[CEQA Findings for SFPUC Water System Improvement Program Bay Division Pipeline Reliability Upgrade Project in Alameda and San Mateo Counties.]

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Bay Division Pipeline Reliability Upgrade Project, CUW 36801, 36802 and 36803; and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has developed a project description for the Bay Division Pipeline Reliability Upgrade Project, a water infrastructure project included as part of the Water System Improvement Program (also commonly referred to as the BDPL No. 5 Project and herein as the "Project"). The Project is located in Alameda and San Mateo Counties, beginning in Fremont near Mission Boulevard, passing under the San Francisco Bay, and ending at the Pulgas Tunnel Portal in San Mateo County. The Project includes, among other related features, the installation of approximately a 7-mile-long, 72-inch-diameter welded steel pipe, a 5-mile-long, 108-inch-diameter tunnel, a 9-mile-long 60-inch-diameter welded steel pipe, three crossover facilities, twenty-seven customer service connections, underground vaults, appurtenances, and a passive cathodic protection system; and

WHEREAS, The objectives of the Project are to improve seismic and delivery reliability of the water system, and provide redundancy for water customers in San Francisco and in the northern Peninsula during planned and unplanned shutdown of an existing pipeline; and

WHEREAS, An environmental impact report ("EIR") as required by the California Environmental Quality Act ("CEQA") was prepared for the Project; and

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WHEREAS, The Final EIR ("FEIR") was certified by the San Francisco Planning Commission on July 9, 2009 by Motion No. 17918; and

WHEREAS, The FEIR prepared for the Project is tiered from the Water System Improvement Program Environmental Impact Report ("PEIR") adopted by the San Francisco Public Utilities Commission in Resolution No. 08-200 dated October 30, 2008, as authorized by and in accordance with CEQA and the CEQA Guidelines; and

WHEREAS, On July 14, 2009, the San Francisco Public Utilities Commission (SFPUC), by Resolution No. 09-0120, a copy of which is included in Board of Supervisors File No. 090979 and which is incorporated herein by this reference: (1) approved the Project; (2) adopted findings (CEQA Findings), including a statement of overriding considerations, and a Mitigation Monitoring and Reporting Program (MMRP) required by CEQA; and (3) authorized the General Manager to seek the Board of Supervisors' approval of and, if approved, to execute certain necessary agreements and deeds, which the SFPUC staff will pursue and submit to the Board of Supervisors at a later date; and

WHEREAS, The Project files, including the FEIR, PEIR and SFPUC Resolution No. 09-0120 have been made available for review by the Board and the public, and those files are considered part of the record before this Board; and

WHEREAS, The Board of Supervisors has reviewed and considered the information and findings contained in the FEIR, PEIR and SFPUC Resolution No. 09-0120, and 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

WHEREAS, This Board of Supervisors adopted Ordinance No. 311-08 that placed Water System Improvement Program appropriated funds on Controller's Appropriation Reserve, by project, making release of appropriation reserves by the Controller subject to the prior occurrence of: (1) the SFPUC's and the Board's discretionary adoption of CEQA

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Findings for each project, following review and consideration of completed project-related environmental analysis, pursuant to CEQA, the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, where required, and (2) the Controller's certification of funds availability, including proceeds of indebtedness. The ordinance also placed any project with costs in excess of $100 million on Budget and Finance Committee reserve pending review and reserve release by that Committee. Therefore, the SFPUC has sent a letter to the Budget and Finance Committee requesting review and release of the portion of those funds necessary for the Bay Division Pipeline Reliability Upgrade Project; now, therefore, be it

RESOLVED, That the Board of Supervisors has reviewed and considered the FEIR and record as a whole, finds that the FEIR is adequate for its use as the decision-making body for the action taken herein including, but not limited to, approval of the Project and adopts and incorporates by reference as though fully set forth herein the CEQA Findings, including the statement of overriding considerations, and the MMRP contained in Resolution No. 09-0120; and be it

FURTHER RESOLVED, That the Board finds that the Project mitigation measures set forth in the FEIR and the MMRP and adopted by the SFPUC and herein by this Board will be implemented as reflected in and in accordance with the MMRP; and be it

FURTHER RESOLVED, The Board finds that since the FEIR was finalized, there have been no substantial project changes and no substantial changes in Project circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR; and be it
FURTHER RESOLVED, That the Board directs the Clerk of the Board to forward this Resolution to the Controller.
Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Bay Division Pipeline Reliability Upgrade Project, CUW 36801, 36802 and 36803, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

September 22, 2009 Board of Supervisors — ADOPTED

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos
I hereby certify that the foregoing Resolution was ADOPTED on September 22, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

9/29/09
Date Approved

Mayor Gavin Newsom