1.0 Policy

A Minor Project Deviation (MPD) is a document that is prepared when the need to request a minor modification from an aspect of the project's environmental requirements is realized. Therefore, MPDs shall be carefully considered, prepared, and reviewed in a technically sound manner in conformance with this procedure.

This procedure applies to all personnel working on the Water System Improvement Program (WSIP) to the extent that their work is affected by these WSIP Construction Management (CM) Procedures and does not conflict with specific San Francisco Public Utilities Commission (SFPUC) policies or the contract under which the work is executed.

2.0 Description

This procedure establishes the requirements for the process, coordination of review and response, and retention of MPDs. The procedure describes the processing of a MPD from its original preparation by the Regional Environmental Compliance Manager (RECM) through (a) final approval, (b) approval with conditions, or (c) denial and eventual disposition in Document Controls retention.

3.0 Definitions

3.1 Minor Project Deviation (MPD)

A Minor Project Deviation is a document prepared by the RECM for a modification from some aspect of the project's environmental requirements. MPDs may require a determination of compliance with federal or state regulations such as the National Historic Preservation Act (for which the US Army Corps of Engineers has a regulatory responsibility) or the federal or state endangered species acts.
There are several reasons why a MPD might be warranted, these include but are not limited to:

**Modification of a project’s California Environmental Quality Act (CEQA) Mitigation Measures.**

For examples:
1. Modification of contractor’s work hours.
2. Modification of a seasonal constraint (e.g., if a contractor needs to remove or trim trees during the bird breeding season).

**Substantial change of the CEQA project description.**

For example:
1. If a contractor, SFPUC, or SFPUC representative determines the need for workspace outside of the project’s footprint as defined in the CEQA project description (e.g., staging area, yard, parking area, new access road, truck turnaround, spoil storage or disposal area, etc.).
2. If a contractor determines that plywood (snake) fencing can’t be buried 6 inches per the project’s USFWS Biological Opinion due to a conflict with surface tree roots.
3. If the contractor determines that a stream crossing method described in the project’s California Department of Fish and Game 1602 permit needs to be modified.

Initially the need for a MPD is determined during the RECM’s review of a Value Engineering Change Proposal (VECP), Proposed Change Order (PCO) or other determination for the need of a project modification (e.g., SFPUC determination). During review of the VECP or PCO, the RECM will determine if the VECP or PCO requires a MPD.

The process for the RECM, ECCM and Project CM determining whether or not to pursue a MPD is included in the VECP process. In summary, when reviewing a VECP or PCO, the RECM will coordinate with the ECCM to determine the feasibility, timing, and impacts related to obtaining a deviation. The RECM will then provide advice to the Project CM on the feasibility and timing for obtaining a deviation. It is the Project CM’s decision whether or not
to process a MPD. If the Project CM determines that a deviation is required in coordination with the ECCM, warranted, and can be obtained in time to meet construction’s needs, then the RECM will prepare and process a MPD.

### 3.2 MPD Review

The Environmental Construction Compliance Manager must review all MPDs as they may involve compliance with Federal and state regulations or concurrence from CEQA Lead Agency and/or permitting agencies. MPD could also require providing additional acres of compensation lands if protected species habitat is involved.

**Examples of Minor Project Deviations:**

- Request for use of a two-track dirt road (i.e., dirt road that doesn’t show evidence as having been bladed or graded).
- Request for use of a staging area or yard in a plowed or cultivated agricultural field.
- Request for use of a well in a plowed or cultivated agricultural field that is accessed via a two-track dirt road.
- Request for use of extra workspace to store spoil, materials, or equipment outside of approved construction work limits.
- Request to create a truck turnaround or pull out area adjacent to an existing paved or graded or graveled road.
- Request to obtain water from a farmer or rancher’s well.
- Request to create a new access road outside of the approved construction work limits to access a staging area, yard, parking area, well, etc.
- Request to work outside of the hours specified in the project’s mitigation measures.
- Request to work inside a creek outside of the timeframe specified in the project’s permits or mitigation measures.

### 3.3 MPD Denial

MPDs can be denied if it is determined that the activity under review could potentially cause an impact to resources, including biological or cultural.
Examples of denied MPDs:

- Request is denied for use of extra workspace to store spoil, materials, or equipment is directly adjacent to a wetland that may be habitat for sensitive animal species.
- Request is denied to utilize a nearby farmer's stockpond as a source of water for dust control as the pond may be habitat for sensitive animal species.
- Request is denied for an extra workspace to store spoil, materials, or equipment because the cultural survey performed as part of the MPD process determines that there is a cultural site located in that location.

4.0 Responsibilities

4.1 Regional Environmental Compliance Manager (RECM)

The Regional Environmental Compliance Manager (RECM) is responsible for reviewing Value Engineering Change Proposal, Change Orders, and other project proposed modifications to determine if the requests will result in a California Environmental Quality Act (CEQA), permit, or Biological Opinion deviation and, if required, for preparing and processing a MPD.

4.1.1 Processing of the MPD includes ordering the required biological or cultural surveys and reports.

4.1.2 The RECM is also responsible for advising the Project CM on the feasibility of obtaining a deviation and the consequential impacts.

4.2 Environmental Construction Compliance Manager (ECCM)

The Environmental Construction Compliance Manager (ECCM) is responsible for assisting the RECM in determining the feasibility and impacts of requesting a CEQA or permit deviation and to assist in advising the Project CM of the findings.

4.2.1 The ECCM is responsible for submitting MPDs to jurisdictional agencies and CEQA Lead Agency.

4.3 Environmental Project Manager (EPM)

Prior to the start of construction activities, the EPM in the SFPUC Bureau of Environmental Management is responsible for providing
the RECM with documentation that identifies the areas that have been previously surveyed for biological and cultural resources and the survey results.

4.3.1 The EPM is also responsible for providing the RECM with documentation of the project’s cultural Area of Potential Effect (APE).

4.4 Project Construction Manager (Project CM)

The Project CM is responsible for determining if a MPD is warranted. Concurrence from the Project CM for the processing of a MPD is required prior to initiating a MPD and ordering/requesting the corresponding biological and/or cultural surveys and reports.

4.5 Office Engineer (OE)

The OE is responsible for noting the requirement for a MPD on the corresponding Value Engineering Change Proposal or Proposed Change Order.

4.6 Administrative/Document Control Specialist

The Administrative/Document Control Specialist is responsible for assigning the file code and filing the MPD into the appropriate project files once it has been approved, approved with conditions, or denied.

5.0 Implementation

In response to a Value Engineering Change Proposal, Change Order, or other request initiated by the Project CM Team or City Representative, the RECM initiates a MPD by completing a MPD Form (Attachment 054 – 2).

RECM determines if a MPD is required.

5.1 MPD Initiation

5.1.1 In response to a Value Engineering Change Order, Proposed Change Order, or request initiated by the Project CM Team or City Representative, the RECM initiates a MPD. If a MPD is required, RECM determines if biological and cultural surveys are required (i.e., is the area within previously surveyed biological or cultural corridor and is the area within the cultural Area of Potential Effect) by reviewing project supporting documentation available from the project’s Environmental Project Manager.
5.1.2 Biological Survey:

- If required, RECM requests that a new survey is performed and obtains report containing survey results and recommended conditions (i.e., mitigation) as applicable.
- If not required, RECM to provide documentation of previous survey and results.

5.1.3 Cultural Survey:

- If required, RECM requests that a new survey is performed and obtains report containing survey results and recommended conditions (i.e., mitigation) as applicable.
- If not required, RECM to provide documentation of previous survey and results including documentation that requested area is within project's Area of Potential Effect (APE).

5.2 RECM Submittal

RECM submits MPD and supporting reports (i.e., cultural or biological) that require resource agency review or concurrence to the ECCM once they are complete. Reports should also include any proposed conditions, maps, and photographs, as applicable.

5.3 ECCM Submittal

ECCM submits the applicable documentation to the resource agencies and/or CEQA Lead Agency for review.

5.4 ECCM Transmittal

ECCM returns the MPD to the RECM with backup documentation (i.e. concurrence or denial) from the applicable jurisdictional agencies and/or CEQA Lead Agency. ECCM will return MPDs as (a) approved, (b) approved with conditions, or (c) denied.

5.5 OE Transmittal

The RECM forwards approved, approved with conditions, or denied MPD to the Office Engineer.
5.6 **Project CM Notification**

Once the MPD receives all approvals, the RECM will notify the Project CM that the requested activity can commence.

5.7 **Document Retention**

The Office Engineer forwards to the Administrative/Document Control Specialist who files a complete copy of the MPD in the project hard copy and appropriate Document Records Folder in Construction Management Information System (CMIS).

6.0 **Other Procedural Requirements**

Procedure No. 003 Value Engineering Change Proposal

Procedure No. 016 Construction Change Management

7.0 **References**

None

8.0 **Attachments**

054-1 Environmental Minor Project Deviation Flow Chart

054-2 Environmental Minor Project Deviation Form
ENVIRONMENTAL MINOR
PROJECT DEVIATION (MPD)

In response to Value Engineering Change Proposal (VECP), Change Order or other request, the Regional Environmental Construction Manager (RECM) initiates the Minor Project Deviation (MPD).

RECM determines the potential impact of MPD to project's compliance with environmental requirements such as US Fish and Wildlife Service, California Department of Fish and Game, State Historic Preservation Office, etc., and then forwards the MPD analysis to the ECCM.

Environmental Construction Compliance Manager (ECCM) reviews and provide comments to the MPD and supporting documents.

Based on reviewing project supporting documents, the RECM determines need for
(a) Biological Survey,
(b) Cultural Survey

RECM requests the Environmental Consultant to perform surveys and

RECM submits MPD and supporting document to ECCM.

MPD Process continues to sheet 2.
ENVIRONMENTAL MINOR PROJECT DEVIATION (MPD)

MPD Process continued from Sheet 1

ECCM submits the MPD documents to the CEQA Lead Agency and/or responsible review agency(s) for review and concurrence.

CEQA Lead Agency and/or responsible agencies review and concurrence or denial of MPD and supporting documents.

Approved?

No

MPD denial due to potential negative impact to cultural or biological resources.

Yes

ECCM returns MPD decision from agencies to RECM.

RECM notifies Project CM and forwards MPD to OE.

Office Engineer (OE) documents MPD approval, approval with conditions or denial.

Administrative /Document Control Specialist files complete copy of MPD in project hard copy file.
**MINOR PROJECT DEVIATION**

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**SAN FRANCISCO PUBLIC UTILITIES COMMISSION**

**WATER SYSTEM IMPROVEMENT PROGRAM**

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**Detailed Description of Minor Project Deviation:**

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**Attachments:**

- Biological [ ] Yes [ ] No
- Cultural [ ] Yes [ ] No
- Photos [ ] Yes [ ] No
- Other [ ] Yes [ ] No

**Resources:**

- Biological [ ] No Resources Present [ ] Resources Present [ ] NA
- Previous Biological Survey Report Reference:

- Cultural [ ] No Resources Present [ ] Resources Present [ ] Within Project APE
  - ☐ NA (paved/graveled area and no ground disturbance)
- Previous Cultural Survey Report Reference:

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Page 1 of ___

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### Conditions of Approval or Reasons for Denial

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- [ ] Approved
- [ ] Approved with Conditions (see conditions above)
- [ ] Denied

SFPUC agrees that Contractor will abide by the mitigation measures detailed in the CEQA document and project permit requirements and have appropriate Specialty Environmental Monitors present where required.

### SFPUC Required Signatures for Environmental Approval:

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- [ ] Denied

### MEA Required Signatures for Approval:

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