CAEN
COMMISSIONER

JULIET ELLIS
COMMISSIONER

ANSON B. MORAN
COMMISSIONER

ED HARRINGTON
GENERAL MANAGER

This memorandum provides the report for implementation of the San Francisco Public Utilities Commission's (SFPUC) Water System Improvement Program (WSIP) Final Program EIR Mitigation Measure 4.16-4a, Bioregional Habitat Restoration Measure. The SFPUC is implementing this mitigation measure to compensate for temporary and permanent impacts on biological resources from implementation of WSIP facility improvement projects. The mitigation measure calls for the SFPUC, when implementing habitat compensation required for individual WSIP facility improvement projects, to do so in a manner that addresses bioregional effects and includes conservation principles, among them coordination with other mitigation efforts. In accordance with this mitigation measure, the SFPUC is compensating for biological resources impacts in a coordinated regional approach to minimize the overall impact on and to benefit multiple species and habitats that will be impacted by the WSIP's facility improvement projects.

Site Selection

The SFPUC, in coordination with California Department of Fish and Game, US Fish and Wildlife Service, Regional Water Quality Control Board, and US Army Corp of Engineers, has identified 17 sites that are proposed to implement biological mitigation for WSIP facility improvement projects. The sites were identified not only for their ability to provide habitat preservation, restoration, creation and enhancement opportunities for targeted habitats and species, but also because the surrounding lands and habitats are either contiguous with other areas that are relatively undisturbed or are large enough to support species associated with the habitat.

Mitigation sites were identified on property owned by the City and County of San Francisco (CCSF) and managed by the SFPUC. These properties are located within SFPUC watershed lands, do not contribute directly to water supply or system operations and would meet the targeted habitat improvements measures. Because the habitat compensation sites would be preserved by the SFPUC in perpetuity, utilization of this land as dedicated habitat compensation areas would protect the land from future development in perpetuity. Areas where the natural habitat has been impaired or degraded by human actions or grazing were also considered for enhancement and restoration. Impaired land is land that is generally functioning well but not functioning to its full capabilities and where improvements would increase habitat functions and values. Degraded land is land where habitat functions are very low and where improvements would restore habitat function and value. Following identification of sites not needed for water system purposes or as areas where the natural habitat has been impaired or degraded, potential habitat compensation sites were identified based on the targeted habitat type. For wetland and riparian habitats, water supply and topography were considered. For other habitat types, such as grassland and scrub habitat, sites with non-native, invasive species were considered for enhancement and restoration.

Most of the identified mitigation sites are of sufficient size to allow for adjustments, as needed, to comply with resource agency permitting requirements. They also are large enough to accommodate biological habitat mitigation for more than one WSIP project. This coordinated regional approach is preferred because it reduces habitat fragmentation, preserves wildlife movement corridors, and allows both plants and wildlife to disperse over large contiguous habitat areas.

WSIP Projects and Associated Mitigation Sites

Impacts on biological resources requiring mitigation have been identified in connection with individual WSIP facility projects that have been approved by the SFPUC, including Sunol Valley Water Treatment Plant, New Irvington Tunnel, New Crystal Springs Bypass Tunnel, Bay Division Pipeline No. 5 and Alameda Siphons. The majority of mitigation sites are therefore located in the Sunol and Peninsula regions. With approval of the resource agencies, the SFPUC proposes to implement construction of the following mitigation sites in 2010 to restore ecological functions and values temporarily or permanently impacted by construction of these WSIP facility improvement projects:

- Homestead Pond
- Goat Rock
- Portal Road
- Goldfish Pond

In addition, the SFPUC will consider next month approval of the Crystal Springs/San Andreas Transmission Upgrade (CS/SA) project. The San Andreas Reservoir and Adobe Gulch mitigation sites are proposed to mitigate biological resource impacts from the CS/SA project and are proposed to be implemented in 2010 if approved by the SFPUC and resource agencies.

Since the coordinated regional approach was developed to address the bioregional conservation principles embodied in the WSIP Final Program EIR Mitigation Measure 4.16-a, some of the compensation sites listed above also are proposed as mitigation for other WSIP facility improvement projects that have not yet been approved by the SFPUC, should the EIRs be certified for those projects and the projects, including the mitigation, be approved by the SFPUC. Resource agency approval, as applicable, also will be required.

Assuming EIR certification, project approval, and resource agency approval (where such has not yet occurred), 2011 mitigation for the Calaveras Dam Replacement and the Lower Crystal Springs Dam Improvement projects consists of the following 11 mitigation sites:

- Skyline Blvd
 - Upper San Mateo Creek
 - Sherwood Point
 - Skyline Quarry
 - Boat Ramp North
 - Boat Ramp South
 - Adobe Gulch Creek
 - Koopmann Road
 - San Antonio Creek
 - Sage Canyon
 - South Calaveras
-

Additional Benefits to the Coordinated Regional Approach

The coordinated regional approach for implementing biological habitat mitigation also allows for efficiencies in implementing long-term management activities. Management activities will include long-term management control for non-native plant species. If it is appropriate at specific mitigation sites, long-term management may include natural disturbance regimes, such as prescribed burning, to obtain the desired plant composition. Natural disturbance regimes will promote some species and discourage others such as weedy, non-native species.

The SFPUC will share biological information with other conservation land stewards, such as East Bay Regional Park District and the California Native Plant Society. At this time local plant sources have been identified and animal relocation is not proposed. If, through long-term management, the need for additional plant sources or animal relocation is identified the SFPUC will work with the appropriate permitting resource agency to identify conservation land stewards that could share biological materials.

In connection with the resource agency permitting processes, conservation easements, or other appropriate legal instruments will be utilized to ensure the retention of the sites for their intended purpose as habitat compensation. In addition, the resource agencies will require, and the SFPUC is working with the resource agencies to provide, adequate financial assurances for the installation and maintenance of the habitat improvements.

Conclusion

This memorandum demonstrates that WSIP Final Program EIR Mitigation Measure 4.16-4a, Bioregional Habitat Restoration Measure is being implemented by the SFPUC and no additional reporting is required for this mitigation measure.

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 08-0120

WHEREAS, Public Utilities Commission staff has developed a project description for the Alameda Siphon No. 4 Project, otherwise known as Water System Improvement Program (WSIP) Project No. CUW35902; and

WHEREAS, the objectives of the Project are to improve the seismic reliability of the existing Alameda Siphons and to provide system redundancy during a major seismic event by, in part, installing the new Alameda Siphon No. 4, which would be more resistant to rupture during a seismic event than the existing siphons, and would serve to better ensure that water continues to be conveyed across the Sunol Valley;

WHEREAS, an Initial Study/Mitigated Negative Declaration (MND) for the Project was prepared and published for public review on February 13, 2008; and

WHEREAS, public comments on the Initial Study/MND were received between February 13, 2008 and March 13, 2008; and

WHEREAS, on May 7, 2008, the Planning Department reviewed and considered the Final MND and found that the contents of said report and the procedures through which the Final MND was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines in Chapter 31 of the San Francisco Administrative Code; and

WHEREAS, the Planning Department found the Final MND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the Final MND, and adopted the Final MND for the Project in compliance with CEQA and the CEQA Guidelines; and

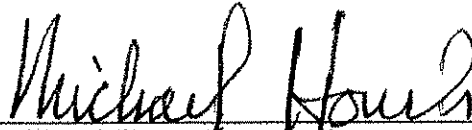
WHEREAS, The Final MND files have been made available for review by the Public Utilities Commission and the public, and those files are part of the record before this Public Utilities Commission; and

WHEREAS, Public Utilities Commission staff prepared proposed Findings, as required by CEQA, 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; now, therefore, be it

RESOLVED, That the Public Utilities Commission has reviewed and considered the Final MND and hereby adopts the Final MND, CEQA Findings, MMRP and Greenhouse Gas Reduction Measures and SFPUC Standard Construction Measures attached hereto and incorporated herein by reference, as Exhibits A, B, C and D respectively; and, be it

FURTHER RESOLVED, That the Public Utilities Commission hereby approves WSIP-Project No. CUW35902, Alameda Siphon No. 4 Project, and authorizes staff to proceed with actions necessary to implement the Project, provided that subsequent Commission action will be required to award the construction contract.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of July 8, 2008



Secretary, Public Utilities Commission

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 09-0120

WHEREAS, San Francisco Public Utilities Commission ("SFPUC") staff have developed a project description for Projects CUW36801 Bay Division Pipeline Reliability Upgrade Project-Tunnel ("Bay Tunnel"), CUW36802 Bay Division Pipeline Reliability Upgrade Project-Pipeline ("Pipeline"), and CUW36803 Bay Division Pipeline Reliability Upgrade Project-Relocation of BDPL Nos. 1 & 2 ("Relocation") (collectively, the "Projects") under the Water System Improvement Program ("WSIP") for improvements to the regional water supply system; and

WHEREAS, The objectives of the Projects are to provide a seismically reliable conduit between Mission Boulevard in Fremont and the Pulgas Tunnel in San Mateo County, to size and configure the Bay Division Pipeline (BDPL) transmission system for carrying water across the Bay for distribution to customers and to replenish local reservoirs, and to contribute toward meeting estimated average annual demand under conditions of both planned and unplanned facility outages; and

WHEREAS, On July 9, 2009, the Planning Commission reviewed and considered the Final Environmental Impact Report ("Final EIR") in Planning Department File No. 2005.0146E, consisting of the Draft EIR and the Comments and Responses document, and found that the contents of said report and the procedures through which the Final EIR 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 Final EIR reflects the independent judgment and analysis of the City and County of San Francisco, and 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 Final EIR 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 Final EIR, 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 Final EIR files have been made available for review by the SFPUC and the public, in File No. 2005.0146E at 1650 Mission Street, Fourth Floor, San Francisco, California, and those files are part of the record before this Commission; and

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

WHEREAS, The Projects are capital improvement projects approved by this Commission as part of the WSIP; and

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

WHEREAS, Thereafter, this Commission 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 Projects tiers from the PEIR, as authorized by and in accordance with CEQA; and

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

WHEREAS, The SFPUC staff will comply with Government Code Section 7260 et seq. statutory procedures for possible (a) acquisition of interests in real property in: (1) Assessor's Parcels # 525-0784-018-00, 525-0784-015-00, and 525-0784-014-01 owned by the City of Fremont for the Pipeline, and real property owned by FMC Corporation, located adjacent to City and County of San Francisco ("City") fee-owned parcels west of Willow Street in the City of Newark; and (2) Assessor's Parcel # 537-0852-008, 537-0551-028 owned by Cargill, Incorporated, Assessor's Parcels 063-590-060, 096-230-110, owned by Midpeninsula Regional Open Space District, and Assessor's Parcel # 537-0551-021-01 in Alameda County and property located in San Mateo County where the SFPUC right of way crosses the SAMTRANS right of way at Ravenswood, east of University Avenue, both owned by SAMTRANS, for the Bay Tunnel; and (b) long-term Lease Agreements with United States Fish and Wildlife Service ("USFWS") and California State Lands Commission ("CSLC") for property within each agency's jurisdiction for the Bay Tunnel. The total combined purchase price for the acquisition of these property interests is estimated to not exceed \$500,000.; and

WHEREAS, A portion of the Pipeline Project will be located beneath a segment of Bay Road in Menlo Park, in lieu of following the alignment of Bay Division Pipeline Nos. 1 and 2 in that area, and SFPUC staff will seek to negotiate and enter into easement agreements with Menlo Park and San Mateo County with respect to that portion of the alignment; and

WHEREAS, The Pipeline Project includes work located in the Cities of Fremont, Newark, East Palo Alto, Menlo Park, and Redwood City, the County of San Mateo, and on SFPUC property either leased or under permit or license to the Fremont Unified School District, the Newark Unified School District, the Ravenswood City Elementary School District, and the Redwood City School District, and SFPUC staff will seek to enter into Memoranda of Agreement ("MOAs") with these local jurisdictions, , addressing such matters as (a) SFPUC's commitments to restore or replace, pursuant to agreed specifications, certain improvements owned by the respective local jurisdictions (as further described in the proposed term sheets on file with the Commission Secretary), (b) cooperative procedures and fees relating to local permits, inspections, and communications to the public concerning Pipeline construction, (c) the form of necessary encroachment permits or other property licenses for Project construction, and (d) the parties' respective indemnification and insurance obligations; and

WHEREAS, The Projects will require the SFPUC General Manager to apply for and execute various necessary permits and encroachment permits with the City of Fremont, City of Newark,

City of East Palo Alto, City of Menlo Park, City of Redwood City, and County of San Mateo, which 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; and

WHEREAS, The construction of the Bay Tunnel will require the construction of a new substation that will connect to Pacific Gas and Electric's ("PG&E") 115 KV transmission line between the cities of Mountain View and Menlo Park, and SFPUC staff is negotiating an amendment to a Letter Agreement with PG&E, a draft of which is on file with the Commission Secretary; and

WHEREAS, SFPUC has issued leases, permits, or licenses to certain parties to use for various purposes portions of City-owned property along the SFPUC right of way where the Project work will occur, and in some instances, there is apparent use of City-owned property by other parties for which there is no evidence of SFPUC authorization, and it may be necessary for the Project for the General Manager to (a) exercise rights under any such deed, lease, permit, or license or (b) negotiate and execute new or amended lease, permit, license, or encroachment removal agreements (each, a "Use Instrument") with owners or occupiers of property on, or adjacent to, City property; and

WHEREAS, Implementation of the Project mitigation measures will involve consultation with, or required approvals by, state and federal regulatory agencies, including but not limited to the following: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California State Lands Commission, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, San Francisco Bay Regional Water Quality Control Board and Bay Area Air Quality Management District.; now, therefore, be it

RESOLVED, This Commission has reviewed and considered the Final EIR, finds that the Final EIR 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; and be it;

FURTHER RESOLVED, That this Commission hereby approves Project Nos. CUW36801 Bay Division Pipeline Reliability Upgrade Project-Tunnel, CUW36802 Bay Division Pipeline Reliability Upgrade Project-Pipeline, and CUW36803 Bay Division Pipeline Reliability Upgrade Project-Relocation of BDPL 1 & 2, and authorizes staff to proceed with actions necessary to implement the Projects; and be it,

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager to undertake the process, in compliance with Government Code Section 7260 et seq., with the San Francisco Charter and all applicable laws, for possible: (a) acquisition of interests in real property in (1) Assessor's Parcels # 525-0784-018-00, 525-0784-015-00, and 525-0784-014-01 owned by the City of Fremont for the Pipeline, and real property owned by FMC Corporation,

located adjacent to City and County of San Francisco ("City") fee-owned parcels west of Willow Street in the City of Newark; and (2) Assessor's Parcel # 537-0852-008, 537-0551-028 owned by Cargill, Incorporated, Assessor's Parcels 063-590-060, 096-230-110, owned by Midpeninsula Regional Open Space District, and Assessor's Parcel # 537-0551-021-01 in Alameda County and property located in San Mateo County where the SFPUC right of way crosses the SAMTRANS right of way at Ravenswood, east of University Avenue, both owned by SAMTRANS, for the Bay Tunnel; and (b) long term lease agreements with the United States Fish and Wildlife Service (USFWS) and California State Lands Commission (CSLC) for property within each agency's jurisdiction for the Bay Tunnel project, and to work with the Director of Real Estate to seek Board of Supervisors' approval of, and if approved, to accept and execute final agreements, and any other related documents necessary to consummate the transactions contemplated therein, in such form, approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the General Manager to negotiate and seek Board of Supervisors' approval of, and if approved, to accept and execute easement agreements with the City of Menlo Park and County San Mateo, as necessary to allow a portion of the Pipeline Project to be located beneath the segment of Bay Road described in the documents on file with the Commission Secretary, in lieu of following the alignment of Bay Division Pipeline Nos. 1 and 2 in that area, which easement agreements shall be in such form, approved by the City Attorney, that the General Manager determines is in the public interest, is acceptable, necessary or advisable to effectuate the purposes and intent of this Resolution and is in compliance with the Charter and all applicable laws, and shall include SFPUC indemnity obligations only if such obligations have been reviewed and approved by the San Francisco Risk Manager; and be it

FURTHER RESOLVED, The General Manager will confer with the Commission during the negotiation process on real estate agreements as necessary, and report to the Commission on all agreements submitted to the Board of Supervisors for approval; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the General Manager to negotiate and execute Memoranda of Agreement to facilitate and coordinate the Project work with the City of Fremont, City of Newark, City of East Palo Alto, City of Menlo Park, City of Redwood City, County of San Mateo, Fremont Unified School District, Newark Unified School District, Ravenswood City Elementary School District, and Redwood City School District (collectively the "Project MOAs") 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 Resolution, and in compliance with the Charter and all applicable laws, and approved as to form by the City Attorney. The Project MOAs will address such matters as (a) SFPUC's commitments to restore or replace, pursuant to agreed specifications, certain improvements owned by the respective local jurisdictions, (b) cooperative procedures and fees relating to local permits, inspections, and communications to the public concerning Project construction, (c) the form of necessary encroachment permits or other property licenses required to permit Project construction, and (d) the parties' respective indemnification and insurance obligations, subject to the San Francisco Risk Manager's approval; and, be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his

designee, to apply for and execute various necessary permits and encroachment permits with the City of Fremont, City of Newark, City of East Palo Alto, City of Menlo Park, City of Redwood City and County of San Mateo, which permits shall be consistent with SFPUC's existing fee or easement interests, where applicable. To the extent that the terms and conditions of the permits will require SFPUC to indemnify the respective jurisdictions, those indemnity obligations are subject to review and approval by the San Francisco Risk Manager. The General Manager is authorized to agree to such terms and conditions, including but not limited to those relating to maintenance, repair and relocation of improvements, that are in the public interest, and in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested use as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to execute an amendment to the letter agreement with PG&E that is substantially similar to the form of the draft amendment on file with the Commission Secretary, providing for the construction of a new substation that will connect to PG&E's 115 KV transmission line between the cities of Mountain View and Menlo Park, with such amendments that the General Manager determines, in consultation with the City Attorney, are in the public interest and acceptable, necessary and advisable to effectuate the purposes and intent of this Resolution; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to exercise any right as necessary under any Use Instrument and negotiate and execute new or amended Use Instruments, if necessary for the Project, with owners or occupiers of property interests on, or adjacent to, the SFPUC right of way, 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 Resolution, in compliance with the Charter and all applicable laws, and in such form approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to consult with, or apply for, and, if necessary, seek Board of Supervisors' approval, and if approved, to accept and execute permits or required approvals by state and federal regulatory agencies, including but not limited to: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California State Lands Commission, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, San Francisco Bay Regional Water Quality Control Board and Bay Area Air Quality Management District, including terms and conditions that are within the lawful authority of the agency to impose, in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested permit or approval, as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to work with the Director of Real Estate to seek Board approval, and if approved, to accept and execute the real property agreements authorized herein; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to enter into any subsequent additions, amendments or other modifications to the permits, licenses, encroachment removal agreements, pipeline crossing agreements, leases, easements and other

real property agreements, or amendments thereto, as described herein, that the General Manager, in consultation with the Commercial Land Manager and the City Attorney, determines are in the best interests of the SFPUC and the City, do not materially decrease the benefits to the SFPUC or the City, and do not materially increase the obligations or liabilities of the SFPUC or the City, such determination to be conclusively evidenced by the execution and delivery of any such additions, amendments, or other modifications.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of July 14, 2009


Secretary, Public Utilities Commission

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 09-0190

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. CUW35901, New Irvington Tunnel Project; and

WHEREAS, The objectives of the Project are to:

Within 24 hours after a major earthquake on the Calaveras fault, allow for reliable transmission of a minimum of 120 mgd of water between SFPUC facilities in the Sunol Valley and the Bay Division Pipeline (BDPL) transmission system starting in the City of Fremont;

Within 24 hours after a major earthquake on the San Andreas or Hayward fault, allow for reliable transmission of a minimum of 229 mgd of water between SFPUC facilities in the Sunol Valley and the BDPL transmission system starting in the City of Fremont;

Within 30 days after a major earthquake on the Calaveras fault, allow for reliable transmission of a minimum of 160 mgd of water between the Sunol Valley and the BDPL transmission system;

Increase delivery reliability by providing operational flexibility to allow for planned shutdowns of the existing Irvington Tunnel for inspection, maintenance, and repair while providing for a maximum capacity of 320 mgd monthly average flow;

Increase delivery reliability by allowing for a planned outage of the existing Irvington Tunnel (e.g., shutdown for maintenance) concurrent with an unplanned outage (e.g., emergency outage due to facility failure) of any of the BDPLs or San Joaquin Pipelines while delivering a maximum flow of about 246 mgd between the Sunol Valley and BDPL transmission system during the outages; and

WHEREAS, On November 5, 2009, the Planning Commission reviewed and considered the Final Environmental Impact Report (FEIR) in Planning Department File No. 2005.0162E, consisting of the Draft EIR, the Comments and Responses document and Errata Sheet(s), 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. M-17972; 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 FEIR; and

WHEREAS, The Project and FEIR files have been made available for review by the SFPUC and the public in File No. 2005.0162E, at 1650 Mission Street, Fourth Floor, San Francisco, California; and those files are part of the record before this Commission; and

WHEREAS, SFPUC staff prepared proposed findings, as required by CEQA, (CEQA Findings) in Attachment A to this Resolution and a proposed Mitigation, Monitoring and Reporting Program (MMRP) in Attachment B to this Resolution, 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 Water System Improvement Program (WSIP); and

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

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

WHEREAS, The SFPUC staff will comply with Government Code Section 7260 et seq. statutory procedures for possible acquisition of interests (temporary or permanent) in the following real property in Alameda County: (1) Assessor's Parcel # 513-0065-011-02 in Fremont, owned by Malik A. and Barbara E. Alarab, (2) Assessor's Parcel # 513-0065-008-05 in Fremont, owned by David C. Lo, (3) Assessor's Parcel # 096-0080-004 in Sunol, owned by Stanley and Carolyn Garcia, (4) Assessor's Parcel # 525-1667-001 in Fremont, owned by J.P. Mobasher and Daphne Huey, (5) Assessor's Parcel # 513-0461-001 in Fremont, owned by J.P. Mobasher, and (6) Assessor's Parcel # 096-0001-020-03 in Sunol, owned by Kenneth and Janice Mackin. The total combined purchase price for the acquisition of these property interests is estimated to not exceed \$1,200,000; and

WHEREAS, The Project includes work located in the City of Fremont and Alameda County, and SFPUC staff may seek to enter into Memoranda of Agreement ("MOAs") with these local jurisdictions, addressing such matters as (a) SFPUC's commitments to restore or replace, pursuant to agreed specifications, certain improvements owned by the respective local jurisdictions, (b) cooperative procedures and fees relating to local permits, inspections, and communications to the public concerning Project construction, (c) the form of necessary

encroachment permits or other property agreements for Project construction, and (d) the parties' respective indemnification and insurance obligations; and

WHEREAS, The Project may require the SFPUC General Manager to apply for and execute various necessary permits and encroachment permits with CalTrans, Alameda County or the City of Fremont, 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; and

WHEREAS, The SFPUC has issued leases, permits, or licenses to certain parties to use for various purposes portions of City-owned property along the SFPUC right of way where the Project work will occur, and in some instances, there is apparent use of City-owned property by other parties for which there is no evidence of SFPUC authorization, or other parties hold property rights or interests on lands along, over, adjacent to or in the vicinity of the right of way, and it may be necessary for the Project for the General Manager, or his designee, to (a) exercise rights under any such deed, lease, permit, or license or (b) negotiate and execute new or amended leases, permits, licenses, or encroachment removal or other project related agreements (each, a "Use Instrument") with owners or occupiers of property interests or utility facilities or improvements on, along, over, adjacent to or in the vicinity of, City property with respect to uses and structures, fences, and other above-ground or subterranean improvements or interests, orchards, trees, or other vegetation, or to implement Project mitigation measures or accommodate Project construction activities and schedule; and

WHEREAS, Implementation of the Project mitigation measures will involve consultation with, or required approvals by, state and federal regulatory agencies, including but not limited to the following: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, San Francisco Bay Regional Water Quality Control Board, and Bay Area Air Quality Management District; now, therefore, be it

RESOLVED, This Commission has reviewed and considered the Final EIR (FEIR), finds that the FEIR is adequate for its use as the decision-making body for the actions taken herein, and hereby adopts the CEQA Findings, including the Statement of Overriding Considerations, attached hereto as Exhibit A and incorporated herein as part of this Resolution by this reference thereto, and adopts the MMRP attached to this Resolution as Exhibit 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; and be it

FURTHER RESOLVED, That this Commission hereby approves Project No. CUW35901 New Irvington Tunnel 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; and be it,

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager and/or the Director of Real Estate to undertake the process, in compliance with

Government Code Section 7260 et seq., with the San Francisco Charter and all applicable laws, for possible acquisition of interests (temporary or permanent) in the following real property in Alameda County: (1) Assessor's Parcel # 513-0065-011-02 in Fremont, owned by Malik A. and Barbara E. Alarab, (2) Assessor's Parcel # 513-0065-008-05 in Fremont, owned by David C. Lo, (3) Assessor's Parcel # 096-0080-004 in Sunol, owned by Stanley and Carolyn Garcia, (4) Assessor's Parcel # 525-1667-001 in Fremont owned by J.P. Mobasher and Daphne Huey, (5) Assessor's Parcel # 513-0461-001 in Fremont, owned by J.P. Mobasher, and (6) Assessor's Parcel # 096-0001-020-03 in Sunol, owned by Kenneth and Janice Mackin, and to seek Board of Supervisors' approval if necessary, and provided that any necessary Board approval has been obtained, to accept and execute final agreements, and any other related documents necessary to consummate the transactions contemplated therein, in such form, approved by the City Attorney; and be it

FURTHER RESOLVED, The General Manager will confer with the Commission during the negotiation process on real estate agreements as necessary, and report to the Commission on all agreements submitted to the Board of Supervisors for approval; and notwithstanding the authority granted in this Resolution, the General Manager is not authorized to enter into an agreement to dispose of any real property interests under the jurisdiction of this Commission, in any manner, including by sale, exchange or transfer ("Transfer"), without this Commission approving such Transfer by Resolution setting forth findings required by Charter Section 8B121(e) and subject to Board of Supervisors' approval under Charter section 9.118; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the General Manager to negotiate and execute Memoranda of Agreement to facilitate and coordinate the Project work, if necessary, with the City of Fremont and Alameda County (collectively the "Project MOAs") 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 Resolution, and in compliance with the Charter and all applicable laws, and approved as to form by the City Attorney. The Project MOAs may address such matters as (a) SFPUC's commitments to restore or replace, pursuant to agreed specifications, certain improvements owned by the respective local jurisdictions, (b) cooperative procedures and fees relating to local permits, inspections, and communications to the public concerning Project construction, (c) the form of necessary encroachment permits or other property licenses required to permit Project construction, and (d) the parties' respective indemnification and insurance obligations, subject to the San Francisco Risk Manager's approval; and, be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to apply for and execute various necessary permits and encroachment permits with CalTrans, City of Fremont and Alameda County, which permits shall be consistent with SFPUC's existing fee or easement interests, where applicable. To the extent that the terms and conditions of the permits will require SFPUC to indemnify the respective jurisdictions, those indemnity obligations are subject to review and approval by the San Francisco Risk Manager. The General Manager is authorized to agree to such terms and conditions, including but not limited to those relating to maintenance, repair and relocation of improvements, that are in the public interest, and in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested use as

necessary for the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to exercise any right as necessary under any deed or Use Instrument and negotiate and execute new or amended Use Instruments, if necessary for the Project, with owners or occupiers of property interests or utility facilities or improvements on, along, over, adjacent to, or in the vicinity of the SFPUC right of way, in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to accommodate Project construction activities and schedule, carry out Project related mitigation measures, and to otherwise effectuate the purposes and intent of this Resolution, in compliance with the Charter and all applicable laws, and in such form approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to consult with, or apply for, and, if necessary, seek Board of Supervisors' approval, and if approved, to accept and execute permits or required approvals by state and federal regulatory agencies, including but not limited to: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, and San Francisco Bay Regional Water Quality Control Board, including terms and conditions that are within the lawful authority of the agency to impose, in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested permit or approval, as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to work with the Director of Real Estate to seek Board approval if necessary, and provided any necessary Board approval is obtained, to accept and execute the real property agreements authorized herein; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to enter into any subsequent additions, amendments or other modifications to the permits, licenses, encroachment removal agreements, leases, easements and other Use Instruments or real property agreements, or amendments thereto, as described herein, that the General Manager, in consultation with the Commercial Land Manager and the City Attorney, determines are in the best interests of the SFPUC and the City, do not materially decrease the benefits to the SFPUC or the City, and do not materially increase the obligations or liabilities of the SFPUC or the City, such determination to be conclusively evidenced by the execution and delivery of any such additions, amendments, or other modifications.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of November 10, 2009

A handwritten signature in dark ink, appearing to read "Michael J. Smith", is written over a horizontal line.

Secretary, Public Utilities Commission

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 09-0203

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. CUW38101, Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project; and

WHEREAS, The objectives of the Project are to:

- Comply with the California Department of Public Health (CDPH) Compliance Order (Order 02-04-96C-001) to provide treated water storage to serve as a buffer for potential treatment failures at the SVWTP;
- Add redundant facilities at the SVWTP to improve treatment reliability by increasing the plant's "sustainable capacity" to 160 mgd, defined as the ability to treat 160 mgd for at least 60 days with the largest piece of equipment or process component (e.g., flocculation and sedimentation basin) out of service for maintenance (overall hydraulic peak capacity at the plant would remain 160 mgd);
- Provide ability to reliably augment water supply with as much as 160 mgd of water from the Alameda Creek watershed during unplanned outages of the Hetch Hetchy supply; and
- Provide ability to sustainably treat as much as 160 mgd of Hetch Hetchy water at the SVWTP during an unplanned Hetch Hetchy water quality event.

WHEREAS, On December 3, 2009, the Planning Commission reviewed and considered the Final Environmental Impact Report (FEIR) in Planning Department File No. 2006.0137E, consisting of the Draft EIR, 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 FEIR; and

WHEREAS, The Project and FEIR files have been made available for review by the SFPUC and the public in File No. 2006.0137E, at 1650 Mission Street, Fourth Floor, San Francisco, California; and those files are part of the record before this Commission; and

WHEREAS, SFPUC staff prepared proposed findings, as required by CEQA, (CEQA Findings) in Attachment A to this Resolution and a proposed Mitigation, Monitoring and

Reporting Program (MMRP) in Attachment B to this Resolution, 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 Water System Improvement Program (WSIP); and

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

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

WHEREAS, The Project includes work located in Alameda County, and SFPUC staff may seek to enter into a Memoranda of Agreement ("MOA") with this local jurisdiction, addressing such matters as (a) SFPUC's commitments to restore or replace, pursuant to agreed specifications, certain improvements owned by the local jurisdiction, (b) cooperative procedures and fees relating to local permits, inspections, and communications to the public concerning Project construction, (c) the form of necessary encroachment permits or other property agreements for Project construction, and (d) the parties' respective indemnification and insurance obligations; and

WHEREAS, The SFPUC has issued leases, permits, or licenses to certain parties to use for various purposes portions of City-owned property along the SFPUC right of way where the Project work will occur, and in some instances, there is apparent use of City-owned property by other parties for which there is no evidence of SFPUC authorization, or other parties hold property rights or interests on lands along, over, adjacent to or in the vicinity of the right of way, and it may be necessary for the Project for the General Manager, or his designee, to (a) exercise rights under any such deed, lease, permit, or license or (b) negotiate and execute new or amended leases, permits, licenses, or encroachment removal or other project related agreements (each, a "Use Instrument") with owners or occupiers of property interests or utility facilities or improvements on, along, over, adjacent to or in the vicinity of, City property with respect to uses and structures, fences, and other above-ground or subterranean improvements or interests, orchards, trees, or other vegetation, or to implement Project mitigation measures or accommodate Project construction activities and schedule; and

WHEREAS, Implementation of the Project will involve consultation with, or required approvals by, state and federal regulatory agencies, including but not limited to the following: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game,

San Francisco Bay Regional Water Quality Control Board, and Bay Area Air Quality Management District; now, therefore, be it

RESOLVED, This Commission has reviewed and considered the Final EIR (FEIR), finds that the FEIR is adequate for its use as the decision-making body for the actions taken herein, and hereby adopts the CEQA Findings, including the Statement of Overriding Considerations, attached hereto as Exhibit A and incorporated herein as part of this Resolution by this reference thereto, and adopts the MMRP attached to this Resolution as Exhibit 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; and be it

FURTHER RESOLVED, That this Commission hereby approves Project No. CUW38101 Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir 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; and be it,

FURTHER RESOLVED, The General Manager will confer with the Commission during the negotiation process on real estate agreements as necessary, and report to the Commission on all agreements submitted to the Board of Supervisors for approval; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the General Manager to negotiate and execute a Memoranda of Agreement to facilitate and coordinate the Project work, if necessary, with Alameda County (the "Project MOA") 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 Resolution, and in compliance with the Charter and all applicable laws, and approved as to form by the City Attorney. The Project MOA may address such matters as (a) SFPUC's commitments to restore or replace, pursuant to agreed specifications, certain improvements owned by the local jurisdiction, (b) cooperative procedures and fees relating to local permits, inspections, and communications to the public concerning Project construction, (c) the form of necessary encroachment permits or other property licenses required to permit Project construction, and (d) the parties' respective indemnification and insurance obligations, subject to the San Francisco Risk Manager's approval; and, be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to exercise any right as necessary under any deed or Use Instrument and negotiate and execute new or amended Use Instruments, if necessary for the Project, with owners or occupiers of property interests or utility facilities or improvements on, along, over, adjacent to, or in the vicinity of the SFPUC right of way, in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to accommodate Project construction activities and schedule, carry out Project related mitigation measures, and to otherwise effectuate the purposes and intent of this Resolution, in compliance with the Charter and all applicable laws, and in such form approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to consult with, or apply for, and, if necessary, seek Board of Supervisors' approval, and if approved, to accept and execute permits or required approvals by state and federal regulatory agencies, including but not limited to: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, and San Francisco Bay Regional Water Quality Control Board, including terms and conditions that are within the lawful authority of the agency to impose, in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested permit or approval, as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to work with the Director of Real Estate to seek Board of Supervisors approval if necessary, and provided any necessary Board approval is obtained, to accept and execute the real property agreements authorized herein; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to enter into any subsequent additions, amendments or other modifications to the permits, licenses, encroachment removal agreements, leases, easements and other Use Instruments or real property agreements, or amendments thereto, as described herein, that the General Manager, in consultation with the Commercial Land Manager and the City Attorney, determines are in the best interests of the SFPUC and the City, do not materially decrease the benefits to the SFPUC or the City, and do not materially increase the obligations or liabilities of the SFPUC or the City, such determination to be conclusively evidenced by the execution and delivery of any such additions, amendments, or other modifications.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of December 8, 2009

A handwritten signature in dark ink, appearing to read "Michael J. Hardy", is written over a horizontal line.

Secretary, Public Utilities Commission

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 10-0081

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. CUW37101, Crystal Springs/San Andreas Transmission Upgrade Project (Project); and

WHEREAS, The objectives of the Project are to:

- Improve the seismic reliability of the CS/SA Transmission System by reducing facility vulnerability to earthquake-related damage to ensure continued operation following a seismic event.
- Ensure that the CS/SA Transmission System provides transmission flexibility to the regional water system in a manner that will enable the SFPUC to meet its delivery reliability goals in the event of an emergency or during major water system maintenance.
- Ensure delivery reliability of the CS/SA Transmission System by providing a means to access and repair the CS/SA Transmission System facilities.
- Ensure compliance with California Division of Safety of Dams (DSOD) requirements for dam facilities in an emergency drawdown scenario; and

WHEREAS, On April 22, 2010, the Planning Commission reviewed and considered the Final Environmental Impact Report (FEIR) in Planning Department File No. 2007.1255E, consisting of the Draft EIR, the Comments and Responses document and Errata Sheet(s), 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. 18075; 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 FEIR; and

WHEREAS, The Project and FEIR files have been made available for review by the SFPUC and the public in File No. 2007.1255E, at 1650 Mission Street, Fourth Floor, San Francisco, California; and those files are part of the record before this Commission; and

WHEREAS, SFPUC staff prepared proposed findings, as required by CEQA, (CEQA Findings) in Attachment A to this Resolution and a proposed Mitigation, Monitoring and Reporting Program (MMRP) in Attachment B to this Resolution, 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 Water System Improvement Program (WSIP); and

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

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

WHEREAS, The Project includes work located in San Mateo County, and SFPUC staff may seek to enter into encroachment permits, consents or other property agreements for Project construction; and

WHEREAS, The Project may require the SFPUC General Manager to apply for and execute various necessary permits, consents and encroachment permits with CalTrans and San Mateo County 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; and

WHEREAS, The SFPUC has issued easements, leases, permits, or licenses to certain parties to use for various purposes portions of City-owned property along the SFPUC right of way where the Project work will occur, and in some instances other parties hold property rights or interests on lands on, along, over, under, adjacent to or in the vicinity of the right of way, and it may be necessary for the General Manager, or his designee, to (a) exercise rights under any such deed, easement, lease, permit, or license or (b) negotiate and execute new or amended easements, leases, permits, licenses, or encroachment removal or other project related agreements or consents (each, a "Use Instrument") with owners or occupiers of property interests or utility facilities or improvements on, along, over, under, adjacent to or in the vicinity of, City property with respect to uses and structures, fences, and other above-ground or subterranean improvements or interests, orchards, trees, or other vegetation, or to implement Project mitigation measures or accommodate Project construction activities and schedule; and

WHEREAS, The Project requires the construction by PG&E of certain transmission facilities, and it may be necessary for the General Manager, or his designee, to negotiate and

execute a transmission facilities agreement with PG&E related to the Project with an anticipated cost not to exceed \$4,000,000; and

WHEREAS, Implementation of the Project will involve consultation with, or required approvals by, state and federal regulatory agencies, including but not limited to the following: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, California Division of Safety of Dams, San Francisco Bay Regional Water Quality Control Board, and Bay Area Air Quality Management District; and

WHEREAS, Implementation of compensatory mitigation habitat measures will involve sites developed in consultation with state and federal regulatory agencies, proposed to include sites on SFPUC property but potentially including locations not currently owned or controlled by the SFPUC, and it may be necessary or advisable for the General Manager, or his designee, to take the following actions to implement compensatory mitigation habitat (collectively, "Mitigation Habitat Actions"): (a) exercise any City or SFPUC right under any deed, easement, lease, permit, or license as necessary or advisable to implement compensatory mitigation habitat; (b) negotiate and execute new or amended real property agreements for compensatory mitigation habitat sites such as purchase agreements, easements, leases, permits, licenses, or other agreements as are necessary or advisable to implement Project mitigation; (c) negotiate and execute financial assurance instruments with regulatory agencies for (1) design and implementation of the compensatory mitigation habitat, (2) monitoring and management during the performance period, (3) repair and replacement of such habitats if necessary during the performance period, and (4) management and monitoring the habitat mitigation projects in perpetuity in accordance with individual project mitigation and monitoring plans and long term management plans on an interim and long term basis, if necessary; (d) negotiate and prepare conservation easements for implementation of compensatory mitigation habitat, if necessary; and (e) seek Board of Supervisors' approval of Mitigation Habitat Actions, if necessary; and

WHEREAS, Implementation of the Project may include Mitigation Habitat Actions at the San Andreas Reservoir Site, an approximately 6-acre area located adjacent to the northwestern edge of the San Andreas Reservoir in the northern portion of the Peninsula watershed, and which would include scrub and grassland removal, creation of at least three acres of wetlands and planting of other wetland and riparian vegetation; and

WHEREAS, Implementation of the Project may include Mitigation Habitat Actions at the Adobe Gulch Site, an approximately 60-acre area located near Highway 92 in the southwestern portion of the Peninsula watershed, which would include removal of scrub habitat and non-indigenous trees, planting of oaks and other vegetation and enlargement and creation of wetlands; and

WHEREAS, If the SFPUC Commission approves and resource agencies issue final permits for the Project, including full implementation of the compensatory mitigation habitat sites, namely the San Andreas Reservoir and/or Adobe Gulch site(s), it would be necessary and appropriate for the SFPUC to implement all habitat improvements planned for the full site(s) as part of the Project in order to maximize habitat area creation, minimize overall environmental impacts, and achieve the overall habitat preservation and creation functions of the site(s),

notwithstanding that mitigation at these sites may be in excess of regulatory agency requirements for the Project or other future SFPUC projects; and

WHEREAS, the habitat improvements planned for the full site(s) at San Andreas Reservoir and Adobe Gulch address the conservation principles required by the PEIR and SFPUC approval of the WSIP, which prescribe a coordinated approach in developing mitigation for biological resource impacts of individual WSIP facility projects in order to avoid habitat fragmentation, preserve wildlife movement corridors and allow for plants and wildlife to disperse over large contiguous habitat areas; and therefore, full implementation of the sites is required;

WHEREAS, by authorizing full implementation of the habitat improvements in connection with the Project, if approved by the regulatory agencies, the SFPUC is not making any commitment to approve any other WSIP project or mitigation, nor is it making any determination as to the adequacy of the San Andreas Reservoir or Adobe Gulch compensation sites as mitigation for any other WSIP project, and the Commission retains its full discretion to consider the environmental documents for other WSIP projects, including but not limited to mitigation measures, and to approve or disapprove the project and the habitat mitigation proposed for impacts resulting from those projects; and

WHEREAS, Implementation of habitat mitigation sites may require the General Manager to negotiate and execute instruments for financial assurances concerning compensatory mitigation habitat with regulatory agencies; 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; and be it

FURTHER RESOLVED, That this Commission hereby approves Project No. CUW37101 Crystal Springs/San Andreas Transmission Upgrade Project and authorizes SFPUC 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(s); and be it,

FURTHER RESOLVED, The General Manager will confer with the Commission during the negotiation process on real estate agreements and financial assurances, as necessary, and report to the Commission on all agreements submitted to the Board of Supervisors for approval, and notwithstanding the authority granted to the General Manager by this Resolution, the General Manager is not authorized to dispose of any right of way or other SFPUC interest in real property, in any manner, including by sale, trade or transfer, without approval by the SFPUC pursuant to Charter Section 8B124; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to apply for and execute various necessary permits, encroachment permits or other agreements with CalTrans and San Mateo County which permits shall be consistent with SFPUC's existing fee or easement interests, where applicable. To the extent that the terms and conditions of the permits will require SFPUC to indemnify the respective jurisdictions, those indemnity obligations are subject to review and approval by the San Francisco Risk Manager. The General Manager is authorized to agree to such terms and conditions, including but not limited to those relating to maintenance, repair and relocation of improvements, that are in the public interest, and in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested use as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to exercise any right as necessary under any deed or Use Instrument and negotiate and execute new or amended Use Instruments, if necessary for the Project and subject to any applicable approvals, 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 right of way, in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to accommodate Project construction activities and schedule, carry out Project-related mitigation measures, and to otherwise effectuate the purposes and intent of this Resolution, in compliance with the Charter and all applicable laws, and in such form approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to negotiate and execute a transmission facilities agreement with PG&E, approved as to form by the City Attorney, related to the construction by PG&E of transmission facilities as necessary and related to the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to consult with, or apply for, and, if necessary, seek Board of Supervisors' approval, and if approved, to accept and execute permits or required approvals by state and federal regulatory agencies, including but not limited to: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, California Division of Safety of Dams, San Francisco Bay Regional Water Quality Control Board, and Bay Area Air Quality Management District, including terms and conditions that are within the lawful authority of the agency to impose, in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested permit or approval, as necessary for the Project; and be it

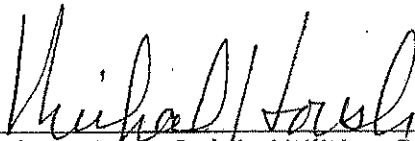
FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to carry out Mitigation Habitat Actions that the General Manager determines are in the public interest and are acceptable, necessary, and advisable to accommodate Project construction activities and schedule, carry out Project-related compensatory mitigation habitat measures, including full implementation of the San Andreas Reservoir and/or Adobe Gulch sites if such sites are selected and approved for Project mitigation in consultation with regulatory agencies,

and to otherwise effectuate the purposes and intent of this Resolution, in compliance with the Charter and all applicable laws, and in such form approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to work with the Director of Real Estate to seek Board approval, and if approved, to accept and execute the real property agreements authorized herein; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to enter into any subsequent additions, amendments or other modifications to the permits, licenses, encroachment removal agreements, leases, easements and other Use Instruments, real property agreements, financial assurances, transmission agreements, or amendments thereto, as described herein, that the General Manager, in consultation with the City Attorney, determines are in the best interests of the SFPUC and the City, do not materially decrease the benefits to the SFPUC or the City, and do not materially increase the obligations or liabilities of the SFPUC or the City, subject to Board of Supervisors' approval, where required, such determination to be conclusively evidenced by the execution and delivery of any such additions, amendments, or other modifications.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of May 11, 2010



Secretary, Public Utilities Commission

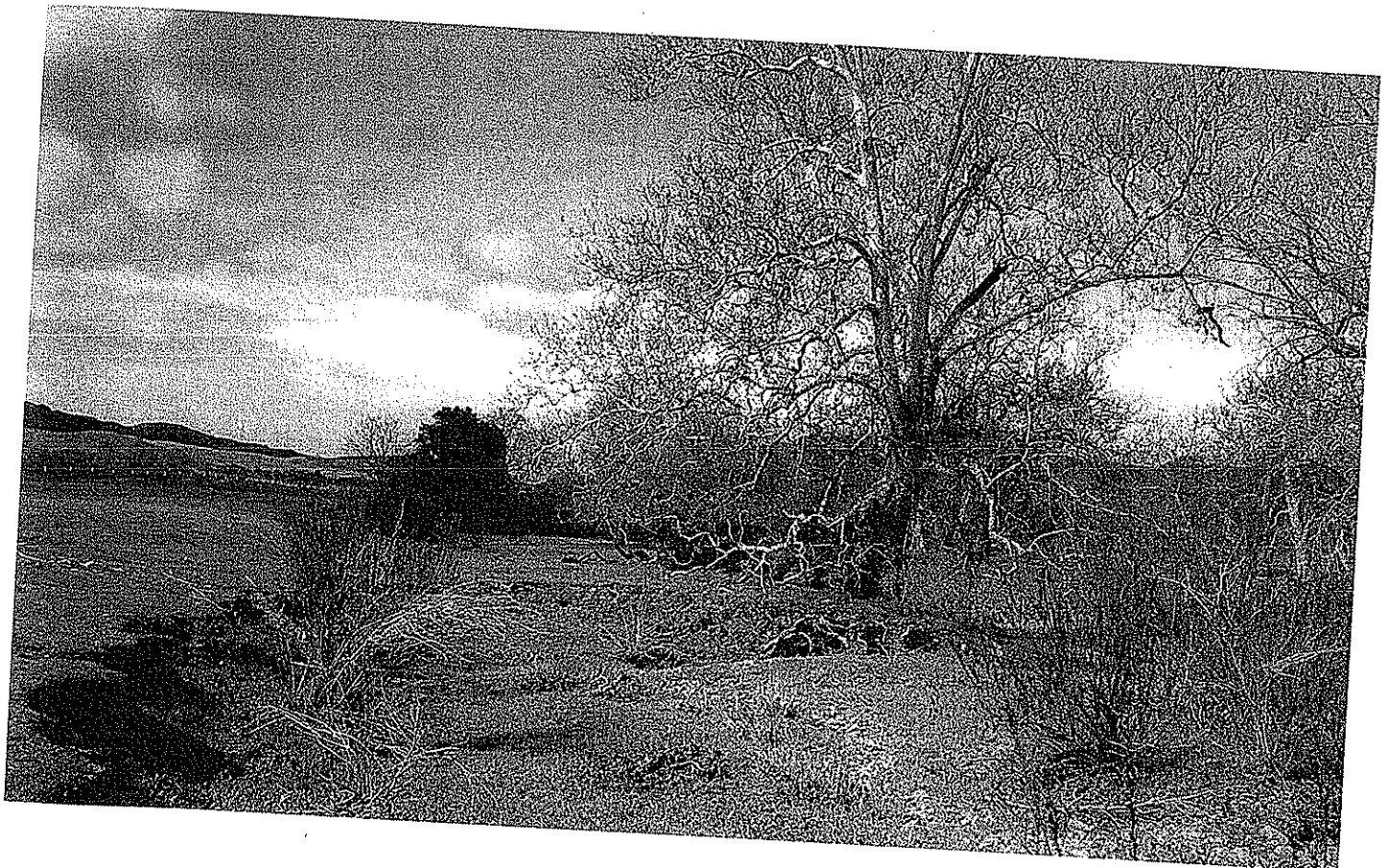
Final

SAN FRANCISCO PUBLIC UTILITIES COMMISSION
HABITAT RESERVE PROGRAM:
ALAMEDA WATERSHED
Biological Resources

Prepared for
San Francisco Public Utilities Commission
San Francisco Planning Department

June 2010

ESA+ORION
a joint venture



FINAL

**HISTORIC CONTEXT AND
ARCHAEOLOGICAL/ARCHITECTURAL SURVEY REPORT
FOR THE HABITAT RESERVE PROGRAM,
ALAMEDA, SAN MATEO, SANTA CLARA, AND TUOLUMNE COUNTIES, CALIFORNIA**

Prepared for:

Alisa Moore
Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104

Prepared By:

Lee Panich, Ph.D., and John Holson, M.A.
Pacific Legacy, Inc.
900 Modoc Avenue
Berkeley, California 94707

and

Allison Vanderslice, M.A.
Carey & Co., Inc.
460 Bush Street
San Francisco, CA 94108

November 2009
2002-01

FINAL

ADDENDUM I TO THE HISTORIC CONTEXT AND
ARCHAEOLOGICAL/ARCHITECTURAL SURVEY REPORT
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and

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San Francisco
Public Utilities Commission
**Sunol Valley Water Treatment Plant Expansion
and Treated Water Reservoir**
Alameda County, California

SCH No. 2007082014
MEA Case No. 2006.0137E

FINAL
ENVIRONMENTAL IMPACT REPORT



Prepared by
The San Francisco Planning Department
Major Environmental Analysis Division

Draft EIR Publication Date: June 3, 2009
Draft EIR Public Meeting Date (Sunol): June 30, 2009
Draft EIR Public Hearing Date (San Francisco): July 9, 2009
Draft EIR Public Comment Period: June 3, 2009 to July 17, 2009
EIR Certification Date: December 3, 2009

San Francisco
Public Utilities Commission
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and Treated Water Reservoir**
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ENVIRONMENTAL IMPACT REPORT
Comments and Responses



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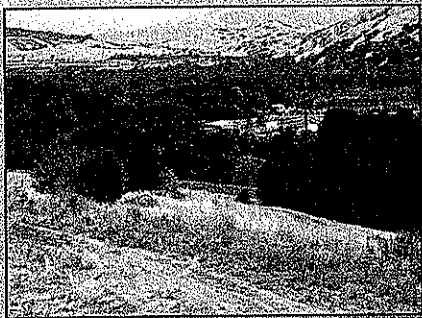
Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir

Draft Environmental Impact Report

MEA Case No. 2006.0137E

State Clearinghouse No. 2007082014

June 3, 2009



Comments should be sent to:

Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Important Dates:

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