

1 [Memorandum of Understanding Amendment - Alameda County Resource Conservation
2 District - Not to Exceed \$775,000]

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4 **Resolution authorizing the General Manager of the San Francisco Public Utilities**
5 **Commission to execute the first amendment to the Memorandum of Understanding**
6 **with the Alameda County Resource Conservation District for an amount not to exceed**
7 **\$775,000 and with a total duration of 14 years, pursuant to Charter Section 9.118.**

8
9 WHEREAS, The SFPUC in Resolution No. 09-1020 dated July 14, 2009, approved
10 findings under the California Environmental Quality Act (CEQA), including a statement of
11 overriding considerations, and a Mitigation and Monitoring and Reporting Program (MMRP)
12 attached to the Final Environmental Impact Report (FEIR) for the Bay Division Pipeline
13 Reliability Upgrade Project (Project); and

14 WHEREAS, The SFPUC, as part of the approved Project MMRP, agreed in mitigation
15 measures BIO 15 and 16 to provide compensation for impacts to wetlands, other waters of the
16 United States and State, and to State regulated habitats; and

17 WHEREAS, The Board of Supervisors in Resolution No. 371-09 adopted findings under
18 CEQA, including the adoption of the MMRP previously approved by the SFPUC relating to the
19 funding of the Project; and

20
21 WHEREAS, The construction of the Project resulted in impacts to 1.00 acre and 160 linear
22 feet of creek and riparian scrub habitat and temporal losses in functions associated with
23 temporary impacts to 0.154 acres and 200 linear feet of creek and riparian scrub habitat in
24 Alameda County; and

1
2 WHEREAS, The SFPUC, in order to undertake mitigation for Project impacts BIO 15 and
3 BIO 16, agreed with State and Federal permitting agencies to implement two separate
4 projects on SFPUC property on the Arroyo de la Laguna as part of the SFPUC's Habitat
5 Reserve Program -- the Arroyo de la Laguna Willow Riparian Scrub Enhancement and the
6 Arroyo de la Laguna Streambank Protection and Restoration Projects, which together would
7 restore 1.17 acres and 340 linear feet of creek and riparian habitat and enhance 0.85 acres
8 and 500 linear feet of creek and riparian habitat; and WHEREAS, the environmental effects of
9 the Arroyo de la Laguna Willow Riparian Scrub and Riparian Habitat Restoration project were
10 reviewed by the San Francisco Planning Department on April 6, 2011, in a note to the file for
11 the Project, case no. 2005.0146E, that analyzed the secondary impacts of mitigation in the
12 Project MMRP and concluded that implementation of the proposed habitat conservation
13 activities would not (1) result in any additional significant impacts beyond those disclosed in
14 the Project FEIR, or (2) increase the severity of any significant environmental impacts
15 identified in the FEIR with the inclusion of all mitigation measures identified in the Project
16 MMRP; and

17 WHEREAS, the Alameda County Resource Conservation District prepared a CEQA
18 categorical exemption, CEQA Guidelines Section 15333, Small Habitat Restoration Projects,
19 for the Arroyo de la Laguna Streambank Protection and Restoration Project filed on April 24,
20 2006, State Clearinghouse No. 2006038500; and

21 WHEREAS, The SFPUC in Resolution No. 08-0226 dated December 9, 2008, authorized
22 the General Manager to execute a Memorandum of Understanding (MOU) by and between
23 the San Francisco Public Utilities Commission and the Alameda County Resource
24 Conservation District to plan and, where authorized under CEQA, implement watershed
25

1 protection projects in the upper Alameda Watershed, including the implementation of
2 mitigation measures included in subsequent project MMRPs; and

3 WHEREAS, The original MOU had a duration of five years and an approved budget of
4 \$2,000,000; and

5 WHEREAS, The parties desire to enter into the first amendment to the Memorandum of
6 Understanding to continue to plan, design, and, where authorized under CEQA, implement
7 watershed protection projects and required mitigation for approved SFPUC capital projects;
8 and

9 WHEREAS, The Board finds that since the Project FEIR, the April 6, 2011 letter to the file,
10 and the March 24, 2006 categorical exemption were finalized, there have been no substantial
11 changes in Project circumstances that would require major revisions to the FEIR, the letter to
12 the file, or the categorical exemption due to the involvement of new significant environmental
13 effects or an increase in the severity of previously identified significant impacts, and there is
14 no new information of substantial importance that would change the conclusions set forth in
15 the FEIR, the letter to the file, or the categorical exemption; and

16 WHEREAS, Funds in the amount of \$575,000 for this amendment will be available from
17 Habitat Reserve Program (HRP) Capital Improvement funds, and \$200,000 will be available in
18 future years from Water Enterprise Operating Budget funds (CUW257 and/or CUW264); now,
19 therefore, be it

20 RESOLVED, That this Board of Supervisors hereby approves and authorizes the General
21 Manager of the San Francisco Public Utilities Commission to execute the first amendment to
22 the Memorandum of Understanding with the Alameda County Resource Conservation District
23 for an amount not to exceed \$775,000 and with a total duration of fourteen (14) years.
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City and County of San Francisco

**Tails
Resolution**

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 111094

Date Passed: November 22, 2011

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the first amendment to the Memorandum of Understanding with the Alameda County Resource Conservation District for an amount not to exceed \$775,000 and with a total duration of 14 years, pursuant to Charter Section 9.118.

November 02, 2011 Budget and Finance Committee - CONTINUED TO CALL OF THE CHAIR

November 16, 2011 Budget and Finance Committee - RECOMMENDED

November 22, 2011 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 111094

I hereby certify that the foregoing Resolution was ADOPTED on 11/22/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

Date Approved