



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Planning Committee
Tuesday, November 14, 2023
9:15 a.m.
Boardroom
375 11th Street
Oakland, CA 94607**

***** Please see appendix for public participation instructions*****

Committee Members: Doug A. Linney {Chair}, Lesa R. McIntosh, and Marguerite Young

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

DETERMINATION AND DISCUSSION:

1. East Bay Creek Habitat Restoration Projects (Tognolini)
2. Lower Mokelumne River (FERC Project 2916) Relicense Project (Tognolini)

ADJOURNMENT:

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.



APPENDIX

Planning Committee Meeting Tuesday, November 14, 2023 – 9:15 a.m.

*EBMUD Board committee meetings will be conducted in person and via Zoom.
These meetings are recorded and live-streamed.*

Online*

<https://ebmud.zoom.us/j/94576194030?pwd=dWZlc3hNU3JNUVBQYmNKWjJSNVZQdz09>

Webinar ID: 945 7619 4030

Passcode: 925293

By Phone

Telephone: 1 669 900 6833

Webinar ID: 945 7619 4030

Passcode: 925293

International numbers available: <https://ebmud.zoom.us/u/kdmpbwwlg2>

*To familiarize yourself with Zoom, please visit <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Providing public comment - *The EBMUD Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.*

- Each speaker is allotted 3 minutes to speak; the Committee Chair has the discretion to amend this time based on the number of speakers
- The Secretary will track time and inform each speaker when the allotted time has concluded
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- The Secretary will call each speaker in the order received

In person

- Fill out and submit a blue speaker card which is available in the meeting room

Via Zoom

- Use the raise hand feature in Zoom to indicate you wish to make a public comment
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
 - If you participate by phone, press *9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic

Submitting written comments or materials


- Email written comments or other materials for the Board of Directors to SecOffice@ebmud.com
- Please indicate the meeting date and agenda item number or non-agenda item topic in the subject of the email. Contact information is optional.
- **Please email by 4 p.m. the day prior to the scheduled regular meeting;** written comments and other materials submitted to the Board of Directors will be filed in the record.


To observe the Planning Committee Meeting,
please visit: <https://www.ebmud.com/about-us/board-directors/board-meetings/>

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: November 9, 2023

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Michael T. Tognolini, Director of Water and Natural Resources 

SUBJECT: East Bay Creek Habitat Restoration Projects

SUMMARY

The District has partnered with local agencies and non-governmental organizations (NGOs) such as the Friends of Pinole Creek, the Friends of Orinda Creeks, the Friends of San Leandro Creek and the San Pablo Watershed Neighbors Education and Restoration Society on East Bay creek restoration projects. These collaborations have resulted in significant progress toward creek restoration and fish passage. Staff will provide an update at the November 14, 2023 Planning Committee meeting.

DISCUSSION

Staff has implemented a variety of restoration projects on the watershed to meet the goals of the East Bay Watershed Master Plan and the District's East Bay Low Effect Habitat Conservation Plan (HCP). Implementation of the East Bay HCP has resulted in the restoration of habitat for threatened and endangered species such as the California red-legged frog, western pond turtle and pallid manzanita. These efforts to restore local creek habitat has provided multiple benefits to native species.

Staff has supported efforts of local creek groups in establishing native plant demonstration gardens along San Pablo, Pinole, and San Leandro creeks. Staff has built partnerships with local agencies such as cities, flood control agencies, county public works, and state and federal resource agencies to support substantial channel restoration projects in local creeks.

In 2016, the District supported the Pinole Creek Highway I-80 culvert fish passage project. Contra Costa County Resource Conservation District obtained the final funding and completed construction of fish passage improvements. The District initially identified the passage issues, helped obtain grant funding, and conducted fish rescue and relocation during dewatering of the channel to facilitate construction. Surveys documented steelhead spawning in the watershed in four of the five years following construction.

In 2017, the District supported replacement of Contra Costa County's failed six-foot culvert on Alhambra Valley Road, in the middle of the Pinole Creek watershed, with a bridge to support fish passage. The District and regulatory agency biologists worked with Contra Costa County to construct a bridge to provide a safe, long-term solution while improving conditions for steelhead passage to the District's watershed upstream. To support this project, staff relocated fish from the project site prior to construction and provided biological monitoring expertise to avoid species impacts during bridge construction.

In addition, the District recently completed the Two Dog Fish Passage Project on Kaiser Creek, a tributary on the east side of Upper San Leandro Reservoir (USL). USL Reservoir and associated tributaries have a genetically unique population of rainbow trout that are descendants of steelhead landlocked after the construction of USL Reservoir in 1927. These trout reside in USL Reservoir and ascend the USL tributaries to spawn annually. In 2022, the original culvert was removed, and a new fish friendly channel was constructed in its place. This year, the bridge abutments were constructed, and the bridge was installed. District biologists have already documented fish successfully navigating the fish passage improvements on site this past winter.

The Tomato Stand Fish Passage Project is proposed to replace a culvert with a bridge to improve the last fish passage impediment on Pinole Creek in the District's East Bay Watershed. The project would provide steelhead passage to the last 1.4 miles of spawning and rearing habitat on Pinole Creek. The District is pursuing grant funding for the planning phase of this project in the amount of \$180,000.

NEXT STEPS


The District will continue to collaborate with local, state, and federal agencies and local NGOs to improve creek habitat conditions and enhance endangered species populations. Staff will also pursue grant funding for the Tomato Stand Fish Passage project.


CCC:MTT:mw

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: November 9, 2023

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Michael T. Tognolini, Director of Water and Natural Resources 

SUBJECT: Lower Mokelumne River (FERC Project 2916) Relicense Project

SUMMARY

On March 31, 2031, the District's Federal Energy Regulatory Commission (FERC) license to operate the hydropower facilities at Pardee and Camanche Dam will expire. The relicensing process may take six to seven years to complete. Consequently, the District has started planning for the relicensing process to ensure there is sufficient time to secure a new license before the current license expires. The District will provide an overview of the relicensing process at the November 14, 2023 Planning Committee meeting.

DISCUSSION

On March 10, 1981, FERC issued a 50-year license to the District effective April 1, 1981 for the Lower Mokelumne River Project 2916 (Project). In addition to permitting hydropower generation, the license also prescribes terms for Project operations related to dam safety, public safety, recreation, and environmental protection.

The Project license will expire in March 2031, and the FERC regulations require that a licensee initiate the process for seeking a renewal of a license five to five and a half years before the existing license expires. As part of the relicensing process, FERC will reassess dam operations, giving equal consideration to power and non-power uses (e.g., recreation, environmental, tribal, and cultural resources). The District will also need to comply with numerous environmental and regulatory requirements [e.g., National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), and 401 Water Quality Certification].

The relicensing process is formally initiated with FERC by filing a Notice of Intent (NOI) and a Pre-Application Document (PAD). The NOI formally informs FERC and all interested parties that the District is initiating the relicensing process. The PAD is the foundation for issue identification, study plan development, and FERC's environmental analysis. The PAD generally includes the engineering, economic, and environmental information relevant to the project that is reasonably available when the NOI is filed. Preparing this takes a considerable amount of time, which is why the District is estimating that in total the licensing process could take six to seven

years. To assist with this process, District staff will initiate consultant procurement in late 2023 and will develop plans for public outreach commencing a couple of years ahead of filing the NOI and PAD.

The timeline for relicensing with significant milestones is as follows:

- Early 2024 – Complete consultant procurement and initiate outreach with interested parties
- March 2026 – File NOI & PAD
- March 2029 – Submit FERC Relicense Application and SWRCB 401 Water Quality Certification Application
- March 2031 – FERC issues new Project 2916 license

NEXT STEPS

The District plans to complete consultant procurement by early 2024 to provide facilitation and guidance throughout the process. Focus groups to gather information and data will be held throughout 2024 to help prepare the NOI and PAD for submittal in March 2026.

CCC:MTT:dec