



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

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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***Notice of Location Change***

**REGULAR CLOSED SESSION  
and  
REGULAR BUSINESS MEETINGS  
Tuesday, November 23, 2021  
*\*\*Virtual\*\****

In accordance with Government Code section 54953(e), the Regular Closed Session Meeting scheduled for 11:00 a.m., and the Regular Business Meeting scheduled for 1:15 p.m., **will be conducted via webinar and teleconference only**. A physical location will not be provided for these meetings.

Dated: November 18, 2021

A handwritten signature in blue ink that reads 'Rischa S. Cole'.

Rischa S. Cole  
Secretary of the District

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

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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**AGENDA**  
**REGULAR CLOSED SESSION**  
**Tuesday, November 23, 2021**  
**11:00 a.m.**  
**\*\*Virtual\*\***

**Location**

In accordance with Government Code section 54953(e), **this meeting will be conducted by webinar and teleconference only.** A physical location will not be provided for this meeting.

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

**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.

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:**

1. Existing litigation pursuant to Government Code section 54956.9(a):
  - a. *Wang Brothers Investment v. East Bay Municipal Utility District*  
Contra Costa County Superior Court, Case No. MSC21-00653
2. Threat to public services or facilities pursuant to Government Code section 54957:  
Conference with Eileen M. White, Director of Wastewater; David A. Briggs, Director of Operations & Maintenance; Andrew J. Levine, Manager of Information Systems; and Tony J. Montano, Manager of Facilities Maintenance & Construction.
3. Threat to public services or facilities pursuant to Government Code section 54957:  
Conference with Sophia D. Skoda, Director of Finance; Andrew J. Levine, Manager of Information Systems; William L. Johnson, Information System Division Manager; and Barry N. Gardin, Internal Auditor Supervisor.
4. Conference with Labor Negotiators Jeff Bailey from the Industrial Employers Distributors Association; Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Laura A. Acosta, Director of Human Resources; and Niger M. Edwards, Manager of Employee Relations, pursuant to Government Code Section 54957.6 regarding MOUs: Employee Organizations International Union of Operating Engineers, Local 39; American Federation of State, County and Municipal Employees, Locals 444 and 2019; and International Federation of Professional & Technical Engineers, Local 21.

***(The Board will discuss Closed Session agenda items via webinar or teleconference.)***

**REGULAR BUSINESS MEETING**

**1:15 p.m.**  
***\*\*Virtual\*\****

**Location**

In accordance with Government Code section 54953(e), **this meeting will be conducted by webinar and teleconference only**. A physical location will not be provided for this meeting.

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

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance

**ANNOUNCEMENTS FROM CLOSED SESSION:**

**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.

**CONSENT CALENDAR:** (Single motion and vote approving 11 recommendations.)

1. Approve the Regular Meeting Minutes of November 9, 2021.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Bosch Rexroth Corp., for supplying eight hydraulic power units (HPUs), underwater cables, and providing training and guidance for the installation of HPUs at the Briones Outlet Tower, beginning on or after November 23, 2021, for a total cost, after the addition of taxes and fees, not to exceed \$2,307,570 under Request for Quotation No. 2114.
4. Award a contract to the lowest responsive/responsible bidder, Polydyne, Inc., for supplying polymeric flocculants for the Main Wastewater Treatment Plant's dewatering process for two years, beginning on or after December 1, 2021 with three options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$12,020,837 under Request for Quotation No. 2118.
5. Award a contract to the lowest responsive/responsible bidder, Marinship Development Interest, LLC, in an amount not to exceed \$1,955,000 for construction of South and South Foothill Interceptors Level Monitoring Station Improvements under Specification SD-358.
6. Award a sole source contract to WesTech Engineering, LLC, for supplying four digester sludge mixers at the Main Wastewater Treatment Plant for a total cost, after the addition of taxes, not to exceed \$355,000.

**CONSENT CALENDAR:** (Continued)

7. Authorize an agreement beginning on or after November 23, 2021 with Amazon Web Services, Inc., for two years in an amount not to exceed \$290,000 for cloud computing services.
8. Authorize an agreement beginning on or after November 23, 2021, with Optic Cyber Solutions, LLC, in an amount not to exceed \$370,837 for an industrial control systems risk-based cybersecurity vulnerability assessment for the District's water, wastewater, and administration facilities.
9. Authorize an agreement beginning on or after November 23, 2021 with the Oursan Ridge Conservation Bank in an amount not to exceed \$1,089,000 for the purchase of conservation credits for the Duffel Photovoltaic Project.
10. Approve the October 2021 Monthly Investment Transactions Report.
11. Cancel the December 28, 2021 Board meetings.

**DETERMINATION AND DISCUSSION:**

12. Make requisite findings and adopt a Resolution to continue to hold meetings of the Board of Directors via teleconference under Government Code section 54953(e) until such time as the State of Emergency resulting from the COVID-19 pandemic no longer impacts the ability of Board members to meet safely in person. (Resolution)
13. Take actions related to the Mokelumne Watershed Routine Maintenance Project (Project). (Resolution)
  - 13a. Adopt the Final Mitigated Negative Declaration (MND) for the Project.
  - 13b. Make findings in accordance with the California Environmental Quality Act (CEQA).
  - 13c. Adopt the Mitigation Monitoring and Reporting Plan in accordance with CEQA.
  - 13d. Approve the Project.
14. Racial Equity and Justice Project and Diversity, Equity, and Inclusion Strategic Plan Update.
15. General Manager's Report:
  - Coronavirus Update
  - 2021 Drought Update

**REPORTS AND DIRECTOR COMMENTS:**

16. Committee Reports:
  - Planning
  - Redistricting Ad Hoc
  - Finance/Administration
17. Other Items for Future Consideration.
18. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, December 14, 2021.***

**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 11<sup>th</sup> Street, Oakland, California, during normal business hours, and can be viewed on our website at [www.ebmud.com](http://www.ebmud.com).*

## BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, November 23	<b>Redistricting Ad Hoc Committee</b>	9:00 a.m. Virtual	<ul style="list-style-type: none"> <li>2021-2022 Redistricting Update</li> </ul>
	<b>Finance/Administration Committee</b>	10:00 a.m. Virtual	<ul style="list-style-type: none"> <li>Monthly Investment Transactions Report</li> <li>Employee Reimbursements of at Least \$100 – June 30, 2021</li> <li>Customer Assistance Program Funding</li> </ul>
	<b>Board of Directors</b>	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
<b>Thursday, November 25 – Friday, November 26</b>	<b>Thanksgiving Holiday</b>		<i>District Offices Closed</i>
Tuesday, December 14	<b>Planning Committee</b>	TBD	
	<b>Legislative/Human Resources Committee</b>	TBD	
	<b>Board of Directors</b>	11:00 a.m. TBD 1:15 p.m. TBD	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
<b>Friday, December 24 – Monday, December 27</b>	<b>Christmas Holiday <i>observed</i></b>		<i>District Offices Closed</i>
Tuesday, December 28	<b>Finance/Administration Committee</b>	TBD	
	<b>Board of Directors</b>	TBD	<ul style="list-style-type: none"> <li>Closed Session</li> </ul>
		TBD	<ul style="list-style-type: none"> <li>Regular Meeting</li> </ul>

### 2021 Board Committee Members

Finance/Administration	Patterson {Chair}, Coleman, Katz
Legislative/Human Resources	Coleman {Chair}, McIntosh, Patterson
Planning	Young {Chair}, McIntosh, Mellon
Sustainability/Energy	Young {Chair}, Katz, Mellon
Redistricting Ad Hoc	Coleman, Linney, Young



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**Closed Session and Regular Business Meetings**  
**Tuesday, November 23, 2021**  
**11:00 a.m. and 1:15 p.m.**

EBMUD public Board meetings will be conducted via Zoom.  
*Please note that Board meetings are recorded, live-streamed, and posted on the District's website.*

*Please visit this page beforehand to familiarize yourself with Zoom.*  
<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Online

<https://ebmud.zoom.us/j/97065086667?pwd=eUdZSGh5SG82akZiRDF2UDg2b0IyUT09>

Webinar ID: 970 6508 6667

Passcode: 238500

By Phone

Telephone: 1 669 900 6833

Webinar ID: 970 6508 6667

Passcode: 238500

International numbers available: <https://ebmud.zoom.us/u/adMXn1VnPP>

**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.

If you wish to provide public comment please:

- 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
- The Secretary will call each speaker in the order received
- 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
- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers
- The Secretary will keep track of time and inform each speaker when the allotted time has concluded

**Submitting written comments or materials**

- Email written comments or other materials for the Board of Directors to [SecOffice@ebmud.com](mailto:SecOffice@ebmud.com)
- Please indicate the meeting date and agenda item number or non-agenda item 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.

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**To observe the public portion of the 11:00 a.m. Closed Session Meeting and the entirety of the 1:15 p.m. Regular Business Meeting, please visit:** <https://www.ebmud.com/about-us/board-directors/board-meetings/>

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## **MINUTES**

**Tuesday, November 9, 2021**  
**East Bay Municipal Utility District**  
**Board of Directors**  
**375 Eleventh Street**  
**Oakland, California**  
***\*Virtual\****

### **Regular Closed Session Meeting**

President Doug A. Linney called to order the Regular Closed Session Meeting of the Board of Directors at 11:01 a.m. He announced that in accordance with Government Code section 54953(e), this meeting would be conducted by webinar and teleconference only. A physical location was not provided for this meeting.

### **ROLL CALL**

Directors John A. Coleman, Andy Katz, Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. All Directors participated remotely.

Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Assistant General Counsel Lourdes Matthew (Item 1), Director of Finance Sophia D. Skoda (Item 1), Director of Human Resources Laura A. Acosta (Item 1), Manager of Employee Relations Niger M. Edwards (Item 1), and IEDA representatives Jeff Bailey and Gregory Ramirez (Item 1).

### **PUBLIC COMMENT**

- Addressing the Board were the following: 1) Randy Hernandez, Plant Maintenance Mechanic commented on his experience as an essential worker at the District and urged the Board to provide a meaningful contract for employees; 2) Eddie Cheung, Storekeeper II commented on Storekeeper duties and urged the Board to approve a fair and equitable contract; 3) Adriana Soares, New Business Representative II voiced support for AFSCME Local 2019's wage and equity proposals and asked the Board to give the District's lead negotiator more authority; 4) Brandon Lee, Senior IT Engineer voiced support for AFSCME Local 2019's wage and equity proposals and asked the Board to give the District's lead negotiator more authority; 5) Gus Cicala, Associate Civil Engineer commented on negotiations and asked the Board to give the District's lead negotiator more authority; 6) Joe Pangelinan, Electrical Technician and Chief Steward, AFSCME Local 444 commented on Electrical Technician duties, the cost of living in the Bay Area, and the need for a real general salary increase; 7) David Valenzuela, Senior IT Engineer voiced support for AFSCME Local 2019's wage and equity proposals and asked the Board to give the District's lead negotiator more authority; 8) Henry La Vigne, Senior IT Engineer commented on negotiations and asked the Board to review the equity adjustment requests for the Senior IT Engineer classification; 9) Tyrell Jackson, Water Distribution Plumber II commented on the cost of living in the Bay Area and the need for employees to be compensated to remain on par with other agencies in the area; 10) George Cleveland, Information Systems Specialist III commented on negotiations, recommended the District review billing for large meter customers, and asked the Board to give the District's lead negotiator more authority; 11) John Pennington, Senior IT Engineer commented

on Senior IT Engineer duties, urged the Board to review the equity adjustment proposals for the Senior IT Engineer classification, and asked the Board to give the District's lead negotiator more authority; 12) Michael Morgan, Water Distribution Plumber III commented on general salary increases, challenges living in the service area, and urged the Board to look at general salary increases for the service area; 13) Eric O. Larsen, President, AFSCME Local 444 commented on FY21 District revenues, the cost of living in the service area, and the need for a meaningful wage package for employees; 14) Jakira Jekayinfa-Brown, Associate Electrical Engineer commented on Associate Electrical Engineer duties, the wage and equity proposals from the District, and asked the Board to give the District's lead negotiator more authority; 15) Brandon Batteate, Water Distribution Plumber IV commented on the recent Water Distribution Plumber recruitment, employee morale, and asked the Board to give the District's lead negotiator more authority; 16) Ivette Rivera, Gardener Foreman commented on the employment contract for former General Counsel Craig Spencer, employee indemnification at the District, read excerpts from the AFSCME Local 21 memorandum of understanding on indemnification, and asked the Board to give staff more authority to enforce a zero tolerance policy on harassment; 17) Colin Moy, Senior Environmental Health and Safety Specialist, AFSCME Local 2019 Contract Negotiations Team member, and ratepayer experienced technical difficulties and was cut off; and 18) Stella Tan, Associate Civil Engineer expressed disappointment with the District's wage proposal and voiced support for AFSCME Local 2019's wage and equity proposals.

### **ANNOUNCEMENT OF CLOSED SESSION AGENDA**

President Linney announced the closed session agenda and the Board convened for discussion.

### **Regular Business Meeting**

At 1:05 p.m., General Counsel Derek T. McDonald advised Secretary of the District Rischa S. Cole the Regular meeting would start at 1:55 p.m. due to information posted on the District's board meetings webpage indicating a 1:55 p.m. start time. President Doug A. Linney called to order the Regular Business Meeting of the Board of Directors at 2:00 p.m. He announced that in accordance with Government Code section 54953(e), this meeting would be conducted by webinar and teleconference only. A physical location was not provided for this meeting.

### **ROLL CALL**

Directors John A. Coleman, Andy Katz, Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. All Directors participated remotely. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, and Secretary of the District Rischa S. Cole.

### **BOARD OF DIRECTORS**

President Linney led the Pledge of Allegiance.

## **PRESENTATION**

General Manager Clifford C. Chan announced that for the 15<sup>th</sup> consecutive year, the District has received the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting award for its Comprehensive Annual Financial Report. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. Mr. Chan acknowledged the award was achieved by the entire Accounting team, various key staff throughout the District and the following core team members responsible for producing the final report: Accountant III Yenny S. Coburn; Accounting Systems Supervisor Lawrence Fan; Accountant II Matthew J. Houck; Controller Andrea M. Miller; Accounting and Financial System Analyst David P. Siu; and Accountant III Melody Wang.

## **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

## **PUBLIC COMMENT**

- Addressing the Board were the following: 1) Lindsey Edelman, Water Conservation Representative voiced support for AFSCME Local 2019's wage and equity proposals and asked the Board to give the District's lead negotiator more authority; 2) Nick Lawrence commented on continuing unsafe conditions on Tappan Terrace in Orinda; 3) Colin Moy, Senior Environmental Health and Safety Specialist, AFSCME Local 2019 Contract Negotiations Team member, and ratepayer voiced support for AFSCME Local 2019's wage and equity proposals and asked the Board to give the District's lead negotiator more authority; and 4) Ivette Rivera, Gardener Foreman commented on the employment contract for former General Counsel Craig Spencer and District language regarding indemnification for employees.

## **CONSENT CALENDAR**

- Item 10 was pulled from the Consent Calendar for discussion.
  - Motion by Director Coleman, seconded by Director Patterson to approve the recommended actions for Items 1-9 and 11-13 on the Consent Calendar carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 188-21** – Approved the Regular Meeting Minutes of October 26, 2021.
  2. The following correspondence was filed with the Board: **1)** Presentation entitled, "Oakport Wet Weather Facility Chemical Tank Failure Emergency Declaration," dated November 9, 2021; **2)** Presentation entitled, "Coronavirus Update," dated November 9, 2021; **3)** Presentation entitled, "Drought Update," dated November 9, 2021; and **4)** Oakland Post article regarding the Freeport Regional Water Authority dedication ceremony attended by Director William B. Patterson and Pastor David Kiteley, dated February 2007.

3. **Motion No. 189-21** – Awarded a contract to the lowest responsive/responsible bidder, Cummins, Inc., for supplying four 100 kilowatt (kW) and one 150 kW portable engine-generator package systems for a total cost, after the addition of taxes, not to exceed \$450,000 under Request for Quotation No. 2109.
  4. **Motion No. 190-21** – Awarded a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in an amount not to exceed \$8,678,567 for construction of the San Pablo Reservoir Hypolimnetic Oxygenation System under Specification 2152.
  5. **Motion No. 191-21** – Awarded a sole source contract to DLT Solutions, LLC, for supplying Autodesk software subscriptions to develop construction drawings for planning, design, construction, and maintenance of District assets and facilities, for two years, beginning on or after November 9, 2021 for a total cost after the addition of taxes, not to exceed \$347,241.
  6. **Motion No. 192-21** – Awarded a sole source contract to Schwing Bioset, Inc., for supplying spare parts for dewatered sludge cake pumps at the Main Wastewater Treatment Plant Sludge Dewatering Facility for one year, beginning on or after November 9, 2021 with two options to renew for additional one-year periods for a total cost, after the addition of taxes, including options years, not to exceed \$585,000.
  7. **Motion No. 193-21** – Authorized an agreement beginning on or after November 9, 2021 with Blankinship and Associates, Inc. for three years with two options to renew for additional one-year periods for a total amount, including option years, not to exceed \$464,400 to provide Pest Control Advisor consulting services for the District's Integrated Pest Management program.
  8. **Motion No. 194-21** – Authorized an agreement beginning on or after November 9, 2021 with the City of Albany for the District to provide Utility Users Tax billing and collection services for approximately 5,000 Albany ratepayers.
  9. **Motion No. 195-21** – Authorized an agreement beginning on or after November 9, 2021 with the City of Orinda in an amount not to exceed \$200,000 for construction contract services for the Bear Creek Bridge Pipeline Replacement Project.
  10. **Motion No. 199-21** – Authorized an amendment to the cooperating agreement with the City of Hayward (Hayward) for Groundwater Sustainability Plan (GSP) development previously authorized under Board Motion Nos. 077-18 and 202-20 to appoint a Plan Manager for the East Bay Plain Subbasin GSP and allocate legal and financial responsibility between East Bay Municipal Utility District and Hayward, including reciprocal indemnity, for new monitoring wells and aquifer testing.
    - Director Mellon acknowledged Associate Civil Engineer Grace Su for assuming the role as Groundwater Sustainability Plan Manager and commented on the City of Hayward's responsibility in the overall project.
- Motion by Director Mellon, seconded by Director Patterson to approve the recommended actions for Item 7 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

11. **Motion No. 196-21** – Authorized amendments to the agreements previously authorized under Board Motion No. 093-21 with the following service providers to increase the aggregate amount of those agreements by \$3,750,000 to a total aggregate amount not to exceed \$9,250,000 for tree trimming and related services: A Plus Tree, Inc.; Absolute Best Care; Arbor Products Ltd. dba Expert Tree Service; Arboricultural Specialties, Inc. dba The Professional Tree Care Co.; Arborist Now, Inc.; Arborwell, LLC dba Arborwell & SavATree; Arborworks, Inc.; Asomeo Environmental Restoration Industry, LLC; Bay Area Tree Specialists; Graham Tree Service, Inc.; Hamilton Tree Service, Inc.; Julia Cabrera dba Julian Tree Care; Quality Tree Care; Tree Service Unlimited, Inc.; and West Coast Arborists, Inc.
12. **Motion No. 197-21** – Approved the Water Supply Assessment requested by the City of El Cerrito for the El Cerrito San Pablo Avenue Specific Plan Update pursuant to California Water Code Sections 10910-10915.
  - During the General Manager’s Report, General Manager Clifford C. Chan responded to Director Coleman’s request for clarification on why the estimated projected water usage numbers in the staff report are lower than the numbers in the documentation submitted by the City of El Cerrito.
13. **Motion No. 198-21** – Authorized the Office of General Counsel to continue the employment of the law firm of Downey Brand, LLP, for specialized legal services related to natural resources and environmental regulatory and litigation matters in an additional amount not to exceed \$50,000.

#### **DETERMINATION AND DISCUSSION**

14. **Adopt a resolution in observance of the life and public service of Alameda County Supervisor Wilma Chan.**

President Linney highlighted the life and work of Supervisor Chan, a passionate activist for civil rights, education and health care who rose to become the first Asian American elected to the Alameda County Board. She passed away on Wednesday, November 3. Ms. Chan was elected to the California State Assembly in 2000 and in 2006, agreed to author AB 1953, on behalf of EBMUD, to get the lead out of drinking water plumbing. AB 1953 established a landmark California lead-free standard for drinking water plumbing. AB 1953 was enacted into state law in 2006 and served as the model for subsequent federal legislation that enshrined California’s AB 1953 lead standard into federal law. After two terms in the Assembly, Ms. Chan returned to Oakland and regained her seat on the Alameda County Board of Supervisors in 2010. Until her untimely death, she was a champion for her community, particularly for those who are underserved. In 2021, she expressed her support for federal funding for EBMUD’s Upper San Leandro Water Treatment Plant Improvement Project that will provide benefits to numerous disadvantaged communities as well as the greater Bay Area. President Linney and Directors Patterson and Young shared memories of their personal interactions and work with Ms. Chan over the years. General Manager Chan said the District will provide copies of the adopted resolution and proclamation to Ms. Chan’s family and the Alameda County Board of Supervisors.

- Motion by Director Linney, seconded by Director Patterson to approve the recommended actions for Item 14 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

**Resolution No. 35252-21** - Adopting a Proclamation in Recognition of Wilma Chan.

15. **Ratify the General Manager’s November 3, 2021 declaration of a District emergency in accordance with Policy 7.03 – Emergency Preparedness/Business Continuity as a result of catastrophic failure of a sodium hypochlorite chemical storage tank at the Oakport Wet Weather Facility.**

Director of Wastewater Eileen M. White presented an overview of the need to declare a District emergency to address the catastrophic failure of one of the three 10,000-gallon sodium hypochlorite storage tanks at the Oakport Wet Weather Facility (WWF). The incident occurred on Monday, November 1, 2021 and it was determined the tank cannot be repaired. Staff is asking the Board to ratify the General Manager’s “Declaration of Emergency” in accordance with Policy 7.03. Ms. White explained sodium hypochlorite dosing is needed to disinfect the flow that enters the Oakport WWF and the failure of one tank creates a significant shortage of chemical supply at the WWF. Ms. White reviewed the timeline of events, staff’s response to the emergency and the planned approach to manage wet weather operations. Since the emergency declaration, the District has secured a contractor to install a temporary storage system that will include two storage tanks, piping, and secondary containment. The contractor will remove and replace the failed tank with a spare tank from the District’s Orinda Water Treatment Plant and provide a trailer of chemicals to have on hand to directly fill the tanks. District staff will install the secondary containment piping, chemical pump and eye wash station; perform the electrical and instrumentation work for the spare tank; and manage chemical procurement in the interim. Work is scheduled to begin on November 11 as timely installation of the temporary storage system is necessary to ensure the District can meet the treatment requirements of the Consent Decree for discharge of flows from the Oakport WWF. The cost to install the temporary storage facilities is estimated at \$200,000 to \$300,000. Ms. White responded to questions and confirmed only one tank had failed and that there were no air quality issues as a result of the incident.

- Motion by Director McIntosh, seconded by Director Mellon to approve the recommended actions for Item 15 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

**Resolution No. 35253-21** – Ratifying General Manager’s Declaration of the Existence of a District Emergency and Authorizing Expenditure of Sums as Needed in Response to Such Emergency.

16. **General Manager’s Report.**

Coronavirus Update

Director of Operations and Maintenance David A. Briggs presented an update on daily positive COVID-19 cases in Alameda and Contra Costa counties; the number of positive employee and contractor COVID-19 cases at the District to date; the number of staff currently quarantined or in isolation and unable to telecommute; and the most recent vaccination rates for the District, Alameda

and Contra Costa counties noting the counties' figures reflect vaccinations for those over 12 years of age. Staff continues implementing the District's vaccination policy, which requires all employees to be vaccinated or have an exemption on file by November 1. As of this report, approximately 1,700 employees are fully vaccinated and approximately 140 have approved exemptions on file. Employees reporting to a District worksite who have exemptions on file are still required to test weekly. Testing continues to be performed on District time and is being paid for by the District. Staff is exploring less expensive, alternative testing methods to be used for future testing. He reviewed the District's safety protocols which are based on a variety of sources including local and state health orders, OSHA regulations and Centers for Disease Control guidelines, and recent updates to COVID-19 regulatory changes. Staff continues meeting and conferring with the unions over impacts from the vaccination policy and will begin the disciplinary process for approximately 40 unvaccinated employees that have no approved exemption on file. The Board raised no questions.

### 2021 Drought Update

Director of Operations and Maintenance David A. Briggs presented an update on Mokelumne watershed and local precipitation which is 27 and 30 percent of the seasonal normal, respectively. Water production decreased from 185 million gallons per day (MGD) to 130 MGD in late October due to rain. As of November 4, the District has diverted 8,100 acre-feet (AF) of its 33,250 AF of Central Valley Project (CVP) allocation through the Freeport Regional Water Authority (FRWA) and diverted 2,000 AF of transferred CVP water from Contra Costa Water District (CCWD). On October 29, the District suspended wheeling CVP water for CCWD until the end of 2021 at CCWD's request. Only 885 TAF was wheeled out of a total of 3,200 AF potentially available under the settlement agreement. He noted FRWA diversions were briefly suspended in October during intense stormwater runoff in the Sacramento River.

In response to a request from the Board during its October 12, 2021 meeting, Manager of Water Supply Linda H. Hu reported on operating costs for FRWA which are currently around \$387 per AF and include labor, power, chemicals and fees and reviewed graphs comparing the unit cost of various water supplies (Mokelumne, CVP, water transfers, Los Vaqueros Expansion water, groundwater banking, recycled water, and desalinization). Ms. Hu confirmed the two photos of the Pardee Reservoir tower shown in the October 12 drought update presentation were taken during different months and that future uses of these images will cite the month and year each photo was taken.

Director of Water and Natural Resources Michael T. Tognolini provided an update on efforts to assist Marin Municipal Water District (MMWD) on their request for the District to potentially wheel up to 8 MGD for MMWD through Freeport under certain conditions in 2022. The District executed a Memorandum of Understanding with MMWD that outlines the scope of work and reimbursement to the District for all costs incurred. The wheeling will not impact the District's ability to obtain its own transfer water and will not otherwise impact District customers. Furthermore, the District will not sell any of its water to MMWD. Mr. Tognolini reviewed the process for the EBMUD Board to consider the wheeling agreement with MMWD. Staff will provide status updates during Regular Board meetings and present draft principles which were reviewed with the Planning Committee earlier in the day for Board consideration in November or December. If EBMUD's principles are satisfied, staff will present the wheeling agreement for Board consideration in January or February 2022.

Senior Public Information Representative Andrea A. Pook discussed District involvement in community engagement efforts regarding the proposed project with MMWD. Staff participated in meetings with the City Council and Point Richmond Neighborhood Council in October and plans to participate in additional meetings with various community stakeholder groups. Information on District involvement has been posted to Nextdoor for Richmond residents and businesses. The District continues its customer outreach efforts regarding drought. The next virtual Water Wednesday Speaker Series will be held on November 17 and will focus on drought myth busters. Ms. Pook reported on media activity around drought and MMWD, social media messaging, and how the District is using Pandora for drought advertisement and to promote conservation. The Pandora ads include five-minute shower songs and as of November 1 has reached over 200,000 people. She concluded with an overview of the District's overall drought communication strategy and said District staff continue to act as spokespersons for the State's "Save Our Water" campaign.

Ms. Hu responded to questions from the Board on the option to use green energy instead of electricity for desalination. The Board requested additional information on costs for recycled water versus desalination.

The Board commented on ways to proactively communicate with customers regarding outages and other service-related information after the District received calls about service and water pressure issues resulting from a main break caused by a non-District contractor in late October. General Manager Clifford C. Chan said staff is reviewing the incident and will provide an update to the Board which will also include potential customer notification processes. Mr. Chan also reported staff is seeking feedback from all Board members regarding the draft wheeling agreement principles reviewed by the Planning Committee. Staff is contacting MMWD to determine if they will provide their draft principles for EBMUD review before November 23.

#### Monthly Report – October 2021

General Manager Clifford C. Chan said he is available to answer questions regarding the Monthly Report.

### **REPORTS AND DIRECTOR COMMENTS**

#### **17. Committee Reports.**

- Filed with the Board were the Minutes for the October 26, 2021 Redistricting Ad Hoc Committee, Sustainability/Energy Committee, and Finance/Administration Committee meetings.
- Planning Committee Chair Marguerite Young reported the Committee met earlier in the day (remotely) and received updates on the Wastewater Pretreatment and Pollution Prevention Programs; South Interceptor Special Structures Rehabilitation Phase 1 Project; Main Wastewater Treatment Plant Odor Control Program; Mokelumne Watershed Routine Maintenance Project and Final Mitigated Negative Declaration; and Marin Municipal Water District Drought Assistance and Draft Principles of Agreement.

#### **18. Other Items for Future Consideration.**

None.

19. **Director Comments.**

- Director Coleman reported participating in a virtual EBMUD briefing for the Los Vaqueros Reservoir Joint Powers Authority Board meeting on November 3 and plans to participate in the virtual Los Vaqueros Reservoir Joint Powers Authority Board meeting on November 10 and the virtual East Bay Leadership Council Water Task Force meeting on November 16. Director Coleman also acknowledged the District's IT staff for assistance with technical issues over the past week and General Manager Chan and staff for providing information on District consultant design contracts.
- Director Patterson announced the passing of Pastor Emeritus David Kiteley of Shiloh Church in Oakland, read highlights of Pastor Kiteley's life and accomplishments, and asked the Board to consider adjourning the meeting in memory of Pastor Kiteley.
- Director Young reported on plans to participate in the virtual briefing for Ward 3 on November 17.
- Director Katz reported he is currently participating in the United Nations COP26 climate change conference in Glasgow, Scotland.
- Directors McIntosh, Mellon, and President Linney had no reports.

**ADJOURNMENT**

President Linney adjourned the meeting at 3:38 p.m. in memory of Pastor Emeritus David Kiteley of Shiloh Church in Oakland.

SUBMITTED BY:

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Rischa S. Cole, Secretary of the District

APPROVED: November 23, 2021

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Doug A. Linney, President of the Board

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AGENDA NO. 3.  
MEETING DATE November 23, 2021

**TITLE BRIONES RESERVOIR TOWER UPGRADE – OUTLET VALVE HYDRAULIC POWER UNITS**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input checked="" type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Award a contract to the lowest responsive/responsible bidder, Bosch Rexroth Corp., for supplying eight hydraulic power units (HPUs), underwater cables, and providing training and guidance for the installation of HPUs at the Briones Outlet Tower, beginning on or after November 23, 2021, for a total cost, after the addition of taxes and fees, not to exceed \$2,307,570 under Request for Quotation (RFQ) No. 2114.


**SUMMARY**

This purchase is for the manufacture and delivery of eight HPUs, underwater cables, and installation guidance, training, and operational support for the units. The HPUs will be installed under the Briones Outlet Tower Seismic Upgrade project (Specification 2174) and will allow for remote operation of the tower outlet valves. The HPUs require significant manufacturing time and are being pre-purchased for the project.

**DISCUSSION**

The Briones Outlet Tower conveys water from the Briones Aqueduct for storage at Briones Reservoir, and from Briones Reservoir to the Briones Aqueduct for treatment at the Orinda Water Treatment Plant. The outlet tower is a freestanding, vertical reinforced concrete structure built in 1964 located upstream of the toe of Briones Dam. The tower has seven valves that control the movement of water into and out of the reservoir.

A seismic evaluation of the tower performed in 2007 found the tower will sustain damage during a major earthquake. In response, the District completed additional studies and undertook the design of a retrofit, which was recently approved by the California Division of Safety of Dams (DSOD). The tower will be retrofitted in 2022 under Specification 2174, which is currently scheduled for award in January 2022. As part of the project, DSOD requires the District to provide remote operation of the valves on the tower in the event of an emergency. The remote operation system consists of HPUs mounted on the tower adjacent to the outlet valves and connected to onshore controls with underwater cables. The HPUs are highly specialized and designed to control valves under submerged conditions. Seven of the HPUs will be

Funds Available: FY22/23, CIP#000672; Page #31	Budget Coding: 562/2010325/2010342:22/7000034	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department Engineering and Construction	Department Director or Manager Olujimi O. Yoloje	Approved  General Manager
Attachment(s): Location Map; P-035; P-061		

installed and one will be reserved as a spare. This purchase supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

## **VENDOR SELECTION**

The RFQ was posted on the District's website, sent to six potential proposers, and advertised in the East Bay Times. One bid was received. Bosch Rexroth Corp. was the lowest/responsible bidder. The engineer's estimate for the HPUs, underwater cables, and associated services was \$2.1 million. The District negotiated a value change to the HPU package with alternate cabling, and funds to purchase bonds for the protection of the District bringing the final cost to \$2,307,570.

## **SUSTAINABILITY**

### **Economic**

Funding for this purchase is available in the FY22/23 adopted capital budget for the Reservoir Tower Modifications Project.

### **Environmental**

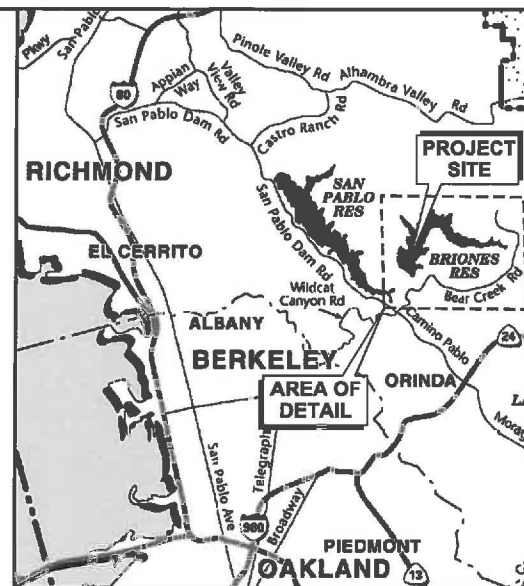
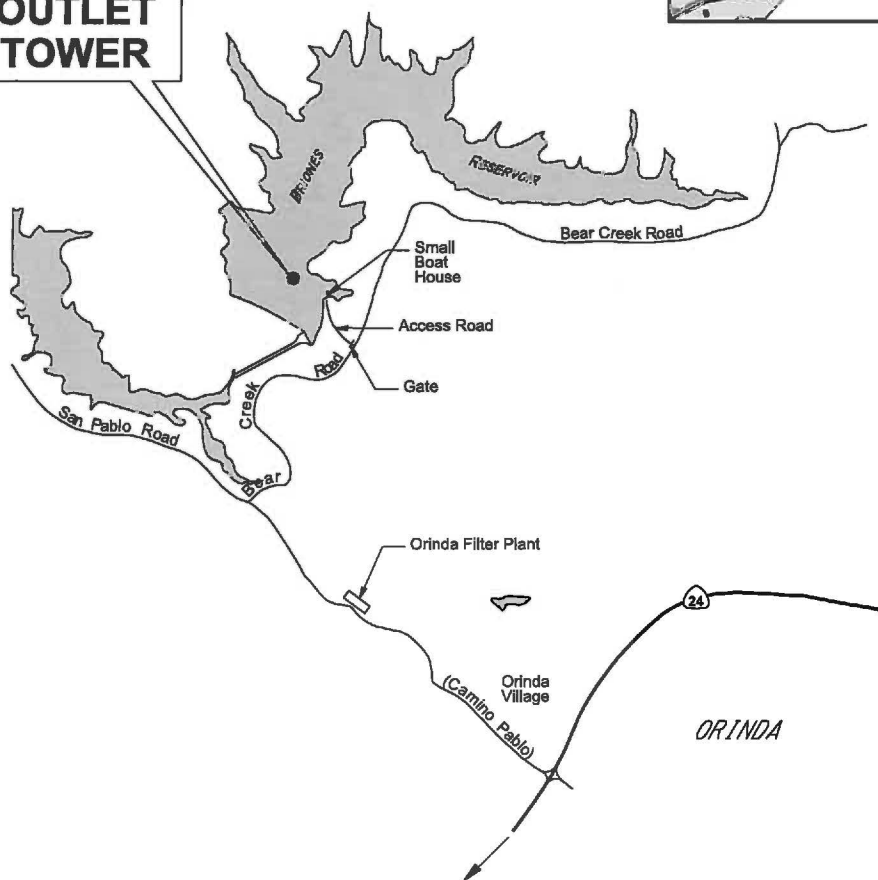
A California Environmental Quality Act Notice of Exemption (NOE) for the Briones Outlet Tower Seismic Upgrade was filed with the Contra Costa County Clerk on January 9, 2019. An updated NOE, revising the project description to include on-shore controls was filed on June 21, 2021.

## **ALTERNATIVES**

**Do not purchase the HPUs.** This alternative is not recommended because the HPUs are required for remote valve operation at the Briones Reservoir Tower, which has been mandated by DSOD.

**Rebid the RFQ.** This alternative is not recommended because the District engaged in a fair bid process.

**OUTLET  
TOWER**



## PROJECT SITE LOCATION MAP

NOT TO SCALE

**EAST BAY MUNICIPAL UTILITY DISTRICT**

**DESIGN OF RETROFITS TO BRIONES  
RESERVOIR INLET/OUTLET TOWER**

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# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>Materials and Supplies - RFQ No.: 2114</b> Briones Reservoir Tower Upgrade - Outlet Valve Hydraulic Power Units							<b>DATE:</b> November 4, 2021					
<b>CONTRACTOR:</b> Bosch Rexroth Corp. Bethlehem, PA 18017					<b>PERCENTAGE OF CONTRACT DOLLARS</b>							
<b>Sole Bidder</b>					<b>Availability Group</b>		<b>Contracting Objectives</b>		<b>Participation</b>			
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>			<b>White Men</b>		<b>25%</b>		<b>0.0%</b>			
		<b>Ethnicity</b>	<b>Gender</b>		<b>White Women</b>		<b>2%</b>		<b>0.0%</b>			
\$2,307,570.00 *		Foreign	-		<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>			
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>
<b>PRIME:</b> Bosch Rexroth Corp.		\$2,307,570	Foreign									100.0%
<b>SUBS:</b> None												
<b>TOTAL</b>		\$2,307,570				0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>		327		70		44		441				
<b>Percent of Total Employees:</b>		74.1%		15.9%		10.0%						
<b>MSA Labor Market %:</b>		39.0%		33.7%		27.2%						
<b>MSA Labor Market Location:</b>		Total USA										
<b>COMMENTS</b>												
<b>Contract Equity Participation</b> - Zero Contract Equity participation since firm is Foreign-owned.												
*Total not to exceed: \$2,307,570												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				NA								





AGENDA NO. 4.  
MEETING DATE November 23, 2021

**TITLE** DEWATERING POLYMERIC FLOCCULANTS

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input checked="" type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Award a contract to the lowest responsive/responsible bidder, Polydyne Inc., for supplying polymeric flocculants for the Main Wastewater Treatment Plant's dewatering process for two years, beginning on or after December 1, 2021 with three options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$12,020,837 under Request for Quotation (RFQ) No. 2118.


**SUMMARY**

Sludge generated from the digestion of solids produced in wastewater treatment processes requires the continued addition of polymeric flocculants to assist in the dewatering process. The addition of the polymeric flocculants aids in the removal of water from the sludge, producing biosolids that can be beneficially used. Reducing the water content of biosolids reduces the cost of sludge hauling.

**DISCUSSION**

Polymeric flocculants significantly improve the efficiency and cost-effectiveness of the dewatering process. Improved efficiency of the dewatering process minimizes the District's biosolids management costs and ensures the District complies with regulatory requirements.

A contract period of two years with options to extend for three additional one-year periods will assure supply throughout this period, eliminate costs associated with more frequent procurement, provide the opportunity to evaluate improved polymeric flocculant products should they become available, and take advantage of potentially improved pricing. This contract supports the District's Water Quality and Environmental Protection Strategic Plan goal by ensuring the cost-effective and environmentally safe management of biosolids.

Funds Available: FY22/23	Budget Coding: 9142300/4001423	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Wastewater	Eileen M. White	 General Manager
Attachment(s): P-035; P-061		

## **VENDOR SELECTION**

The RFQ was posted on the District's website, sent to three resource organizations and 18 potential bidders, and advertised in the Oakland Tribune. Two bids were received. Polydyne Inc. was the lowest responsive/responsible bidder.

## **SUSTAINABILITY**

### **Economic**

The estimated year one contract cost is \$2,175,469. The contract allows escalation of the unit price of the polymeric flocculants based on documented proof of cost increases incurred by the vendor. In addition, the use of polymeric flocculants can increase year-to-year due to changing sludge chemistry. Therefore, the total contract amount includes a 5 percent annual escalation to account for these cost increase factors.

The FY22/23 adopted operating budget includes funding for the first two years of this multi-year contract. Funding for the additional years will be considered as part of the associated budget development process.

### **Environmental**

Polydyne Inc. has implemented policies to reduce its greenhouse gas emissions in keeping with the Paris Climate Accord. These include optimizing its consumption of raw materials, energy, and natural resources along with improvements in production units, process modifications, and installation of effluent treatment units.

## **ALTERNATIVES**

**Do not purchase the product.** This alternative is not recommended because attempting to dewater sludge without polymeric flocculants will result in greatly increased hauling costs and potentially result in regulatory violations if biosolids release liquid during the hauling process.

**Purchase polymeric flocculants on the open market.** This alternative is not recommended because it would eliminate the benefit of securing lower prices for purchasing a higher volume of polymeric flocculant from one vendor and might reduce the availability. This contract provides favorable terms and conditions to the District, which would not likely be obtainable in an open-market purchase.

**Reissue the request for quotations.** This alternative is not recommended because the District engaged in a fair and competitive bid process.



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>Materials and Supplies - RFQ No.: 2118</b> <b>Dewatering Polymeric Flocculants</b>						<b>DATE:</b> <b>November 3, 2021</b>					
<b>CONTRACTOR:</b> Polydyne Inc. Riceboro, GA 31323					<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b> \$12,020,837 *		<b>FIRM'S OWNERSHIP</b>			<b>White Men</b>		<b>25%</b>		<b>200.0%</b>		
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>2%</b>		<b>0.0%</b>			
		White	Men	<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>			
<b>CONTRACT EQUITY PARTICIPATION</b>											
<b>COMPANY NAME</b>	<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
			<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>
<b>PRIME:</b> Polydyne Inc.	\$11,748,517	White	X		100.0%						
<b>SUBS:</b> Southland Express, LLC	\$272,320	White	X		100.0%						
<b>TOTAL</b>		\$12,020,837			200.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>											
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>			
<b>No. of Employees:</b>		688		120		835		1,643			
<b>Percent of Total Employees:</b>		41.9%		7.3%		50.8%					
<b>MSA Labor Market %:</b>		39.0%		33.7%		27.3%					
<b>MSA Labor Market Location:</b>		Total USA									
<b>COMMENTS</b>											
<b>Contract Equity Participation</b> - 100% White Men participation. <b>Contract Duration</b> : Two Years with 3 One-Year Renewal Options  *Total not to exceed: \$12,020,837											
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>			
NA				NA							





AGENDA NO. 5.  
MEETING DATE November 23, 2021

**TITLE** SOUTH AND SOUTH FOOTHILL INTERCEPTORS LEVEL MONITORING  
STATION IMPROVEMENTS

<b>TYPE</b>	<input checked="" type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Award a contract to the lowest responsive/responsible bidder, Marinship Development Interest LLC (Marinship), in an amount not to exceed \$1,955,000 for construction of South and South Foothill Interceptors Level Monitoring Station (LMS) Improvements under Specification SD-358.


**SUMMARY**

This project will improve the reliability of existing LMSs and flow monitoring for the South Foothill Interceptor, a City of Oakland Relief Sewer, and the junction of the Alameda Interceptor and South Interceptor. Work includes installation of four new LMSs and relocation of an existing LMS within the City of Oakland. This project was discussed at the October 12, 2021 Planning Committee meeting.

**DISCUSSION**

There are ten LMSs along the District's 29 miles of gravity sewer interceptors that provide critical, real-time information on wastewater levels to prevent interceptor overflows from manholes and overflow structures and allow staff to maximize wet weather flows to the Main Wastewater Treatment Plant and Wet Weather Facilities.

In 2017, the District completed a study of interceptor LMSs and overflow structures to determine areas of improvement and assess needs for redundancy. This project will address recommendations from the study, including installation of four new interceptor LMSs, the relocation of an existing LMS enclosure, new level monitoring instrumentation in interceptor manholes, and new secure enclosures to house control panels with electronics and communications equipment for remote monitoring. To improve reliability, uninterruptable power supplies and auxiliary air compressor storage tanks will be added to the relocated LMS enclosure. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal for meeting operational needs and reliability goals by effectively maintaining infrastructure.

Funds Available: FY22/23, CIP#2014073, Page 65	Budget Coding: 928/2011922/2011926:00/55610	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department  Wastewater	Department Director or Manager  Eileen M. White	Approved   General Manager
Attachment(s): Bid Summary; P-035; P-061; Location Map		

## **BID RESULTS**

Bid documents were posted on the District's website and issued to 24 resource organizations and ten prospective bidders. One bid was received in the amount of \$1,955,000. The bid summary is attached. The engineer's estimate for this work is \$2,000,000.

The lowest responsive/responsible bidder, Marinship, is licensed to perform work in California and is not on the State Department of Industrial Relations (DIR) debarment list. Marinship and its listed subcontractors are properly registered with the State DIR. In the past five years, Marinship has not filed a Government Code Claim nor initiated any litigation against the District.

## **SUSTAINABILITY**

### **Economic**

Funding for this work is available in the FY22/23 adopted capital budget for the Interceptors and Pump Stations Project.

### **Social**

Work under this contract is subject to the payment of current prevailing wages according to determinations for each craft as established by the DIR of the State of California.

Local 444 was notified of this contract on March 25, 2021 and did not raise any specific issues related to this contract.

### **Environmental**

A California Environmental Quality Act Notice of Exemption was filed with Alameda County Clerk on September 11, 2020.

This project will reduce the risk of sanitary sewer overflows by improving the reliability of the District's LMSs.

## **ALTERNATIVES**

**Do not perform the work.** This alternative is not recommended because this work will ensure process reliability and improved flow monitoring of the District's interceptor pipelines.

**Reject all bids and rebid the work.** This alternative is not recommended because rebidding the work would create significant delays and increase project costs.

**Perform the work with District forces.** This alternative is not recommended because the District does not have the equipment or staff to perform this type of capital improvement work.

**EAST BAY MUNICIPAL UTILITY DISTRICT**

**SPECIAL DISTRICT NO. 1**

**SPECIFICATION SD-358  
SOUTH & SOUTH FOOTHILL INTERCEPTORS  
LEVEL MONITORING STATION IMPROVEMENTS**

**October 13, 2021**

**BID SUMMARY**

<b>BIDDER</b>		<b>TOTAL BID</b>
1.	<b>Marinship Development Interest LLC*</b>	<b>\$1,955,000</b>

**\* Apparent Low Bidder**

Number of Proposals sent to Contractor	10
Number of Proposals sent to Resource Orgs	24
Number of Proposals sent to MBEs	2
Number of Proposals sent to WBEs	0
Number of Proposals sent to SBs	1
Number of bids received	1

Engineer's Estimate:	\$2,000,000
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# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>SPECIFICATION NO.: SD-358</b> South & South Foothill Interceptors Level Monitoring Improvements						<b>DATE:</b> October 19, 2021							
<b>CONTRACTOR:</b> Marinship Development Interest LLC Oakland, CA 94606					<b>Sole Bidder / Local / Small Business</b>					<b>PERCENTAGE OF CONTRACT DOLLARS</b>			
<b>BID/PROPOSER'S PRICE:</b> \$1,955,000 *		<b>FIRM'S OWNERSHIP</b>			<b>White Men</b>		<b>25%</b>		<b>3.4%</b>				
		<b>Ethnicity</b> Black	<b>Gender</b> Men	<b>White Women</b>		<b>9%</b>		<b>24.1%</b>					
					<b>Ethnic Minorities</b>		<b>25%</b>		<b>72.5%</b>				
<b>CONTRACT EQUITY PARTICIPATION</b>													
<b>COMPANY NAME</b>	<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>								
			<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>		
<b>PRIME:</b> Marinship Development Interest LLC													
<b>SUBS:</b> Bailey Fence Co. Inc.													
Radius Earthworks													
AMT Metal Fabricators, Inc.													
Blocka Construction													
CMC Traffic Control													
DD & L Trucking													
Murphy Industrial Coatings, Inc.													
<b>TOTAL</b>		\$1,955,000			3.4%	24.1%	72.5%	0.0%	0.0%	0.0%	0.0%		
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>													
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>					
<b>No. of Employees:</b>		2		2		43		47					
<b>Percent of Total Employees:</b>		4.3%		4.3%		91.5%							
<b>MSA Labor Market %:</b>		28.0%		24.2%		47.8%							
<b>MSA Labor Market Location:</b>		Oakland											
<b>COMMENTS</b>													
<b>Contract Equity Participation</b> - 3.4% White Men participation, 24.1% White Women participation, and 72.5% Ethnic Minority participation. *Total not to exceed: \$1,955,000													
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>					
NA				YES									



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

<b>Title:</b> <b>South &amp; South Foothill Interceptors Level Monitoring Improvements</b>		<b>Ethnic Minority Percentages From U.S. Census Data</b>							
			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>		
		National	10.5	10.7	3.7	0.7	27.3		
<b>Spec. No.: SD-358</b>  <b>DATE:</b> 10/19/2021		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	<b>Composition of Ownership</b>	<b>Number of Ethnic Minority Employees</b>							
<b>Company Name, Owner/Contact Person, Address, and Phone Number</b>			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	<b>PERCENT</b>	<b>MSA %</b>
<b>RP</b>	<b>EMM: B - L/SBE</b>	<b>Company Wide</b>	5	37	1	0	43	91.5%	47.8%
Marinship Development Interest LLC Derek Smith 2100 Embarcadero, Suite 205 Oakland, CA 94606  415-716-3965		Manager/Prof	1	2	0	0	3	75.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	2	10	1	0	13	86.7%	
		Semi/Unskilled	2	25	0	0	27	96.4%	
		<b>Bay Area</b>	5	37	1	0	43	91.5%	
		AA Plan on File:	<b>NA</b>		Date of last contract with District:		<b>NA</b>		
		Co. Wide MSA:	<b>Oakland</b>		# Employees-Co. Wide:		<b>47</b>		Bay Area:
		<b>0</b>							
<b>S</b>	<b>WM: L/SBE</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
Bailey Fence Co., Inc.  3205 Baumberg Avenue Hayward, CA 94545  510-783-2980		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		Co. Wide MSA:							
<b>S</b>	<b>EMM: A/PI</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
Radius Earthworks  1800 Hamilton Avenue, Suite 210 San Jose, CA 95125  408-837-4200		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		Co. Wide MSA:							
<b>S</b>	<b>WM: L/SBE</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
AMT Metal Fabricators, Inc.  211 Parr Blvd. Richmond, CA 94801  510-236-1414		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		Co. Wide MSA:							
<b>S</b>	<b>WW: LBE</b>	<b>Company Wide</b>	3	13	3	0	19	31.7%	39.9%
Blocka Construction Patricia Jean Blocka 445 Boulder Court Pleasanton, CA 94566  510-657-3686		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	2	0	0	2	20.0%	
		Clerical/Skilled	3	10	3	0	16	37.2%	
		Semi/Unskilled	0	1	0	0	1	33.3%	
		<b>Bay Area</b>	3	9	3	0	15	33.3%	
		Co. Wide MSA:	<b>9 Bay Area Counties</b>		# Employees-Co. Wide:		<b>60</b>		Bay Area:
		<b>45</b>							
<b>S</b>	<b>WW: SBE</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
CMC Traffic Control  3450 3rd Street, Suite 3G San Francisco, CA 94124  415-206-1700		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		Co. Wide MSA:							

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: **B**=Black, **H**=Hispanic, **A/PI**=Asian/Pacific Islander, and **AI/AN**=American Indian/Alaskan Native)

## AFFIRMATIVE ACTION SUMMARY (P-061)

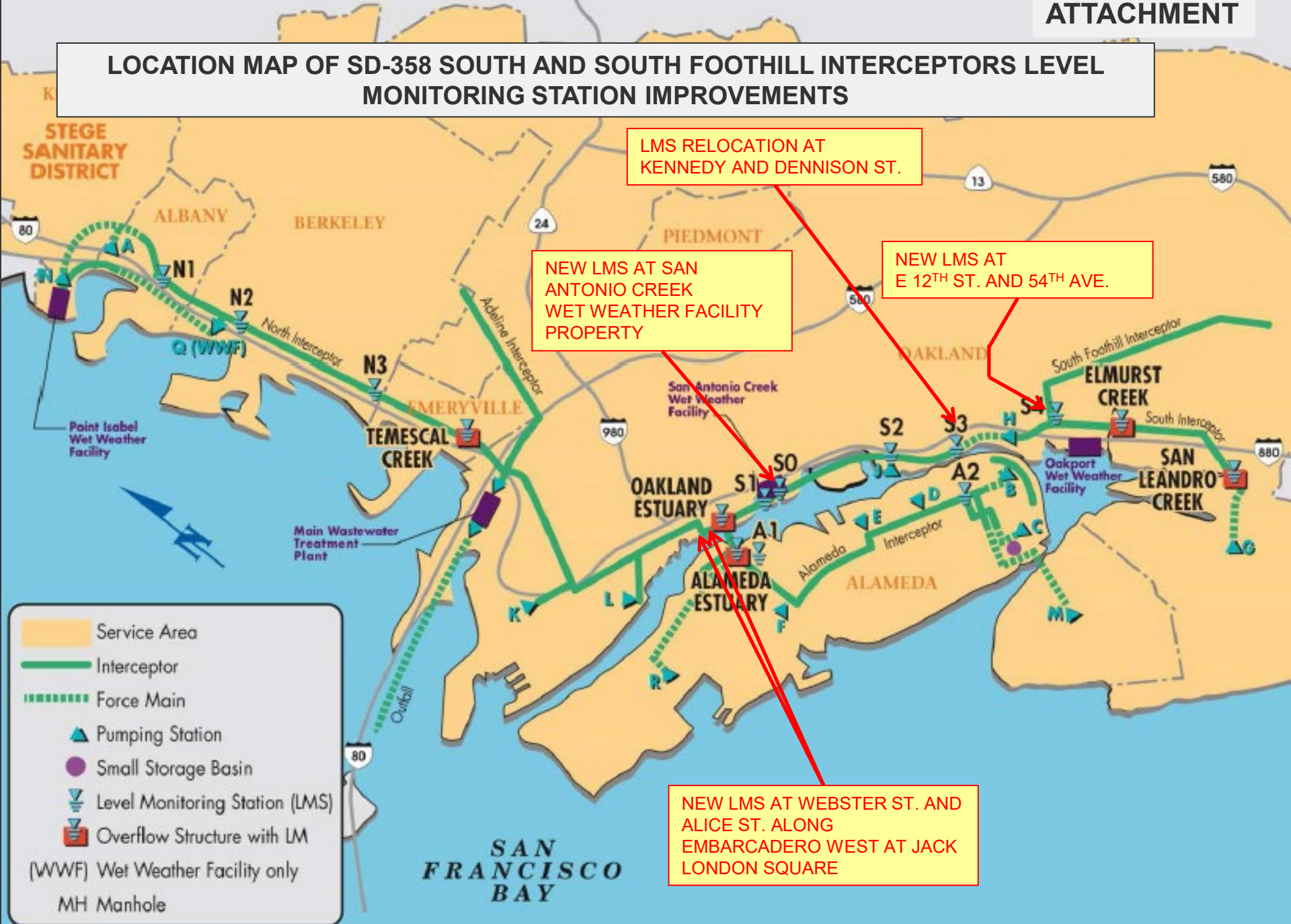
(Completed by District)

**This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.**

[illegible]

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: **B**=Black, **H**=Hispanic, **API**=Asian/Pacific Islander, and **AI/AN**=American Indian/Alaskan Native)

# LOCATION MAP OF SD-358 SOUTH AND SOUTH FOOTHILL INTERCEPTORS LEVEL MONITORING STATION IMPROVEMENTS





AGENDA NO. 6.  
MEETING DATE November 23, 2021

**TITLE** DIGESTER SLUDGE MIXER PURCHASE

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input checked="" type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Award a sole source contract to WesTech Engineering, LLC for supplying four digester sludge mixers at the Main Wastewater Treatment Plant (MWWTP) for a total cost, after the addition of taxes, not to exceed \$355,000.


**SUMMARY**

This contract is for the purchase of four digester sludge mixers. Procurement of the mixers will reduce the duration of digester outages related to mixer maintenance and refurbishment. This will improve the reliability of in-service digester capacity to support efficient MWWTP operations.

**DISCUSSION**

Eight of the anaerobic digesters at the MWWTP have four roof-mounted sludge mixers that have provided reliable performance for over ten years. These mixers provide for a more complete digestion of the sludge during the treatment process. The mixers are removed for essential maintenance and refurbishment on a five-year cycle. This requires mobilization of a large crane and several weeks of shop time to resurface bearing surfaces, replace bearings and seals, and recoat the mixers. The digester must remain out of service until the mixer refurbishment is completed and the mixers re-installed.

This purchase will provide a spare set of mixers that can be installed when in-service mixers are removed for maintenance. This will improve reliability by significantly reducing the time each digester is out of service. It will also reduce maintenance costs by allowing each digester outage to be completed with a single crane mobilization instead of two. This sole source purchase will provide mixers identical to the in-service mixers to ensure compatibility of parts and consistency of dimensions, operating characteristics, and maintenance familiarity. This contract supports the District's Long-Term Infrastructure Investment Strategic Plan goal to meet operational needs and reliability goals by effectively maintaining the infrastructure.

Funds Available: FY22, CIP# 2014086; Page #64	Budget Coding: 911/2014892/2014896:00/53010	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department  Wastewater	Department Director or Manager  Eileen M. White	Approved  General Manager
Attachment(s): P-035, P-061		

## **VENDOR SELECTION**

As permitted by California Public Contract Code, Section 3400, a sole source authorization was approved by the Manager of Purchasing. WesTech Engineering, LLC is the sole authorized reseller for the mixers.

## **SUSTAINABILITY**

### **Economic**

Funding for this purchase is available in the FY22/23 adopted capital budget for the General Wastewater Project.

### **Environmental**

The MWWTP protects public health and water quality in San Francisco Bay. This purchase will provide increased operational reliability by having digester mixers available onsite to more efficiently and cost-effectively maintain the MWWTP infrastructure.

## **ALTERNATIVES**

**Do not purchase the mixers.** This alternative is not recommended because without spare mixers the digesters experience excessive downtime and high costs when mixers are removed for regular maintenance.

**Purchase different mixers.** This alternative is not recommended because the new mixers need to match the existing mixers for proper fit in the digesters and for managing spare parts.



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>Materials and Supplies</b> Digester Sludge Mixer Purchase						<b>DATE:</b> October 26, 2021							
<b>CONTRACTOR:</b> WesTech Engineering, LLC Salt Lake City, UT 84115					<b>Sole Source</b>					<b>PERCENTAGE OF CONTRACT DOLLARS</b>			
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>			<b>White Men</b>		<b>25%</b>		<b>100.0%</b>		<b>Participation</b>		
		<b>Ethnicity</b>		<b>Gender</b>		<b>White Women</b>		<b>2%</b>		<b>0.0%</b>			
\$355,000 *		White		Men		<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>			
<b>CONTRACT EQUITY PARTICIPATION</b>													
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>							
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>	
<b>PRIME:</b> WesTech Engineering, LLC		\$355,000	White	X		100.0%							
<b>SUBS:</b> None													
<b>TOTAL</b>		\$355,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>													
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>					
<b>No. of Employees:</b>		383		113		58		554					
<b>Percent of Total Employees:</b>		69.1%		20.4%		10.5%							
<b>MSA Labor Market %:</b>		47.7%		39.1%		13.2%							
<b>MSA Labor Market Location:</b>		Utah											
<b>COMMENTS</b>													
<b>Contract Equity Participation</b> - 100% White Men participation.  *Total not to exceed: \$355,000													
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>					<b>Good Faith Outreach Efforts Requirement Satisfied</b>					<b>Award Approval Recommended</b>			
NA					NA								





AGENDA NO. 7.  
MEETING DATE November 23, 2021

**TITLE** AMAZON WEB SERVICES - CLOUD COMPUTING SERVICES

<b>TYPE</b>	<input type="checkbox"/> Construction	<input checked="" type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Authorize an agreement beginning on or after November 23, 2021 with Amazon Web Services, Inc. (AWS) for two years in an amount not to exceed \$290,000 for cloud computing services.

**SUMMARY**

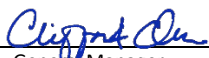
AWS provides cloud computing services that allow the District to build and operate Internet-based business solutions faster with higher reliability than traditional on-premises computer systems. A number of critical business systems, including EBMUD.com, Marconi emergency response, high-resolution mapping imagery for field staff, and long-term data backup storage are currently hosted on AWS. This agreement will allow the District to continue using AWS for two years for these and additional future applications.

**DISCUSSION**

The District has been using AWS for the past six years. AWS has been able to meet technical and service requirements more rapidly and at a lower cost than equivalent on-premises development and operations. Staff has been trained and developed expertise to effectively use AWS. The agreement requires the District to indemnify AWS from third-party claims relating to the following: (1) use of Amazon's services by the District or by end users, (2) disputes between the District and end users, (3) an alleged breach of intellectual property rights by District content stored on AWS, and (4) any District breach of contract. This agreement supports the District's Long-Term Financial Stability Strategic Plan goal.

**SERVICE PROVIDER SELECTION**

AWS has been in business since the early 2000s, and the District has been using its services for the past six years. AWS is the largest cloud service provider in the world, has a stable history, and is considered the industry standard. AWS was selected for long-term data backup storage because of cost and compatibility/integration with the District's existing data backup solution. Staff has developed the skills to manage AWS' cloud computing services, and the District has expanded its use of AWS which include the Geographic Information System, data backup storage, the Marconi application, EBMUD.com website, and in the future, the Splashpad website and District databases. AWS is the only cloud computing

Funds Available: FY22/23	Budget Coding: 252/8854700/53120	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Information Systems	Andrew J. Levine	 General Manager
Attachment(s): P-035; P-061		

services provider offering the full range of features and services the District needs. This is a sole source award as AWS cloud computing services are offered only through AWS.

## **SUSTAINABILITY**

### **Economic**

Funding for this work is available in the FY22/23 adopted operating budget.

### **Social**

This type of work is not performed by District forces and consequently, union notification was not required. This agreement increases operational reliability as AWS provides greater system availability than the District provides at equivalent cost.

### **Environmental**

Due to economies of scale, AWS data centers are built to be more energy efficient than on-premises data centers. AWS is also working toward using 100 percent renewable energy by 2025.

## **ALTERNATIVES**

**Build on-premises platforms for computing and storage services.** This alternative is not recommended because the cost, time, and effort required to deliver equivalent services far exceeds what is readily available from AWS.

**Use an alternative cloud computing service.** This alternative is not recommended because of the cost, time, and effort required to migrate data and re-engineer services with another cloud provider with similar services.



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>General Services Agreement</b> Amazon Web Services - Cloud Computing Services						<b>DATE:</b> November 16, 2021							
<b>CONTRACTOR:</b> Amazon Web Services, Inc. Seattle, WA 98109					<b>Direct Award</b>					<b>PERCENTAGE OF CONTRACT DOLLARS</b>			
<b>BID/PROPOSER'S PRICE:</b> \$290,000 *		<b>FIRM'S OWNERSHIP</b>			<b>White Men</b>		<b>25%</b>		<b>100.0%</b>				
		<b>Ethnicity</b>		<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>0.0%</b>				
		White		Men	<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>				
<b>CONTRACT EQUITY PARTICIPATION</b>													
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>							
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>	
<b>PRIMES:</b> Amazon Web Services, Inc.		\$290,000	White	X		100.0%							
<b>SUBS:</b> None													
<b>TOTAL</b>		\$290,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>													
			<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>			INFORMATION NOT PROVIDED										
<b>Percent of Total Employees:</b>													
<b>MSA Labor Market %:</b>													
<b>MSA Labor Market Location:</b>													
<b>COMMENTS</b>													
<b>Contract Equity Participation:</b> 100% White Men participation. <b>Contract Duration:</b> Two years *Total not to exceed: \$290,000													
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>					<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA					NA								

## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

**This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.**

[illegible]

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: **B**=Black, **H**=Hispanic, **A/PI**=Asian/Pacific Islander, and **AI/AN**=American Indian/Alaskan Native)



AGENDA NO. 8.  
MEETING DATE November 23, 2021

**TITLE** INDUSTRIAL CONTROL SYSTEM RISK-BASED VULNERABILITY ASSESSMENT

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input checked="" type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Authorize an agreement beginning on or after November 23, 2021 with Optic Cyber Solutions, LLC in an amount not to exceed \$370,837 for an industrial control systems (ICS) risk-based cybersecurity vulnerability assessment (VA) for the District's water, wastewater, and administration facilities.

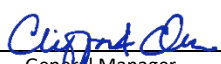
**SUMMARY**

The District's ICS are mission-critical systems that support the District's water, wastewater, and administration building operations. This agreement will assess the District's control systems for the water distribution system, the water and wastewater treatment plants, facility access and monitoring centralized security system, building management system, and power monitoring systems to identify potential security gaps and vulnerabilities. The assessment will apply standards in accordance with the National Institute of Standards and Technology (NIST) Cybersecurity Framework and provide an assessment report with detailed findings and prioritized recommended mitigations.

**DISCUSSION**

The District uses several ICS for water and wastewater operations, building management, centralized security control, and electric power monitoring. These systems are distinct from the information technology systems that were independently audited in 2020. The ICS are continuously monitored and upgraded to address many issues including cybersecurity.

The District last conducted a comprehensive ICS vulnerability assessment in 2014 using prior NIST standards. This assessment will utilize updated NIST standards and satisfy new cyber risk and resilience review requirements under the federal America's Water Infrastructure Act (AWIA). The outcome of the assessment will be used to identify and prioritize any necessary actions to further secure the District's ICS. This work supports the District's Long-Term Infrastructure Investment and Long-Term Financial Stability Strategic Plan goals.

Funds Available: FY22/23, CIP #000628, Page 82	Budget Coding: 11/739/2012632/52310	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Operations and Maintenance	David A. Briggs	 General Manager
Attachment(s): P-035; P-061		

## **CONSULTANT SELECTION**

A request for proposals was sent to the four firms who signed the District's Non-Disclosure Agreement. Four firms submitted proposals. Optic Cyber Solutions, LLC was selected based on its total accumulated score, past ICS systems experiences, the quality of its presentation, and feedback from references.

## **SUSTAINABILITY**

### **Economic**

Funding for this work is available in the FY22/23 adopted capital budget for the OP/NET System Project.

### **Social**

This type of work is not performed by District forces and consequently, union notification was not required.

## **ALTERNATIVES**

**Select another consultant.** This alternative is not recommended because the District engaged in a fair and competitive solicitation and evaluation process.

**Do not perform this work.** This alternative is not recommended because cyber security vulnerability assessment is necessary to ensure the District's ICS continue to function securely and reliably.



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>Professional Services Agreement</b> Industrial Control System Risk Based Vulnerability Assessment					<b>DATE:</b> October 14, 2021						
<b>CONTRACTOR:</b> Optic Cyber Solutions, LLC Pasadena, MD 21122					<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b> \$370,837 *		<b>FIRM'S OWNERSHIP</b> Ethnicity: White      Gender: Men		White Men: 25% White Women: 6% Ethnic Minorities: 25%		Contracting Objectives		Participation: 100.0%, 0.0%, 0.0%			
<b>CONTRACT EQUITY PARTICIPATION</b>											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<b>PRIME:</b> Optic Cyber Solutions, LLC	\$314,837	White	X		84.9%						
<b>SUBS:</b> nDepth Security	\$56,000	White	X		15.1%						
<b>TOTAL</b>		\$370,837				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		1		0		2		3			
Percent of Total Employees:		33.3%		0.0%		66.7%					
MSA Labor Market %:		34.0%		30.2%		35.8%					
MSA Labor Market Location:		Maryland									
<b>COMMENTS</b>											
Contract Equity Participation - 100% White Men participation.  *Total not to exceed: \$370,837											
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>			
NA				NA							



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

Title:		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
<b>Industrial Control System Risk Based Vulnerability Assessment</b>		National	10.5	10.7	3.7	0.7	27.3		
<b>Professional Services Agreement</b>		DATE: 10/14/2021	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	1	1	0	0	2	66.7%	35.8%
Optic Cyber Solutions, LLC		Manager/Prof	1	1	0	0	2	66.7%	
Kelly Hood		Technical/Sales	0	0	0	0	0	0.0%	
118 Earliana Court		Clerical/Skilled	0	0	0	0	0	0.0%	
Pasadena, MD 21122		Semi/Unskilled	0	0	0	0	0	0.0%	
443-741-1968		Bay Area	0	0	0	0	0	0.0%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	Maryland		# Employees-Co. Wide:		3	Bay Area:	0
S	WM	Company Wide	INFORMATION NOT PROVIDED						
nDepth Security		Manager/Prof							
6700 Alexander Bell Drive, Suite 239		Technical/Sales							
Columbia, MD 21046		Clerical/Skilled							
443-741-1260		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
P	WM	Company Wide	8	6	7	0	21	4.2%	27.3%
Clark Schaefer Consulting, LLC		Manager/Prof	5	3	6	0	14	3.9%	
DeAnna Bird		Technical/Sales	0	0	0	0	0	0.0%	
1 East Fourth Street, Suite 1200		Clerical/Skilled	3	1	1	0	5	3.9%	
Cincinnati, OH 45202		Semi/Unskilled	0	2	0	0	0	0.0%	
513-768-7100		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		498	Bay Area:	0
P	WM	Company Wide	0	1	0	0	1	50.0%	33.4%
Digital Bond, Inc.		Manager/Prof	0	1	0	0	1	50.0%	
Dale Peterson		Technical/Sales	0	0	0	0	0	0.0%	
1580 Sawgrass Corporate Pkwy., #130		Clerical/Skilled	0	0	0	0	0	0.0%	
Sunrise, FL 33323		Semi/Unskilled	0	0	0	0	0	0.0%	
954-303-7560		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Florida		# Employees-Co. Wide:		2	Bay Area:	0
P	PHC	Company Wide	INFORMATION NOT PROVIDED						
Schneider Electric		Manager/Prof							
Jeff Kusiak		Technical/Sales							
5735 W. Las Positas Blvd., Suite 400		Clerical/Skilled							
Pleasanton, CA 94588		Semi/Unskilled							
(Local office)		Bay Area							
916-626-2414		Co. Wide MSA:							

WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)



AGENDA NO. 9.  
MEETING DATE November 23, 2021

**TITLE PURCHASE OF CONSERVATION CREDITS FOR DUFFEL PHOTOVOLTAIC PROJECT**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Authorize an agreement beginning on or after November 23, 2021 with the Oursan Ridge Conservation Bank in an amount not to exceed \$1,089,000 for the purchase of conservation credits for the Duffel Photovoltaic (PV) Project.

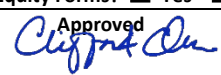
**SUMMARY**

The project will be constructed on approximately 20 acres of District-owned property on Bear Creek Road in the City of Orinda. Construction is anticipated to impact habitat for California Red-Legged Frog (CRLF) and Alameda Whipsnake (AWS) and must be mitigated pursuant to the California Environmental Quality Act (CEQA). This action will allow the purchase of mitigation credits. This project was discussed at the Planning Committee meetings on August 13, 2019 and February 11, 2020, and discussed at the Sustainability/Energy Committee meetings on April 28, 2020 and October 26, 2021.

**DISCUSSION**

On February 11, 2020, the Board approved the Duffel PV Renewable Energy Project (Duffel PV) and adopted the Final Mitigated Negative Declaration (MND). The Final MND identified special-status species potentially on or near the project site and recommended appropriate compensation for habitat impacts due to the construction and operation of the project. Special-status species include CRLF and AWS. The U.S. Fish and Wildlife Service (USFWS) determined the quantity of conservation credits necessary to mitigate the impacts of the project on habitat.

In June 2020, the District entered into an agreement with Solar Star Bear Creek, LLC, a subsidiary of SunPower to develop Duffel PV on approximately 20 acres of District-owned property in the San Pablo watershed. To secure optimal pricing, the Power Purchase Agreement (PPA) structure specified the District retains the responsibility of certain mitigation measures, including habitat compensation. The District is required to purchase habitat preservation credits from a USFWS-approved conservation bank at a minimum ratio of 1:1 for temporary impacts and 3:1 for permanent impacts. The project's estimated temporary and permanent impact results in a purchase requirement of approximately 22.35 credits.

Funds Available: FY22, CIP# 1002593; Page 77	Budget Coding: 11/773/3100002/52370	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved 
Operations and Maintenance	David A. Briggs	General Manager
Attachment(s): P-035, P-061		

A precise accounting of the total acreage of habitat impacted will be provided at the completion of construction, and an additional purchase of conservation credits may be needed.

A conservation or mitigation bank is privately or publicly-owned land managed for its natural resource values. In exchange for permanently protecting, managing, and monitoring the land, the bank sponsor is allowed to sell or transfer habitat credits to permittees to satisfy legal requirements and compensate for environmental impacts. The District's Oursan Ridge Conservation Bank encompasses 430 acres of protected watershed lands and was approved by the California Department of Fish and Wildlife and the USFWS in January 2017 to offer habitat credits for the CRLF and the AWS. Conservation credits support the continued protection of species and preserve East Bay watershed lands.

This purchase supports the District's Water Quality and Environmental Protection Strategic Plan goal.

## **SERVICE PROVIDER**

A survey of available conservation banks with credits for sale of both AWS and CRLF was completed. The cost of credits from the District's Oursan Ridge Conservation Bank was the lowest.

## **SUSTAINABILITY**

### **Economic**

Funding for this expense is available in the FY22 adopted capital budget for Enhanced Power Revenue Project. The net present value of the project over the 25-year term of the PPA will exceed \$10 million.

### **Social**

This project requires prevailing wage for all project workers and supports a living wage.

### **Environmental**

The project is estimated to initially offset approximately 2,000 metric tons of greenhouse gas emissions annually and support emissions reduction goals as specified in the District's Policy 7.07 - Energy.

## **ALTERNATIVES**

**Do not purchase the conservation credits for the project.** This alternative is not recommended because all mitigation measures are part of CEQA and the permitting approvals required to complete the project.

**Purchase conservation credits from a different conservation bank.** This alternative is not recommended because it would increase project costs and reduce savings with no additional benefit.



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

This summary contains information on the contractor's workforce and contract equity participation. (Completed by District)

<b>TITLE</b> <b>Materials and Supplies</b> Purchase of Conservation Credits for Duffel Photovoltaic Project						<b>DATE:</b> October 26, 2021						
<b>CONTRACTOR:</b> Oursan Ridge Conservation Bank Oakland, CA 94602						<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>0.0%</b>				
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>2%</b>		<b>0.0%</b>				
\$1,089,000.00 *		Gov't. / Non-Profit	-	<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>				
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>
<b>PRIME:</b> Oursan Ridge Conservation Bank		\$1,089,000	Gov't./ Non-Profit								100.0%	
<b>SUBS:</b> None												
<b>TOTAL</b>		\$1,089,000			0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
			<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>			
<b>No. of Employees:</b>			INFORMATION NOT PROVIDED									
<b>Percent of Total Employees:</b>												
<b>MSA Labor Market %:</b>												
<b>MSA Labor Market Location:</b>												
<b>COMMENTS</b>												
<b>Contract Equity Participation</b> - Zero Contract Equity participation since firm is a Gov't./Non-Profit organization and is exempt.												
*Total not to exceed: \$1,089,000												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>					<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>			
NA					NA							





AGENDA NO. 10.  
MEETING DATE November 23, 2021

**TITLE** MONTHLY INVESTMENT TRANSACTIONS REPORT

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Approve the October 2021 Monthly Investment Transactions Report.

**SUMMARY**


In accordance with Policy 4.07 – Investment Policy, staff prepares a monthly transactions report for the Finance/Administration Committee to review and for the Board to consider each month. The October 2021 report is being submitted to the Board for consideration. This report was reviewed at the November 23, 2021 Finance/Administration Committee meeting.

**DISCUSSION**

Pursuant to Policy 4.07, staff generates a monthly report of investment transactions (buys, sales, deposits, withdrawals) as well as transactions that occur as a feature of the securities held (interest, calls, maturities). Information on portfolio performance, balances, and other factors is presented in the quarterly investment report.

In October 2021, the portfolio increased from \$764.9 million to \$772.1 million. Net transactions increased the total by \$7.0 million. Interest received added approximately \$0.2 million to the portfolio. Deposits into short-term liquidity funds totaled \$13.3 million, and \$41.4 million was withdrawn. The District purchased \$110.0 million in securities, and \$42.8 million in securities matured. No securities were called or sold. Net transactions at the District's commercial bank resulted in a decrease of \$32.1 million.

I:\Sec\2021 Board Related Items\112321 Board Agenda Items\ FIN - Monthly Investment Transactions Report 112321.docx

Funds Available: N/A	Budget Coding: N/A	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Finance	Sophia D. Skoda	 General Manager
Attachment(s): October 2021 Monthly Investment Transactions Report		

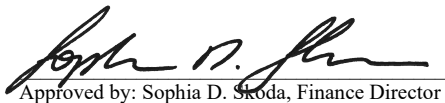
## **Monthly Investment Transactions Report**

### **October 2021**

This report is presented to the Board pursuant to Government Code Section 53607 and in accordance with the District's Investment Policy 4.07.

The attached report details transactions in the District's portfolio as follows:

- **Monthly Investment Transactions Summary** **Page 1**
- **Monthly Investment Activity** **Page 2**
  - Buys **Page 3**
  - Deposits **Page 4**
  - Matured **Page 5**
  - Calls **Page 6**
  - Sales **Page 7**
  - Withdrawals **Page 8**
- **Monthly Interest Activity** **Page 9**
  - Interest Received (Transferred to Wells Fargo) **Page 10**
  - Interest Received (Reinvested) **Page 11**

  
Approved by: Sophia D. Skoda, Finance Director

11/12/2021  
Date

SDS:AMM:lm



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Investment Transactions Summary**  
**October 2021**

Portfolio	Beginning Balance*	Monthly Net Transaction Activity	Monthly Interest Activity	Ending Balance
001 - Water System Consolidated	574,103,853.95	24,745,000.00	5,773.49	598,854,627.44
007 - Wastewater Consolidated	98,447,740.17	12,450,000.00	2,196.44	110,899,936.61
049 - Ferc Partnership	2,000,000.00	-	-	2,000,000.00
009 - BACWA	2,262,600.00	-	-	2,262,600.00
015 - DERWA	1,000,000.00	-	-	1,000,000.00
002 - FRWA	1,000,000.00	-	-	1,000,000.00
014 - IICP	150,500.00	-	-	150,500.00
010 - UMRWA	64,000.00	-	-	64,000.00
003 - Employees Retirement	16,148,246.15	1,897,000.00	12,255.89	18,057,502.04
099 - Wells Fargo**	69,768,919.35	(32,091,937.47)	137,363.80	37,814,345.68
<b>Total</b>	<b>764,945,859.62</b>	<b>7,000,062.53</b>	<b>157,589.62</b>	<b>772,103,511.77</b>

\* Portfolio balance presented at face value.

\*\*Wells Fargo's month-end available balance per bank statement. Gross amount; not allocated by fund and not included in balances above.

Leanne Maloney  
Prepared by: Leanne Maloney, Accountant III

Kirk Hutchins  
Reviewed by: Kirk Hutchins, Accounting Supervisor

Andrea Miller  
Approved by: Andrea M. Miller, Controller

11/02/2021  
Date

11/10/21  
Date

11/10/2021  
Date



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Investment Activity**  
**October 2021**

Portfolio	Buys	Deposits	Matured	Calls	Sales	Withdrawals	Non-Investment Transactions*	Net Transaction Activity
001 - Water System Consolidated	90,000,000.00	-	(40,255,000.00)	-	-	(25,000,000.00)	-	24,745,000.00
007 - Wastewater Consolidated	20,000,000.00	-	(2,550,000.00)	-	-	(5,000,000.00)	-	12,450,000.00
049 - Ferc Partnership	-	-	-	-	-	-	-	-
009 - BACWA	-	-	-	-	-	-	-	-
015 - DERWA	-	-	-	-	-	-	-	-
002 - FRWA	-	-	-	-	-	-	-	-
014 - IICP	-	-	-	-	-	-	-	-
010 - UMRWA	-	-	-	-	-	-	-	-
003 - Employees Retirement	-	13,299,000.00	-	-	-	(11,402,000.00)	-	1,897,000.00
065 - Water S2008A DSRF	-	-	-	-	-	-	-	-
068 - Water 2010A DSRF	-	-	-	-	-	-	-	-
<b>Investment Activity Total</b>	<b>110,000,000.00</b>	<b>13,299,000.00</b>	<b>(42,805,000.00)</b>	<b>-</b>	<b>-</b>	<b>(41,402,000.00)</b>	<b>-</b>	<b>39,092,000.00</b>
099 - Wells Fargo	(110,000,000.00)	(13,299,000.00)	42,805,000.00	-	-	41,402,000.00	7,000,062.53	(32,091,937.47)
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>7,000,062.53</b>	<b>7,000,062.53</b>

\*Non-investment transactions are net receipts and expenditures in Wells Fargo resulting from activities other than investment and interest transactions detailed in this report.

Reviewed by: Samuel Feldman-Crough, Principal Mgmt Analyst

Approved by: Robert L. Hannay, Treasury Manager

Date  
11/12/2021

Date



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
October 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Buys</b>										
001 - Water System Consolidated	US Treasuries	T-Bill 0 11/26/2021	912796H77	10/13/2021	10/14/2021	11/26/2021	30,000,000.00	29,999,100.00	0.00	29,999,100.00
001 - Water System Consolidated	US Treasuries	T-Bill 0 5/19/2022	912796H44	10/21/2021	10/22/2021	5/19/2022	40,000,000.00	39,988,388.89	0.00	39,988,388.89
001 - Water System Consolidated	US Treasuries	T-Bill 0 5/19/2022	912796H44	10/25/2021	10/26/2021	5/19/2022	20,000,000.00	19,993,736.11	0.00	19,993,736.11
					<b>Total</b>		<b>90,000,000.00</b>			
007 - Wastewater Consolidated	US Treasuries	T-Bill 0 5/19/2022	912796H44	10/25/2021	10/26/2021	5/19/2022	20,000,000.00	19,993,736.11	0.00	19,993,736.11
					<b>Total</b>		<b>20,000,000.00</b>			

110,000,000.00	109,974,961.11	0.00	109,974,961.11
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EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
October 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Deposits</b>										
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	10/1/2021	10/1/2021	N/A	4,450,000.00	4,450,000.00	0.00	4,450,000.00
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	10/14/2021	10/14/2021	N/A	4,436,000.00	4,436,000.00	0.00	4,436,000.00
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	10/29/2021	10/29/2021	N/A	4,413,000.00	4,413,000.00	0.00	4,413,000.00
<b>Total</b>							<b>13,299,000.00</b>			

13,299,000.00	13,299,000.00	0.00	13,299,000.00
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EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
October 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Matured</b>										
001 - Water System Consolidated	Federal Agency Issues Coupon	FHLB 3 10/12/2021	3130AF5B9	10/12/2021	10/12/2021	10/12/2021	6,255,000.00	6,255,000.00	0.00	6,255,000.00
001 - Water System Consolidated	US Treasuries	T-Bill 0 10/19/2021	912796M48	10/19/2021	10/19/2021	10/19/2021	34,000,000.00	34,000,000.00	0.00	34,000,000.00
					<b>Total</b>		<b>40,255,000.00</b>			
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FHLB 3 10/12/2021	3130AF5B9	10/12/2021	10/12/2021	10/12/2021	2,550,000.00	2,550,000.00	0.00	2,550,000.00
					<b>Total</b>		<b>2,550,000.00</b>			

\*\*\*CUSIP# 912828T67 for \$34MM & CUSIP# 912828YP9 for \$34MM both Matured 10/31 transferred to WFB 11/1 . Total maturities for 10/31 total \$68MM\*\*\*

42,805,000.00	42,805,000.00	0.00	42,805,000.00
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EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
October 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Calls										

\*No Transactions this Period\*

0.00	0.00	0.00	0.00
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EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
October 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Sales										

\*No Transactions this Period\*

0.00	0.00	0.00	0.00
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EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
October 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Withdrawals</b>										
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	10/26/2021	10/26/2021	N/A	25,000,000.00	25,000,000.00	0.00	25,000,000.00
					<b>Total</b>		<b>25,000,000.00</b>			
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	10/28/2021	10/28/2021	N/A	11,402,000.00	11,402,000.00	0.00	11,402,000.00
					<b>Total</b>		<b>11,402,000.00</b>			
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	10/26/2021	10/26/2021	N/A	5,000,000.00	5,000,000.00	0.00	5,000,000.00
					<b>Total</b>		<b>5,000,000.00</b>			
							<b>41,402,000.00</b>	<b>41,402,000.00</b>	<b>0.00</b>	<b>41,402,000.00</b>



11/02/2021
Date
11/10/21
Date
11/10/2021
Date



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Interest Activity**  
**October 2021**

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Interest Received (Transferred to Wells Fargo)</b>										
001 - Water System Consolidated	Money Market Mutual Funds	Fidelity Investments MM	MM4022	10/29/2021	10/29/2021	N/A	0.00	0.00	229.34	229.34
001 - Water System Consolidated	Federal Agency Issues Coupon	FHLB 3 10/12/2021	3130AF5B9	10/12/2021	10/12/2021	10/12/2021	0.00	0.00	93,825.00	93,825.00
								<b>Total</b>		<b>94,054.34</b>
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FFCB 2 4/4/2022	3133ECKQ6	10/4/2021	10/4/2021	4/4/2022	0.00	0.00	5,000.00	5,000.00
007 - Wastewater Consolidated	Federal Agency Issues Coupon	FHLB 3 10/12/2021	3130AF5B9	10/12/2021	10/12/2021	10/12/2021	0.00	0.00	38,250.00	38,250.00
007 - Wastewater Consolidated	Money Market Mutual Funds	Fidelity Investments MM	MM4022	10/29/2021	10/29/2021	N/A	0.00	0.00	59.46	59.46
								<b>Total</b>		<b>43,309.46</b>

\*\*\*CUSIP# 912828T67 paid \$212,500 & CUSIP# 912828YP96 paid \$255,000  
interest 10/31 transferred to WFB 11/1 . Total interest for 10/31 total

0.00	0.00	137,363.80	137,363.80
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**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Interest Activity**  
**October 2021**

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Interest Received (Reinvested)</b>										
001 - Water System Consolidated	Local Government Investment Pool	CalTRUST LGIP CALTRUST923C		10/29/2021	10/29/2021	N/A	0.00	0.00	478.55	478.55
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	10/29/2021	10/29/2021	N/A	0.00	0.00	4,108.54	4,108.54
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	MM3767	10/29/2021	10/29/2021	N/A	0.00	0.00	583.63	583.63
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley IMM0852		10/29/2021	10/29/2021	N/A	0.00	0.00	602.77	602.77
									<b>Total</b>	<b>5,773.49</b>
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	10/14/2021	10/14/2021	N/A	0.00	0.00	12,255.89	12,255.89
									<b>Total</b>	<b>12,255.89</b>
007 - Wastewater Consolidated	Local Government Investment Pool	CalTRUST LGIP CALTRUST923C		10/29/2021	10/29/2021	N/A	0.00	0.00	95.54	95.54
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	10/29/2021	10/29/2021	N/A	0.00	0.00	1,794.81	1,794.81
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	MM3767	10/29/2021	10/29/2021	N/A	0.00	0.00	150.59	150.59
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley IMM0852		10/29/2021	10/29/2021	N/A	0.00	0.00	155.5	155.5
									<b>Total</b>	<b>2,196.44</b>
							<b>0.00</b>	<b>0.00</b>	<b>20,225.82</b>	<b>20,225.82</b>

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**EAST BAY MUNICIPAL UTILITY DISTRICT**

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DATE: November 23, 2021

MEMO TO: Board of Directors

FROM: Clifford C. Chan, General Manager CCC

SUBJECT: Cancel the December 28, 2021 Meetings of the Board of Directors

The Board of Directors has traditionally canceled the Board Committee, Closed Session, and Regular meetings scheduled for the fourth Tuesday in December provided it did not adversely impact the operations of the District, to accommodate planned vacations of Directors and staff. This action would provide an opportunity for a vacation period from December 15, 2021 through January 10, 2022.

The first Board meetings after the break would be held on Tuesday, January 11, 2022.

CCC:rsc

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AGENDA NO. 12.  
MEETING DATE November 23, 2021

**TITLE ADOPT A RESOLUTION CONTINUING VIRTUAL MEETINGS OF THE BOARD**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
<b>ACTION</b>	<input type="checkbox"/> MOTION	<input checked="" type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Make requisite findings and adopt a Resolution to continue to hold meetings of the Board of Directors (Board) via teleconference under Government Code section 54953(e) until such time as the State of Emergency resulting from the COVID-19 pandemic no longer impacts the ability of Board members to meet safely in person.

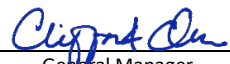
**SUMMARY**

Section 54953(e) of the Ralph M. Brown Act allows governing bodies of local public agencies to utilize teleconferencing for meetings of the governing bodies, so long as a State of Emergency is in effect and either state or local officials have imposed or recommended measures to promote social distancing or the governing body has determined that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. At its September 28, 2021 meeting, the Board made the requisite findings and adopted Resolution No. 35249-21. Staff recommends that the Board make findings to continue the practice of meeting via teleconference during the COVID-19 pandemic State of Emergency.

**DISCUSSION**

On September 16, 2021, the Governor signed AB 361 into law, which amended section 54953 of the Brown Act to allow governing bodies to hold meetings solely via teleconference so long as:

- 1) A State of Emergency under the California Emergency Services Act has been declared and is in effect; and
- 2) State or local officials have imposed or recommended measures to promote social distancing; or
- 3) The governing body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of meeting attendees.

Funds Available: N/A	Budget Coding: N/A	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Office of General Counsel	Derek McDonald	 General Manager
Attachment(s): Resolution		

Government Code section 54953(e)(1)(B) allows the governing body of a public agency to meet initially to determine, by majority vote, whether as a result of a State of Emergency, meeting in person would present imminent risks to the health or safety of attendees. Thereafter, a governing body may continue to hold meetings via teleconference, subject to the requirement that the governing body renews the emergency findings every 30 days or less.

At the September 28, 2021 Board meeting, the Board made the requisite findings under section 54953(e)(1)(B) and adopted Resolution No. 35249-21. Pursuant to section 54953(e)(3), Resolution No. 35249-21 requires the Board to meet no less than every 30 days to renew the findings supporting the continued use of teleconferencing. The Board last renewed its findings at the October 26, 2021 Board meeting.

The District's Board meetings, closed session meetings, committee meetings, special meetings, workshops, and ad hoc committee meetings are attended by District staff and members of the general public. At this time, the COVID-19 pandemic State of Emergency is still in effect and state and local health authorities are still recommending social distancing measures. There is still no statewide mandate requiring persons to be vaccinated in order to enter public facilities and the Brown Act precludes the Board from requiring meeting attendees to be vaccinated as a condition of attendance. Given that it is not possible to predict how many persons will attend a Board meeting so as to allow for social distancing and other safety measures, staff is recommending that the Board continue to utilize its authority under the Brown Act to provide for teleconferencing for all Board meetings, closed session meetings, committee meetings, special meetings, workshops, and ad hoc committee meetings.

## **ALTERNATIVE**

**Do not make findings and adopt a resolution to continue meetings via teleconference.** This alternative is not recommended because the District cannot require members of the public who wish to attend the Board meetings to be vaccinated.

RESOLUTION NO. \_\_\_\_\_

AUTHORIZING CONTINUED UTILIZATION OF TELECONFERENCING FOR MEETINGS  
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT BOARD OF DIRECTORS

Introduced by Director

; Seconded by Director

WHEREAS, Government Code section 54953(e) provides that a governing body of a local public agency may conduct public meetings via teleconferencing in any of the following circumstances: (A) the governing body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or (B) the governing body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (C) the governing body holds a meeting during a proclaimed state of emergency and has previously determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency under the California Emergency Service Act in response to the threat of the COVID-19 pandemic; and

WHEREAS, Governor Newsom's March 4, 2020, proclamation of a State of Emergency is still in effect; and

WHEREAS, both the California Department of Industrial Relations, Division of Occupational Safety and Health, and the Alameda County Public Health Department are currently recommending measures to promote social distancing at worksites; and

WHEREAS, East Bay Municipal Utility District (District) Board meetings, committee meetings, closed session meetings, special meetings, ad hoc committee meetings, and workshops are attended by District Board members, District employees and members of the public; and

WHEREAS, on September 28, 2021, the District Board of Directors (Board) met under California Government Code section 54953(e)(1)(B) to determine whether, as a result of the State of Emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, at the September 28, 2021, Board meeting, the Board made the requisite findings under section 54953(e)(1)(B) and adopted Resolution No. 35249-21, which provides that the District may hold meetings via teleconference during the declared State of Emergency; and

WHEREAS, pursuant to section 54953(e)(3), Resolution No. 35249-21 requires the Board to meet not less than every 30 days to renew the findings supporting continued use of teleconferencing; and

WHEREAS, on October 26, 2021, the Board met and considered the circumstances of the State of Emergency and renewed its findings under section 54953(e)(3) and Resolution No. 35249-21 in order to continue to hold meetings via teleconferencing;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District hereby finds and determines as follows:

1. The Board has considered the circumstances of the State of Emergency declared by Governor Newsom; and
2. As a result of the State of Emergency, meeting in person would present imminent risks to the health or safety of meeting attendees.

BE IT FURTHER RESOLVED that, based on the findings above, all District Board meetings, committee meetings, closed session meetings, special meetings, ad hoc committee meetings, and workshops will continue to be held via teleconference in accordance with the provisions of California Government Code section 54953(e).

ADOPTED this 23rd day of November, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM AND PROCEDURE:

\_\_\_\_\_  
General Counsel



AGENDA NO. 13a.-13d.  
MEETING DATE November 23, 2021

**TITLE** **MOKELUMNE WATERSHED ROUTINE MAINTENANCE PROJECT - ADOPT  
FINAL MITIGATED NEGATIVE DECLARATION**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input checked="" type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input type="checkbox"/> MOTION	<input checked="" type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

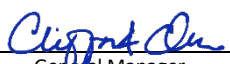
- Adopt the Final Mitigated Negative Declaration (MND) for the Mokelumne Watershed Routine Maintenance Project (Project)
- Make findings in accordance with the California Environmental Quality Act (CEQA)
- Adopt the Mitigation Monitoring and Reporting Plan in accordance with CEQA
- Approve the Project

**SUMMARY**

The District routinely performs maintenance within the Mokelumne Watershed. Some Project routine maintenance activities are subject to California Department of Fish and Wildlife (CDFW) jurisdiction under Fish and Game Code Section 1602. The District had a prior Routine Maintenance Agreement (RMA) with CDFW to cover its routine maintenance activities on the watershed; that RMA expired on its own terms. The District seeks a new RMA for the continuation of routine maintenance activities critical to Watershed operations in CDFW jurisdictional areas, which first requires environmental review under CEQA. The Project entailed an analysis of the District's maintenance practices within the Mokelumne Watershed and the preparation of an MND to support the renewal of the District's RMA. Staff provided an update on the Project at the November 9, 2021 Planning Committee meeting.

**DISCUSSION**

The Project involves continued routine maintenance activities in the Mokelumne Watershed such as sediment and debris removal; vegetation management; facilities maintenance; erosion prevention, control, repair, and protection; and environmental stewardship activities. Routine maintenance activities, under the jurisdiction of Fish and Game Code Section 1602, were previously covered by an RMA between April 2010 and April 2020. This Project supports the District's Water Quality and Environmental Protection Strategic Plan goal by providing the permitting coverage to continue to conduct routine maintenance activities on the Mokelumne Watershed to protect critical infrastructure and natural resources.

Funds Available: FY22/23	Budget Coding: 483/8452500/1010933/53120	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department  Water and Natural Resources	Department Director or Manager  Michael T. Tognolini	Approved   General Manager
Attachment(s): Resolution		

In support of the renewal of the Mokelumne Watershed RMA, an MND was completed for the Project in August 2021. The MND determined that Project-related maintenance activities could potentially generate environmental impacts to air quality, biological and cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, tribal cultural resources, and wildfire. The MND identified mitigation measures to reduce impacts to less than significant. Key mitigation measures include compensatory habitat mitigation for special-status species, riparian or wetland habitat restoration or compensation, and adherence to Mokelumne Watershed standard practices and procedures that were designed to ensure that District activities avoid environmental impacts.

A Draft MND was circulated for a 30-day public comment period from August 11 to September 10, 2021. Notices of Intent to Adopt the MND were posted and distributed by the State Clearinghouse; filed with the Amador, Calaveras, and San Joaquin County Clerks; published in the Amador Ledger Dispatch, Calaveras Enterprise, Lodi Sentinel, and the Stockton Record; and 27 Notices of Intent were mailed to federal, state, local, regional, and tribal agencies. Copies of the Draft MND were available on the State Clearinghouse's website, EBMUD's website, and at EBMUD's Administrative Building.

Two comment letters containing 15 individual comments were submitted during the MND public comment period. Letters were submitted by CDFW Region 2 and the Central Valley Regional Water Quality Control Board. The comments focused on clarifying language, grazing effects to foothill yellow-legged frog, beaver dam removal, burrowing owl surveying protocol, and notification of regulatory requirements. The comment letters in their entirety, responses to the comments, and text edits added to the MND are all included in Appendix F, "Response to Comments," of the Final MND. The responses to comments and text edits to the MND do not identify new significant impacts, but merely clarify information already presented in the MND. The Final MND was completed in October 2021 and made available October 29, 2021 on the District's website at <http://www.ebmud.com/MokelumneWatershedRMA> (digital) and in the Secretary's Office (hard copy). Final RMA renewal by CDFW Region 2 is pending the completion of the CEQA process.

This project supports the District's Water Quality and Environmental Protection Strategic Plan goal.

## **SUSTAINABILITY**

### **Economic**

Funding for the Routine Maintenance Agreement for the Mokelumne watershed is available in the FY22/23 adopted capital budget for Watershed Management.

### **Social**

All required public notifications under CEQA were completed during the Draft and Final MND review periods. Prior to the public comment period, District staff notified and coordinated with Native American tribes within the Project vicinity and consulted with CDFW Region 2 by providing a copy of the Draft MND. Public agencies within the Project vicinity were notified by mail of the release of the MND in August and November 2021, and public notices were published in local newspapers.

## **Environmental**

The Final MND identified and evaluated the potential environmental impacts of the Project and included mitigation measures to lessen or eliminate adverse impacts to the environment. The implementation of mitigation measures pertaining to air quality, biological and cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, tribal cultural resources, and wildfire would reduce Project-related impacts to a less than significant level.

## **ALTERNATIVES**

**Do not adopt the Final MND.** This alternative is not recommended because CEQA documentation is required to renew the Watershed RMA. Routine maintenance of District assets and property cannot be conducted without an RMA. Operating without RMA coverage is risky because the District would be vulnerable to significant regulatory enforcement if District activities impacted any endangered species. The Final MND meets all CEQA requirements.

**Do not perform the work.** This alternative is not recommended because the routine maintenance of the Mokelumne Watershed is necessary to ensure the functionality of key District infrastructure.

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RESOLUTION NO. \_\_\_\_\_

ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE MOKELUMNE  
WATERSHED ROUTINE MAINTENANCE PROJECT, MAKING FINDINGS,  
ADOPTING THE MITIGATION MONITORING AND REPORTING PLAN,  
AND APPROVING THE PROJECT

Introduced by Director

; Seconded by Director

WHEREAS, the Mokelumne Watershed Routine Maintenance Project (Project) involves the continuation of routine maintenance of facilities, roads, and infrastructure located within the East Bay Municipal Utility District's (EBMUD) Mokelumne River Watershed (Watershed) property; and

WHEREAS, the purpose of routine maintenance in the Watershed is to maintain the health of the Watershed and the functional and structural integrity of EBMUD-owned Watershed property and facilities located in Amador, Calaveras, and San Joaquin Counties; and

WHEREAS, Project activities include sediment and debris removal; vegetation management; facilities maintenance; erosion prevention, control, repair, and protection; and environmental stewardship, all of which are critical to operations of the Watershed; and

WHEREAS, EBMUD entered a Routine Maintenance Agreement (RMA) for Watershed activities with the California Department of Fish & Wildlife (CDFW) in 2010 (identified as RMA Notification No. 1600-2009-0232-R2), and that RMA has effectively met its purposes of maintaining the health of the Watershed and the functional and structural integrity of EBMUD-owned Watershed property and facilities located in Amador, Calaveras, and San Joaquin Counties, but that 2010 RMA has since expired; and

WHEREAS, EBMUD wishes to enter into a new RMA with CDFW, and CDFW has determined that prior to entering into a new RMA, EBMUD must complete new California Environmental Quality Act (CEQA) environmental documentation on the Project; and

WHEREAS, to permit ongoing environmental stewardship activities that are part of the Project, EBMUD also seeks to enter into a Safe Harbor Agreement with CDFW on the Watershed covering effects to foothill yellow-legged frog (*Rana boylei*), California tiger salamander (*Ambystoma californiense*), and tri-colored blackbird (*Agelaius tricolor*), as well as other species that may be listed under the California Endangered Species Act in the near future such as western spadefoot (*Spea hammondi*); and

WHEREAS, in accordance with CEQA, EBMUD, as lead agency, prepared an Initial Study for the Project analyzing whether any potentially significant environmental impacts would result from the Project; and

WHEREAS, to solicit early input from Native American tribes, in October 2020 EBMUD notified nine Native American tribes having traditional and cultural affiliations in the vicinity of the

Project about the upcoming Project, after which the United Auburn Indian Community of the Auburn Rancheria (Auburn Rancheria) requested a copy of the cultural resources technical report prepared to supplement the Draft Mitigated Negative Declaration (Draft MND), and the Wilton Rancheria requested consultation and monitoring during Project ground disturbance activities, and to review mitigation measures; and

WHEREAS, in response to said early input from Native Americans, (a) EBMUD provided a copy of the draft Cultural Resources Assessment for the Project to the Auburn Rancheria, and the final Cultural Resources Assessment was subsequently attached as Appendix C to the Draft MND; and (b) EBMUD prepared a mitigation measure, CR-3, to address the input provided by the Wilton Rancheria, and in March 2021 EBMUD sent the Wilton Rancheria the draft mitigation measure CR-3, the other draft cultural resources and tribal cultural resources mitigation measures, and the entire suite of cultural resources guidelines; and

WHEREAS, in an effort to solicit early input from CDFW and incorporate such input into the Draft MND, in June 2021 EBMUD provided CDFW Region 2 with an administrative draft copy of the Draft MND; and

WHEREAS, the Initial Study determined that with the implementation of mitigation measures, the Project would not result in any potentially significant environmental impacts; and

WHEREAS, the Draft MND for the Project was completed by EBMUD as lead agency and circulated for review and comment, with a 30-day comment period ending on September 10, 2021, in accordance with CEQA and applicable laws and regulations; and

WHEREAS, to notify interested parties of the availability of the Draft MND, on or before August 11, 2021, EBMUD posted a Notice of Intent (NOI) to adopt the MND with the State Clearinghouse; filed the NOI with the County Clerks of Amador, Calaveras, and San Joaquin Counties; published the NOI in the Amador Ledger Dispatch, Calaveras Enterprise, Lodi Sentinel, and the Stockton Record; and mailed 27 Notices of Intent to federal, state, local, regional, and tribal agencies; and

WHEREAS, EBMUD also provided internet access to the Draft MND on the EBMUD website, and access to the Draft MND at EBMUD administrative offices in downtown Oakland; and

WHEREAS, EBMUD received, considered and responded to two comment letters from the public during the Draft MND comment period, with those letters being submitted by the Central Valley Regional Water Quality Control Board and CDFW Region 2 and containing 15 individual comments, and EBMUD subsequently modified portions of the MND to provide further clarity and to address issues raised in the comments; and

WHEREAS, in October 2021 EBMUD prepared a Final Mitigated Negative Declaration (Final MND), which includes the comment letters in their entirety, responses to all comments on the Draft MND and textual clarifications made to the MND in response to those comments; and

WHEREAS, EBMUD sent a Notice of Availability of the Final MND to all commenting parties and affected local agencies on October 28, 2021; and

WHEREAS, EBMUD has prepared a detailed Mitigation Monitoring and Reporting Plan (MMRP), attached hereto as Exhibit B and incorporated herein by this reference;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District does hereby find, determine and certify that:

1. The above recitals are incorporated as if set forth herein.
2. The Final MND has been presented to the Board of Directors along with all comments received thereon. The Board of Directors has reviewed and considered the information contained therein prior to approving the Project, and the Final MND reflects the Board of Director's independent judgment and analysis.
3. All proceedings of the environmental review process, including preparation and circulation of the Draft and Final MND and all required notices, have been conducted and completed in accordance with CEQA, the CEQA Guidelines, and all other applicable laws, regulations, and procedures.
4. The potential environmental impacts of the Project are fully disclosed in the Final MND, and the Final MND is adequate for use by EBMUD for approval, design and construction of the Project.
5. The documents and materials constituting the record of the proceeding are located at EBMUD's administrative offices, 375 11<sup>th</sup> Street, Oakland, CA 94607. The custodian of these records is the Secretary of the District.
6. No substantial change in circumstances has occurred since preparation of the Final MND which would require substantial revisions to the Final MND or preparation of an Environmental Impact Report (EIR) due to the discovery or disclosure of new, significant impacts not covered in the Final MND or due to a determination that proposed mitigation measures would not reduce impacts to less-than-significant levels, and there is no requirement to recirculate the Final MND or prepare an EIR.
7. The Board of Directors makes the findings and determinations regarding the Project set forth in the Findings, attached hereto as Exhibit A. Exhibit A is hereby incorporated into this Resolution by this reference.
8. The Board of Directors hereby approves, adopts, and imposes the MMRP, attached hereto as Exhibit B and incorporated herein by this reference. The mitigation measures set forth in the MMRP and adopted by the Board of Directors are hereby imposed as conditions of Project approval.

BE IT FURTHER RESOLVED that in accordance with CEQA, the Board of Directors determines that impacts identified in the MND as potentially significant will be reduced to a less than significant level because EBMUD has made or agreed to Project revisions and/or mitigation measures. EBMUD, acting as lead agency, has therefore determined that an MND is appropriate for this Project.

BE IT FURTHER RESOLVED that based on the whole record before it, including the MND and comments received, the Board of Directors finds that there is no substantial evidence that the Project will have a significant effect on the environment. Therefore, the MND is hereby adopted as having been completed in compliance with CEQA.

BE IT FURTHER RESOLVED that the Project as described in Exhibit A is hereby approved.

BE IT FURTHER RESOLVED that the General Manager is hereby directed to take such actions as shall be necessary to implement the Project as described in the MND, subject to compliance with all mitigation measures set forth in the MMRP attached hereto as Exhibit B.

BE IT FURTHER RESOLVED that the Secretary of the District is hereby directed to file a Notice of Determination, in accordance with the law, with the County Clerks of Amador, Calaveras, and San Joaquin Counties and with the State Clearinghouse.

ADOPTED this 23rd day of November, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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President

---

Secretary

APPROVED AS TO FORM AND PROCEDURE:

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General Counsel

{00066409;6}

## **EXHIBIT A**

### **EAST BAY MUNICIPAL UTILITY DISTRICT BOARD OF DIRECTORS' FINDINGS REGARDING THE MOKELUMNE WATERSHED ROUTINE MAINTENANCE PROJECT**

#### **1 Introduction**

This is the findings document adopted by the East Bay Municipal Utility District (EBMUD) Board of Directors (Board) for the Mokelumne Watershed Routine Maintenance Project (Project). As approved by the Board, the Project includes:

- Sediment and Debris Removal;
- Vegetation Management;
- Facilities Maintenance;
- Erosion Prevention, Control, Repair, and Protection; and
- Environmental Stewardship.

Sections 1.1 through 1.3 of this document describe the Project, its objectives, and the need to complete the Project.

Section 2, "CEQA Requirements Regarding Project Impacts," describes the requirements under the California Environmental Quality Act (CEQA) regarding Project impacts.

Section 3, "Findings Regarding Independent Review and Judgment," contains the findings regarding the independent review and judgment of the Board of Directors.

Section 4, "Findings Regarding the Project," contains the findings regarding potential Project impacts. This section is divided into two parts:

- Section 4.1 contains the findings regarding significant or potentially significant Project impacts that will be mitigated to a less-than-significant level; and
- Section 4.2 contains the findings regarding Project impacts that will be less than significant or where there will be no impact.

Section 5, "Findings Related to Mitigated Negative Declaration (MND) Recirculation and Environmental Impact Report (EIR) Preparation," contains findings regarding whether MND recirculation or EIR preparation is necessary.

Section 6, "Project Approval," contains findings regarding the Board of Director's approval of the Project.

The findings presented here also summarize the mitigation measures set forth in the October 2021 Final Mitigated Negative Declaration (Final MND) and agreed to by EBMUD or incorporated into the Project. Said Final MND includes the August 2021 Initial Study / Mitigated Negative Declaration (IS/MND) on the Project and the Response to Comments on the IS/MND. The Response to Comments document is attached as Appendix F to the Final MND, and includes all comments received during the public review process, responses thereto, and revisions to the

MND made in response to individual comments or to provide minor additions and clarifications. The mitigation measures are summarized for convenience, but the summary is not intended to change any aspects of the complete text of the mitigation measures described in the Final MND and adopted by the Board.

## **1.1 Project Need**

Maintaining and operating the Mokelumne Watershed system is an essential public service to supply drinking water to approximately 1.4 million people in EBMUD's service area. Routine maintenance activities are critical to operations of the Mokelumne Watershed, providing for safe travel throughout the Project area while ensuring natural flows for drainages, flood control infrastructure, dam seepage monitoring wells and weirs, and other watercourses. The routine maintenance of facilities, roads and infrastructure is ongoing due to changing conditions resulting from weather events, deterioration of facilities and structures, and normal use.

## **1.2 Project Objectives**

The Project's objective is to:

- a) Maintain the functional and structural integrity of EBMUD's watershed facilities, roads, and infrastructure; and
- b) Ensure provision of supplied water to EBMUD's service area.

The Project involves the continuation of routine maintenance of the Mokelumne Watershed facilities, roads, and infrastructure at locations within the Watershed property previously authorized under Fish and Game Code (F&G Code) Section 1602 Lake and Stream Alteration Agreements (LSAAs) with the California Department of Fish and Wildlife (CDFW). Given the expiration of the prior LSAA, EBMUD seeks a new LSAA for the continuation of routine maintenance activities critical to Watershed operations in 1600 jurisdictional areas and that comprise the Project. To permit ongoing environmental stewardship activities that are part of the Project, EBMUD also seeks a Safe Harbor Agreement with CDFW covering effects to foothill yellow-legged frog (*Rana boylei*), California tiger salamander (*Ambystoma californiense*), tricolored blackbird (*Agelaius tricolor*), as well as other species that may be listed under the California Endangered Species Act in the near future such as western spadefoot (*Spea hammondi*).

## **1.3 Project Description**

The Project is described in detail in chapter 2 of the Final MND and summarized below.

EBMUD owns and manages 28,744 acres of land for water supply along the Mokelumne River and around the Pardee and Camanche reservoirs in Amador, Calaveras, and San Joaquin counties, California, herein referred to as the Mokelumne Watershed. Pardee and Camanche reservoirs total 9,034 acres and the surrounding uplands total 19,710 acres. Most of the Watershed's land is undeveloped open space, left vacant, or leased for grazing livestock; however, the Mokelumne Watershed is managed for multiple beneficial uses. Located within the Watershed is various water and wastewater infrastructure maintained to provide services to EBMUD as well as public use facilities within the Watershed boundary. This includes the Pardee Center (EBMUD's operations center), the Mokelumne Watershed Headquarters, electric generation and transmission

facilities, and water transmission and treatment facilities.

Additionally, within the Watershed boundary are several recreation facilities (the Mokelumne River Day Use Area, Middle Bar Boat Take-out, Campo Seco Staging Area, Camanche South Shore Recreation Area, Camanche North Shore Recreation Area, Pardee Recreation Area, and the Camanche Hills Hunting Preserve) that provide public recreation including day use, hiking, overnight camping, boating, fishing, hunting, and trap and sporting clay activities. There are also over 17 miles of managed trails for public access.

A network of roads within the Mokelumne Watershed – including approximately 35 miles of access roads, 14 miles of county roads, and 137 miles of unpaved fire roads – provide access for ongoing routine maintenance activities, including vegetation and fuel management projects, invasive species management, grazing management, as well as access to various facilities that require preventative maintenance and monitoring.

The Project involves the continuation of routine maintenance of the Mokelumne Watershed facilities, roads, and infrastructure at locations within the Watershed previously authorized under LSAAs by CDFW. Given the expiration of prior LSAAs, EBMUD seeks a new LSAA for the continuation of routine maintenance activities critical to Watershed operations in 1600 jurisdictional areas and that comprise the Project. To permit ongoing environmental stewardship activities that are part of the Project, EBMUD also seeks a Safe Harbor Agreement with CDFW covering effects to foothill yellow-legged frog (*Rana boylei*), California tiger salamander (*Ambystoma californiense*), tricolored blackbird (*Agelaius tricolor*), as well as other species that may be listed under the California Endangered Species Act in the near future such as western spadefoot (*Spea hammondi*).

The Watershed is currently covered under a Federal Safe Harbor Agreement (SHA) between the United States Fish and Wildlife Service (USFWS) and EBMUD. The purposes of the SHA are (1) to promote the enhancement and management of habitat for California red-legged frog (*Rana draytonii*), California tiger salamander (*Ambystoma californiense*), and valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) on EBMUD Watershed lands in San Joaquin, Amador and Calaveras counties; and (2) to provide certain regulatory assurances to EBMUD. This SHA follows the USFWS's Safe Harbor Agreement policy (64 FR 32717) and regulations (64 FR 32706), both of which implement Section 10(a)(1)(A) of the Endangered Species Act (ESA). All actions required under the Federal SHA must also obtain F&G Code section 1602 LSAA coverage.

EBMUD performs routine maintenance activities to maintain the functional and structural integrity of its facilities. Habitat and ground disturbance associated with maintenance activities is limited and small in scale. While select activities may occur in multiple locations throughout the watershed (e.g., chaparral removal focusing on reduction of excessively accumulated brush, vegetation succession management, ecosystem complexity (mosaic), and roadside brush removal), disturbance would still be minimal and performed using methods to enhance habitat value to native species.

EBMUD's routine maintenance includes the following categories of activities to maintain the functional and structural integrity of EBMUD-owned facilities:

- *Sediment and Debris Removal* – Removal of debris, sediment, vegetation, rubbish, downed trees, beaver dams, and other material that could obstruct the natural flow in reservoirs, ponds, channels, culverts, or obstruct use of roads, trails, utility lines, rights-of-way (ROW), walkways or access to EBMUD's facilities.
- *Vegetation Management* – Control of aquatic and bankside weeds, grasses, woody vegetation, nuisance and invasive species in reservoirs, ponds, channels, banks, fence lines, roads, trails, walkways, utility lines, and ROW. Vegetation management also includes the manual and mechanical removal of vegetation within established fire breaks, shaded fuel breaks, and upland habitats. Habitat restoration and enhancement activities fall under this category, including replanting, new planting, hydroseeding, hand broadcast seeding, mechanical seeding, and maintenance of plantings.
- *Facilities Maintenance* – Maintenance, repair and placement of culverts, low water crossings drainage and erosion control structures (e.g., gates, barricades, bridges), fish barriers, boat ramps, trails, walkways, utility lines, and roads. Other EBMUD facilities that may require routine maintenance include water treatment and distribution facilities, wastewater treatment/disposal facilities, dams, and drainage systems. Activities also include washing and painting of weirs, outlet structures, drains, bridges, pipeline crossings, and spring boxes, as well as occasional spring box repair and replacement utilizing wildlife-friendly designs.
- *Erosion Prevention, Control, Repair, and Protection* – Erosion prevention, control, repairs, stabilization of levees, streambanks, roads, trails, utility lines, ROW, and infrastructure.
- *Environmental Stewardship* – Removal of aquatic and bankside plant and animal species that are invasive (e.g., American bullfrog) and noxious (i.e., ecologically detrimental or harmful, with potential to cause short or long-term environmental degradation) by means of physical capture, livestock, removal by hand, or mechanical treatments. Construction, repair, or enhancement of sensitive species habitat, such as ponds and debris piles, that will benefit native species. This may include planting native plant species to enhance the vegetation community in ponds, waterways, and upland habitat, increasing sensitive species numbers on EBMUD lands by habitat enhancement, and/or augmentation of the number of individuals or reintroduction to improve local population resilience.

EBMUD's approach to routine maintenance in the Watershed includes an environmental stewardship component involving special-status species habitat management and enhancement actions to benefit such species. This may involve restoration of native vegetation and habitat, invasive species removal, and introduction of native species, among other activities.

## **2 CEQA Requirements Regarding Considering and Adopting a Mitigated Negative Declaration**

Regarding adoption of a Mitigated Negative Declaration, CEQA Guidelines, Title 14, California Code of Regulations (CEQA Guidelines), Section 15074, states the following:

- (a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.
- (b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making

body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

- (c) When adopting a negative declaration or mitigated negative declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
- (d) When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
- (e) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.
- (f) When a non-elected official or decision-making body of a local lead agency adopts a negative declaration or mitigated negative declaration, that adoption may be appealed to the agency's elected decision-making body, if one exists. For example, adoption of a negative declaration for a project by a city's planning commission may be appealed to the city council. A local lead agency may establish procedures governing such appeals.

### **3 Findings Regarding Independent Review and Judgment**

Each member of the Board was provided access to a complete electronic copy of the Mokelumne Watershed Routine Maintenance Project IS/MND, as well as a copy of the Mitigation Monitoring and Reporting Plan (MMRP), in August 2021, and was provided access to a complete electronic copy of the Final MND (including responses to comments) on October 29, 2021. The Board hereby finds that the Final MND reflects the Board's own independent judgment and analysis, and that the Board has independently reviewed and analyzed the Final MND together with the comments received during the public review process and the MMRP prior to taking any final action with respect to the Project.

### **4 Findings Regarding the Project**

Having reviewed and considered the information contained in the proposed Final MND and the MMRP, including the comments received during the public review process, EBMUD's Board of Directors hereby adopts the following findings regarding Project impacts and mitigation measures.

#### ***4.1 Findings Regarding Significant Effects Mitigated to Less Than Significant Levels***

The Board hereby finds, based on the whole record before it (including the IS/MND, the comments received during the public review process, the Final MND, and the MMRP), that the mitigation measures proposed in the Final MND, as set forth in the MMRP, will avoid or mitigate the effects shown below to less than significant levels, that there is no substantial evidence that the Project will have a significant on the environment, and that the Final MND reflects the Board's independent judgment and analysis.

##### ***4.1.1 Air Quality***

###### ***4.1.1.1 Impact Air Quality c): Potential to expose sensitive receptors to substantial pollutant concentrations.***

#### **Findings**

There is a potential for exposure to naturally-occurring asbestos (NOA) given the proximity of maintenance sites to ultramafic rock occurrences and mining sites, which would be considered a significant impact. Implementation of Mitigation Measure AQ-1 would control dust emissions from maintenance activities and implement an asbestos dust mitigation plan that would minimize dust and NOA-related impacts to sensitive receptors to less than significant levels.

#### **Facts in Support of Findings**

Mitigation Measure AQ-1 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure AQ-1 would require implementation of dust control measures and an asbestos dust mitigation plan, the impact related to exposing sensitive receptors to substantial pollutant concentrations, including from dust and NOA exposure, would be less than significant.

##### ***4.1.2 Biological Resources***

###### ***4.1.2.1 Impact Biology a): Potential to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.***

#### **Findings**

During the Project's maintenance activities, special-status plant and animal species with a moderate to high potential to occur at the Project site have the potential to be impacted by construction activities, including vegetation removal, grading, and equipment movement. Implementation of Mitigation Measures BIO-1 through BIO-16, HAZ-1, HYD-1, and HYD-2 would reduce the potential impacts from the occurrence of special-status wildlife in designated construction sites to less than significant levels.

### ***Special-Status Plants***

Eight special-status plant species have potential to occur in the Watershed. Clearing, grubbing, ground-disturbance (e.g., grading), and the movement of equipment could directly damage or destroy special-status plant species at Project maintenance sites where special-status plant species (including CEQA-relevant, locally rare species) occur. Though potentially significant, the likelihood for direct impacts to special-status plant species is low as the footprint for routine maintenance activities is relatively small and often repeated in the same focused locations over time. Potential direct impacts to special-status plant species would only occur in situations where maintenance activities would occur in previously undisturbed native vegetation or vegetation that has not been disturbed for at least three years and where the locale is known to support rare plant species. In addition, special-status plant species could be indirectly impacted through the degradation of their habitats resulting from hydrologic alteration associated with grading, or the introduction of pathogens or invasive plant species via transferred soil or plant materials from a contaminated or infested site to a newly disturbed maintenance site. EBMUD would implement Mitigation Measures BIO-1 through BIO-3 to mitigate impacts on special-status plant species to a less than significant level.

### ***Special-Status Invertebrates***

Crotch bumble bee is a State candidate species that has the potential to occur within the Watershed where ground squirrel burrow complexes are present. Valley elderberry longhorn beetle (VELB) is federally threatened and has potential to occur at numerous Project sites within the Watershed where elderberry (*Sambucus nigra* ssp. *caerulea*) shrubs with a basal stem diameter of one inch or greater are present. Crotch bumble bee could be directly impacted through ground-disturbance that physically crushes or injures individuals. VELB could be directly impacted through clearing, grubbing, and ground-disturbance that physically crushes, injures individuals, or removes occupied elderberry shrubs that provide habitat for VELB. Crotch bumble bee could be indirectly impacted by activities that eliminate suitable subterranean nest burrows and diminish native nectar sources, including erosion, filling of burrows, significantly reducing the ground squirrel population, or habitat conversion from native wildflowers. VELB could be indirectly impacted by activities that degrade the health of suitable elderberry shrubs, including erosion that undermines roots, soil placement near an elderberry shrub that substantially alters the local hydrology and water available to the shrub, generation of dust that settles on leaves of the host plant, and the introduction of invasive plants or diseases that respectively outcompete or infect elderberry shrubs. Mitigation Measures BIO-1, BIO-4, BIO-5, and BIO-6 would be implemented to reduce potential impacts on Crotch bumble bee and VELB to less than significant levels.

### ***Special-Status Amphibians***

Four special-status amphibian species that have potential to occur within Project maintenance sites, including California tiger salamander (*Ambystoma californiense*; CTS), foothill yellow-legged frog (*Rana boylei*; FYLF), California red-legged frog (*Rana draytonii*; CRLF), and western spadefoot (*Spea hammondi*; WSF). None of these species were observed during reconnaissance-level surveys, but all are known to occur in various areas/habitats within the Watershed. Special-status amphibians could be directly affected by Project-related equipment placement, ground-disturbance (including discing), materials placement, or in-water work within

occupied drainages or other water bodies that crushes burrows or aquatic habitat, or from the introduction of pollutants to aquatic habitat causing mortality or injury to individual frogs. Indirect effects to special-status amphibians may include the exposure of soil that erodes and impacts water quality and breeding habitat quality within suitable drainages, introduction of pollutants to aquatic habitat leading to diminished water quality, substantial changes in the hydroperiod within such drainages, or the introduction of invasive plants that prevent movement, foraging, and breeding activities within drainages and/or surrounding non-aquatic habitat. Mitigation measures BIO-1, BIO-6, BIO-7 through BIO-10, HYD-1, HYD-2, and HAZ-1 would avoid and/or minimize any direct or indirect effects on these species.

### ***Special-Status Reptiles***

There is one special-status reptile species that has potential to occur within the Watershed, which is western pond turtle (*Actinemys* (= *Emys*) *marmorata*; WPT). WPT was not observed during the reconnaissance-level surveys, but WPT is known to occur in perennial aquatic habitat throughout much of the Watershed. WPT and their nests could be directly affected by being crushed or injured through equipment placement, ground-disturbance, streambed work, or materials placement. WPT could be directly impacted through the introduction of pollutants into suitable aquatic habitat that results in immediate toxicity of individuals or direct mortality. Indirect effects on WPT may include compaction of soil that removes suitable habitat, the introduction of invasive plants that prevents the species' use of otherwise suitable habitat or reduced or polluted water quality from the introduction of pollutants. Mitigation Measures BIO-1, BIO-6, BIO-8, BIO-9, BIO-10, HYD-1, HYD-2, and HAZ-1 would minimize indirect and direct effects on special-status reptiles to less than significant levels.

### ***Special-Status Birds***

Special-status bird species with potential to occur on or near Watershed maintenance sites include Cooper's hawk (*Accipiter cooperii*), tricolored blackbird (*Agelaius tricolor*), golden eagle (*Aquila chrysaetos*), great blue heron (*Ardea alba*), burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsonii*), prairie falcon (*Falco mexicanus*), American peregrine falcon (*Falco peregrinus anatum*), bald eagle (*Haliaeetus leucocephalus*), yellow-breasted chat (*Icteria virens*), loggerhead shrike (*Lanius ludovicianus*), osprey (*Pandion haliaetus*), and bank swallow (*Riparia riparia*). One bald eagle was observed within the Watershed on December 15, 2020; however, none of the other species were observed during the reconnaissance-level surveys but are known to occur or could potentially occur in habitats within the Watershed. Special-status birds could be directly affected by impacts to their active nests, including destruction of eggs or occupied nests, direct mortality of young, and the abandonment of nests with eggs or young birds prior to fledging as a result of ground disturbance by equipment or vegetation removal. Indirect effects to special-status species may include the loss or degradation of nests (i.e., reduced nest fitness) from Project-related noise and vibration, and the loss or degradation of future nesting or foraging habitat or reduced prey abundance through vegetation removal, soil compaction, or the introduction of invasive plants. Special-status birds could be affected by Project-related noise and vibration, ground disturbance, vegetation removal, or experience deleterious effects stemming from reduced nest fitness loss. Mitigation Measures BIO-1, BIO-6, BIO-11, BIO-12, and BIO-13 would avoid and/or minimize potential impacts on these species.

### ***Other Nesting Birds***

Avian species that are protected under the Migratory Bird Treaty Act and California F&G Code have potential to nest within and/or near numerous Project sites throughout the Watershed, including Cooper's hawk, great blue heron, yellow-breasted chat, and loggerhead shrike. Suitable nesting habitat for various raptors, as well as other migratory bird species, is present on or near the Project sites. Disruption of nesting birds could occur as a result of increased human activity (e.g., due to the use of heavy equipment and human traffic) during the breeding season (approximately February 1st through August 31st). Bird species may use trees, shrubs, man-made structures or the ground for nesting habitat. Potential direct and indirect effects to other nesting birds and potential nesting habitat would be the same as those effects described under "Special-status Birds" above. Mitigation Measure BIO-11 would reduce impacts on other nesting birds to less than significant levels.

### ***Special-Status Mammals***

Special-status mammal species with potential to occur near and/or within portions of the Watershed include Townsend's big-eared bat (*Corynorhinus townsendii*) and American badger (*Taxidea taxus*). Special-status mammal species could be directly affected through individual mortality or injury caused by heavy equipment, materials placement, vegetation removal, and ground disturbance; or through reduced roost, nest, or den disturbance from Project-related noise and vibration generated by heavy equipment. Special-status mammal species could be indirectly affected by the loss of suitable habitat stemming from soil compaction or the introduction of invasive plant species, habitat alteration or degradation that reduces prey abundance, or persistent pollutant bioaccumulation. Mitigation Measures BIO-1, BIO-6, BIO-14, and BIO-15 would reduce direct and indirect impacts on special-status mammals to less than significant levels.

### ***Special-Status Fish Species***

Two special-status fish species have potential to occur within drainages in the Watershed, including steelhead (*Oncorhynchus mykiss*) (Central Valley Distinct Population Segment [DPS]) and Chinook salmon (*Oncorhynchus tshawytscha*) (Central Valley fall/late fall-run Evolutionary Significant Unit [ESU]). These species have potential to occur within the Sacramento and San Joaquin rivers and associated tributaries, including the Mokelumne River up to Camanche Dam. None of these species were observed during the reconnaissance-level surveys, but they are known from previous observations and the California Natural Diversity Database (CNDDB) records within and near the Watershed. Special-status fish species could be directly affected by Project-related noise and vibration and streambed work altering migration patterns, eliminating or degrading occupied habitat, stranding during dewatering activities, crushing individuals or eggs, or the introduction of pollutants resulting in individual mortality. Indirect effects to special-status fish species may include vegetation removal resulting in less shaded aquatic habitat and increased water temperatures, the introduction of pollutants or invasive plants into aquatic habitat that results in degradation water quality reducing habitat quality or prey abundance. Mitigation measures BIO-1, BIO-6, BIO-8 through BIO-10, BIO-16, HYD-1, HYD-2, and HAZ-1 would reduce direct and indirect impacts on special-status fish species to less than significant levels.

## **Facts in Support of Findings**

Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-9, BIO-10, BIO-11, BIO-12, BIO-13, BIO-14, BIO-15, BIO-16, HAZ-1, HYD-1, and HYD-2 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure BIO-1 requires EBMUD to have a qualified biologist hold an annual training session for maintenance staff responsible for performing routing maintenance activities prior to performing maintenance activities, the potential for significant activity-related impacts on special-status species would be reduced to less than significant.

Because Mitigation Measure BIO-2 requires locating equipment and staging areas within upland areas or paved/gravel areas, limiting vegetation disturbance, importing soils with similar pH to native soils and free of pathogens and weed seeds, the potential for significant activity-related impacts on special-status plant species would be reduced to less than significant.

Because Mitigation Measure BIO-3 requires EBMUD to conduct pre-activity special-status plant surveys at sites meeting the conditions as defined in the measure and implementing the defined approaches for avoidance and mitigation of special-status species occurring on the site if avoidance is infeasible, the potential for significant activity-related impacts on special-status plant species would be reduced to less than significant.

Because Mitigation Measures BIO-4 requires conducting a visual assessment at each ground squirrel burrow that would be impacted by the work for the presence of Crotch bumble bee, avoidance of impacts to the burrow and active nest/species, and coordination with CDFW for necessary approval to encourage passive bee nest eviction, the impact on Crotch bumble bee would be less than significant.

Because Mitigation Measure BIO-5 requires conducting pre-activity surveys for elderberry shrubs suitable for VELB, avoidance of elderberry shrubs set forth by the Safe Harbor Agreement (SHA) and USFWS guidelines, and implementing non-disturbance buffers around shrubs, the impact on suitable VELB habitat would be less than significant.

Because Mitigation Measure BIO-6 requires EBMUD to retain a biologist to complete habitat assessments, reconnaissance-level surveys, and provide compensatory mitigation for unavoidable impacts to special-status species habitat, the impact on special-status species, including Crotch bumble bee and VELB would be less than significant.

Because Mitigation Measures BIO-7 requires EBMUD to contract a qualified biologist to perform special-status amphibian surveys of maintenance sites, halting activities during rain events, and implementing measures during mowing, potential impacts on special-status species amphibians would be less than significant.

Because Mitigation Measure BIO-8 requires the EBMUD to minimize adverse water quality impacts and maintain habitat conditions, and use appropriate erosion control methods, potential impacts on special-status species amphibians would be less than significant.

Because Mitigation Measures BIO-9 and BIO-10 requires EBMUD to store equipment and

materials outside of waterbodies, prevent hazardous material from contaminating the soil and/or entering waterways, and adhere to BMPs related to containment of leachate, potential impacts to special-status amphibians would be less than significant.

Because Mitigation Measures BIO-11, BIO-12, and BIO-13 recommend performing maintenance work and tree removal outside of the nesting bird season, require pre-activity nesting bird surveys by a qualified biologist for work during the nesting bird season, implementation of avoidance buffers, prohibits activities within a 0.5 mile of a nesting Swainson's hawk without CDFW consultation, requires a pre-construction take avoidance survey for burrowing owls, and requires implementation of CDFW-approved monitoring and mitigation plans if western burrowing owls are onsite, potential impacts on special-status bird species and other nesting birds would be less than significant.

Because Mitigation Measures BIO-14 and BIO-15 recommend performing maintenance work outside of the bat maternity period, require preconstruction roosting bat surveys and avoidance (if found), pre-activity surveys by a qualified biologist for American badger, and implementation of avoidance and mitigation measures, potential impacts on special-status mammal species would be less than significant.

Because Mitigation Measure BIO-16 requires EBMUD to perform daily checks of stranded aquatic life in areas subject to dewatering as the water level drops and the capture and movement of all stranded aquatic life in dewatered areas, potential impacts on special-status fish would be less than significant.

In addition, Mitigation Measures HYD-1, HYD-2, and HAZ-1 require EBMUD to stabilize exposed soils, isolate work areas within instream barriers, establish a Contingency Plan with procedures and countermeasures for accidental releases would further minimize potential impacts on special-status fish, amphibian, and reptile species.

***4.1.2.2 Impact Biology b): Potential to have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.***

**Findings**

The majority of maintenance sites are located adjacent to existing infrastructure that routinely gets disturbed and, as such, it supports primarily grassland and ruderal vegetation communities. Due to ongoing regular maintenance, only small patches of freshwater marsh, valley foothill riparian, and seasonal wetland occur within the Project areas, mostly within natural channels. These three vegetation communities are considered sensitive natural communities by CDFW. Upland habitat types that are considered sensitive natural communities in undisturbed situations by CDFW include chamise-redshank chaparral, Ione manzanita chaparral, and Ponderosa pine forest. Routine maintenance activities are actively excluded from Ione manzanita chaparral, so no Project impacts would occur within this chaparral subtype. Project maintenance activities could potentially impact freshwater marsh, valley foothill riparian, chamise redshank chaparral, and Ponderosa pine woodland. Mitigation Measures BIO-17 through BIO-20 would reduce the impact on sensitive habitats to a less than significant level. Mitigation Measures BIO-1, BIO-2, BIO-8,

BIO-9, BIO-10, HYD-1, HYD-2, and HAZ-1 would further minimize impacts.

### **Facts in Support of Findings**

Mitigation Measures BIO-17 through BIO-20 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measures BIO-17 through BIO-20 require specific tree cutting requirements, tree replacement, revegetation of disturbed areas, monitoring of revegetated areas, and riprap placement restrictions, potential impacts related to sensitive natural communities would be reduced to less than significant.

In addition, Mitigation Measures BIO-1, BIO-2, BIO-8, BIO-9, BIO-10, HYD-1, HYD-2, and HAZ-1 require EBMUD to perform annual staff training and monitoring, preconstruction surveys and special-status species avoidance, minimize vegetation disturbance, monitor and manage erosion and turbidity, and properly contain hazardous materials and concrete leachate, which would further minimize potential impacts related to sensitive natural communities.

#### ***4.1.2.3 Impact Biology c): Potential to have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.***

### **Findings**

Federally-protected wetlands and waters of the U.S. occur within the Watershed at many of the Project maintenance sites. Implementation of Project activities could impact natural, engineered-earth, and concrete-lined channels and portions of the Camanche and Pardee reservoirs. These features are generally waters of the U.S. and/or state. Potential impacts would be limited in scale and duration and are expected to only temporarily affect waters of the U.S. and/or State. Impacts would be avoided to the extent possible and typically limited to infrequent situations where bank stabilization was necessary. Most activities at Project sites would have a less than significant effect, as fill would not be added to waters of the U.S. and/or state. However, Project activities may result in a significant impact in situations where bank/levee repair is necessary to maintain EBMUD infrastructure and the ultimate addition of fill in the form of riprap or clean soil is necessary. When temporary and/or permanent impacts to an aquatic resource are anticipated, EBMUD may need to seek applicable regulatory permits through coordination with the U.S. Army Corps of Engineers and/or the Regional Water Quality Control Board. EBMUD would implement Mitigation Measure BIO-21, which requires permits and compensation for "loss" of waters of the U.S. and/or State. Implementation of Mitigation Measure BIO-21 would reduce impacts on waters of the U.S. and/or State to a less than significant level.

### **Facts in Support of Findings**

Mitigation Measure BIO-21 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure BIO-21 requires appropriate permits from the U.S. Army Corps of Engineers and the Regional Water Quality Control Board and implementation of compensatory

mitigation, the impact to waters of the U.S. and State would be less than significant.

In addition, Mitigation Measures BIO-8 requires EBMUD to limit maintenance activities to authorized work windows, install flow diversions to maintain water quality, and prohibit operating equipment in wetted portions of streams, which would further minimize potential impacts related to waters of the U.S. and State.

**4.1.2.4 *Impact Biology d): Potential to interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors or impede the use of wildlife nursery sites.***

**Findings**

Numerous habitat types and streams and waterways occur throughout the Watershed. The zones around streams and other waterbodies represent important wildlife migration corridors as various species utilize these areas for connection to uplands, cover, and water. Additionally, wildlife frequently utilizes corridors around streams and waterbodies for prey opportunities that generally migrate along streams and other waterways. Project activities would occur infrequently at any one stream or waterbody location within the Watershed; therefore, Project activities would not substantially interfere with the movement of wildlife species or the use of established wildlife corridors. Fish are also known to routinely migrate through several of the larger perennial streams (Mokelumne River) up to Camanche Dam, which is significant barrier. Activities in the Watershed immediately below the Dam could affect fish present. Implementation of Mitigation BIO-16 would avoid and/or minimize impacts on Central Valley DPS steelhead and Central Valley fall/late run ESU Chinook salmon, as well as other common fish species.

**Facts in Support of Findings**

Mitigation Measure BIO-16 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure BIO-16 requires EBMUD to perform daily checks of stranded aquatic life in areas subject to dewatering as the water level drops and the capture and movement of all stranded aquatic life in dewatered areas, potential impacts on interfering with the movement of wildlife species or the use of established wildlife corridors would be less than significant.

**4.1.3 *Cultural Resources***

**4.1.3.1 *Impact Cultural Resources a): Potential to cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.***

**Findings**

The Penn Mine Historic District has been determined eligible for listing in the National Register of Historic Places (NRHP), and is, therefore, eligible for the California Register of Historical Resources (CRHR) pursuant to Pub. Res. Code 5024.1(d)(1). Maintenance activities implemented under the proposed Project that cause ground disturbance in the vicinity of the Penn Mine Historic District have the potential to damage the resource. Implementation of Mitigation Measures CR-3

and CR-4 and Guidelines Cul-1 and Cul-2 from the MWMP Specific Project Environmental Review Guide would reduce potential impacts to historic resources when working in the area of the Penn Mine Historic District to less than significant levels.

### **Facts in Support of Findings**

Mitigation Measure CR-3 and CR-4 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measures CR-3 and CR-4 require EBMUD to review the archaeological resources GIS database, contract with a qualified archaeologist to conduct a review and assessment of those maintenance sites that overlap with newly recorded resources, evaluate resources for eligibility for listing on the CRHR or as unique archaeological resources or Tribal Cultural Resources (TCRs), and conduct additional research on identified archaeological discoveries that may be damaged during work, potential impacts to cultural and historical resources would be less than significant.

In addition, Guidelines Cul-1 and Cul-2 from the Mokelumne Watershed Management Plan Specific Project Environmental Review Guide (EBMUD 2008) would involve consulting the cultural resources inventory to determine if an area had previously been surveyed as well as resource locations to further reduce impacts.

***4.1.3.2 Impact Cultural Resources b) and c): Potential to cause a substantial adverse change in the significance of a unique archaeological resource as defined in Section 15064.5, or disturb any human remains, including those interred outside of formal cemeteries.***

### **Findings**

Archaeological remains may be buried with no surface manifestation. Should previously undiscovered archaeological resources be found, the Project activities would affect them in a way that would render them ineligible for listing in the CRHR, and/or affect their determination to be a unique archaeological resource or a Tribal Cultural Resource. This would be a significant impact. Implementation of Mitigation Measure CR-1 would reduce impacts related to accidental discovery of archaeological resources to a less than significant level.

Record search data identified one previously recorded Native American site with human remains within the Watershed area. Although this site is currently under Camanche Reservoir, it serves as an indicator that human remains may be found in other parts of the Project area. Should any such remains be discovered during routine maintenance activities, the California Health and Safety Code section 7050.5 requires that work immediately stop within the vicinity of the finds and that the county coroner of where the remains are found be notified to assess the finds. Implementation of Mitigation Measure CR-2 and Guideline Cul-4 from the MWMP Specific Project Environmental Review would reduce impacts related to human remains uncovered during the course of maintenance activities to a less than significant level.

### **Facts in Support of Findings**

Mitigation Measures CR-1 and CR-2 are hereby adopted by EBMUD and will be implemented as

set forth in the MMRP.

Because Mitigation Measures CR-1 and CR-2 provide cultural resources training for all EBMUD maintenance personnel, require the immediate cessation of maintenance activities if cultural resources or human remains are discovered and provide for the appropriate notifications and treatment, the Project would reduce impacts related to accidental discovery of archaeological resources and human remains to a less than significant level.

In addition, Guideline Cul-4 from the MWMP Specific Project Environmental Review Guide also requires that all work is stopped in the event that human remains are found, further reducing impacts.

#### **4.1.4 Geology and Soils**

##### **4.1.4.1 Impact Geology and Soils f): Potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.**

#### **Findings**

The Project would involve ground-disturbing activities, such as sediment and debris removal, culvert repair/replacement, and bank and levee repair that could accidentally impact unknown paleontological resources. Unknown and accidental paleontological discoveries during maintenance-related activities have the potential to result in significant impacts on paleontological resources. Implementation of Mitigation Measure GEO-1 would reduce this impact to a less than significant level.

#### **Facts in Support of Findings**

Mitigation Measure GEO-1 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure GEO-1 requires the immediate suspension of maintenance activities should paleontological resources be discovered and provides for the protection, salvage, treatment, and management of those resources, the Project would reduce impacts related to paleontological to a less than significant level.

#### **4.1.5 Hazards and Hazardous Materials**

##### **4.1.5.1 Impact Hazards and Hazardous Materials a) and b): Potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.**

#### **Findings**

Proposed maintenance activities would be temporary in any one location, and generally would occur from within or alongside reservoirs, ponds, channels, and culverts; along roads, trails, and utility lines, and EBMUD ROWs; or at EBMUD recreation and infrastructure facilities.

Maintenance activities would largely be conducted with hand-held tools (i.e., shovels, rakes, hand saws, etc.) or mechanical equipment (e.g., chainsaws, backhoes, graders, etc.), dependent upon the maintenance needs. Larger sediment and debris removal, bank stabilization repairs, and vegetation management activities may require the use of heavy equipment, such as excavators or bobcats.

Hazardous materials, including fuels and lubricants used in excavation and transportation equipment and vehicles, would be present during maintenance activities. Hazardous materials would be transported to and from the maintenance sites; however, they would be removed once maintenance activities are complete. Hazardous materials would not be stored permanently at any of the maintenance sites. Nonetheless, if hazardous materials were accidentally released during use or transport, a significant impact on humans or the environment could result. In addition, ground-disturbing maintenance activities and debris removal activities may encounter existing hazardous materials and debris. Hazardous debris is often found in stream channels, particularly those next to roadways. If not removed from the streams in a proper manner, the hazardous materials would continue to degrade the quality of water and surrounding environment. Implementation of Mitigation Measures BIO-8 through BIO-10, Mitigation Measure HAZ-1, Guideline Haz-1 from the MWMP Specific Project Environmental Review Guide, and EBMUD Procedure 711 would reduce the potential hazards and hazardous materials impacts to a less than significant level.

### **Facts in Support of Findings**

Mitigation Measures BIO-8 through BIO-10 and HAZ-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measures BIO-8 through BIO-10 and HAZ-1 would require flow diversions to contain potentially polluted waters; require fuels, lubricants, and solvents to be stored outside the stream channel and proper positioning and maintenance of equipment and vehicles in the vicinity of stream; include specific measures for containment of concrete leachate; and require the establishment of a contingency plan in case of an accidental release of hazardous materials, impacts related to the use, transport, disposal, or accidental release of hazardous materials to the public or the environment would be reduced to a less than significant level.

In addition, the transport, storage, use, and disposal of hazardous materials would be conducted in compliance with applicable State and federal regulations as specified by Guideline Haz-1 from the MWMP Specific Project Environmental Review Guide. Further, adherence to EBMUD Procedure 711 comprises standard EBMUD procedures for removing found hazardous waste from EBMUD facilities to ensure material is properly characterized, handled and disposed.

#### ***4.1.5.2 Impact Hazards and Hazardous Materials g): Potential to expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires.***

### **Findings**

The Watershed is situated withing razing and forested areas in the Sierra foothills. The California Department of Forestry and Fire Protection (CAL FIRE) identifies fire hazard severity zones for local and state responsibility areas. The fire hazard model considers wildland fuels, topography,

weather, frequency of fires, and production of embers. The westernmost portion of the Project area, in San Joaquin County, is located within a moderate fire hazard severity zone (FHSZ). The northern portion of the Project area, in Amador County, is also primarily located within a moderate FHSZ; however, the eastern portion of the Project area in Amador County includes a mix of both high and very high FHSZs. Similarly, the majority of the southern portion of the Project area, in Calaveras County, is within high and very high FHSZs, with moderate areas near the border of San Joaquin County to the west. Thus, wildland fire is a potential risk throughout the Watershed, particularly in the southern and eastern areas. The use of maintenance equipment could pose a wildland fire risk in the Project area. The time of greatest fire risk would be during vegetation management activities when maintenance crews and equipment are close to vegetative fuels that could be highly flammable. Implementation of Mitigation Measure WILD-1 and Guideline Haz-2 from the MWMP Specific Project Environmental Review would reduce the potential exposure of people or structures to wildland fires to a less than significant level.

### **Facts in Support of Findings**

Mitigation Measure WILD-1 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure WILD-1 requires adequate fire-fighting equipment, spark arrestors on internal combustion engines, removing combustible materials, and approving access for firefighting, impacts associated with exposing people or structures to wildland fires would be reduced to a less than significant level.

In addition, compliance with applicable federal, local, and state fire prevention regulations, including the California Fire Code, would further minimize potential impacts. Further, compliance with Guideline Haz-2 from the MWMP Specific Project Environmental Review requires an evaluation of how maintenance activities might elevate wildfire risk or be affected by wildfire would further minimize potential impacts.

#### ***4.1.6 Hydrology and Water Quality***

##### ***4.1.6.1 Impact Hydrology and Water Quality a): Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.***

### **Findings**

Proposed routine maintenance activities, including sediment and debris removal; vegetation management; facilities maintenance; erosion prevention, control, repair, and protection; and environmental stewardship have the potential to violate water quality standards or degrade water quality. Proposed maintenance activities involve ground disturbing activities, that could expose soils and increase the potential for soil erosion and transport of sediment downstream. Sediment releases may increase turbidity, which could cause an increase in water temperature and a corresponding decrease in dissolved oxygen levels. Though ground disturbing activities would be short-term and temporary, discharge of sediment to surface waters could adversely impact water quality, endanger aquatic life, and/or result in a violation of water quality standards. In-channel maintenance activities may require dewatering of channels if water is present during work, and if

not monitored or maintained, temporary cofferdams could fail or release sediment, sand, gravel, and sediment laden water to the work site and downstream, increasing turbidity. Accidental releases either directly or indirectly into the stream channel of hazardous materials used in excavation and transportation equipment could occur and significantly degrade sediment and water in and around the work site. Hazardous debris discarded in stream channels, if not removed from the streams in a proper manner, would continue to degrade the quality of water and surrounding environment. Implementation of Mitigation Measures HYD-1, HYD-2, BIO-9, BIO-10, and HAZ-1 and adherence to EBMUD Procedure 711 and Guideline Geo-2 from the MWMP Specific Project Environmental Review Guide would minimize the potential for proposed maintenance activities to substantially degrade surface water and groundwater quality or violate water quality standards or waste discharge requirements.

### **Facts in Support of Findings**

Mitigation Measures HYD-1, HYD-2, BIO-9, BIO-10, and HAZ-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure HYD-1 and HYD-2 require continuous monitoring of erosion control BMPs and include protocols for stabilizing exposed soils and restrictions for in-channel maintenance activities, impacts on water quality associated with erosion and sedimentation would be reduced to a less than significant level.

Because Mitigation Measures BIO-9, BIO-10, and HAZ-1 require proper containment of hazardous or toxic construction materials and concrete leachate, and implementation of a contingency plan for accidental releases of hazardous materials, impacts on surface and groundwater quality from accidental releases of hazardous materials would be reduced to a less than significant level.

EBMUD Procedure 711 comprises of standard EBMUD procedures for removing found hazardous waste from EBMUD facilities to ensure material is properly characterized, handled and disposed to avoid impacts to water quality. In addition, Guideline Geo-2 from the MWMP Specific Project Environmental Review Guide would require the installation of runoff controls to protect against erosion to further reduce impacts.

***4.1.6.2 Impact Hydrology and Water Quality c.i.): Substantially alter the existing drainage pattern of the site area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site.***

### **Findings**

During ground disturbing activities, soil would be exposed, and there would be an increased potential for soil erosion and transport of sediment downstream. Proposed maintenance activities include sediment and debris removal, vegetation management, facilities maintenance, erosion prevention, control, repair, and protection, and environmental stewardship activities. Without maintenance, sediment accumulation and erosion would increase and degrade site conditions such that flooding could occur, particularly along access roads. Additionally, erosive forces could redirect runoff such that new drainage pathways could be created and cause further damage to

access roads, EBMUD facilities, and water quality. Implementation of these routine maintenance activities would prevent runoff flows from causing erosion and siltation and would direct runoff to culverts and drainages to protect water quality. Implementation of Mitigation Measures HYD-1 and HYD-2 and adherence to Guideline Geo-2 from the MWMP Specific Project Environmental Review Guide would reduce impacts related to erosion or siltation from altered drainage patterns to less than significant levels.

### **Facts in Support of Findings**

Mitigation Measures HYD-1 and HYD-2 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measures HYD-1 and HYD-2 would require protocols to stabilize exposed soils and restrict equipment operations in wetted portions of streams and within 12 hours of predicted storm events, impacts on water quality associated with erosion and sedimentation would be reduced to a less than significant level.

#### **4.1.7 Noise**

***4.1.7.1 Impact Noise a): Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.***

### **Findings**

The Project would involve the use of construction equipment and a corresponding generation of noise. Simultaneous operation of the Project's assumed two loudest pieces of equipment would generate noise levels above the Federal Transit Administration 90 dBA threshold at distances below 40 feet, which would be a potentially significant impact for receptors within these distances. Based on this analysis, maintenance-related noise impacts may exceed established thresholds when such activities are in close proximity to sensitive residential receptors; however, maintenance-related noise impacts at individual sites would be temporary and of a short duration (one to two days typically and up to five days maximum) with limited exposure to any nearby sensitive receptors. Implementation of Mitigation Measure NOI-1 would reduce impacts related to substantial temporary or permanent increases in ambient noise levels to less than significant levels.

### **Facts in Support of Findings**

Mitigation Measure NOI-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure NOI-1 implements noise and vibration-reducing practices to minimize disturbances to residential areas surrounding work sites, permanent or temporary impacts on ambient noise levels would be reduced to a less than significant level.

In addition, adherence to a number of EBMUD Mokelumne Watershed Routine Maintenance Noise Control Standard Practices would further reduce impacts by limiting construction to

daylight hours, requiring best available noise control techniques for equipment and vehicles, and imposing controls for impact equipment.

**4.1.7.2 Impact Noise b): Generation of excessive groundborne vibration or groundborne noise levels.**

**Findings**

Some equipment used during construction would generate groundborne vibration. Thus, some sensitive receptors located within or adjacent to the Watershed boundary could be potentially exposed to vibration levels exceeding the vibration thresholds for buildings or human annoyance. Work near individual receptors would be infrequent and short in duration. Vibration generating equipment such as dump trucks and bulldozers would not be operated within 8 feet of residences. Implementation of Mitigation Measure NOI-1 would reduce impacts related to groundborne vibration or groundborne noise levels to less than significant levels.

**Facts in Support of Findings**

Mitigation Measure NOI-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure NOI-1 implements noise and vibration-reducing practices to minimize disturbances to sensitive receptors, Project impacts from exposure to or generation of excessive groundborne vibration or groundborne noise levels would be reduced to a less than significant level.

**4.1.8 Tribal Cultural Resources**

**4.1.8.1 Impact Tribal Cultural Resources a.i.): Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).**

**Findings**

No TCRs that are listed, or eligible for listing in the CRHR are known within the Project area, and none were identified by the tribes EBMUD contacted. However, the records searches indicated that one Native American site within EBMUD Watershed contains human remains. Although the site has neither formally been evaluated for CRHR eligibility nor specifically identified as a TCR by local Native American tribes, sites with burials are important ancestral resources and are considered TCRs. Furthermore, during preparation for maintenance activities, it may come to light that other previously-recorded sites in the Watershed contain human remains. Implementation of Mitigation Measure TCR-1 would reduce impacts related to tribal cultural resources to less than significant levels.

### **Facts in Support of Findings**

Mitigation Measure TCR-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure TCR-1 would ensure that if archaeological sites known to contain human remains are at risk of disturbance by a proposed maintenance activity, the TCR would be avoided or treated in a culturally appropriate manner, tribal cultural resources impacts would be reduced to a less than significant level.

***4.1.8.2 Impact Tribal Cultural Resources a.ii.): Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

### **Findings**

Although no TCRs have been identified in the Project area, it is possible that Native American archaeological remains or Native American human remains that could be determined to be TCRs could be discovered during construction, as such resources are not always visible on the ground surface. Maintenance activities would be conducted throughout the year as required to maintain the health of the Watershed and the functional and structural integrity of its infrastructure and facilities. Maintenance site locations would vary from year to year. It is possible that additional TCRs, not currently known at the time of this IS/MND analysis, could be recorded in future years that would overlap with proposed maintenance locations in a given year. Review of EBMUD's Archaeological Resources GIS database, which is annually updated, would reveal potential overlaps with archaeological resources that might also be considered TCRs. Implementation of Mitigation Measures CR-1 through CR-4 would reduce impacts related to tribal cultural resources to less than significant levels.

### **Facts in Support of Findings**

Mitigation Measures CR-1 through CR-4 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measures CR-1 and CR-2 halt maintenance work if archaeological or human remains were uncovered and ensure appropriate treatment by archaeological professionals, the County coroner, and Native American representatives as appropriate, tribal cultural resources impacts would be reduced to a less than significant level.

Because Mitigation Measures CR-3 and CR-4 require future archaeological survey of maintenance locations that previously have not been surveyed, appropriate CRHR evaluation or

consultations with tribes with a traditional and cultural affiliation with the location, and treatment of any recovered archaeological resources, tribal cultural resources impacts would be reduced to a less than significant level.

#### **4.1.9 Wildfire**

##### **4.1.9.1 Impact Wildfire b): Due to slope, prevailing winds, or other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire.**

#### **Findings**

Due to the presence of very high FHSZs within the Watershed, wildfire risks could be exacerbated due to the Project's maintenance activities. Routine maintenance activities could increase the risk of starting fires due to the increased presence of vehicles, equipment, and human activity in or adjacent to very high FHSZs. In particular, heat or sparks from construction vehicles or equipment have the potential to ignite dry wildland fuels. Routine maintenance activities occurring in or near wildland fuels pose a fire risk and could thereby expose EBMUD staff to wildfires pollutants and associated pollutants. Additionally, activities occurring in or near wildland fuels pose a fire risk that could result in the uncontrolled spread of wildfire. EBMUD is required to comply with all federal, local, and State fire-prevention regulations, including the California Fire Code. The California Fire Code includes wildfire protection requirements for wildland-urban interface areas. Chapter 49 of the California Fire Code discusses provisions for hazardous vegetation and fuel management, and defensible space. The California Fire Code also includes the minimum requirements for fire protection equipment, and access for firefighting for construction and demolition projects. Implementation of Guideline Haz-2 from the MWMP Specific Project Environmental Review Guide and Mitigation Measure WILD-1 would reduce wildfire hazard risk impacts related to less than significant levels.

#### **Facts in Support of Findings**

Mitigation Measure WILD-1 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because Mitigation Measure WILD-1 requires adequate fire-fighting equipment, spark arrestors on internal combustion engines, removal of combustible materials, and access for firefighting, impacts associated with wildfire risk would be reduced to a less than significant level.

In addition, compliance with applicable federal, local, and State fire prevention regulations, including the California Fire Code, would further minimize potential impacts. Further, compliance with Guideline Haz-2 from the MWMP Specific Project Environmental Review requires an evaluation of how maintenance activities might elevate wildfire risk or be affected by wildfire, and would further minimize potential impacts.

##### **4.1.9.2 Impact Wildfire c): Require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.**

## **Findings**

Vegetation management, including trimming, mowing, pruning, and removal of weeds, grasses, woody and herbaceous plants, fallen trees, trunks or limbs would occur within riparian zones and chaparral, in areas adjacent to roads, shoulders and walkways, and from within streambeds, ponds, and reservoirs. Targeted livestock grazing may also be used in riparian zones. Vegetation management activities in upland areas to reduce wildfire fuel loads may involve mowing, discing, trimming, or removal of bankside grasses, shrubs, trees deemed a public health hazard, nuisance and invasive species in banks, roads, trails, walkways, utility lines, ROW, and recreation areas. Targeted livestock grazing may also be used in upland habitat areas. Finally, EBMUD would maintain fuel breaks and remove ladder fuels along trails, around facilities, or along park boundaries where adjacent private properties could be at risk, with defensible space maintained to a 100-foot-wide buffer. Vegetation management activities would be conducted by using hand tools and equipment and also by mechanical removal using heavier equipment, and would comply with applicable federal, local, and State fire prevention regulations, including the California Fire Code. Vegetation management activities could temporarily exacerbate the fire risk by using equipment (e.g., excavator with mowing attachments) that could cause a fire in adjacent wildland fuels. Implementation of Guideline Haz-2 from the MWMP Specific Project Environmental Review Guide and Mitigation Measure WILD-1 would reduce wildfire hazard risk impacts related to less than significant levels.

## **Facts in Support of Findings**

Because Mitigation Measure WILD-1 requires adequate fire-fighting equipment, spark arrestors on internal combustion engines, removal of combustible materials, and access for firefighting be maintained, impacts associated with wildfire risk would be reduced to a less than significant level.

In addition, compliance with applicable federal, local, and State fire prevention regulations, including the California Fire Code, would further minimize potential impacts. Further, compliance with Guideline Haz-2 from the MWMP Specific Project Environmental Review requires an evaluation of how maintenance activities might elevate wildfire risk or be affected by wildfire, and would further minimize potential impacts.

### ***4.1.10 Mandatory Findings of Significance***

***4.1.10.1 Impact Mandatory Findings of Significance a): Potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.***

## **Findings**

Significant but mitigable impacts were identified for air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, tribal cultural resources, and wildfire. With implementation of mitigation measures

identified in the IS/MND, the Project would not have the potential to substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. With implementation of the above-described mitigation measures, this impact would be less than significant with mitigation.

### **Facts in Support of Findings**

Mitigation Measures AQ-1, BIO-1 through BIO-21, CR-1 through CR-4, GEO-1, HYD-1, HYD-2, HAZ-1, WILD-1, NOI-1, and TCR-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because impacts to habitat, wildlife, and plants would be mitigated per Mitigation Measures AQ-1, BIO-1 through BIO-21, GEO-1, HYD-1, HYD-2, HAZ-1, WILD-1, and NOI-1, and impacts to major periods of California history or prehistory would be mitigated per Mitigation Measures CR-1 through CR-4, and TCR-1 impacts would be less than significant.

**4.1.10.2 Impact Mandatory Findings of Significance b): Potential to have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).**

### **Findings**

#### *Impacts Avoided*

The Project would have no impact on the following resources and would therefore not contribute to potential cumulative impacts on these resources:

- Agriculture and Forestry Resources
- Land Use and Planning
- Mineral resources
- Population and Housing
- Public Services

Cumulative impacts would also be avoided on aesthetics, energy, greenhouse gas emissions (GHG), recreation, and transportation. It is not anticipated that the cumulative projects would be located within the same viewshed as the Project and, when visible maintenance activities would be of a short duration; therefore, no cumulative aesthetic impact would occur. The Project's consumption of fossil fuels would be conducted in accordance with energy efficient practices and generally a similar level of energy use as existing maintenance activities. The Project's GHG emissions would be limited in nature and duration, similar to those emitted during maintenance activities conducted in the existing condition, and less than the applicable thresholds. The Project's impacts on recreational resources would be temporary and not significantly affect the availability of public trails or other recreational facilities. During maintenance activities, the Project would contribute additional vehicle traffic to local roadways; however, the number of

additional vehicles on local roadways generated by maintenance crews at any given location would be small (typically less than four vehicles), intermittent, limited in duration, and similar to ongoing maintenance work conducted in the past. In addition, routine maintenance activities would not occur on public roads and lane closures would not be required. In summary, the Project's contributions to cumulative impacts for these resource topics would be less than considerable.

### *Cumulative Impacts*

#### Air Quality

The Project's air quality emissions would not exceed thresholds for any criteria pollutant in the air districts where the Project occurs. However, there is a potential for exposure to NOA given the proximity of maintenance sites to ultramafic rock occurrences and mining sites. EBMUD would mitigate air quality impacts to a less than significant level through implementation of MM AQ-1, which includes protocols for controlling dust emissions and requires implementation of an asbestos dust mitigation plan that has been approved by applicable air districts. Other EBMUD projects would be required to comply with applicable State and local regulations concerning criteria pollutants, dust, and NOA, and implement similar mitigation measures when necessary. With implementation of MM AQ-1, the Project's contribution to a potentially significant cumulative air quality impact would be less than considerable with mitigation.

#### Biological Resources

The Project would likely occur in similar habitats to some of the cumulative projects. While the majority of the potential cumulative projects are anticipated to occur within disturbed or developed areas and to not affect habitat areas, similar habitat impacts could occur to drainages and other waterbodies (e.g., wetlands and riparian habitat). EBMUD would mitigate biological resource impacts to a less-than-significant level through implementation of MM BIO-1 through MM BIO-21. The Project contribution to a potentially significant biological resource impact would be less than considerable with mitigation and thus less than significant.

#### Cultural Resources

Cumulative projects that would occur within the Watershed property involving ground disturbing activities would have the potential to impact the same cultural resources as the Project. As described in the IS/MND, 154 previously recorded cultural resources have been identified within the EBMUD Watershed. Additionally, given the geographic scale of the Project area and the fact that the entire EBMUD Watershed has not been entirely subject to pedestrian survey previously unrecorded archaeological resources are likely to exist. Although there is a potential for maintenance work to uncover previously undiscovered cultural resources or for activities to impact resources that are not currently known at the time of this IS/MND analysis, implementation of Guidelines Cul-1, Cul-2 and Cul-4, and MM CR-1 through MM CR-4 would reduce these impacts to less than significant.

#### Geology and Soils

Cumulative projects near the Project area may require grading and earth disturbance and would be subject to local and State laws, regulations, and ordinances regarding the proper construction

of facilities to ensure public safety. The Project involves conducting routine maintenance activities at existing facilities and does not involve new construction of structures that would increase exposure to adverse effects associated with fault rupture, ground shaking, liquefaction, landslides, lateral spreading, subsidence, collapse, or expansive or unstable soils. Guideline Geo-2 from the MWMP Specific Project Environmental Review Guide would require installation of runoff controls prior to the rainy season to prevent soil from migrating off site, which would reduce impacts to less-than-significant levels. Although not necessary to ensure impacts are less-than-significant, Mitigation Measure BIO-2 would further reduce impacts by limiting vegetation disturbance to the immediate maintenance footprint necessary. Unknown paleontological resources could be discovered during maintenance activities that involve ground disturbing activities. In the unlikely event of a discovery, implementation of MM GEO-1 would require work to be halted and appropriate mitigation to be implemented if an unknown paleontological resource is found. The Project contribution to a potentially significant geology and soils impact would be less than considerable with mitigation and thus less than significant.

#### Hazards and Hazardous Materials

Proposed maintenance activities would be of short duration, not lasting more than five days in any one location, and generally would be confined to small areas (e.g., less than one acre). Guideline Haz-1 from the MWMP Specific Project Environmental Review Guide will be implemented by EBMUD, which would require that applicable State and federal regulations be followed with regard to the transport, storage, use, and disposal of hazardous materials. Implementation of MMs HAZ-1, BIO-8, BIO-9, BIO-10, and EBMUD Procedure 711 would ensure that hazardous materials are handled, used, transported, and disposed of properly. The Project contribution to a potentially significant hazards and hazardous materials impact would be less than considerable with mitigation and thus less than significant.

#### Hydrology and Water Quality

Cumulative projects near the Project area may require grading and earth disturbance. Cumulative projects that result in land disturbance of more than one acre would be required to prepare an SWPPP and comply with the statewide Construction General Permit. All maintenance-related activities would be of short duration and confined to small areas. Although certain activities would occur along and within channels, ponds, and reservoirs, and could potentially adversely affect water quality, Guideline Geo-2 from the MWMP Specific Project Environmental Review Guide has been incorporated into the Project and would require installation of runoff controls prior to the beginning of the rainy season to prevent soil from migrating off site and protect against erosion. However, because Guideline Geo-2 does not include specific exposure protocols or restrictions on equipment for in-channel maintenance, implementation of MMs HYD-1 and HYD-2 would reduce impacts through protocols for stabilizing exposed soils and restrictions for in-channel maintenance activities. In addition, implementation of BIO-8, BIO-9, BIO-10, HAZ-1, and EBMUD Procedure 711 would reduce temporary impacts associated with ground-disturbing, dewatering, and vegetation management activities, and hazardous materials. In addition, maintenance activities would protect water quality by ensuring that runoff is properly directed to culverts and drainages, thus preventing erosion, sedimentation, and flooding from occurring. The Project contribution to a potentially significant hydrology and water quality impact would be less than considerable with mitigation and thus less than significant.

## Noise

Cumulative projects may generate construction noise similar to or greater than the Project near the EBMUD ROW. The Project would generate temporary construction noise associated with maintenance work; however, noise would be of short duration (one to two days typically and up to five days maximum) and would immediately cease once maintenance is complete. The scale of noise generation from maintenance activities would be less than that of a typical construction project and for the most part would not be close enough to sensitive receptors to exceed local noise standards. EBMUD' Mokelumne Watershed Routine Maintenance Standard Practices for noise control would limit construction activities to daylight hours, require best available noise control techniques for equipment and vehicles, and impose controls for impact equipment. Further, implementation of MM NOI-1 would require maintenance work to comply with noise controls (e.g., advance notification, mufflers, etc.) to minimize potential impacts to sensitive receptors. The Project would not permanently increase noise levels above the existing condition. The Project contribution to a potentially significant noise impact would be less than considerable with mitigation and thus less than significant.

## Tribal Cultural Resources

Potential cumulative projects would occur within the Watershed and therefore could potentially impact the same TCRs. No TCRs were identified to occur within the Project area; however, it is possible that TCRs could be discovered during ground disturbing activities. MM TCR-1 would ensure that, if archaeological sites known to contain human remains are at risk of disturbance by a proposed maintenance activity, the TCR would be avoided or treated in a culturally appropriate manner. MMs CR-1 through CR-4 would reduce potential impacts to unknown TCRs or TCRs that have not yet been identified. Thus, the Project contribution to a potentially significant tribal cultural resources impact would be less than considerable with mitigation and less than significant.

## Wildfire

The Project is located within areas that are designated as very high FHSZs for wildfire risk. Potential cumulative projects could exacerbate wildfire risk through the use of construction vehicles and equipment that could ignite fires. Although maintenance activities would introduce maintenance equipment in these areas that could cause a fire, EBMUD would comply with the California Fire Cod, including minimum requirements for fire protection equipment. Additionally, Guideline Haz-2 from the MWMP Specific Project Environmental Review Guide has been incorporated into the Project and would require an evaluation of wildfire risk. Furthermore, implementation of MM WILD-1 would reduce the potential for wildfire to occur to levels that are less-than-significant by requiring that maintenance sites be supplied and maintained with adequate firefighting equipment, and that access for firefighting at sites is maintained. In addition, maintenance work at any given location would be of short duration, not lasting more than five days in any one location, and generally would be confined to small areas (e.g., less than one acre). Thus, the Project contribution to a potentially significant wildfire impact would be less than considerable with mitigation and less than significant.

## **Facts in Support of Findings**

Mitigation Measures AQ-1, BIO-1 through BIO-21, CR-1 through CR-4, GEO-1, HYD-1, HYD-

2, HAZ-1, WILD-1, NOI-1, and TCR-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because EBMUD would implement Mitigation Measures AQ-1, BIO-1 through BIO-21, CR-1 through CR-4, GEO-1, HYD-1, HYD-2, HAZ-1, WILD-1, NOI-1, and TCR-1, which protect and avoid biological, cultural, paleontological resources, and tribal cultural resources and avoid or minimize potential air quality-, hazardous-, water quality-, noise level-, and wildfire-related impairments, the Project's contribution to a potentially significant cumulative impact related to air quality, biological, cultural, and paleontological resources, hazards and hazardous materials, and hydrology and water quality would be less than considerable with mitigation and thus less than significant.

**4.1.10.3 *Impact Mandatory Findings of Significance c): Potential to have impacts that have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.***

**Findings**

Less than significant impacts were identified for aesthetics, energy, greenhouse gas emissions, recreation, transportation, and utilities and service systems. Significant but mitigable impacts were identified for air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, tribal cultural resources, and wildfire. With implementation of mitigation measures identified in the IS/MND, the Project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. With implementation of the above-described mitigation measures, this impact would be less than significant with mitigation.

**Facts in Support of Findings**

Mitigation Measures AQ-1, BIO-1 through BIO-21, CR-1 through CR-4, GEO-1, HYD-1, HYD-2, HAZ-1, WILD-1, NOI-1, and TCR-1 are hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

Because EBMUD would implement Mitigation Measures AQ-1, BIO-1 through BIO-21, CR-1 through CR-4, GEO-1, HYD-1, HYD-2, HAZ-1, WILD-1, NOI-1, and TCR-1, which protect and avoid biological, cultural, paleontological resources, and tribal cultural resources and avoid or minimize potential air quality-, hazardous-, water quality-, noise level-, and wildfire-related impairments, the Project's potential to result in environmental effects which would cause substantial adverse effects on human beings would be less than significant with mitigation.

**4.2 *Findings Regarding Less Than Significant Effects***

It has been determined that the following effects would be less than significant or there would be no impact, and no mitigation is needed.

**4.2.1 *Aesthetics***

**4.2.1.1 *Impact Aesthetics a): Have a substantial adverse effect on a scenic vista.***

## **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-5).

## **Facts in Support of Findings**

As identified in the IS/MND, routine maintenance activities would be conducted within EBMUD's Mokelumne Watershed property, which includes the Camanche and Pardee dams and reservoirs, and the lands adjacent to the lower Mokelumne River below Camanche Dam. Routine maintenance would be temporary in nature, small in scale and duration, and would occur from within or alongside reservoirs, ponds, channels, and culverts; along roads, trails, utility lines, and EBMUD ROW; or at EBMUD recreation and infrastructure facilities within the Watershed. Accordingly, these activities would not reduce the quality of views from nearby adjacent lands. The Project would not result in the construction of any new structures or facilities that would block surrounding scenic views. Guidelines Vis-1 and Vis-2 from the MWMP Specific Project Environmental Review Guide would require that potential visual impacts be minimized to the extent possible, through the use of building materials that are compatible with surrounding conditions for any replacement facilities. Therefore, based on the limited size, scope, and duration of maintenance activities and adherence to Guidelines Vis-1 and Vis-2, impacts to scenic vistas would be less than significant.

***4.2.1.2 Impact Aesthetics b): Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.***

## **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-6).

## **Facts in Support of Findings**

As identified in the IS/MND, maintenance activities would occur within the boundaries of the Mokelumne Watershed and would not be located within the viewshed of a State scenic highway. State Route 49 in Amador County, which is an eligible State scenic highway, runs along the northeastern boundary of the watershed crossing the Mokelumne River, but is not officially designated (California Department of Transportation [Caltrans] 2018). Therefore, no impact would occur related to substantially damaging scenic resources within a State scenic highway.

***4.2.1.3 Impact Aesthetics c): In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?***

## **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-6).

### **Facts in Support of Findings**

As identified in the IS/MND, when in locations visible from public vantage points, routine maintenance activities, such as activities involving the presence of equipment, staging, earthwork, and other maintenance, would result in temporary visual impacts. However, maintenance would be intermittent and temporary, not lasting any more than five days at each site. Furthermore, all maintenance work would be implemented to maintain the functional and structural integrity of the Watershed and associated facilities, and often would occur in locations where maintenance has previously been performed. Guidelines Vis-1 and Vis-2 from the MWMP Specific Project Environmental Review Guide require that potential visual impacts be minimized to the extent possible, such as through the use of materials that are compatible with surrounding conditions for any replacement facilities. Given the temporary nature of maintenance activities at any given site, along with adherence to Guidelines Vis-1 and Vis-2, impacts to public views, and the overall visual character and quality of the maintained facilities, would be less than significant.

#### ***4.2.1.4 Impact Aesthetics d): Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.***

### **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-7).

### **Facts in Support of Findings**

As identified in the IS/MND, routine maintenance activities would be conducted during daylight hours; thus, no nighttime lighting would be needed. The Project would not involve construction of new facilities or modifications to existing facilities that would result in new reflective surfaces or installation of lighting. Therefore, implementation of the Project would not introduce any new sources of substantial light or glare within the Project area. No impact would occur.

#### **4.2.2 Agriculture and Forestry Resources**

##### ***4.2.2.1 Impact Agriculture and Forestry a): Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use.***

### **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-10).

### **Facts in Support of Findings**

As identified in the IS/MND, Agricultural land in the Mokelumne Watershed is considered grazing land, and grazing is the only agricultural activity on EBMUD land. None of the land within the Watershed boundary is designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (California Department of Conservation [CDOC] 2016). Therefore, there would be no impact related to the conversion of designated farmlands.

**4.2.2.2 *Impact Agriculture and Forestry b): Conflict with existing zoning for agricultural use, or a Williamson Act contract.***

**Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-10).

**Facts in Support of Findings**

As identified in the IS/MND, the Project area is adjacent to areas zoned as Agriculture; however, it does not include lands under a Williamson Act Contract. As such, there would be no conflict with areas zoned as Agriculture or to lands under a Williamson Act Contract. Therefore, no impact would occur.

**4.2.2.3 *Impact Agriculture and Forestry c): Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]) or timberland (as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51140 (g)).***

**Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-10).

**Facts in Support of Findings**

As identified in the IS/MND, the Project area does not contain land currently zoned for forest land, timberland, or timberland zoned for Timberland Production. Therefore, there would be no conflicts or rezoning of forest lands, timberlands or timberland zoned Timberland Productions. There would be no impact.

**4.2.2.4 *Impact Agriculture and Forestry d): Result in the loss of forest land or conversion of forest land to non-forest use.***

**Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-10).

**Facts in Support of Findings**

As identified in the IS/MND, the Project area does not contain forest land, timberland, or timberland zoned for Timberland Production. While routine maintenance activities would involve habitat enhancement and restoration activities, such activities would not result in the loss of forest land or conversion of forest land to non-forest use. For these reasons, there would be no impact.

**4.2.2.5 *Impact Agriculture and Forestry e): Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.***

## **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-10).

### **Facts in Support of Findings**

As identified in the IS/MND, Agricultural land in the Mokelumne Watershed is considered grazing land, and grazing is the only agricultural activity that occurs on EBMUD land. Routine maintenance activities would occur along access roads, trails, utility lines and EBMUD ROWs that may traverse areas designated for grazing; however, these activities would not alter the agricultural use of the land. None of these areas would be converted into non-agricultural use. No impact would occur.

#### **4.2.3 Air Quality**

##### ***4.2.3.1 Impact Air Quality a): Conflict with or obstruct implementation of the applicable air quality plan.***

## **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-12).

### **Facts in Support of Findings**

As identified in the IS/MND, the Project would involve ground disturbing activities, and the use of fossil fuel-powered vehicles and equipment that would emit criteria pollutants. Emissions from these activities would not exceed applicable annual or daily thresholds. Proposed maintenance activities are similar in scale to what has taken place historically and would occur for a short duration of time at any given location (i.e., generally no longer than five days). In addition, the proposed Project would follow all federal, State, and local regulations related to sources of air pollutants. Finally, a number of EBMUD's Mokelumne Watershed Routine Maintenance Standard Practices have been incorporated into the Project. Emissions Control Standard Practices would minimize the exposure of sensitive receptors to short-term construction exhaust emissions by requiring equipment idling time restrictions and compliance with manufacturer's specifications of equipment. Therefore, given that proposed maintenance activity emissions would not exceed applicable annual or daily thresholds and with adherence to EBMUD's Emissions Control Standard Practices, the Project would not conflict with applicable air quality plans or local general plans and this impact would be less than significant.

##### ***4.2.3.2 Impact Air Quality b): Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.***

## **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-13).

### **Facts in Support of Findings**

As identified in the IS/MND, burn piles and fuel combustion involved with vehicle/truck use and operating off-road equipment would release particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>) and other contaminants including carbon monoxide and ozone precursors (reactive organic gases [ROG] and NO<sub>x</sub>). While Project emissions could potentially contribute to the existing air basins' statuses of non-attainment for ozone, PM<sub>2.5</sub>, and/or PM<sub>10</sub>, CalEEMod modeling results show that emissions associated with the proposed Project's maintenance activities would not exceed any of the applicable annual or daily thresholds. EBMUD would follow all applicable burn regulations in the respective air districts. Since this Project would be consistent with applicable air district regulations, it would not result in a cumulatively considerable increase in emissions. Thus, the impact of the proposed Project would be less than significant.

#### ***4.2.3.3 Impact Air Quality d): Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.***

### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-17).

### **Facts in Support of Findings**

As identified in the IS/MND, short-term maintenance activities involving sediment removal or requiring the use of construction equipment and trucks that emit diesel- and/or gasoline-powered engine exhaust may be a potential source of objectionable odors. Once maintenance activities have been completed, these odors would cease. The proposed maintenance activities would be short in duration and infrequent, typically lasting no more than five days at each site. Therefore, the proposed Project would not generate long-term objectionable odors affecting a substantial number of people. Objectionable odor related impacts would be less than significant.

#### **4.2.4 Biological Resources**

##### ***4.2.4.1 Impact Biological Resources e): Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.***

### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-55).

### **Facts in Support of Findings**

As identified in the IS/MND, EBMUD is not subject to building and land use zoning ordinances (such as tree ordinances) for projects involving the transmission of water (Government Code section 53091). Nevertheless, the Project would not conflict with any of the applicable guiding principles established in the Amador, Calaveras, and San Joaquin Counties General Plans because maintenance activities would consist of low-intensity work completed over short durations. For this reason, any potential impacts related to potential conflicts with local policies or ordinances regarding biological resources would be less than significant.

**4.2.4.2 *Impact Biological Resources f): Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or State habitat conservation plan.***

**Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-55).

**Facts in Support of Findings**

As identified in the IS/MND, there are no habitat conservation plans (HCP) or natural community conservation plans (NCCP) that occur within the Watershed. Further, EBMUD is subject to the federal and State laws and regulations governing endangered species impacts and obtains its own species “take” authorizations, when necessary, as illustrated by the federal SHA. As such, the Project would not conflict with an approved or adopted HCP, NCCP, or other local regulation pertaining to biological resources. There would be no impact.

**4.2.5 Energy**

**4.2.5.1 *Impact Energy a): Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.***

**Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-65).

**Facts in Support of Findings**

As identified in the IS/MND, maintenance activities would require the consumption of energy (fossil fuels) for construction equipment, worker vehicles, and hauling trucks. However, these maintenance activities would generally be a continuation of existing activities, requiring a similar level of energy use. The proposed Project would be implemented in compliance with EBMUD’s Sustainability Policy and Environmental Compliance Manual. Additionally, a number of EBMUD Mokelumne Watershed Routine Maintenance Standard Practices have been incorporated into the Project. These practices minimize energy consumption by prioritizing electric power over diesel when possible, limiting vehicle idling, and ensuring proper maintenance of vehicles and equipment. Since the proposed Project is necessary to protect critical water infrastructure and surrounding habitat and would implement practices to ensure energy is used efficiently, the Project would not result in the wasteful, inefficient, or unnecessary consumption of energy. This impact would be less than significant.

**4.2.5.2 *Impact Energy b): Conflict with or obstruct a State or local plan for renewable energy or energy efficiency.***

**Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-65).

### **Facts in Support of Findings**

As identified in the IS/MND, maintenance activities would generally be a continuation of existing activities, requiring a similar level of energy use by construction equipment and vehicles. The proposed Project would be implemented in compliance with EBMUD's Sustainability Policy and Environmental Compliance Manual. Additionally, a number of EBMUD Mokelumne Watershed Routine Maintenance Standard Practices have been incorporated into the Project that minimize energy consumption. Since the proposed Project would implement practices to ensure energy is used efficiently, the Project would not conflict with a State or local plan for renewable energy or energy efficiency. This impact would be less than significant.

#### **4.2.6 Geology and Soils**

**4.2.6.1 *Impact Geology and Soils a.i.): Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.***

### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-67).

### **Facts in Support of Findings**

As identified in the IS/MND, the Project lies between the eastern San Joaquin Valley the western Sierra Nevada foothills, which is not considered a seismically active region. There are no faults in the region of the Mokelumne Watershed listed on the Alquist-Priolo Earthquake Fault Zoning Map, and the Upper Mokelumne Watershed has little recent history of fault movement over the past century. Therefore, the potential for seismic shaking to occur within the Project area is very low. As such, the Project would not directly or indirectly expose people to substantial adverse effects associated with fault rupture beyond the existing conditions. Impacts would be less than significant.

**4.2.6.2 *Impact Geology and Soils a.ii.): Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.***

### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-67).

### **Facts in Support of Findings**

As identified in the IS/MND, the Project lies between the eastern San Joaquin Valley the western

Sierra Nevada foothills, which is not considered a seismically active region. There are no faults in the region of the Mokelumne Watershed listed on the Alquist-Priolo Earthquake Fault Zoning Map, and the Upper Mokelumne Watershed has little recent history of fault movement over the past century. Therefore, the potential for seismic shaking to occur within the Project area is very low. As such, the Project would not directly or indirectly expose people to substantial adverse effects associated with strong seismic ground shaking beyond the existing conditions. Impacts would be less than significant.

**4.2.6.3 *Impact Geology and Soils a.iii.): Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure including liquefaction.***

**Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-68).

**Facts in Support of Findings**

As identified in the IS/MND, the Watershed is not located within an area susceptible to liquefaction (CDOC 2018). Because the Project involves conducting routine maintenance activities at existing facilities and does not involve the construction of new structures that would directly or indirectly expose people to substantial adverse effects including liquefaction, impacts would be less than significant, and no mitigation is required.

**4.2.6.4 *Impact Geology and Soils a.iv.): Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.***

**Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-68).

**Facts in Support of Findings**

As identified in the IS/MND, the Watershed is not located within any identified seismic landslide zones (CDOC 2018). Nevertheless, slopes and hillside areas along reservoirs and upland areas, ponds, channels and culverts, and on levee and streambanks are potentially susceptible to small, localized landslides. With implementation of Guideline Geo-1 from the MWMP Specific Project Environmental Review Guide, a geologist or geotechnical professional would be required to evaluate the potential risk to EBMUD facilities prior to construction activities. Routine maintenance activities would reduce the potential for landslides and bank failures to occur through the repair, replacement and/or removal of sediment and debris from drainage facilities which are designed to convey water and reduce the potential for erosion, flooding, and ultimately landslides. Additionally, bank stabilization efforts would involve the placement of earthen fill, installation of rocks, and the replacement and repair of existing eroded rip-rap to control erosion on channel, levee, historical sites, and reservoir banks. The Project would also adhere to applicable Title 24 of the California Building Code (CBC), which sets minimum requirements for building design and construction. With adherence to Title 24 of the CBC and with incorporation of Guideline Geo-1, impacts would be less than significant.

**4.2.6.5 *Impact Geology and Soils b.): Potential to result in substantial soil erosion or the loss of topsoil.***

**Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-68).

**Facts in Support of Findings**

As identified in the IS/MND, the Project would involve ground-disturbing activities that could result in increased risk of erosion and sedimentation. EBMUD restores site grades and replants areas where sediment removal activities have occurred. Bio-engineering methods (e.g., brush walls, or other plantings and seeding) are used at bank stabilization sites to stabilize eroding streambanks. Additionally, the Project incorporates Guideline Geo-2, which requires installation of runoff controls prior to the beginning of the rainy season to prevent soil from migrating off site and protect against erosion; and Biological Resources Standard Practices, which include the use of wildlife friendly erosion resistant coverings to avoid the use of materials that may cause entrapment of wildlife. Therefore, with incorporation of Biological Resources Standard Practices and Guideline Geo-2, impacts would be less than significant.

Although not necessary to ensure impacts are less-than-significant, the addition of Mitigation Measure BIO-2 would also further reduce impacts by limiting vegetation disturbance to the immediate maintenance footprint necessary, which prevents short-term erosion and loss of topsoil by maintaining vegetation that stabilizes soils. In the long term, maintenance activities would result in beneficial effects by stabilizing and reducing erosion or slumping of channel and streambanks. Mitigation Measure BIO-2 is hereby adopted by EBMUD and will be implemented as set forth in the MMRP.

**4.2.6.6 *Impact Geology and Soils c.): Be located on strata or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.***

**Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-69).

**Facts in Support of Findings**

As identified in the IS/MND, the Project includes removing sediment and debris; managing vegetation; maintaining facilities such as culverts, low water crossings, and erosion and drainage control structures; and stabilizing streambanks and levees to improve conveyance, control runoff along roads and within channels, and minimize erosion. Thus, implementation of the Project would protect EBMUD facilities from becoming unstable and reduce the risk of landslides, erosion, subsidence, or road collapse due to misdirected runoff. Further, implementation of Guideline Geo-1 from the MWMP Specific Project Environmental Review Guide would require a geologist or geotechnical professional to evaluate soil stability related to landslide risk. Finally, maintenance activities would adhere to Title 24 of the CBC, which sets minimum requirements

for building design and construction. Therefore, impacts associated with unstable geologic units would be less than significant.

**4.2.6.7 *Impact Geology and Soils d.): Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code 1994, creating substantial direct or indirect risks to life or property.***

**Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-69).

**Facts in Support of Findings**

As identified in the IS/MND, the soils in developed portions of the Project area located in Amador and San Joaquin counties do not have limitations with regard to shrink-swell potential and are not considered to be expansive soils. While soil surveys are not available for the portion of the Project area within Calaveras County, issues with building foundations that could result from expansive soils have not been reported (EBMUD 2008). Because the Project would adhere to Title 24 of the CBC, which sets minimum requirements for building design and construction, and does not involve the construction of new structures that would increase risk to life and property due to expansive soils within the Project area, impacts would be less than significant.

**4.2.6.8 *Impact Geology and Soils e.): Be located on soils incapable of supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.***

**Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-70).

**Facts in Support of Findings**

As identified in the IS/MND, the Project does not include construction of or connections to septic tanks or alternative wastewater disposal systems. Therefore, no impact would occur related to the soil's capability to adequately support the use of septic tanks or alternative wastewater disposal systems.

**4.2.7 Greenhouse Gas Emissions**

**4.2.7.1 *Impact Greenhouse Gas Emissions a): Potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.***

**Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-71).

### **Facts in Support of Findings**

As identified in the IS/MND, the Project would directly generate GHG emissions during maintenance activities. Estimated emissions associated with the Project's maintenance activities would be 119 MTCO<sub>2</sub>e/yr in 2022, below the applicable threshold (1,100 MTCO<sub>2</sub>e/yr as established by the Sacramento Metro Air Quality Management District) and are expected to decrease in future years as fleets introduce more efficient and/or alternatively-powered vehicles in line with State regulations and EBMUD goals. EBMUD Mokelumne Watershed Routine Maintenance Standard Practices have been incorporated into the Project that would minimize energy consumption during maintenance activities by prioritizing electric power over diesel when possible, limiting vehicle idling, and ensuring proper maintenance of vehicles and equipment. Since the Project's GHG emissions would be below the applicable thresholds, and with adherence to EBMUD's Emissions Control Standard Practices, this impact would be less than significant. No mitigation is required.

#### ***4.2.7.2 Impact Greenhouse Gas Emissions b): Potential to conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.***

### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-72).

### **Facts in Support of Findings**

As identified in the IS/MND, the Project consists of necessary and established maintenance activities that protect critical water infrastructure and would not generate an increase in EBMUD's GHG emissions. The proposed Project is consistent with statewide goals and the CARB's 2017 Scoping Plan's water focus area, in that this Project would maintain the structural and functional integrity of the Mokelumne Watershed and associated EBMUD facilities and infrastructure. The proposed Project is not of a type or size that would be required to report GHG emissions to CARB. In addition, the maintenance activities would not conflict with any of the identified goals or policies in the applicable local climate action plans and would be considered consistent with these plans because the Project is an essential public service and protects the efficient use of water. GHG emissions from the Project would decline in future years as vehicle and equipment fleets are updated with alternatively fueled or more efficient models. Thus, emissions generated by the Project would not be expected to have a substantial contribution to the ongoing impact on global climate change. Therefore, the proposed Project would not conflict with a plan, policy or regulation adopted for the purpose of reducing the emission of GHGs. This impact would be less than significant.

#### **4.2.8 Hazards and Hazardous Materials**

##### ***4.2.8.1 Impact Hazards and Hazardous Materials c): Potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.***

## **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-77).

### **Facts in Support of Findings**

As identified in the IS/MND, while maintenance activities may involve the use and transport of hazardous materials (fuel and lubricants) to and from maintenance sites, no schools are located within 0.25 mile of the Project. Therefore, no impact would occur related to hazardous emissions or the use of hazardous materials within one-quarter mile of a school.

**4.2.8.2 *Impact Hazards and Hazardous Materials d): Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and as a result, would it create a significant hazard to the public or the environment.***

## **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-77).

### **Facts in Support of Findings**

As identified in the IS/MND, while three leaking underground storage tank (LUST) cleanup sites were identified within the Project area; remedial actions have been completed at these sites and the cases have been closed since 2005, 2010, and 1997, respectively (SWRCB 2005, 2010, 1997). In the event that maintenance activities occur in areas within the Watershed where hazardous materials are discovered, EMBUD Procedure 711, which includes standard procedures for removing hazardous waste from EMBUD facilities, would ensure the material is properly characterized, handled and disposed. By adhering to EMBUD Procedure 711, impacts associated with hazardous materials sites creating a significant hazard to the public or the environment would be less than significant.

**4.2.8.3 *Impact Hazards and Hazardous Materials e): For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area.***

## **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-77).

### **Facts in Support of Findings**

As identified in the IS/MND, the proposed Project is not located within an airport land use plan or within two miles of a public airport. Although routine maintenance could occur within one mile of the Howard Private Airport (located approximately 0.9 mile north of the Project area) and/or a private airstrip (located approximately 4,000 feet east of the developed area at Camanche South Shore and 2,500 feet southeast of the mobile home park adjacent to the Camanche South

Shore recreation area), activities would be intermittent and temporary at each maintenance site. The Project would not construct any structures that would result in an airport safety hazard. Therefore, this impact would be less than significant.

**4.2.8.4 *Impact Hazards and Hazardous Materials f): Potential for impairment of the implementation of or physical interference with an adopted emergency response plan or emergency evacuation plan.***

**Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-77).

**Facts in Support of Findings**

As identified in the IS/MND, maintenance activities would generally occur at sites located within EBMUD ROWs, or at EBMUD recreation and infrastructure facilities. In some locations, maintenance activities, particularly road and culvert maintenance and repair or replacement work, could temporarily impede access on Watershed roads adjacent to maintenance sites. However, maintenance activities would be short in duration, generally lasting no more than a day at a particular site, with work limited to daylight hours. Any disruptions would be temporary and full closures of roadways would not be required. Therefore, the Project would not significantly impair implementation of or physically interfere with an adopted emergency response plan or evacuation plan. This impact would be less than significant.

**4.2.9 Hydrology and Water Quality**

**4.2.9.1 *Impact Hydrology and Water Quality b): Potential to substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.***

**Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-82).

**Facts in Support of Findings**

As identified in the IS/MND, maintenance activities would not affect existing groundwater wells and pumping facilities, and no new wells or pumps would be installed as part of the Project. The proposed maintenance activities would not involve any actions that would substantially deplete groundwater supplies or affect the aquifer volume or groundwater table level. Further, because channel bottoms are effective groundwater recharge locations in a groundwater basin, maintenance activities may improve groundwater recharge functioning by removing sediment and debris from channel bottoms. Therefore, no impact related to groundwater supply or recharge would occur.

**4.2.9.2 *Impact Hydrology and Water Quality c.ii.): Potential to substantially alter the existing drainage pattern of the site area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.***

### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-83).

### **Facts in Support of Findings**

As identified in the IS/MND, the Project would involve sediment and debris removal, vegetation management, facilities maintenance, erosion prevention, control, repair and protection, and environmental stewardship activities. The Project would implement routine maintenance activities to prevent runoff flows from causing flooding on- or off-site. Guideline Hyd-1 from the MWMP Specific Project Environmental Review Guide would require creek crossings and drainage ways to allow the safe passage of water through or over the structure during larger storm events such that flow diversions would not adversely affect other structures or facilities. With incorporation of Guideline Hyd-1, the Project would not create or contribute runoff in a manner which would result in flooding on- or off-site, and this impact would be less than significant.

**4.2.9.3 *Impact Hydrology and Water Quality c.iii.): Potential to substantially alter the existing drainage pattern of the site area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.***

### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-83).

### **Facts in Support of Findings**

As identified in the IS/MND, the Project would involve sediment and debris removal, vegetation management, facilities maintenance, erosion prevention, control, repair and protection, and environmental stewardship activities. The Project would implement routine maintenance activities to prevent runoff flows from exceeding the capacity of EBMUD stormwater drainage facilities. Maintenance activities would ensure that runoff is properly directed to culverts and drainages, and that culverts are properly sized to convey storm flows, which would protect water quality. Guideline Hyd-1 from the MWMP Specific Project Environmental Review Guide would require creek crossings and drainage ways to allow the safe passage of water through or over the structure during larger storm events such that flow diversions would not adversely affect other structures or facilities. With incorporation of Guideline Hyd-1, the Project would not create or contribute runoff that would exceed the capacity of existing EBMUD facilities, and this impact would be less than significant.

**4.2.9.4 *Impact Hydrology and Water Quality c.iv.): Potential to substantially alter the existing drainage pattern of the site area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flow.***

**Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-84).

**Facts in Support of Findings**

As identified in the IS/MND, the Project would not involve the construction of new structures that would impede or redirect flood flows. To the contrary, the Project would reduce the potential for flooding through sediment and debris removal, vegetation management, facilities maintenance, erosion prevention, and environmental stewardship activities. Therefore, implementation of the Project would not result in any impacts related to placing structures that would impede or redirect flood flows.

**4.2.9.5 *Impact Hydrology and Water Quality d.): Potential to result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.***

**Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-84).

**Facts in Support of Findings**

As identified in the IS/MND, while the historic 100-year floodplain of the Mokelumne River is within the area permanently flooded by Pardee and Camanche reservoirs, the Project would not involve the construction of new structures that would increase the risk of inundation by flooding. To the contrary, the Project would reduce the risk of flooding and impacts to water quality through sediment and debris removal, vegetation management, facilities maintenance, and erosion prevention. Therefore, implementation of the Project would result in a beneficial effect by ensuring that EBMUD facilities are operating properly, thus reducing the risk of flooding. Additionally, because the Project area is located outside of the tsunami inundation zone (CDOC 2018), there would be no impact related to risk of inundation by a tsunami. Finally, while there is a potential for seiches to occur in the Pardee and Camanche reservoirs; conducting routine maintenance activities would not increase the risk of inundation by seiches. Project implementation would not result in impacts related to releasing pollutants due to inundation within a flood hazard, tsunami, or seiche zone. Therefore, no impact would occur.

**4.2.9.6 *Impact Hydrology and Water Quality e.): Potential to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.***

**Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-84).

### **Facts in Support of Findings**

As identified in the IS/MND, the Mokelumne Watershed is within the jurisdiction of the Central Valley (Region 5) Regional Water Quality Control Board, which has developed a Basin Plan that designates beneficial uses and water quality objectives for waters of the State. Project maintenance activities would improve water quality and flow conveyance through sediment and debris removal, vegetation management, facilities maintenance, erosion prevention, control, repair and protection, and environmental stewardship activities. The 2014 Sustainable Groundwater Management Act requires governments and water agencies in high and medium priority basins to stop overdraft and balance groundwater basin pumping and recharge. While the western portion of the Project area includes two underlying groundwater basins which are prioritized as medium and high, maintenance activities would not require pumping or extraction of groundwater. Therefore, proposed maintenance activities would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. No impact would occur.

#### **4.2.10 Land Use**

##### ***4.2.10.1 Land Use and Planning a): Potential to physically divide an established community.***

### **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-85).

### **Facts in Support of Findings**

As identified in the IS/MND, the Project consists of routine maintenance activities that would be temporary in any one location, and generally occur from within or alongside reservoirs, ponds, channels, and culverts; along roads, trails, utility lines, EBMUD ROWs; or at EBMUD recreation and infrastructure facilities within the Watershed boundaries. The Project would not permanently affect access to any of the surrounding land uses, or physically divide an established community; therefore, no impact would occur.

##### ***4.2.10.2 Land Use and Planning b): Potential to cause a significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.***

### **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-85).

### **Facts in Support of Findings**

As identified in the IS/MND, pursuant to Government Code sections 53091(d) and (e), EBMUD is not subject to the building and zoning ordinances of local jurisdictions for projects involving the production, generation, storage, treatment, or transmission of water. Maintaining and operating the Watershed and associated infrastructure would not result in new development, and there would be

no significant changes to the existing land use. Furthermore, the routine maintenance activities would not conflict with any of the goals and policies set forth in any of the county general plans applicable to the Project. As such, there would be no impact.

#### **4.2.11 Mineral Resources**

##### ***4.2.11.1 Impact Mineral Resources a): Potential to result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.***

#### **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-87).

#### **Facts in Support of Findings**

As identified in the IS/MND, there are no known economically viable mineral resources on Watershed lands (EBMUD 2008). Further, no active mines are located within the Project area where maintenance activities would occur (CDOC 2016). While mineral resource areas may be located in proximity to maintenance sites, the Project would not involve any activities or acquire land that could directly affect the availability of a mineral resource. Therefore, no impact would occur.

##### ***4.2.11.2 Impact Mineral Resources b): Potential to result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.***

#### **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-87).

#### **Facts in Support of Findings**

As identified in the IS/MND, there are no known economically viable mineral resources on Watershed lands (EBMUD 2008). Further, no active mines are located within the Project area where maintenance activities would occur (CDOC 2016). While mineral resource areas may be located in proximity to maintenance sites, the Project would not involve any activities or acquire land that could directly affect the availability of a mineral resource. Therefore, no impact would occur.

#### **4.2.12 Noise**

##### ***4.2.12.1 Impact Noise c): Potential for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.***

#### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-87).

### **Facts in Support of Findings**

As identified in the IS/MND, two small private airports, Howard Private Airport and Camanche Skypark, are located 0.9 and 1.3 miles north of the Watershed boundary, respectively. The Amador County Airport is located 3.7 miles north of the boundary and there is no overlap between the Project area and the airport's noise contours or airport influence area (Amador County 2017). At any given sensitive receptor, any overlap in noise impacts from these airports and from maintenance activities associated with the Project would be infrequent, temporary, and very short in duration. Therefore, this impact would be less than significant.

### **4.2.13 Population and Housing**

#### ***4.2.13.1 Impact Population and Housing a): Potential to induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure).***

### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-95).

### **Facts in Support of Findings**

As identified in the IS/MND, the Project does not include new development or infrastructure components, construction of any new residences, or create a need for new housing or businesses. Additionally, routine maintenance activities would not require staff to relocate permanently to the Project area. Therefore, the Project would not directly or indirectly induce unplanned substantial growth in the area, and there would be no impact.

#### ***4.2.13.2 Impact Population and Housing b): Potential to displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.***

### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-95).

### **Facts in Support of Findings**

As identified in the IS/MND, routine maintenance activities for the Project would be temporary in nature (i.e., no more than five days at a particular site) and would generally occur from within or alongside reservoirs, ponds, channels, and culverts; along roads, trails, utility lines, and EBMUD ROWs; or at EBMUD recreation and infrastructure facilities. These activities would not displace existing people or housing and there would not be a need for construction of replacement housing elsewhere. Thus, no impact would occur.

### **4.2.14 Public Services**

**4.2.14.1 Impact Public Services a.i.): Potential to result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services.**

#### **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-97).

#### **Facts in Support of Findings**

As identified in the IS/MND, the Project involves conducting routine maintenance of existing facilities, roads, and infrastructure within the Mokelumne Watershed and would not result in the construction of new structures that would induce population or employment growth. Thus, the Project would not generate additional needs for fire protection; no impact would occur.

**4.2.14.2 Impact Public Services a.ii.): Potential to result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police services.**

#### **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-97).

#### **Facts in Support of Findings**

As identified in the IS/MND, the Project involves conducting routine maintenance of existing facilities, roads, and infrastructure within the Mokelumne Watershed and would not result in the construction of new structures that would induce population or employment growth. Thus, the Project would not generate additional needs for police services; no impact would occur.

**4.2.14.3 Impact Public Services a.iii.): Potential to result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for school services.**

#### **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-97).

#### **Facts in Support of Findings**

As identified in the IS/MND, the Project involves conducting routine maintenance of existing facilities, roads, and infrastructure within the Mokelumne Watershed and would not result in the

construction of new structures that would induce population or employment growth. Thus, the Project would not generate additional needs for school services; no impact would occur.

***4.2.14.4 Impact Public Services a.iv.): Potential to result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for park services.***

#### **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-97).

#### **Facts in Support of Findings**

As identified in the IS/MND, the Project involves conducting routine maintenance of existing facilities, roads, and infrastructure within the Mokelumne Watershed and would not result in the construction of new structures that would induce population or employment growth. Thus, the Project would not generate additional needs for park services; no impact would occur.

***4.2.14.5 Impact Public Services a.v.): Potential to result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public services.***

#### **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-97).

#### **Facts in Support of Findings**

As identified in the IS/MND, the Project involves conducting routine maintenance of existing facilities, roads, and infrastructure within the Mokelumne Watershed and would not result in the construction of new structures that would induce population or employment growth. Thus, the Project would not generate additional needs for other public services; no impact would occur.

#### **4.2.15 Recreation**

***4.2.15.1 Impact Recreation a): Potential to increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.***

#### **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-99).

### **Facts in Support of Findings**

As identified in the IS/MND, the Project would not induce population growth in the region because it does not include new development or infrastructure components, construction of any new residences, and/or create a need for new housing or businesses. As such, the Project would have no impact on the demand for neighborhood parks, regional parks, or other recreational facilities.

#### ***4.2.15.2 Impact Recreation b): Potential to include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.***

### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-97).

### **Facts in Support of Findings**

As identified in the IS/MND, maintenance activities could temporarily disturb use of existing multi-use trails (e.g., hiking, bicycling and walking), recreation areas, and campgrounds. Maintenance activities could result in secondary nuisance effects to recreationists (e.g., disruptions resulting from impacts on air quality, noise levels, aesthetic resources [e.g., recreational viewsheds] and transportation [e.g., access to recreational areas]), and these effects are evaluated in other sections of the IS/MND. While trail users could experience temporary disruptions during periods of active maintenance, trail closures would be temporary and would be localized to a specific maintenance site. During any short-term periods of disruption for those active maintenance areas, users would have access to other trails, roads, and recreation facilities within the Watershed. Therefore, maintenance activities would not result in significant alterations in the availability of public trails and would not require the construction or expansion of recreational facilities. Thus, impacts would be less than significant.

#### **4.2.16 Transportation**

##### ***4.2.16.1 Impact Transportation a): Potential to conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.***

### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-101).

### **Facts in Support of Findings**

As identified in the IS/MND, the Project may result in temporary traffic impacts by adding vehicle traffic to area roadways during maintenance activities. However, the number of additional vehicles on local roadways generated by maintenance crews at any given location would be small, intermittent, and limited in duration. Once maintenance activities are complete, the Project would not generate any additional vehicle trips or cause long-term effects. Temporary closure of

public roadways or traffic lanes would not occur as part of routine maintenance activities. In addition, while maintenance activities may result in temporary disruptions to pedestrians (i.e., hikers and other recreational users) and bicyclists due to trail closures, closures would be short in duration, lasting no more than five days, and would be localized to a specific maintenance site. For these reasons, the project would not conflict with any program plan, ordinance or policy addressing the circulation system; and impact would be less than significant.

**4.2.16.2 Impact Transportation b): Potential to conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).**

**Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-101).

**Facts in Support of Findings**

As identified in the IS/MND, vehicle miles traveled associated with implementation of the Project would be limited to maintenance-related trips by crews traveling to individual maintenance sites located along the existing EBMUD ROWs and would be similar to vehicle miles traveled in the past as part of ongoing Watershed maintenance activities. In addition, vehicle trips generated would be intermittent and limited in duration; thus, the Project would not result in a significant increase in vehicle miles traveled compared with existing conditions. Therefore, the Project would be consistent with CEQA Guidelines Section 15064.3, subdivision (b). This impact would be less than significant.

**4.2.16.3 Impact Transportation c): Potential to substantially increase hazards to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).**

**Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-102).

**Facts in Support of Findings**

As identified in the IS/MND, the Project would not introduce any new roadways or introduce a land use that would conflict with existing uses surrounding the Project area. Therefore, no impact would occur related to substantially increasing hazards from a geometric design feature or incompatible use.

**4.2.16.4 Impact Transportation d): Potential to result in inadequate emergency access.**

**Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-102).

## **Facts in Support of Findings**

As identified in the IS/MND, maintenance activities would generally occur from within or alongside reservoirs, ponds, channels, and culverts; along roads, trails, utility lines, and EBMUD ROWs; or at EBMUD recreation and infrastructure facilities. In some locations, maintenance sites are accessed by and adjacent to public roads. However, these activities would be intermittent, lasting approximately one day at a given maintenance site, and would be limited to daylight hours; full roadway closures would not be required. Because no full closures are required and disruptions would be temporary, the Project would not significantly interfere with emergency access. Project impacts related to emergency access would be less than significant.

### **4.2.17 Utilities and Service Systems**

***4.2.17.1 Impact Utilities and Service Systems a): Potential to require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.***

## **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-107).

## **Facts in Support of Findings**

As identified in the IS/MND, maintenance activities involve repairing and replacing existing facilities that are not functioning properly in order to maintain flow conveyance. This reduces the risk of flooding and minimizes the potential for erosion and sedimentation to occur, ultimately reducing impacts to water quality. In the long term, the Project would result in a beneficial effect by maintaining the health of the Mokelumne Watershed and the functional and structural integrity of EBMUD-owned facilities and infrastructure. The Project does not include any uses, features, or facilities that would increase the need or demand for water or wastewater treatment or generate additional storm water flows. Further, the Project would not relocate or construct new electric power, natural gas, or telecommunication facilities. Therefore, the Project would not result in any impacts to water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities.

***4.2.17.2 Impact Utilities and Service Systems b): Potential to have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.***

## **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-107).

## **Facts in Support of Findings**

As identified in the IS/MND, the Project does not propose any uses that would require the need for additional water. Therefore, implementation of the Project would not result in impacts to

water supplies.

**4.2.17.3 *Impact Utilities and Service Systems c): Potential to result in a determination by the wastewater treatment provider which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.***

#### **Findings**

EBMUD hereby finds that there would be no impact (see IS/MND page 3-108).

#### **Facts in Support of Findings**

As identified in the IS/MND, the Project would not generate wastewater and, thus, would not result in the need for additional wastewater treatment capacity. Therefore, the Project would result in no impacts to wastewater treatment capacity.

**4.2.17.4 *Impact Utilities and Service Systems d): Potential to generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.***

#### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-108).

#### **Facts in Support of Findings**

As identified in the IS/MND, the Project would re-use most material on-site, with the exception of sediment removed from streams (approximately 100-120 cubic yards of sediment annually) and any trash collected through facilities maintenance activities, which would be disposed at local landfill. Maintenance activities would not create substantial amounts of waste requiring disposal at a local landfill. Therefore, impacts from solid waste disposal would be less than significant.

**4.2.17.5 *Impact Utilities and Service Systems e): Potential to conflict with federal, State, and local management and reduction statutes and regulations related to solid waste.***

#### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-108).

#### **Facts in Support of Findings**

As identified in the IS/MND, the Project would re-use most material on-site, with the exception of sediment removed from streams and any trash collected through facilities maintenance activities, which would be disposed at local landfill. As such, the Project would not conflict with federal, State, or local statutes and regulations related to solid waste, and impacts would be less than significant.

## **4.2.18 Wildfire**

### **4.2.18.1 *Impact Wildfire a): Potential to substantially impair an adopted emergency response plan or emergency evacuation plan.***

#### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-109).

#### **Facts in Support of Findings**

As identified in the IS/MND, while maintenance activities, particularly culvert, low water crossing, bridge repair or replacement work, and vegetation trimming and mowing, may temporarily impede access along the roads being maintained; these activities would be temporary, lasting approximately one to two days at a given site, and limited to daylight hours. The Project would not require full road closures. As a result, the Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or evacuation plan. Impacts would be less than significant.

### **4.2.18.2 *Impact Wildfire d): Potential to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.***

#### **Findings**

EBMUD hereby finds that there would be less than significant impact (see IS/MND page 3-111).

#### **Facts in Support of Findings**

As identified in the IS/MND, the Watershed is located within and near State responsibility areas and lands classified as very high FHSZs, and vegetation management activities could expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability and drainage changes. However, the extent of vegetation management in and around drainage crossings or other watercourses abutting steep slopes or banks would be limited in size, as would the frequency and duration of activity. Managed areas would be less likely to be prone to slope instability or landslides due to fire exposure. Impacts as a result of routine maintenance activities would be less than significant.

## **5 Findings Related to MND Recirculation and EIR Preparation**

CEQA Guidelines Section 15073.5 requires an MND to be recirculated if substantial revisions are made to the document after the public is notified of the document's availability, but prior to its adoption. Pursuant to Section 15073.S(b), revisions to an MND are only considered to be "substantial revisions" if they identify a new, avoidable significant effect which can only be addressed by the addition of new mitigation measures or project revisions, or if they reflect a determination by the lead agency that the mitigation measures and project revisions proposed in the MND will not reduce the project's potential effects to less than significant levels, such that new mitigation measures or project revisions are necessary. The Board finds that the revisions to the MND made following circulation of the IS/MND for public review, and as reflected in the

Final MND, do not constitute “substantial revisions,” and therefore MND recirculation is not required. The MND revisions contained in the Final MND do not identify the need for new project revisions or mitigation measures to address potentially significant impacts, and the Final MND demonstrates that all Project impacts will be mitigated to less than significant levels. As demonstrated in Appendix F to the Final MND, revisions made since publication of the IS/ MND merely reflect the addition of new information designed to clarify, amplify, and/or make insignificant modifications to the MND. As such, the Board finds that MND recirculation is not necessary.

Consistent with Section 15073.5(d) and as reflected by the Final MND, the Board further finds that based upon the whole record, there is no evidence that the Project may cause significant environmental impacts that cannot be mitigated or avoided. As such, EBMUD is not required to prepare an EIR for the Project.

## **6 Project Approval**

Based upon the Draft IS/MND, the Final MND, and the Findings contained herein, the Board hereby finds and declares that the proposed Mokelumne Watershed Routine Maintenance Project, as described in Section 1.3 of these Findings, is approved.

## **EXHIBIT B**

### **Mitigation Monitoring and Reporting Plan**

#### ***California Environmental Quality Act Requirements***

The California Environmental Quality Act (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of potentially significant environmental impacts associated with project development.

CEQA Guidelines Section 15091(d) states:

When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be enforceable through permit conditions, agreements, or other measures.

CEQA Guidelines Section 15097(a) states:

This section applies when a public agency has made the findings required under paragraph (1) of subdivision (a) of section 15091 relative to an Environmental Impact Report (EIR) or adopted an MND in conjunction with approving a project. In order to assure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.

#### ***Mitigation Monitoring and Reporting Plan Matrix***

The following table lists all impacts identified in the Final MND as significant or potentially significant along with the proposed mitigation measures required to reduce impacts to less than significant levels.

**Exhibit B      Mitigation Monitoring and Reporting Plan**

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
<b>Air Quality</b>					
c) Expose sensitive receptors to substantial pollutant concentrations?	<p><b>Mitigation Measure AQ-1</b></p> <p>During all maintenance activities, EBMUD and/or its contractors will implement the following dust control measures:</p> <ul style="list-style-type: none"><li>• Plan projects that involve soil disturbance by equipment or projects that leave areas of exposed soil (bare of vegetation) vulnerable to wind erosion or dust generation from vehicles/equipment in seasons when soil moisture content is at a level that keeps soils bonded or does not produce dust.</li><li>• Provide wetting (apply/spray water) on project sites or roads periodically to prevent dust when activities are occurring on soil that is dry or has low moisture content.</li><li>• Apply water (or stabilizers, as appropriate) prior to, during, and after earth-moving operations when soil moisture content is low.</li><li>• Soil cover such as certified weed free rice straw or hydro mulch can be applied to prevent soil displacement from wind (wind erosion) on sites that are lacking vegetation or protection.</li><li>• The application of environmentally friendly soil binders or stabilizers may be considered for unpaved roads that experience a high volume of traffic or comprised of known health hazards such as naturally occurring asbestos (NOA). Qualified personnel should be consulted to determine what soil binding products are appropriate for the sight. Consideration for potential impacts to water quality or sensitive species must be considered when choosing a binding product.</li><li>• Application of desirable seed with appropriate vegetation during post construction activities may reduce wind erosion if a successful vegetative cover is achieved.</li><li>• Cap roads and trails that have documented NOA with road base/gravel to reduce impacts that create dust from vehicles or trail users.</li><li>• Application of a soil binder/dust suppressant on roads with known NOA.</li><li>• Equipment operating in areas with known NOA must have a closed cab with air filtration.</li></ul> <p>Maintenance-related ground-disturbing activities within potential NOA-containing areas (specifically areas in the vicinity of the ultramafic rock outcropping located approximately 0.4 – 1.5 miles east of the North Arm and South Arm of Pardee Reservoir) will be required to comply with CARB’s airborne toxic control measures (ATCM) for NOA. For areas of one acre or less EBMUD or its contractors will implement the following dust mitigation measures:</p> <ul style="list-style-type: none"><li>• Construction vehicle speed at the work site must be limited to fifteen (15) miles per hour or less;</li><li>• Prior to any ground disturbance, sufficient water must be applied to the area to be disturbed to prevent visible emissions from crossing the property line;</li><li>• Areas to be graded or excavated must be kept adequately wetted to prevent visible emissions from crossing the property line;</li><li>• Storage piles must be kept adequately wetted, treated with a chemical dust suppressant, or covered when material is not being added to or removed from the pile;</li><li>• Equipment must be washed down before moving from the property onto a paved public road; and</li><li>• Visible track-out on the paved public road must be cleaned using wet sweeping or a HEPA filter equipped vacuum device within twenty-four (24) hours.</li></ul> <p>For areas greater than one acre, EBMUD and its contractors will prepare and implement an asbestos dust mitigation plan in compliance with the State Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. The plan will specify actions to be taken during maintenance activities to minimize NOA emissions. The plan will also address specific emission sources as identified by the ATCM to be: track-out onto the paved public road; active storage piles; inactive disturbed surface areas and storage piles; traffic on unpaved on-site roads; earthmoving activities; off-site transport of</p>	EBMUD	EBMUD	Prior to, during, and post maintenance activities	All project sites

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	materials; and post-project stabilization of disturbed soil surfaces. Specific measures to be implemented will include but not be limited to removing visible track out, keeping active storage piles covered or wet, controlling inactive areas or storage piles, maintain trucks and wet loads to prevent spillage, and limit vehicle speeds. EBMUD and its contractors will submit the plan to the applicable local air district for approval prior to implementation and will not proceed with maintenance activity implementation until the applicable local air district has approved the plan and proposed BMPs or an exemption is received.				
<b>Biological Resources</b>					
a) Have a substantial adverse impact, either directly or through habitat modifications on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Dept. of Fish & Wildlife or U.S. Fish & Wildlife Service?	<b>Mitigation Measure BIO-1</b> A qualified biologist shall hold an annual training session for maintenance staff responsible for performing routine maintenance activities. The training will include a description of special-status species and their habitats and protective measures to ensure that such species are not adversely impacted by routine maintenance activities (e.g., pre-activity surveys, installation of exclusion fencing when special-status species identified in an area). If special-status species are known or suspected to occur at the work site, a biologist or trained maintenance staff person shall be formally appointed as a biological monitor to ensure that appropriate protective measures are implemented. Each morning prior to commencement of project work, the biological monitor shall inspect the work site, including holes and depressions, to ensure that special-status species identified as potentially present are not within the project work area.	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
	<b>Mitigation Measure BIO-2</b> Equipment and materials staging areas shall be located wholly within upland areas and, if feasible, within paved or gravel areas. Vegetation disturbance shall be limited to the immediate maintenance footprint necessary. Imported soils should be similar in pH to native soils and be cleansed of pathogens and weed seeds prior to use through heating, solarization, or other appropriate methods.	EBMUD	EBMUD	During maintenance activities	All project sites
	<b>Mitigation Measure BIO-3</b> If there is potential for special-status plants to occur at a maintenance work site (i.e., the site supports either previously undisturbed native vegetation or vegetation disturbance has not occurred for at least three years in a location that is also suitable for rare plants known to occur in the region), a qualified biologist shall conduct pre-activity special-status plant surveys during the appropriate blooming period, prior to initiation of routine maintenance activities. Any observed sensitive plants species shall be mapped and flagged for avoidance where feasible. EBMUD shall notify CDFW or CNPS upon discovery of any sensitive plant species. If sensitive plant species are discovered, the following measures shall be implemented: <ul style="list-style-type: none"> <li>Special-status plant species shall be avoided or minimized by limiting ground disturbance where special-status plants occur.</li> <li>If plant species that are listed on the federal or California Endangered Species Lists or plants ranked with 1B.1 or 1B.2 CNPS ranking cannot be avoided, EBMUD will salvage the affected plants and transplant them to a similar habitat in the Project vicinity. The re-established population should achieve a 1:1 ratio (transplanted: re-established) after 2 years. If this performance criterion cannot be met, the appropriate agencies (e.g., USFWS, CDFW) will be consulted for additional options, such as payment of an in-lieu fee to the state CNPS program.</li> <li>If any additional special-status plant species are discovered on-site that cannot be avoided, the appropriate agencies (e.g., USFWS, CDFW) shall be consulted by EBMUD to determine the appropriate species-specific mitigation measures.</li> <li>Species-specific mitigation may include repairing, rehabilitating, or restoring the impacted area; preserving in-situ populations on-site; or by providing off-site compensation. Off-site compensation may include the permanent protection of an off-site population through a conservation easement or the purchase of mitigation banking credits at a 2:1 ratio (mitigation: impacted population).</li> </ul>	EBMUD	EBMUD	Prior to and during maintenance activities	Areas with potential for special-status plant occurrences as defined in the measure
	<b>Mitigation Measure BIO-4</b> If ground squirrel burrows occur within a maintenance site location, a biologist will visually assess each burrow to be impacted for the presence of Crotch bumble bees or an active nest prior to construction. Visual investigation may include observing the burrow during suitable bee flight times and weather conditions and employing the use of a burrow scope to confirm presence or absence of a nest. If the species or an active nest are not observed, the burrow investigated shall be	EBMUD	EBMUD	Prior to and during maintenance activities	Areas with potential for Crotch bumble bee occurrences as

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	covered or collapsed until the maintenance activity occurs. If the species or an active nest is found within a burrow, the burrow will be avoided through marking a 10-foot buffer around the opening with flagging or fencing. EBMUD shall coordinate with CDFW to obtain necessary approval to encourage passive bee nest eviction (e.g., placement of non-lethal deterrents around the burrow entrance) in February or March (when bee colonies are most likely to relocate), after which ground-disturbance may commence in April or May. If passive bee nest eviction is not successful, EBMUD will consult with CDFW and follow all recommendations.				defined in the measure
	<b>Mitigation Measure BIO-5</b> Within ten days prior to commencement of maintenance work, the maintenance site shall be surveyed for the presence of elderberry bushes. Within the boundaries of the EBMUD's Safe Harbor Agreement (SHA) (SHA# 81420-2009-F-0106) with the USFWS, EBMUD shall work around identified elderberry bushes and all requirements set forth by the SHA agreement shall be followed. If an elderberry bush is discovered outside of the SHA boundaries, the US Fish and Wildlife Service Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (USFWS 2017) shall be followed. To protect any elderberry bush (naturally occurring or enhanced), no heavy equipment operations shall occur within 20 feet of the dripline of any elderberry bush. No equipment fueling shall occur within 165 feet of the elderberry bush.	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
	<b>Mitigation Measure BIO-6</b> EBMUD shall complete habitat assessments to determine the occupancy of habitat within and immediately adjacent to maintenance work sites by special-status species prior to the commencement of maintenance activity at the work site. Habitat assessments shall include a desktop review site vegetation characteristics and review of current extant occurrence records (CNDDB, USFWS Official Species Lists) followed by field review to determine if suitable habitat conditions exist. When habitat assessments confirm the presence or potential presence of special-status species, or that habitat for special-status species exist at a work site and such species are known to exist within reasonable dispersal distance of the work area, a qualified biologist shall conduct a reconnaissance-level survey within 14 days prior to the commencement of routine maintenance activities, including all areas where heavy equipment will be operated, such as adjacent upland access routes and staging areas. If special-status species are found, work shall be halted until the individual leaves the work area under its volition, or pending coordination with the appropriate agencies (i.e., CDFW, USFWS, NMFS) for State or federally listed species. Species that are not State or federally listed as endangered or threatened or State candidate species may be relocated by the qualified biologist if unable to leave on their own or found to be in danger. EBMUD shall not take or disturb any State or federally listed endangered or threatened species or State candidate species without applicable permission from the appropriate wildlife agency. When habitat assessments confirm the presence or potential presence of State or federally listed species and maintenance activities will impact occupied or potentially occupied habitat, and EBMUD determines those impacts cannot be avoided, EBMUD shall consult with a qualified biologist to identify appropriate mitigation actions to ensure that impacts to habitat are less than significant. EBMUD shall consider the following mitigation strategies for permanent and temporary impacts: 1) habitat restoration, 2) habitat enhancement, 3) habitat preservation, and/or 4) mitigation credit purchase from an agency-approved bank with suitable credits and service area coverage of the impact location at a 2:1 ratio. Habitat restoration, preservation and enhancement areas will require the development and implementation of a habitat management plan with the following success criteria to ensure the preserved and/or enhanced area is managed as suitable habitat for the target species in perpetuity. <ul style="list-style-type: none"> <li>Conduct biological monitoring surveys to confirm suitable habitat conditions for the target species and document habitat performance metrics (e.g., vegetation presence, cover, and maturity) for a period of 10 years.</li> <li>Perform routine eradication of invasive vegetation species to maintain the intended vegetation diversity and structural components consistent with the target species' habitat requirements.</li> </ul>	EBMUD	EBMUD	Prior to, during and after maintenance activities	All project sites

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	<ul style="list-style-type: none"> <li>Restrict deeds to maintain and manage the preserve for the target species in perpetuity, with the ability to grant the preserve to a habitat conservancy, public agency, or other local habitat management entity.</li> <li>In perpetuity preserve funding and maintenance reserves.</li> <li>Compensatory habitat mitigation is inclusive of other applicable habitat restoration and revegetation.</li> </ul>				
	<p><b>Mitigation Measure BIO-7</b>  A qualified biologist shall check the maintenance site location for all life stages of special-status amphibians (e.g., California tiger salamander, California red-legged frog, foothill yellow-legged frog, or western spadefoot), 14 days or less prior to the start of the project. In addition, all field crew personnel shall visually check for special-status amphibians under parked vehicles, equipment, or staged materials prior to moving the vehicle, equipment, or materials. Project activities shall be halted if a significant rain event occurs. In the event of a significant rain event, the site shall be cleared of special-status amphibians by a qualified biologist before work activities can resume. If at any time special-status amphibians are detected, all work shall be suspended until the individual leaves the work area under its volition, or the USFWS and/or CDFW shall be notified and consulted with prior to commencing with the maintenance activity.</p> <p>To avoid potential take of aestivating special-status amphibians during discing, EBMUD will instead mow suitable upland habitat within 500 feet of known special-status amphibian occurrences based on CNDDDB and EBMUD records. Further, only mowing methods that do not significantly disturb the soil (defined as no disturbance below two inches) will be used. Such methods include the use of bladed mowers or string trimmers (e.g., weed whackers). Flail mowers may be used, but only if the cutting mechanism is raised such that soil below two inches is not disturbed, including during travel down slopes where topographic changes are present.</p>	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
	<p><b>Mitigation Measure BIO-8</b>  To minimize adverse impacts to special-status species and their habitats, work within streams with natural (earthen or rock-lined) bottoms and/or banks shall be conducted only between June 1 and October 15. Work within concrete-lined channels shall be conducted only between April 15 and October 15. No equipment shall be operated in wetted portions of the stream (including ponded, flowing, or wetland areas) at any time except as necessary to dewater the immediate maintenance work site (surface flows only) or divert water flow around the work site. Pumps used in dewatering shall include a 1/8-inch mesh screened intake to prevent impingement.</p> <p>Flow diversions shall maintain flows to downstream reaches at all times and shall be implemented using standard best management practices (e.g., gravel bags, silt fencing, or other filtration devices) to prevent in-stream pollution and/or visible siltation or turbidity at 50 Nephelometric Turbidity Units [NTU]) above the background NTU levels upstream. If the turbidity reading downstream of the Project site is greater than 30 NTUs above turbidity upstream of the site, EBMUD shall modify BMPs or activities (for example, fix siltation devices and continue to monitor every two hours). If turbidity continues to exceed the background for 4 hours, EBMUD shall stop work, modify BMPs and wait to resume work until background turbidity levels are achieved. Flows to downstream reaches shall mimic natural flows necessary to support aquatic life. Said flows shall be of sufficient quality and quantity and appropriate temperature to support fish and other aquatic life both above and below the diversion structure as determined by the EBMUD biologist. Normal flow shall be restored to the affected stream or waterbody immediately upon completion of work at that location.</p> <p>Coffer dam and other water diversion designs shall be submitted to CDFW for approval prior to commencement of maintenance activities. Coffer dams shall be constructed with clean river gravel or sand bags, and may be sealed with sheet plastic. Sand bags and any sheet plastic shall be removed from the stream upon project completion. Clean river gravel may be left in the stream, but the coffer dams must be breached to return the stream flow to its natural channel. The water diversion shall be constructed with the least amount of disruption to the channel or shoreline.</p> <p>In-water maintenance activities shall not be initiated if maintenance work cannot be completed prior to the onset of a storm event predicted by 72-hour weather forecasts from the National Weather Service. All equipment shall be removed from the channel at least 12 hours before such an event occurs. If an unanticipated storm event occurs, EBMUD shall inspect active maintenance work sites for indications of bank erosion and/or channel sedimentation; if noticeable erosion or sedimentation has occurred, EBMUD shall implement appropriate erosion control best management practices (BMPs). Erosion control BMPs shall consist of wildlife-friendly plastic-free (including bio-degradable plastic) materials such as jute netting, coconut fiber blanket, or similar erosion control blanket.</p>	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	Non-living vegetation and debris not anchored to a bank or the channel bed by sediment may be removed at any time, if necessary, to prevent imminent flooding. Restorative maintenance activities such as revegetation above the mean high-water level may be completed outside of the specified work period if appropriate erosion control BMPs are implemented.				
	<b>Mitigation Measure BIO-9</b> Staging and storage areas for equipment, materials, fuels, lubricants and solvents shall be located outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located adjacent to the stream, shall be positioned over drip-pans. Vehicles shall be moved away from the stream prior to refueling and lubrication. Any equipment or vehicles driven and/or operated in proximity to the stream shall be checked and maintained daily to prevent the release of contaminants. Any hazardous or toxic materials that could be deleterious to aquatic life shall be contained in watertight containers or removed from the project site. Such materials include, but are not limited to, debris soil, silt, bark, rubbish, creosote treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, and oil or other petroleum products. These materials shall be prevented from contaminating the soil and/or entering state or federal waters, including wetlands.	EBMUD	EBMUD	During maintenance activities	All project sites
	<b>Mitigation Measure BIO-10</b> Water that has come in contact with uncured concrete shall not be allowed to enter the stream channel until the pH is between 6.5 and 8.0 pH units. Containment of leachate shall adhere to the following Best Management Practices: <ul style="list-style-type: none"> <li>Concrete structures shall be allowed to cure (dry) for at least 28 days before coming into contact with channel flows, Flows contaminated with leachate shall be separated from the main stream flows via a diversion structure until the pH falls within the range specified above.</li> <li>If the 28-day curing period is infeasible, EBMUD shall institute a minimum 7-day curing period and apply a sealant designed for use in aquatic environments, such as Deep Seal™ or Elasto Deck™. The sealant shall be allowed to cure for a minimum of 72 hours prior to the reintroduction of water to the treated surface.</li> <li>Wash-down water from concrete delivery trucks, concrete pumping equipment, and other tools and equipment shall not be allowed to enter the stream channel or waterbody and should be removed from the site for cleaning following construction. No dry concrete shall be placed on the banks or in a location where it could be carried into the channel or waterbody by wind or runoff.</li> </ul>	EBMUD	EBMUD	During maintenance activities	Project sites involving new concrete installation
	<b>Mitigation Measure BIO-11</b> Maintenance work or tree removal shall be conducted between September 16 and January 31, outside of the nesting bird season, where feasible. However, if maintenance work or tree removal is scheduled to occur during the nesting bird season, between February 1 and September 15, a qualified biologist shall conduct reconnaissance-level surveys for nesting birds no more than 14 days prior to routine maintenance activities. Surveys shall include upland access routes and equipment and materials staging areas in addition to each work site. If this survey finds evidence of nesting birds, an avoidance buffer shall be implemented to avoid nest disturbance and work in the immediate area shall be postponed until the biologist determines the nest is no longer active. The avoidance buffer shall be based on the nest location, topography, cover and species' tolerance to disturbance and shall be determined by a qualified biologist through coordination with CDFW (for State-listed species) or USFWS (for federally-listed species). If an avoidance buffer is not achievable, a qualified biologist shall monitor the nest(s) to document that no take of the nest (nest failure) occurs. If it is determined that construction activity is resulting in nest disturbance, work should cease immediately and CDFW or USFWS should be contacted. EBMUD will coordinate with CDFW and/ or USFWS appropriately to obtain approvals and guidance in rare situations where nest removal cannot be avoided. If a lapse in project-related work of 14 days or longer occurs, another focused survey shall be required before project work is reinitiated. If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the maintenance work period, no further action is required. Trees and shrubs within the footprint that are determined to be unoccupied by special-status birds or that are located outside the no-disturbance buffer for active nests may be removed. Nests initiated during work (while significant disturbance from maintenance activities persist) may be presumed to be unaffected, and only a minimal buffer is required (as determined by a qualified biologist).	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	Any tree with an active or historical eagle nest shall not be removed without consultation with USFWS under the Bald and Golden Eagle Project Act.				
	<b>Mitigation Measure BIO-12</b> Between February 15th and August 15th, project activities shall not occur within 0.5 miles of an active Swainson’s hawk nest. If Project activities must occur within 0.5 mile of a nest, EBMUD will consult with CDFW, and if necessary, obtain all necessary permits under the California Endangered Species Act (CESA).	EBMUD	EBMUD	During maintenance activities	All project sites
	<b>Mitigation Measure BIO-13</b> A qualified biologist shall conduct a pre-construction take avoidance survey for the burrowing owl prior to initiating maintenance-related ground disturbance activities in or near grassland habitats. In areas where owl presence is not found, construction may proceed without further action. If western burrowing owl occupancy within a project site is confirmed, EBMUD shall develop and implement a CDFW-approved Burrowing Owl Monitoring and Mitigation Plan in coordination with CDFW. If a prior plan was developed and approved by CDFW, then that plan may be implemented after further consultation with CDFW.	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites in or near grassland habitats
	<b>Mitigation Measure BIO-14</b> Maintenance work shall be conducted between August 1 and February 28 to avoid the bat maternity period, where feasible. However, if maintenance work occurs between August 1 and February 28, a preconstruction survey for roosting bats shall be conducted by a qualified biologist within two weeks prior to construction to ensure that no roosting bats are disturbed during maintenance activities. If roosting surveys are inconclusive, indicate potential occupation by a special-status bat species, and/or identify a large day roosting population or maternity roost by any bat species within 200 feet of an active work area, a qualified biologist shall conduct focused day- and/or night-emergence surveys as appropriate. If active maternity roosts or day roosts are found in areas that would be removed or modified as part of maintenance work, activities shall commence before maternity colonies form (before March 1) or after young are flying (after July 31). Disturbance-free buffer zones (determined by a qualified biologist in coordination with CDFW) shall be observed during the maternity roost season (March 1 through July 31) for any active maternity colony identified during the surveys to protect maternity roosts. If a non-breeding bat roost is found in a structure anticipated for modification or removal, the individual(s) shall be safety evicted, under the direction of a qualified biologist in such a way that ensures individuals are not injured. If preconstruction surveys indicate that no roosting is present or potential roosting habitat is unoccupied during the construction period, no further action is required. Trees and shrubs within the construction footprint that have been determined to be unoccupied by roosting bats or that are located outside the no-disturbance buffer for active roosting sites may be removed. Roosting initiated during construction is presumed to be unaffected, and no buffer would be necessary.	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
	<b>Mitigation Measure BIO-15</b> If a possible American badger den is found during implementation of pre-activity surveys, EBMUD shall implement the following avoidance or minimization measures for American badger: <ul style="list-style-type: none"> <li>• If the den with evidence of badger occupancy (e.g., scat, tracks) is within a Project site, then a one-way door will be installed for a period of three days to evict the badger outside of the badger pupping season (August to October).</li> <li>• Project activities shall not occur within 200 feet of a confirmed badger den or pupping den during the pupping season, which is August to October.</li> </ul>	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
	<b>Mitigation Measure BIO-16</b> In areas subject to dewatering, EBMUD shall check daily for stranded aquatic life as the water level drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the body of water closest to the work site.	EBMUD	EBMUD	During maintenance activities	Project sites that are dewatered
	<b>Mitigation Measure HAZ-1 (see description below)</b>				
	<b>Mitigation Measure HYD-1 (see description below)</b>				
	<b>Mitigation Measure HYD-2 (see description below)</b>				
	<b>Mitigation Measure BIO-1 (see description above)</b>				
b) Have a substantial adverse impact on any riparian	<b>Mitigation Measure BIO-2 (see description above)</b>				

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Dept. of Fish & Wildlife or U.S. Fish & Wildlife Service?	<b>Mitigation Measure BIO-8 (see description above)</b>				
	<b>Mitigation Measure BIO-9 (see description above)</b>				
	<b>Mitigation Measure BIO-10 (see description above)</b>				
	<b>Mitigation Measure BIO-17</b> Any trees which must be cut shall be cut at ground level, leaving the root mass in place to maintain bank stability. Any live native trees greater than 4 inches diameter at breast height (DBH) removed shall be replaced at a 3:1 ratio, and exposed/disturbed areas shall be revegetated per MMs BIO-18, and BIO-19 below. Replacement trees may include use of cuttings, acorns, or potted saplings (e.g., D-pots, five-gallon containers), and shall be native species adapted to the lighting, soil and hydrological conditions at the replanting site. If replanting within the work area is infeasible due to slope steepness or other physical constraints, replacement trees may be planted at an alternate location along the stream corridor.	EBMUD	EBMUD	During maintenance activities	All project sites
	<b>Mitigation Measure BIO-18</b> All exposed/ disturbed areas and access points within the stream zone or waterbody left barren of vegetation following maintenance activities shall be revegetated with a blend of habitat-appropriate erosion control seeds using only fast growing, native species. The seed mix shall be certified weed-free and seeded areas shall be mulched. All other areas of disturbed soil which drain towards the stream channel or waterbody shall be seeded with native erosion control grass seeds. Revegetation shall be completed immediately (within two weeks) after maintenance activities cease or before a significant rain event. Seeding placed after October 15 must be covered with broadcast straw, jute netting, coconut fiber blanket or similar erosion control blanket. Erosion control blankets with plastic monofilament or woven plastic strands, including biodegradable plastics, shall not be used.	EBMUD	EBMUD	After maintenance activities	All project sites
	<b>Mitigation Measure BIO-19</b> To ensure a successful revegetation effort, all plants shall be monitored and maintained as necessary for five years. The following success criteria shall apply: <ul style="list-style-type: none"> <li>All plantings shall have a minimum of 75% survival at the end of 5 years.</li> <li>Plants shall attain 70% cover after three years and 75% coverage after 5 years.</li> <li>If the survival and/or cover requirements are not meeting these goals, EBMUD is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for five years after planting.</li> </ul> Revegetation monitoring shall be conducted annually for a period of five (5) years to determine whether these goals have been met, and an annual report shall be provided to CDFW regarding revegetation status.	EBMUD	EBMUD	After maintenance activities	Project areas where revegetation occurs
	<b>Mitigation Measure BIO-20</b> When riprap is placed for bank slope protection on a previously vegetated bank, it shall not be grouted or mortared. Interstitial spaces between rocks shall be backfilled with clean native soils or imported fill and planted with trees, shrubs, or other vegetation to minimize habitat loss. Only rocks and boulders free of organic material and soil that could carry weeds or pathogens from other areas shall be used for the project. Riprap shall be properly keyed into the bank and be of sufficient size to remain in place and withstand the highest velocity of water anticipated within the stream channel.	EBMUD	EBMUD	During maintenance activities	Project sites where riprap is used for bank slope protection
	<b>Mitigation Measure HAZ-1 (see description below)</b>				
	<b>Mitigation Measure HYD-1 (see description below)</b>				
	<b>Mitigation Measure HYD-2 (see description below)</b>				
c) Have a substantial adverse impact on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<b>Mitigation Measure BIO-8 (see description above)</b>				
	<b>Mitigation Measure BIO-21</b> Prior to the implementation of any project that shall result in a net “loss” of waters of the U.S. and/or State, EBMUD shall coordinate with and obtain permits from the U.S. Army Corps of Engineers and the Regional Water Quality Control Board as appropriate. Compensatory mitigation for the loss of waters of the U.S. and/or State shall occur at a minimum 1:1 ratio for permanent impacts. Compensatory mitigation options may include restoration, enhancement, and preservation on- or off-site, or the purchase of mitigation credits at an approved mitigation bank.	EBMUD	EBMUD	Prior to maintenance activities	All project sites

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	Mitigation Measure BIO-16 (see description above)				
Cultural Resources					
a) Cause a substantial adverse change in the significance of a unique historical resource pursuant to Section 15064.5?	<b>Mitigation Measure CR-3</b> Prior to initiating maintenance activities in a given year, EBMUD shall review the Archaeological Resources GIS database, including mapping developed to identify areas sensitive for surface and buried archaeological resources, for all locations where ground-disturbing maintenance activities within previously undisturbed soils (excluding sediment removal areas in drainages) are anticipated. A qualified archaeologist shall conduct a review and assessment of those maintenance sites that overlap with newly recorded resources within the last year to determine the potential for affecting significant cultural resources. If a location identified for maintenance activities that require ground disturbance has not previously been surveyed for archaeological resources, a qualified archaeologist shall conduct a field review to determine if surficial evidence of a resource is present. Further archival record search and literature review (including a review of the Sacred Lands Inventory of the Native American Heritage Commission) shall be conducted, as appropriate. Identified cultural resources that may be impacted by a proposed maintenance activity shall be evaluated for eligibility for listing on the California Register of Historical Resources (CRHR), or as a unique archaeological site or tribal cultural resource (TCR), if they cannot be avoided by maintenance activities. Cultural resources that are eligible for the CRHR are considered to be significant cultural resources, as are unique archaeological sites and TCRs. Cultural resources that are identified within Project areas subject to federal approval, permits, or funding shall also be evaluated for eligibility for listing on the NRHP. Cultural resources determined to be eligible for listing on the NRHP are automatically eligible for listing on the CRHR and are considered to be significant cultural resources. A cultural resources report summarizing the results of the assessment and indicating appropriate management actions for individual maintenance sites (e.g., no action, monitoring during construction, presence/absence testing for subsurface resources; data recovery, etc.) shall be developed by a qualified archaeologist. EBMUD shall invite consulting Native American tribes to monitor ground disturbance at those locations that contain known Native American resources or that are assessed as sensitive for buried Native American resources. The management actions shall be implemented to avoid significant effects to cultural resources.	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
	<b>Mitigation Measure CR-4</b> <i>Archaeological Data Recovery.</i> If it is infeasible to avoid impacts on archaeological sites that have been determined to be eligible for listing on the California Register of Historical Resources (CRHR) or the National Register of Historic Places (NRHP), additional research including, but not necessarily limited to, archaeological excavation shall be conducted (California Code of Regulations [CCR] Section 15126.4 (b)(3)(C)). This work shall be conducted by a qualified archaeologist and shall include preparation of a research design; additional archival and historical research; archaeological excavation; analysis of artifacts, features, and other attributes of the resource; and preparation of a technical report documenting the methods and results of the investigation in accordance with the California Office of Historic Preservation <i>Guidelines for Archaeological Research Design</i> (1991). The purpose of this work is to recover a sufficient quantity of data to compensate for damage to or destruction of the resource. The procedures to be employed in this data recovery program shall be determined in consultation with responsible agencies and interested parties, as appropriate. Where necessary, EBMUD would seek Native American input and consultation.	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
	b) Cause a substantial adverse change in the significance of a unique archaeological resource as defined in Section 15064.5?	<b>Mitigation Measure CR-1</b> All EBMUD maintenance personnel shall attend a cultural resources training course. The training program will be completed in person or by watching a video conducted by a qualified archaeologist. The program will discuss cultural resources awareness within the project work limits, including the responsibilities of maintenance personnel, applicable mitigation measures, confidentiality, and notification requirements. Prior to accessing or performing maintenance work, all EBMUD personnel shall sign an attendance sheet by the qualified archaeologist verifying that they have attended the	EBMUD	EBMUD	Prior to and during maintenance activities

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	appropriate level of training; have read and understood the contents of the training; have read and understood the contents of the “Confidentiality of Information on Archaeological Resources”; and shall comply with all project environmental requirements. In the event that potential cultural resources are discovered at a maintenance site, all maintenance activities shall immediately cease at the location of discovery and within 100 feet of the discovery. EBMUD will retain a qualified archaeologist to inspect the findings within 24 hours of discovery. If it is determined that maintenance activities could damage a historical resource as defined by CEQA [or a historic property as defined by the National Historic Preservation Act of 1966, as amended], maintenance activities shall cease in an area determined by the archaeologist until a mitigation plan has been prepared, approved by EBMUD, and implemented to the satisfaction of the archaeologist (and Native American representative if the resource is prehistoric, who shall be identified by the Native American Heritage Commission [NAHC]). In consultation with EBMUD, the archaeologist (and Native American representative) will determine when construction can resume.				
	<b>Mitigation Measure CR-2</b> In the event that human remains are discovered, all maintenance activities shall immediately cease at the location of discovery and within 100 feet of the discovery. EBMUD will contact the County Coroner pursuant to Health and Human Safety Code Section 7050.5 to determine whether or not the remains are Native American. If the remains are determined to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC). The NAHC will then implement the requirements of Pub. Res. Code 5097.98 and identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to EBMUD for the appropriate means of treating the human remains and any associated funerary objects.	EBMUD	EBMUD	During maintenance activities	All project sites
c) Disturb any human remains, including those interred outside of formal cemeteries?	<b>Mitigation Measure CR-1 (see description above)</b>				
	<b>Mitigation Measure CR-2 (see description above)</b>				
<b>Geology and Soils</b>					
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<b>Mitigation Measure GEO-1</b> If items of paleontological interest are accidentally discovered during maintenance, work shall be immediately suspended at, and within 100 feet of the discovery site. EBMUD will retain a qualified paleontologist to inspect the findings within 24 hours of discovery. The qualified paleontologist, in accordance with Society of Vertebrate Paleontology guidelines (Society of Vertebrate Paleontology 2010), will assess the nature and importance of the find and recommend appropriate salvage, treatment, and future monitoring and management. If it is determined that maintenance activities could damage a paleontological resource as defined by the Society of Vertebrate Paleontology guidelines, maintenance activities shall cease in an area determined by the paleontologist until a salvage, treatment, and future monitoring and management plan has been prepared, approved by EBMUD, and implemented to the satisfaction of the paleontologist. In consultation with EBMUD, the paleontologist will determine when maintenance activity can resume.	EBMUD	EBMUD	During maintenance activities	All project sites
<b>Hazards and Hazardous Materials</b>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<b>Mitigation Measure HAZ-1</b>  Prior to the start of maintenance activities, EBMUD shall establish a Contingency Plan detailing the procedures and countermeasures that will be implemented when an accidental release of hazardous materials occurs in order to prevent the release from entering navigable waters, or otherwise create a hazard to the public or the environment. The Contingency Plan shall include a list of the hazardous substances typically used for maintenance activities, including petroleum products, and countermeasures that shall be taken to prevent spills, monitor hazardous substances, and provide immediate response to spills. Spill response measures shall address notification of the appropriate agencies including phone numbers; spill-related worker, public health, and safety issues; spill control, and spill cleanup. All EBMUD maintenance staff shall be familiar with Contingency Plan procedures and countermeasures for preventing and controlling the spilling of known hazardous substances used on the jobsite or staging areas.	EBMUD	EBMUD	Prior to maintenance activities	All project sites
	<b>Mitigation Measure BIO-8 (see description above)</b>				

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	Mitigation Measure BIO-9 (see description above)				
	Mitigation Measure BIO-10 (see description above)				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	Mitigation Measure HAZ-1 (see description above)				
	Mitigation Measure BIO-8 (see description above)				
	Mitigation Measure BIO-9 (see description above)				
	Mitigation Measure BIO-10 (see description above)				
g) Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires?	Mitigation Measure WILD-1 (see description below)				
Hydrology and Water Quality					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<p><b>Mitigation Measure HYD-1</b></p> <p>All exposed soils within the work area shall be stabilized immediately following the completion of earthmoving activities to prevent erosion into the stream channel. Erosion control BMPs, such as silt fences, straw hay bales, gravel or rock-lined ditches, water check bars, and broadcasted straw will be used. Plastic monofilament or bound/stitched cross-joint based erosion control blankets will not be used within the stream zone or riparian areas. Erosion control BMPs shall be monitored during and after each storm event for effectiveness. Modifications, repairs, and improvements to erosion control BMPs shall be made as needed to protect water quality. Silt laden runoff will not be allowed to enter the stream or be directed to an area that may enter the stream at any point.</p> <p>All non-biodegradable silt barriers (e.g., plastic silt fencing, netting surrounding coil logs or rolls) shall be removed after areas have stabilized with erosion control vegetation (usually after the first growing season).</p>	EBMUD	EBMUD	During maintenance activities	All project sites

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
	<b>Mitigation Measure HYD-2</b> When work in streams with water is unavoidable, streamflow shall be diverted around the work area by construction of temporary instream fences or other barriers. The following measures shall be implemented to minimize impacts to water quality associated with dewatering activities: <ul style="list-style-type: none"><li>• The area to be dewatered shall encompass the minimum area necessary to perform the maintenance activity.</li><li>• Construction of instream barriers shall begin in the upstream area and continue in a downstream direction, and the flow shall be diverted only when construction of instream barriers is complete.</li><li>• Instream barriers shall be installed both upstream and downstream, not more than 100 feet from the extent of the work areas.</li><li>• Streamflows shall be allowed to travel by gravity flow around or through the work site through pipes.</li><li>• A qualified biologist shall be present to ensure that fish and other aquatic vertebrates are not stranded during construction and implementation of channel dewatering.</li><li>• Downstream flows adequate to prevent fish or vertebrate stranding shall be maintained at all time during dewatering activities.</li><li>• Diverted and stored water shall be protected from maintenance activity-related pollutants, such as soils, equipment lubricants, and fuels.</li><li>• If necessary, discharged water shall pass over some form of energy dissipater to prevent erosion of the downstream channel. Silt bags will be attached to the end of discharge hoses and pipes to remove sediment from discharged water.</li><li>• When maintenance is completed, the temporary instream barrier shall be removed as soon as possible but no later than 48 hours after work is completed. Impounded water shall be released at a reduced velocity to minimize erosion, turbidity, and harm to downstream habitat.</li><li>• When diversion structures are removed, to the extent practicable, the ponded flows shall be directed into the low-flow channel within the work site to minimize downstream water quality impacts.</li><li>• The area disturbed by installation of instream structures shall be restored at the completion of the maintenance activity.</li></ul>	EBMUD	EBMUD	During maintenance activities	All in-stream work
	<b>Mitigation Measure BIO-9 (see description above)</b>				
	<b>Mitigation Measure BIO-10 (see description above)</b>				
	<b>Mitigation Measure HAZ-1 (see description above)</b>				
c) Substantially alter the existing drainage pattern of the site area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:  i) Result in substantial erosion or siltation on- or off-site	<b>Mitigation Measure HYD-1 (see description above)</b>				
	<b>Mitigation Measure HYD-2 (see description above)</b>				
Noise					

Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<b>Mitigation Measure NOI-1</b>  EBMUD shall implement the following noise and vibration-reducing practices to minimize disturbances to residential areas surrounding work sites: <ul style="list-style-type: none"><li>• Work or activity of any kind shall be limited to the hours from 7:00 a.m. to 5:00 p.m. Monday through Friday. Activities in residential areas shall not occur on Saturdays, Sundays, or EBMUD observed holidays except during emergencies, or with advance notification of surrounding residents.</li><li>• Advanced notification about the estimated duration of the activity shall be provided prior to the start of maintenance adjacent properties within 43 feet of the proposed Project’s sites where powered equipment shall be used.</li><li>• Powered equipment (vehicles, heavy equipment, and hand equipment such as chainsaws) shall be equipped with adequate mufflers. Best available noise control techniques (e.g., mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) shall be used for all equipment and trucks, as necessary.</li><li>• Stationary noise sources (e.g., pumps, chippers) shall be located as far from sensitive receptors as possible. If they must be located near receptors, adequate muffling (with enclosures when feasible) shall be used. Enclosure opening or venting shall face away from sensitive receptors.</li></ul>	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
b) Generation of excessive groundborne vibration or groundborne noise levels?	<b>Mitigation Measure NOI-1 (see description above)</b>				
<b>Tribal Cultural Resources</b>					
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:  i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<b>Mitigation Measure TCR-1</b>  EBMUD retains a database of all previously recorded cultural resources within the EBMUD Watershed. Prior to implementation of any individual maintenance activity that requires ground disturbance, EBMUD will review its cultural resources database for the presence of archaeological sites. Should any known sites with human remains be recorded within 100 feet of the proposed action, EBMUD shall retain a professional archaeologist to conduct a pedestrian survey of the Project area to determine whether the project would impact the resource. If the site is outside of the proposed Project footprint, the site shall be avoided and protected with fencing, if appropriate. Unnecessary attention should not be drawn to the site.  If the site cannot be avoided by Project implementation, EBMUD will work with a local tribe that has a traditional and cultural affiliation with the Project area to develop a culturally appropriate treatment plan.	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
ii) A resource determined by the lead agency, in its discretion and supported by	<b>Mitigation Measure CR-1 (see description above)</b>				
	<b>Mitigation Measure CR-2 (see description above)</b>				


Impacts Being Mitigated	Mitigation Measure	Responsible for Implementation	Responsible for Monitoring and/or Enforcement	Timing of Implementation	Applicable Location
substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	Mitigation Measure CR-3 (see description above)				
	Mitigation Measure CR-4 (see description above)				
Wildfire					
b) Due to slope, prevailing winds, or other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?	<b>Mitigation Measure WILD-1</b>  The following measures shall be implemented to reduce the potential for and spread of a wildfire: <ul style="list-style-type: none"><li>• All maintenance sites shall be supplied and maintained with adequate fire-fighting equipment capable of extinguishing incipient fires.</li><li>• All earthmoving and portable equipment with internal combustion engines shall be equipped with a spark arrestor to reduce the potential for igniting a wildfire. Such equipment shall be maintained to ensure proper functioning of spark arrestor.</li><li>• Combustible materials shall be removed from the maintenance site once maintenance is complete.</li><li>• Approved access for firefighting shall be maintained during maintenance work.</li></ul>	EBMUD	EBMUD	Prior to and during maintenance activities	All project sites
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power line or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	Mitigation Measure WILD-1 (see description above)				


**EAST BAY MUNICIPAL UTILITY DISTRICT**

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DATE: November 23, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Derry L. Moten, Special Assistant to the General Manager 

SUBJECT: Racial Equity and Justice Project and Diversity, Equity, and Inclusion Strategic Plan Update

**SUMMARY**

This memo provides an update on the District's Racial Equity and Justice (REJ) Project and Diversity, Equity, and Inclusion (DEI) Strategic Plan. This information will be presented at the November 23, 2021 Board meeting.

**DISCUSSION**

On April 14, 2020, the District entered into an agreement with The Winters Group to facilitate the development of a Diversity and Inclusion Strategic Plan to set a framework for the District's diversity and inclusion work over the next five years. On June 23, 2020, the Board authorized Resolution No. 35190-20, in response to the killing of George Floyd. This resolution was followed by additional Board Resolutions denouncing hatred against Asian American and Pacific Islanders (No. 35219-21) and anti-transgender legislation (No. 35233-21). The strategies from the resolutions and data compiled from the work of The Winters Group form the foundation of the DEI Strategic Plan.

Ongoing Activities

Since the initiation of the projects, staff have addressed DEI issues and accomplished the following:

**REJ Projects**

- Increased communication with the Law Enforcement community regarding police reform and its application to District operations.
- Held listening sessions with the Affinity Groups to increase employee engagement and create a forum for discussion about their experiences.
- Formed a response team to address potential harassment by customers, vendors, and contractors.
- Developed an equity tool for ongoing review of District policies and procedures.

#### Human Resources Changes

- Implemented a blind application review process for applicant screening.
- Provided guidelines for hiring managers to use diverse hiring panels to address potential bias in the interview process.
- Updated Human Resources procedures based on The Winters Group recommendations.
- Established an ongoing dialogue with staff on anticipated recruitments and tactics to diversify applicant pools.

#### Community College Partnerships

- Expanded post-secondary internships (Engineering, Rangers, Computer Science, and Electrical Technician).
- Continued the Peralta Cohort program providing an educational program for staff with 67 percent of graduates being women and people of color.

#### Diversity Committee and Affinity Group Expansion

- Expanded the Diversity Committee to include representatives from each affinity group, values advocates, art and sustainability committees, and Toastmasters.
- Formed a new affinity group to support individuals with disabilities (Disability Advocacy and Rights Team (DART)).

#### Equity Core Team

- Hiring and Recruitment and Promotion and Retention Teams: Completed their data analysis and are preparing plans to engage internal and external stakeholders in a community engagement process to create a long-term feedback loop and community partnership in our hiring processes.
- Contracts and Procurement Team: Expanded data analysis and completed a survey to be issued to contacts in December 2021. The data analysis and information from the surveys will be used to develop ideas to increase diversity with District contracts.
- Capital Improvements and Community Engagement Team: The teams are conducting a review of their data collection process to identify the communities and stakeholders most impacted by District projects. Both teams are focused on opportunities to improve community partnerships on environmental justice and social responsibility issues.

#### Managers and Supervisors Training and DEI Education

- Integrated Cultural Competency into Emotional Intelligence Training.
- Created a Diversity Calendar which is shared with all employees once a month.
- Launched an Inclusive Leadership Forum Series.
- Completed a request for proposals for training curriculum to integrate DEI and cultural competence into the learning content.

### DEI Strategic Plan

The District's DEI Strategic Plan is a five-year plan that will be reviewed and updated after the first two years to ensure the goals are met and that the goals are adequately addressing the issues identified in the following reports.

- The Winters Group's Cultural Audit
- Women in the Trades Report
- Raining Pride Gender Expression and Identity Initiative
- EBMUD Affirmative Action Plan
- EBMUD DEI efforts
  - Affinity Groups
  - Diversity Committee
  - Racial Equity and Justice Projects

In April 2021, The Winters Group completed their Cultural Audit of the District and identified a number of strengths and opportunities for improvement. The data from the cultural audit and the other documents has guided the development of the strategic plan, which is centered around five strategic pillars that encompass ten goal areas.

#### Leadership Commitment

- Leadership Commitment: Ensure leadership demonstrates its commitment and accountability for modeling behavior that advances diversity, equity, and inclusion.
- Organizational Process: Develop process for continuous review of EBMUD policies, procedures, and practices to consider opportunities to promote diversity, equity and inclusion and advance the District's Equity Strategy.
- Performance Management: Review existing practices to insure consistent, fair, and equitable process for performance, behavioral, and conduct issues.

Examples of Leadership Commitment initiatives include integrating DEI Competencies into the performance plans of managers and supervisors; identifying key DEI metrics for talent acquisition, talent development, workplace culture, and contract equity; and creating a DEI Dashboard for ongoing tracking of key DEI metrics.

#### Workforce Diversity

- Talent Acquisition: Attract, recruit, hire, and onboard a diverse, high-performing, and culturally competent workforce.
- Talent Development and Mobility: Strengthen promotion and retention of the incumbent District workforce through intentional efforts and strategies and meeting the needs of all employees so they are more informed and take more ownership of their careers.

Examples of Workforce Diversity initiatives include developing and enhancing recruiting partnerships with external community partners and education institutions including Historically Black Colleges and Universities (HBCUs), the Hispanic Association of Colleges

and Universities (HACU)/Hispanic-Serving Institutions (HSIs), local community colleges, community-based/ nonprofit workforce training programs, the public workforce development system, and others; engaging a diverse pool of current and retired employees in storytelling to brand EBMUD as a destination employer for diversity; and identifying classifications with limited employee career paths and evaluating options for expanded career mobility opportunities (e.g., professional development, career pathways, work out of class assignments).

#### Inclusive Culture

- **Organizational Culture of Belonging:** Cultivate an intentional culture of inclusion and belonging in the workplace so that every employee feels respected, valued, and engaged to bring their personal best every day.
- **Proactive Equal Employment Opportunity (EEO):** Establish proactive processes and best practices for reducing EEO-related incidences and complaints.
- **Internal Communications:** Enhance internal employee and external public communications to build awareness of the District's commitment to diversity, equity, and inclusion.

Examples of Inclusive Culture initiatives include conducting employee engagement/work culture survey to measure the employee perceptions and experience regarding their working relationships and contributions to the culture of the organization; creating a post-EEO follow-up assessment after an investigation; modifying the Human Resources Information System (HRIS) to include nonbinary options of gender identification; evaluating opportunities for on-site childcare at District facilities or subsidy at local childcare facilities.

#### Supplier Diversity

- **Contracts and Procurement:** Increase utilization of small, local, women, ethnic minority, LGBTQIA+, and disabled/veteran owned businesses.

Examples of Supplier Diversity initiatives include creating pathways to share success stories and increase employee awareness of the benefits of increasing supplier diversity; applying an equity lens and quality improvement principles in the review of policies, procedures, practices, and procedures to identify opportunities to improve business diversity outcomes.

#### Environmental Justice and Social Responsibility

- **Community Engagement:** Ensure that EBMUD fulfills its social responsibility by embodying District values and commitment to public service.

Examples of Environmental Justice and Social Responsibility initiatives include researching and partnering with local tribal communities to ensure we are respectfully and appropriately incorporating land acknowledgement practices; applying an equity lens to the District's Climate Change Plan to ensure planning efforts assesses the impacts on underrepresented communities.

## **NEXT STEPS**

Staff will continue to work on the REJ projects and finalize the DEI Strategic Plan. The draft plan will be shared and discussed with the Board on December 14, 2021, and the final draft plan will be brought to the Board for consideration at the January 11, 2022 meeting. Once finalized, staff will begin communicating and implementing the actions identified in the plan. The Board will be periodically updated on the progress of these efforts.

CCC:DLM

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ITEM 15

CORONAVIRUS UPDATE

WILL BE PROVIDED  
AS AN ORAL REPORT

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**EAST BAY MUNICIPAL UTILITY DISTRICT**

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DATE: November 23, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager *CCC*

FROM: Kelly A. Zito, Special Assistant to the General Manager *KAZ*

SUBJECT: 2021 Drought Update

**SUMMARY**

This memo highlights recent actions in response to the Board's April 27, 2021 drought declaration, including supplemental supply operations and drought-related outreach to help customers understand the status of water supplies, the District's plans to augment its water portfolio, and steps residential and commercial customers can take to conserve water.

**DISCUSSION****District Operations**Water Supply and Consumption Status

Total storage in Pardee and Camanche reservoirs is 78 percent of average and 54 percent of capacity, and total storage in the East Bay reservoirs is 96 percent of average and 72 percent of capacity.

Water production in October 2021 was 158 million gallons per day (mgd), about 15 percent lower than October 2020. Fiscal year-to-date reduction compared to 2020 is approximately 11 percent.

Supplemental Supply Operations

The District began diverting Central Valley Project (CVP) water on October 4 via the Freeport Regional Water Project (FRWA). As of November 14, approximately 10,900 acre-feet (AF) have been diverted. Diversion will be continuous through February 2022 as the District conveys 33,250 AF of CVP water and 2,000 AF of transferred CVP water from Contra Costa Water District (CCWD). On October 29, the District suspended wheeling CVP water for CCWD until the end of 2021 at CCWD's request. Only 885 TAF was wheeled out of a total of 3,200 AF potentially available under the settlement agreement. The District's CVP water is delivered to

San Pablo and Upper San Leandro (USL) reservoirs for treatment at Sobrante and USL water treatment plants (WTPs).

The District is actively pursuing a variety of water transfers for 2022 should the drought continue. Staff has initiated discussions with potential sellers and is developing a plan to secure supplemental supplies for next year if needed. Over the upcoming months, staff will bring water transfer options and agreements to the Board for consideration, including an option agreement with Sycamore Mutual Water Company scheduled at its December 14, 2021 meeting.

#### Treated Water Quality

Sobrante and USL WTPs will operate at higher rates to treat the CVP water, and both plants have upgraded ozonation systems. The District's proactive communications, including social media, have highlighted the potential changes to source water quality to help prepare customers for potential taste or odor issues. To date, staff has seen no significant increase in taste and odor calls.

#### Regional Drought Assistance

The District continues to evaluate the feasibility of wheeling transfer water to Marin Municipal Water District (MMWD) in 2022 if the drought continues. The District executed a Memorandum of Understanding with MMWD that outlines the scope of work and reimbursement to the District for all costs incurred. The wheeling will not impact the District's ability to obtain its own transfer water, and will not impact District customers. Furthermore, the District will not sell any of its water to MMWD.

According to MMWD, they have shifted resources to enforce mandatory water use restrictions. MMWD set up water watch patrols that were staffed on overtime to cover different cities and towns seven days a week both day and night. To accomplish this, MMWD reassigned staff to develop the training materials, train staff, and set up accounting procedures. MMWD also developed materials for neighbors to print and provide to others that were not observing the restrictions and set up a hotline to receive calls and emails. MMWD reported that in recent weeks they have achieved water use reductions of at least 40 percent, and in September and October reductions were about 30 percent as compared to their three-year average. If using 2020 as the basis for comparison, MMWD indicated that the percentage water use reductions would be higher as 2020 was a high water use year for them.

The District has begun outreach to Richmond residents, business organizations, and elected officials to ensure EBMUD's role and responsibilities in the proposed project are clear. Staff extended outreach to other West Contra Costa County cities who were interested in the District's role in the project. Staff will also participate in MMWD community meetings to make certain any community mitigations offered by MMWD are acted on and do not impact the District.

To provide clarity and set expectations with respect to an agreement to wheel water for MMWD while supporting EBMUD customers, staff prepared draft principles of agreement that were discussed at the November 9, 2021 Planning Committee meeting. With Committee feedback, the draft principles have been revised as follows:

- No financial impact to EBMUD – full cost recovery including staff time, operations and maintenance costs, construction costs, and appropriate recovery of capital investments.
- No water quality impacts to EBMUD customers.
- No reduced level of service to EBMUD customers.
- No EBMUD water supplies (Mokelumne, East Bay, or Central Valley Project) will be sold to MMWD.
- No impact to EBMUD’s ability to prioritize the purchase of transfer water for its customers.
- No opposition to the project from the City of Richmond.
- If EBMUD is experiencing a water supply shortage and asking for customer demand reductions, MMWD must achieve water efficiency levels equivalent to EBMUD (gpcd or percent demand reduction standard to be determined). EBMUD will support MMWD to meet their emergency public health and safety needs.
- MMWD will perform substantial outreach to communities in Richmond and West Contra Costa County and include EBMUD in all meetings.
- Mitigation of community impacts in Richmond and the District’s service area associated with the emergency intertie project considered through an equity lens with assurances of follow-through on those commitments.
- In recognition of decades of planning by EBMUD and the need to spend staff resources to support MMWD during a very significant drought, MMWD should support EBMUD customers as a community partner. Partnership examples include supporting EBMUD’s Customer Assistance Program, full street paving where there are construction activities, and other appropriate partnerships.
- EBMUD has the right to terminate the wheeling agreement for any reasonable cause as determined by EBMUD (operational, staff resources, etc.).
- EBMUD will make its own determination regarding CEQA compliance for the project.
- No significant unmitigated impacts to native fish species.
- If constructed, operation of emergency intertie may only occur when MMWD has declared a drought emergency and EBMUD principles for wheeling are met.

Staff will discuss the District’s proposed principles with the Board at its November 23, 2021 meeting, and based on feedback from the Board, bring the principles for consideration at its

December 14, 2021 meeting. MMWD's draft principles for wheeling are attached. Once the District's principles are adopted, a potential wheeling agreement with MMWD would be brought to the Board for consideration in late January 2022.

### **Customer Outreach**

The District's drought outreach continues, with messaging aimed at the ongoing need to conserve despite the recent rains. Messaging through social media and home water reports reminds customers to turn off their irrigation systems.

Table 1 (attached) shows water conservation activities through October. Interest in rebate programs remains high. To date, the District has approved 14 applications for the Super Rebate program launched this summer.

Staff has given 67 drought-related presentations to date for various community groups and as part of the District's Water Wednesdays Speaker Series. The November 17<sup>th</sup> Water Wednesday Speaker Series event, "Drought Mythbusters" focused on topics including dams, desalination, and recycled water. Table 2 (attached) shows the presentations and meetings from November through December.

### Media

Coverage continues on water supply, with an update from KPIX and SF Gate regarding regional precipitation and reservoir levels. KTVU and the Marin Independent Journal published stories on MMWD's proposed water pipeline.

CCC:KZ:do

Attachments: MMWD's Draft Emergency Intertie Principles  
Table 1 – Summary of Water Conservation Activities – October 2021  
Table 2 – Drought-Related Presentations

**MARIN MUNICIPAL WATER DISTRICT**

**DRAFT RESOLUTION NO.**

**A RESOLUTION OF THE MARIN MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS  
ESTABLISHING PRINCIPLES TO GUIDE THE OPERATION OF THE EMERGENCY INTERTIE PROJECT**

**WHEREAS**, within Marin County, California, calendar year 2020 was the second driest year in the past 90 years and water year 2021 was drier than the previous year, and

**WHEREAS**, the District's reservoirs reached historically low storage levels, and

**WHEREAS**, the drought conditions persist both locally and state wide and the District, Marin County and the State of California have all declared an emergency based on exceptional drought conditions, and

**WHEREAS**, as a result of continued drought conditions and continued uncertainty as to water supply, the District is pursuing an Emergency Intertie Project to provide a supplemental water supply for customers, and

**WHEREAS**, the Board of Directors desires to establish a set of principles to guide the use of the Intertie, and

**NOW THEREFORE, BE IT RESOLVED** that the Board of Directors of the District hereby adopts the following set of principles, which shall guide the operation of the Intertie project:

- The intertie shall be used to prevent a water shortage emergency as defined in District Code section 13.02.015 or in the event of any other emergency situation (such as a major seismic event) that threatens the ability of the District to supply sufficient water to meet the health and safety of its customers.
- Water Transfers should only be considered if the District has maximized or planned to maximize all local resources, including but not limited to all available water resources from Sonoma Water, such as winter water and potential future groundwater and groundwater storage options.
- The District shall implement and maintain a water efficiency and conservation program designed to achieve both:
  - 1) XX% overall reduction in water use, equivalent to XX gallons-per-capita-per-day over the next 10 yrs.
  - 2) YY% overall reduction in residential water use, equivalent to YY residential gallons-per-capita-per-day over the next 10 yrs.
- Selection of transfer water sources shall be based on:
  - 1) Sustainable practices of water supplier including financial investments in the protection of aquatic species and associated ecosystems.
  - 2) Transfer water sources that have been declared surplus and would otherwise be consumptively used, meaning that its use will not contribute to the further depletion of instream flows that support fish, wildlife and habitat.

- The operation of the intertie shall not adversely affect the operations of any public agency partner.

**BE IT FURTHER RESOLVED**, that these guiding principles are not intended as an approval of future actions that might require further review pursuant to the California Environmental Quality Act.

**PASSED AND ADOPTED** this YY day of XX 2021, by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

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**Cynthia Koehler**  
President, Board of Directors

**ATTEST:**

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**Terrie Gillen**  
Board Secretary

**ATTACHMENT**

<b>Table 1 - Summary of Water Conservation Activities as of October 31, 2021</b>		
<b>Activity</b>	<b>October 2021</b>	<b>Calendar Year 2021 Total</b>
<b>Rebates</b>		
Flowmeter Rebates	53	739
Lawn Conversion Rebates	12	113
Square Footage of Lawn Replaced	11,859	148,860
Smart Irrigation Controllers	11	293
Home Water Survey Kits	385	2,810
<b>Water Waste</b>		
Water Waste Reports Estimate	55	628
<b>Water Reports Delivered</b>		
Residential (SFR and MFR)	118,605	871,304
Non-residential	7,809	38,996
Open Rate Average Estimate (last bi-monthly period)	48%	50%
<b>Leak Alerts</b>		
Leak Events Detected	5,394	62,046
Leak Events Alerted	3,749	34,690
Unique Accounts Alerted Estimate	1,891	19,139
Percent Opened	48%	50%
Percent Emails Clicked	12%	16%
Percent Digitally Resolved	5%	8%
<b>Customer Outreach</b>		
Events	6	40
Audits and Consultations	133	398
Customer Conversations via Web Portal	595	5,252

**ATTACHMENT****Table 2 – Drought-Related Presentations**

<b>Date/Time</b>	<b>Group</b>	<b>Ward</b>	<b>Type</b>	<b>Topics Requested</b>
11/16/21 10am - 12pm	Director Mellon's Ward Briefing	7	Tour	EBMUD Update
11/17/21 6pm - 7pm	Water Wednesday Speaker Series	District- wide	Virtual Presentation	Drought mythbusters: dams, recycled water, and groundwater
11/17/21 6pm - 7pm	Director Young's Ward Briefing	3	Virtual Meeting	EBMUD Update

## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: November 18, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager *CCC*

FROM: Rischa S. Cole, Secretary of the District *RC*

SUBJECT: Planning Committee Minutes – November 9, 2021

Chair Marguerite Young called to order the Planning Committee meeting at 9:15 a.m. She announced that in accordance with Government Code section 54953(e), this meeting would be conducted by webinar and teleconference only. A physical location was not provided for this meeting. Directors Lesa R. McIntosh and Frank Mellon were present at roll call. All Directors participated remotely. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Water and Natural Resources Michael T. Tognolini, Director of Wastewater Eileen M. White, Wastewater Control Representative Adam P. Kern, Manager of Fisheries and Wildlife Michelle L. Workman, Assistant Engineer John C. Law, Associate Civil Engineer Kevin K. Jim, Executive Assistant II Robyn S. Johnson, and Secretary of the District Rischa S. Cole.

**Public Comment.** 1) Kelly A. commented on EBMUD's current ward boundaries and proposed redistricting plans. Chair Young advised redistricting is not under the jurisdiction of the Planning Committee and encouraged the speaker to submit comments to the Redistricting Ad Hoc Committee.

**Presentations/Documentation.** 1) Presentation entitled "MMWD Drought Assistance Update and Draft Principles of Agreement," dated November 9, 2021; 2) Presentation entitled "Pretreatment and Pollution Prevention Programs Update," dated November 9, 2021; 3) Presentation entitled "Wastewater Special Structures Rehabilitation Phase 1," dated November 9, 2021; and 4) Presentation entitled "Main Wastewater Treatment Plant Odor Control Program Update," dated November 9, 2021; and 5) Presentation entitled "Mokelumne Watershed Routine Maintenance Agreement and Final Mitigated Negative Declaration," dated November 9, 2021.

- Chair Young requested that staff present agenda Item 5 first to allow members of the public waiting online to comment. Staff presented the agenda items in the order below.

**Marin Municipal Water District (MMWD) Drought Assistance Update and Draft Principles of Agreement.** Director of Water and Natural Resources Michael T. Tognolini presented an update on MMWD's request for drought assistance from EBMUD. Mr. Tognolini reviewed the ten water supply options evaluated by MMWD which included fog harvesting, excavating reservoirs, and importing water by truck, barge, or rail. MMWD narrowed their list of short-term options to desalination, an emergency intertie with EBMUD, additional water transfers with Sonoma County Water Agency, and a new recycled water fill station. In June 2021, MMWD requested emergency drought support from EBMUD. In October 2021, EBMUD and MMWD executed a Memorandum of Understanding to explore the possibility of EBMUD wheeling up to 8 million gallons per day for MMWD through the Freeport Regional Water Authority under certain conditions in 2022. MMWD is proposing to construct a pipeline across the Richmond-San Rafael Bridge that would connect EBMUD's distribution system to MMWD's distribution system. In Richmond, MMWD is proposing to construct a new pumping plant and 1,400 feet of associated

pipeline (to address EBMUD customer level of service impacts) to tie EBMUD's distribution system to the new bridge pipeline. Proposed facilities in Marin County include a pumping plant and storage facilities. MMWD would fund planning, operations, and maintenance of all new project facilities. The intertie will be used if emergency drought conditions persist for MMWD and could start operation as soon as July 2022. He discussed additional measures adopted by MMWD through October 2021 to address its water supply shortage, MMWD's other water supply alternatives, details of the proposed emergency intertie project with EBMUD including three potential intertie locations in Richmond, and how potential water quality issues for EBMUD customers will be addressed. EBMUD has been participating in outreach efforts in Richmond and in the West Contra Costa County community to clarify the District's role in the proposed project and to respond to community concerns. Mr. Tognolini reviewed the following draft principles which will guide the development of any wheeling agreement negotiated with MMWD: 1) No financial impact to EBMUD – full cost recovery including staff time, operations and maintenance costs, construction costs, and appropriate recovery of capital investments; 2) No water quality impacts to EBMUD customers; 3) No reduced level of service to EBMUD customers; 4) No EBMUD water supplies (Mokelumne, East Bay, or Central Valley Project) will be sold to MMWD; 5) No impact to EBMUD's ability to prioritize purchase of transfer water for its customers; 6) No opposition to the project from the City of Richmond; 7) If EBMUD is asking for customer demand reductions, MMWD must achieve water efficiency levels equivalent to EBMUD (gpcd or percent demand reduction standard to be determined). EBMUD will support MMWD to meet their public health and safety needs; 8) MMWD will perform substantial outreach to communities in Richmond and West Contra Costa County and include EBMUD in all meetings; 9) Mitigation of community impacts in Richmond and EBMUD's service area associated with the emergency intertie project will be considered through an equity lens with assurances of follow-through on those mitigation commitments; 10) In recognition of decades of planning by EBMUD and the need to spend staff resources to support MMWD during a very significant drought, MMWD should support EBMUD customers as a community partner. Partnership examples include supporting EBMUD's Customer Assistance Program, full street paving where there are construction activities, and other appropriate partnerships; and 11) EBMUD has the right to terminate the wheeling agreement for any reasonable cause as determined by EBMUD (operational, staff resources, etc.). He requested Committee feedback on the draft principles and said final principles will be presented to the Board for consideration in November or December 2021. There was considerable discussion by the Committee and Mr. Tognolini responded to questions regarding MMWD's progress on their objectives; whether MMWD considered using water that is normally used for The Geysers as an alternative water source; under what conditions the District stores water from the Mokelumne in San Pablo reservoir; whether MMWD will mandate its customers to conserve when EBMUD mandates its customers to conserve; MMWD's proposed conservation enforcement provisions or protocols; potential conflicts of interest between MMWD and EBMUD if competing for future water transfers; potential water transfer conflicts that may arise with MMWD and other agencies involved in the emergency intertie; the status of MMWD's draft wheeling agreement principles; and the timing for EBMUD to review the principles.

- Addressing the Committee were the following: 1) Douglas Anthony, Point Richmond resident, expressed concerns regarding impacts to residents and Washington School from the proposed project pumping plant and impacts to commuters if the bike path across the bridge is closed during construction; 2) Kelly A. commented on the proposed project and urged the Board to approve the pipeline for MMWD; and 3) Frank Egger, North Coast Rivers Alliance commented on the environmental impacts of the project and asked EBMUD to demand that MMWD complete an Environmental Impact Report before taking action.

There was additional Committee discussion and the Committee asked staff to update the District's wheeling agreement principles to include language that MMWD will stand behind their own practices to achieve the reduction levels they set; MMWD will continue exploring other water supply options; the proposed intertie project will only happen if an emergency still exists; and that MMWD would seek to do no harm on the flow side for fish. The Committee asked that staff request MMWD provide clarity on staffing plans to address enforcement of conservation goals with its customers; and to ensure the EBMUD Board receives MMWD's draft principles before staff presents EBMUD's principles for Board consideration in December 2021. It was moved by Director McIntosh, seconded by Director Mellon and carried (3-0) by roll call vote to support the draft wheeling agreement principles with the updates recommended by the Committee.

**Wastewater Pretreatment and Pollution Prevention Program Update.** Wastewater Control Representative Adam P. Kern presented the update. Federal regulations and the Main Wastewater Treatment Plant (MWWTP) discharge permit require the District to operate and maintain a Pretreatment Program and issue permits to certain industries. The MWWTP discharge permit also requires the District to implement a Pollution Prevention Program to reduce pollutants from residential, commercial, and non-regulated industrial dischargers at their source. Mr. Kern reviewed the pretreatment and pollution prevention process and said despite decreasing wastewater influent flows, the District maintains reduced metal concentrations which benefits effluent and biosolids quality. Staff implemented an industrial user survey for metals industries in the service area and is also participating in a regional study led by the San Francisco Estuary Institute and in coordination with the San Francisco Regional Water Quality Board to better understand the prevalence of per- and polyfluoroalkyl substances (PFAS) in wastewater. The results of this study will allow the wastewater industry and other regulators to better control and limit the discharge to wastewater influent, which is the only practical means to reduce PFAS from effluent and biosolids. To help educate the public on MWWTP processes, the in-person MWWTP tour has been converted to a virtual format and staff is developing a StoryMap version of the tour using aerial drone videography and graphics originally developed for kiosks at the plant. In September, the District held its fifth annual Coastal Cleanup event in which 100 employees and their family and friends combed the Damon Slough area of the Martin Luther King Jr. Shoreline. Going forward, staff will continue studying and advocating for PFAS source control, finalize the survey and inspection of metals industries in the service area, continue influent wastewater monitoring and complete the MWWTP StoryMap. Mr. Kern responded to questions regarding permitting for cannabis growers and whether the District has seen an increase in nutrient loads from the cannabis industry. He advised there has been no increase in nutrient loads and that while the District does not currently issue permits for growers, staff remains actively engaged in collecting information on operations and providing recommendations for conservation. It was moved by Director Mellon, seconded by Director McIntosh and carried (3-0) by roll call vote to accept the report.

**Mokelumne Watershed Routine Maintenance Project Update and Final Mitigated Negative Declaration (MND).** Manager of Fisheries and Wildlife Michelle L. Workman presented this item. To comply with the California Environmental Quality Act (CEQA), the District is required to complete an MND for this project which involves continued routine maintenance activities in the Mokelumne Watershed, such as sediment and debris removal; vegetation management; facilities maintenance; erosion prevention, control, repair, and protection; and environmental stewardship activities. These activities are subject to California Department of Fish and Wildlife (CDFW) jurisdiction under Fish and Game Code Section 1602 and were previously covered by a Routine Maintenance Agreement (RMA) between

April 2010 and April 2020. The District seeks a new RMA for the continuation of routine maintenance activities critical to watershed operations in CDFW jurisdictional areas. Ms. Workman reviewed areas of the Mokelumne Watershed covered by the RMA which includes approximately 28,000 acres in three counties; findings from the CEQA review and mitigation measures identified in the MND that will reduce potentially significant impacts to less than significant; public outreach efforts; and key comments and concerns that are addressed in the MND. The Board will consider adopting the final MND and approving the project at its meeting on November 23. If approved, staff will work with CDFW to renew the RMA and anticipates starting the RMA in mid-April 2022. The Committee raised no questions. It was moved by Director Mellon, seconded by Director McIntosh and carried (3-0) by roll call vote to accept the report.

**South Interceptor Special Structures Rehabilitation Phase 1 Update.** Assistant Engineer John C. Law presented the project update. The District's South Interceptor is a nearly 70-year old concrete pipeline in Oakland, ranging from 36 to 105 inches in diameter, that conveys 60 percent of wastewater flows to the District's Main Wastewater Treatment Plant. This project, which is expected to be completed over the course of two dry-weather seasons, will rehabilitate about 400 lineal feet of pipe and six associated special structures (manholes) which are highly deteriorated. The work will be performed at three locations in Oakland primarily in the public right-of-way with construction staging at the District's Oakport Wet Weather Facility. Mr. Law reviewed the locations of the special structures, inspection photos of the deteriorated facilities, and the sewer bypass pumping plans. Bypass pumping is required to handle the continuous flows through the South Interceptor so that rehabilitation work can be performed on the pipe and special structures. The bypass pumping equipment is owned by a contractor, who will work on one location at a time to lower the risk of any bypass pumping failures, perform functional testing of all bypass equipment prior to the start of the work, and perform routine maintenance on the equipment. He discussed mitigation measures that will be in place to address traffic impacts, control odors, and ensure worker safety. Staff has engaged in community outreach efforts since the pre-design stage of the project and will continue to provide project and schedule updates and coordinate with the community throughout construction of the project. Staff will continue working to obtain the necessary permits for construction and the Board will consider approving the construction contract at its meeting on December 14. If approved, construction is expected to begin in February 2022 and be completed by October 2023. The Committee raised no questions. It was moved by Director McIntosh, seconded by Director Mellon and carried (3-0) by roll call vote to accept the report.

**Main Wastewater Treatment Plant Odor Control Program Update.** Associate Civil Engineer Kevin K. Kim presented the update. The District's Strategic Plan includes an objective to "minimize customer and community impacts from water and wastewater operations" and establishes a key performance indicator (KPI) of 30 or fewer customer odor complaints per year. In FY21, the District met the KPI with only six odor complaints attributable to the MWWTP, the lowest number since tracking began in FY06. Mr. Kim reviewed a map showing the locations of the six odor complaints and highlighted the complaint investigation process. Over the past 20 years, the District has spent approximately \$14 million in capital improvements for odor control. In 2019, the District completed installation of a new \$7.6 million, two-stage odor scrubber at the Influent Pump Station and is investing another \$5 million for an odor control system upgrade for the Fats, Oils, and Grease/High Strength Liquids Receiving Station and the Blend Tanks. The District's Odor Management Program Team meets regularly and in 2020, staff began daily odor patrols between 3:00 p.m. and 11:00 p.m., historically the most common period to receive odor complaints. These odor patrols have proven to be the most effective way to reduce off-site odor events. Other ongoing improvements include the installation of additional cameras at septage and high-strength

blend stations and an evaluation of alternative chemicals for influent odor control. He reported the Integrated MWWTP Master Plan identified targeted odor control projects to guide long-term capital investments for odor control improvements over the next 30 years. Staff will continue building on these efforts and exploring new solutions to further reduce odors at the MWWTP. The Committee raised no questions. It was moved by Director Mellon, seconded by Director McIntosh and carried (3-0) by roll call vote to accept the report.

**Adjournment.** Chair Young adjourned the meeting at 10:53 a.m.

CCC/RSC