

1902 - Serving Our Community for over 120 Years - 2023
WEST BAY SANITARY DISTRICT
AGENDA OF BUSINESS
REGULAR MEETING OF THE DISTRICT BOARD
WEDNESDAY, MARCH 22, 2023 AT 7:00 P.M.
RONALD W. SHEPHERD ADMINISTRATION BUILDING,
500 LAUREL STREET, MENLO PARK, CALIFORNIA 94025

Board Members

Fran Dehn, President
David Walker, Secretary
Roy Thiele-Sardiña, Treasurer
Edward P. Moritz, Member
George Otte, Member

General Manager

Sergio Ramirez

District General Counsel

Anthony Condotti, Esq.

AGENDA OF BUSINESS

To participate by telephone or Zoom meeting, public comments can be made by joining Zoom meeting at:

<https://us06web.zoom.us/j/84757202237?pwd=a2R1Mkwwa25IREN1SVVad1ZveXQwUT09>

Meeting ID: 847 5720 2237 Passcode: 492001

NOTE: The Board may take action on any agendized item unless specifically designated a “discussion” item or a “report.”

1. Call to Order and Roll Call
2. Communications from the Public
3. Public Hearing: Consider Waiving Collection of Future Supplemental Connection Charges for the Blue Oaks Subdivision Reimbursement Agreement Pg. 3-1
4. Consent Calendar

Matters listed under this item are considered routine and will be enacted by one motion. The motion, seconds, and vote are applicable to any included resolutions and recorded accordingly. There will be no separate discussion of these items unless specifically requested by a member of the Board.

 - A. Approval of Minutes for Regular Meeting March 8, 2023 Pg. 4A-1
 - B. Accepting Deed of Easement Pursuant to Class 3 Sewer Permit No. 1605 for the Construction of Wastewater Facilities for 30 Cheyenne Point, Portola Valley, California Pg. 4B-1
 - C. Bank of the West Monthly Investment Portfolio Statements Pg. 4C-1
5. General Manager’s Report Pg. 5-1

6. Consider Authorizing the General Manager to Issue the Call for Bids for the Avy-Altschul Pump Station Project Pg. 6-1
7. Consider Authorizing the General Manager to Issue the Call for Bids for the Flow Equalization and Resource Recovery Facility Levee Improvement Project Pg. 7-1
8. Consider Authorizing the General Manager to Enter Into an Agreement for On-Call Construction Consultation Support with Freyer & Laureta, Inc. (F&L) for the Flow Equalization and Resource Recovery Facility Levee Improvement Project Pg. 8-1
9. Discussion and Direction on Sharon Heights Recycled Water Plant Pg. 9-1
10. Discussion and Direction on Bayfront Recycled Water Project and Status Update Pg. 10-1
11. Report and Discussion on South Bayside Waste Management Authority (SBWMA) Pg. 11-1
12. Report and Discussion on Silicon Valley Clean Water (SVCW) Plant Pg. 12-1
13. Closed Session

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Cal. Govt. Code §54956.9(d))

Name of Case: *1740 Oak Avenue, LP v. West Bay Sanitary District, et al.* –
SMCSC Case No. 18CIV02183

14. Comments or Reports from Members of the District Board and Consider Items to be Placed on Future Agenda
15. Adjournment

The West Bay Sanitary District does not discriminate against persons with disabilities. Upon request, the agenda and agenda packet can be provided in a format to accommodate special needs. If you require a copy of the agenda or related materials in an alternative format to accommodate a disability, or if you wish to attend this public meeting and will require special assistance or other special equipment, please call the District at (650) 321-0384 at least five days in advance and we will make every reasonable attempt to provide such an accommodation.



WEST BAY SANITARY DISTRICT AGENDA ITEM 3

To: *Board of Directors*

From: *Sergio Ramirez, General Manager*

Subject: *Consider Waiving Collection of Future Supplemental Collection of Charges for the Blue Oaks Subdivision Reimbursement Agreement*

Background

As the Board of Directors discussed over past years, District staff and resources continue to be consumed in processing supplemental connection fees and distributing reimbursements pursuant to several reimbursement agreements entered into over the years, primarily in the Portola Valley area. In cases where a large number of connections are made to a sewer main for which a reimbursement agreement is in place, the actual amount of supplemental connection fees collected, divided among each parcel to be reimbursed, is quite minimal. Under such circumstances, the Board of Directors has the authority, pursuant to the terms of the District's standard reimbursement agreement template, to waive the supplemental connection fees after notice and a hearing.

In May 2002, the Board of Directors of the West Bay Sanitary District adopted a resolution approving the Reimbursement Agreement for the Blue Oaks Subdivision ("Agreement"). Under the terms of the Agreement, the District agreed to reimburse the subdivision's original developer for a portion of the cost of constructing and installing wastewater collection and transmission facilities to serve the Blue Oaks Subdivision. The District would reimburse the original developer by collecting a "supplemental connection fee" from subsequent connections, and thereby spreading the cost of the facility over time from those who benefit from it.

The original construction cost approved by the Board as eligible for reimbursement was \$334,023.00, with a developer for thirty-eight (38) connections. Under the reimbursement formula specified by the Agreement, a group of sixty (60) residents, to subsequently connect to the sewer main, paid a supplemental connection fee of \$235,843.83 to connect, approximately \$4,000 per connection. Subsequent connections were similarly charged a supplemental connection charge to reimburse a portion of all prior connectors' charges. As new connections have come online, the reimbursement amount paid by each new connection is increased to present value by

the formula in agreement and then split by the number of existing connections and distributed accordingly. The most recent supplemental connection fee was in the amount of approximately \$5,000. The current reimbursement distribution for connections 108 and 109 is \$27.39 to the 107 prior connections. Each time the District processes a new supplemental connection fee, substantial staff time is incurred in processing and distributing the payments at a significant expense to the District.

Analysis

A the letter was sent to connectors of the Blue Oaks Subdivision agreement, serving as notice of a public hearing to be held before the Board of Directors of the West Bay Sanitary District at 7:00 p.m. on Wednesday, March 22, 2023, at the District Office, located at 500 Laurel Street, Menlo Park, California to consider waiving the collection of future supplemental collection charges under the Agreement.

Section 2(a) of the Agreement provides that the “District may postpone or waive, in whole or in part, collection of any such charges if, after reasonable notice and hearing, the District Board, in the exercise of reasonable discretion, makes one of the following determinations:

- (1) Acting pursuant to Health and Safety Code Section 6520.6, the District Board determines the amount is too small to justify the cost of collection; or
- (2) The District Board determines that in the interest of the public health, safety and welfare, collection of the amount is not justified; or
- (3) The District Board determines that collection of the amount would pose an undue financial hardship on the new Connector.”

At the hearing, the Board of Directors will receive a report from West Bay staff, consider public comment, and deliberate on whether to continue collecting the supplemental charge from new connections, or waiving the supplemental connection charge for new connections. The public is welcome to weigh in on this subject, either in writing in advance of the meeting, or in person (or by Zoom) at the hearing.

Fiscal Impact

Abandoning collection of supplemental connection fees for the Blue Oaks Subdivision will have a small but significant positive fiscal impact in terms of avoided expenses in processing collections and reimbursement, as well as eliminating a significant administrative burden on staff.

Recommendation

The General Manager recommends the Board of Directors hear the public and consider waiving future supplemental collection of charges relating to Blue Oaks Reimbursement Agreement.

Attachment: Public Notice Letter dated March, 8 2023



In reply, please refer to our
File No.

March 8, 2023

Blue Oaks Subdivision

Via US Mail

Re: *Notice of Public Hearing: District Consideration to Waive Future Supplemental Collection of Charges Relating to Blue Oaks Reimbursement Agreement*

In May 2002, the Board of Directors of the West Bay Sanitary District adopted a resolution approving the Reimbursement Agreement for the Blue Oaks Subdivision ("Agreement"). Under the terms of the Agreement, the District agreed to reimburse the subdivision's original developer for a portion of the cost of constructing and installing wastewater collection and transmission facilities to serve the Blue Oaks Subdivision. The District would reimburse the original developer by collecting a "supplemental connection fee" from subsequent connections, and thereby spreading the cost of the facility over time from those who benefit from it.

The original construction cost approved by the Board as eligible for reimbursement was \$334,023.00, with a developer for thirty-eight (38) connections. Under the reimbursement formula specified by the Agreement, a group of sixty (60) residents, to subsequently connect to the sewer main, paid a supplemental connection fee of \$235,843.83 to connect, approximately \$4,000 per connection. Subsequent connections were similarly charged a supplemental connection charge to reimburse a portion of all prior connectors' charges. As new connections have come online, the reimbursement amount paid by each new connection is increased to present value by the formula in agreement and then split by the number of existing connections and distributed accordingly. The most recent supplemental connection fee was in the amount of approximately \$5,000. The current reimbursement distribution for connections 108 and 109 is \$27.39 to the 107 prior connections. Each time the District processes a new supplemental connection fee, substantial staff time is incurred in processing and distributing the payments at a significant expense to the District.

Accordingly, this letter serves as notice of a public hearing to be held before the Board of Directors of the West Bay Sanitary District at 7:00 p.m. on Wednesday, March 22, 2023, at the District Office, located at 500 Laurel Street, Menlo Park, California to consider waiving the collection of future supplemental collection charges under the Blue Oaks Agreement. **The public hearing will not consider changes for other agreements, such as Sewers 4 Los Trancos.**

Section 2(a) of the Agreement provides that the "District may postpone or waive, in whole or in part, collection of any such charges if, after reasonable notice and hearing, the District Board, in the exercise of reasonable discretion, makes one of the following determinations:

- (1) Acting pursuant to Health and Safety Code Section 6520.6, *the District Board determines the amount is too small to justify the cost of collection; or*
- (2) The District Board determines that in the interest of the public health, safety and welfare, collection of the amount is not justified; or
- (3) The District Board determines that collection of the amount would pose an undue financial hardship on the new Connector."

Name
March 8, 2023
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At the hearing, the Board of Directors will receive a report from West Bay staff, consider public comment, and deliberate on whether to continue collecting the supplemental charge from new connections, or waiving the supplemental connection charge for new connections. You are welcome to weigh in on this subject, either in writing in advance of the meeting, or in person (or by Zoom) at the hearing. Written communications may be mailed to the Districted at the address above, or by email to info@westbaysanitary.org.

Sincerely,



Sergio Ramirez
General Manager

cc: Debra Fisher, Finance Manager
Todd Reese, Office & Communications Manager

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1902 - *Serving Our Community for over 115 Years* - 2023

WEST BAY SANITARY DISTRICT
MINUTES OF THE REGULAR MEETING OF THE DISTRICT BOARD
WEDNESDAY, MARCH 8, 2023 AT 7:00 P.M.

1. **Call to Order**

President Dehn called the meeting to order at 7:00 PM

Roll Call

BOARD MEMBERS PRESENT: President Dehn, Secretary Walker, Treasurer Thiele-Sardiña, Director Moritz, Director Otte
BOARD MEMBERS ABSENT: None
STAFF MEMBERS PRESENT: GM Ramirez, PM Heydari, and Condotti by Zoom
Others Present: Dave Richardson – Woodward & Curran,
Eileen McLaughlin - CCCR

2. **Communications from the Public:** None.

3. **Consent Calendar**

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

Discussion/Comments: None.

- A. Approval of Minutes for Regular Meeting February 8, 2023
- B. Approval of the Financial Activity Report Authorizing Payment of Certain Bills and Salaries and Consideration of Other Financial Matters thru February 28, 2023
- C. WBSD Operations and Maintenance Report – February 2023
- D. Town of Los Altos Hills Operations and Maintenance Report for Work Performed by WBSD – February 2023
- E. Town of Woodside Operations and Maintenance Report for Work Performed by WBSD – February 2023
- F. Consider Resolution Accepting Deed of Easement Pursuant to Class 3 Sewer Permit No. 1621 for the Sewer Realignment required for 1173 Saratoga Ave, East Palo Alto, California
- G. Consider Accepting Sewer Facilities Constructed Pursuant to Class 3 Sewer Permit No. 1621 for the Construction of Wastewater Facilities for 1173 Saratoga Ave., East Palo Alto, California
- H. Consider Authorizing the General Manager to Issue Class 3 Sewer Permit No. 1618 for the Construction of Wastewater Facilities for 155 Grove Drive, Portola Valley, California

Motion to Approve by: Moritz 2nd by: Thiele-Sardiña Vote: AYE: 5 NAY: 0 Abstain: 0

4. **General Manager's Report**

Discussion/Comments: General Manager Ramirez reported staff has updated the District Code of General Regulations and General Counsel is currently reviewing it before Board consideration. He reported Staff is working with the Tarlton project at 1350 Adams Drive on providing recycled water. A pipe would need to be installed in the street to serve the property and others in the future. He also reported the City of East Palo Alto will be having requests for qualifications for sewer maintenance services. He reported on the HomeServe sewer lateral replacement program and provided a monthly breakdown of claims and payouts. General Manager Ramirez continued to report the new Vactor Unit will arrive in 30-60 days. The next regular Board meetings will be March 22nd and April 12th. The complete General Manager's written report is in the March 8th, 2023 agenda packet.

5. **Consider Authorizing General Manager to Execute the Finance Agreement for Project Management of the "Bayfront Recycled Water Facility Project" with Peninsula Innovation Partners, LLC**

Motion to Approve by: Moritz 2nd by: Thiele-Sardiña Vote: AYE: 5 NAY: 0 Abstain: 0

Discussion/Comments: General Manager Ramirez reported the agreement is in circulation and a purchase order for reimbursements is being set up. Board consensus was to approve the item only when the agreement is signed by Peninsula Innovation Partners, LLC.

6. **Consider Authorizing General Manager to Execute the Contract B Agreement for Project Management, Engineering, and Support Services for the "Bayfront Recycled Water Facility Project" with Woodard & Curran**

Motion to Approve by: Moritz 2nd by: Thiele-Sardiña Vote: AYE: 5 NAY: 0 Abstain: 0

Discussion/Comments: General Manager Ramirez reported this agreement will begin the project management for the Bayfront Recycled Water Facility Project once an agreement is signed from Meta/Peninsula Innovation Partners, LLC.

7. **Consider Awarding Bid for Point Repair Project Phase 1 to Casey Construction**

Motion to Approve by: Walker 2nd by: Moritz Vote: AYE: 5 NAY: 0 Abstain: 0

Discussion/Comments: General Manager Ramirez reported Casey Construction is the apparent low bidder at \$3,417,014.43. The engineer's estimate was \$3,600,000.00.

8. **Consider Approving Closing the Garratt Reimbursement Agreement**

Motion to Approve by: Moritz 2nd by: Thiele-Sardiña Vote: AYE: 5 NAY: 0 Abstain: 0

Discussion/Comments: General Manager Ramirez reported this agreement started in 2001 and the \$150,000 eligible for reimbursement has been paid. The two successors of the agreement have received final payment and agreed to close it out.

9. Report and Discussion on Sharon Heights Recycled Water Plant

Discussion/Comments: General Manager Ramirez reported the SRF total for the Avy Altschul pump station project totals \$975K (\$618K loan and \$333K grant) and the Board will consider call for bids for the project at the March 22nd Board meeting. He also reported SHGCC has been invoiced in the amount of \$22K for the force main repair and paving on Sand Hill Road. General Manager Ramirez continued to report that the drum screen shaft has been repaired due to an unexpected break.

10. Discussion and Direction on Bayfront Recycled Water Project and Status Update

Discussion/Comments: General Manager Ramirez reported staff is working with the City on an encroachment permit for levee improvements. He also reported due to the recent storm there has been some levee erosion and that it is critical the project begin soon.

11. Report & Discussion on South Bayside Waste Management Authority (SBWMA)

Discussion/Comments: None.

12. Report, Discussion & Direction on Silicon Valley Clean Water (SVCW) and Discussion on SVCW CIP Program and Financing

Discussion/Comments: None.

13. Comments or Reports from Members of the District Board and Consider Items to be Placed on Future Agenda

Discussion/Comments: President Dehn would like an update on the 845 Harvard litigation at the March 22nd Board meeting.

14. Adjournment Time: The meeting was adjourned at 8:21 PM

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**WEST BAY SANITARY DISTRICT
AGENDA ITEM 4B**

To: Board of Directors

From: Fariborz Heydari, P.E. Project Manager

Subject: Accepting Deed of Easement Pursuant to Class 3 Sewer Permit No. 1605 for the Construction of Wastewater Facilities for 30 Cheyenne Point, Portola Valley, California

Background

The District requires an easement to maintain the flow from the STEP system that serves 30 Cheyenne Point. The easement includes ingress and egress to the location of the STEP system and is conforming to District specifications.

Recommendation

The Project Manager recommends that the Board adopt the attached Resolution accepting the Deed of Easement.

Attachments: Resolution ____ (2023), Grant Deed of Easement

RESOLUTION NO. _____ (2023)

IN THE DISTRICT BOARD OF THE WEST BAY SANITARY DISTRICT

COUNTY OF SAN MATEO, STATE OF CALIFORNIA

BE IT RESOLVED that the President and Secretary of the West Bay Sanitary District be and are hereby authorized to accept the attached Grant Deed of Easement by and between the following parties:

Rbk Trust – Murphy Sarah Macdonald Tr

BE IT FURTHER RESOLVED that the General Manager is hereby directed to place the same on record.

Passed and adopted by the District Board of the West Bay Sanitary District at a regular meeting thereof held on the 22nd day of March, 2023, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

President of the District Board of the West
Bay Sanitary District of San Mateo County,
State of California

Attest:

Secretary of the District Board of the
West Bay Sanitary District of San Mateo
County, State of California

RECORDING REQUESTED BY:
WEST BAY SANITARY DISTRICT

WHEN RECORDED MAIL TO:
WEST BAY SANITARY DISTRICT
500 LAUREL STREET
MENLO PARK, CA 94025

Title Order No. N/A
Escrow No. N/A
Parcel No.

GRANT DEED OF EASEMENT

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

- DOCUMENTARY TRANSFER TAX is \$0 CITY TAX is \$0
- computed on the full value of the property conveyed, or
 - computed on full value less value of liens or encumbrances remaining at the time of sale,
 - this is a conveyance of an easement and the consideration and value is less than \$100, R & T 11911.
 - Unincorporated area of San Mateo County City/Town of Portola Valley

FOR NO CONSIDERATION, receipt of which is hereby acknowledged, We

Rbk Trust - Murphy Sarah Macdonald Tr

Hereby GRANTS to:

West Bay Sanitary District, a Public Agency organized and existing under the laws of the State of California,

an easement described as follows over the following described real property in the Town of Portola Valley,
County of San Mateo, State of California:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBITS "A" AND "B" AND MADE A PART HEREOF

Also Known As: 30 CHEYENNE POINT, PORTOLA VALLEY, CA 94028

Assessor's Parcel Number: 077-242-190

Executed on March 14, 1969, at Solvang, CA
(City and State)

Sarah Murphy
Printed Name

Sarah Murphy
Signature

Executed on _____, _____, at _____
(City and State)

Printed Name

Signature

(ATTACH NOTARY CERTIFICATE)

See Attached J.R.

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Santa Barbara }

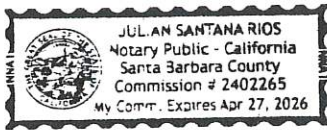
On March 14th 2023 before me, Julian Santana Rios, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Sarah Murphy
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature Julian Santana Rios
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer is Representing: _____

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer is Representing: _____

Wade Hammond
Civil Engineering and Land Surveying
36660 Newark Blvd. Suite C
Newark, CA 94560 Tel: 510-579-6112
wade@whlandsurveyor.com www.wadehammondpls.com

EXHIBIT A

11-15-2022

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF PORTOLA VALLEY, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF LOT 12, IN BLOCK 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED TRACT NUMBER 814 ARROWHEAD MEADOWS UNIT NUMBER 6 BEING A PORTION OF THE RANCHO EL CORTE MADERA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA, ON NOVEMBER 29, 1963 IN BOOK 59 OF MAPS AT PAGE(S) 18 AND 19. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE RIGHT-OF-WAY LINE OF CHEYENNE POINT SAID POINT LIES ON THE NORTHWESTERLY LINE OF SAID LOT 12 AND BEARS SOUTH 52°05'00" WEST A DISTANCE OF 101.92 FEET FROM THE NORTHERLY CORNER OF SAID LOT 12; THENCE WITH A BEARING OF SOUTH 45°54'59"EAST A DISTANCE OF 15.62 FEET; THENCE WITH A BEARING OF SOUTH 43°35'36"EAST A DISTANCE OF 14.48 FEET; THENCE WITH A BEARING OF SOUTH 57°45'41"EAST A DISTANCE OF 14.06 FEET; THENCE WITH A BEARING OF SOUTH 67°00'58"EAST A DISTANCE OF 12.93 FEET; THENCE WITH A BEARING OF SOUTH 23°32'04"WEST A DISTANCE OF 16.62 FEET; THENCE WITH A BEARING OF SOUTH 66°27'56"EAST A DISTANCE OF 7.66 FEET; THENCE WITH A BEARING OF SOUTH 23°32'04"WEST A DISTANCE OF 5.00 FEET; THENCE WITH A BEARING OF NORTH 66°27'56"WEST A DISTANCE OF 8.43 FEET; THENCE WITH A BEARING OF SOUTH 24°05'41"WEST A DISTANCE OF 3.10 FEET; THENCE WITH A BEARING OF NORTH 59°21'46"WEST A DISTANCE OF 16.53 FEET; THENCE WITH A BEARING OF NORTH 20°24'11"EAST A DISTANCE OF 3.55 FEET; THENCE WITH A BEARING OF NORTH 56°42'42"WEST A DISTANCE OF 21.82 FEET; THENCE WITH A BEARING OF NORTH 48°29'35"WEST A DISTANCE OF 20.80 FEET; THENCE WITH A BEARING OF NORTH 38°29'35"WEST A DISTANCE OF 7.16 FEET; THENCE WITH A BEARING OF NORTH 52°05'00"EAST A DISTANCE OF 21.37 FEET TO THE POINT OF BEGINNING.

CONTAINING 1375 SQUARE FEET OR 0.032 ACRES, MORE OR LESS.
END OF DESCRIPTION

AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.



Wade Hammond

SCALE: 1"=30'
11-15-2022

EXHIBIT B

CHEYENNE POINT

L=49.25' R=375.00'
D=7°31'28"

N52°05'00"E
21.37'

N52°05'00"E
159.50'

N38°29'35"W
7.16'

N48°29'35"W
20.80'

N56°42'42"W
21.82'

N20°24'11"E
3.55'

N59°21'46"W
16.53'

S24°05'41"W
3.10'

N66°27'56"W
8.43'

P.O.B. 101.92'

S45°54'59"E
15.62'

S43°35'36"E
14.48'

S57°45'41"E
14.06'

S67°00'58"E
12.93'

S23°32'04"W
16.62'

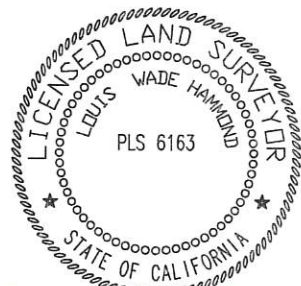
S66°27'56"E
7.66'

S23°32'04"W
5.00'

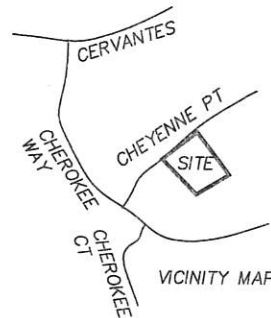
30 CHEYENNE POINT
PORTOLA VALLEY
APN: 077-242-190
LOT 12,
59 MAPS 18,19

215.23'
N45°26'28"W

S37°55'00"E
233.27'



Louis Wade Hammond



L. Wade Hammond
Civil Engineering and Land Surveying
36660 Newark Blvd. Suite C Newark,
California 94560

Tel: (510) 579-6112 wade@whlandsurveyor.com
PAGE 2 OF 2

PLAT TO ACCOMPANY LEGAL DESCRIPTION
SANITARY SEWER MAINTENANCE EASEMENT



WEST BAY SANITARY DISTRICT AGENDA ITEM 4C

To: *Board of Directors*

From: *Debra Fisher, Finance Manager*

Subject: *Bank of the West Monthly Investment Portfolio Statements*

Background

In October 2010 the District named Bank of the West as the District's Investment advisor and approved an investment of \$5 million in available funds to establish the Emergency Capital Reserve. Subsequently, the Board has established several additional reserves to provide financial stability for the District. On June 9, 2021, the Board approved the Operating Reserve increased to six months of operations, based on the current budget, held in the Local Agency Investment Fund (LAIF), in order to have the funds more accessible. This is necessary, as Operating Reserves are intended to fund the District between July 1st and December each year, when the County of San Mateo delivers the first installment of sewer service charges collected through tax rolls, which accounts for the majority of funding. On February 8, 2023, the Board approved the current Reserve Policy, which increased the Capital Projects and Emergency Capital Reserves by \$2 and \$1 million, respectively.

Excess funds over the current monthly expenditures are held in Local Agency Investment Fund (LAIF), which are equivalent to cash and may earn higher yields without a long term commitment. Operating Reserves, customer deposits, current capital projects, and Solid Waste Funds are held in LAIF.

Restricted funds for Sharon Heights Golf & Country Club (SHGCC), as required for the Clean Water State Revolving Fund (SRF) loan are held in a separate account.

There are currently five separate investment reserves maintained to support the goals of the District, along with reserves held in LAIF, the Vehicle & Equipment Reserve held in a money market account, and the restricted Pension Trust and Recycled Water State Revolving Fund (SRF) Reserves. Annual contributions are made in accordance with the Board approved budget in order to reach the target balances for each reserve.

<u>Reserve Account</u>	<u>Originated</u>	<u>Target Balance</u>	<u>Target</u>
Operating Reserve	11/26/2014	\$11.1 million	Achieved
Rate Stabilization Reserve	10/30/2015	\$10 million	Achieved
Treatment Plant Reserve	8/01/2021	\$12 million	Achieved
Capital Project Reserve	11/26/2014	\$8 million	Achieved
Emergency Capital Reserve	10/19/2010	\$6 million	Achieved
Recycled Water Cash Flow	11/18/2016	\$8 million	Unfulfilled
Recycled Water SRF Reserve	3/01/2018	\$1.46 million	Achieved
Vehicle & Equipment Reserve	8/18/2011	\$1 million	Achieved

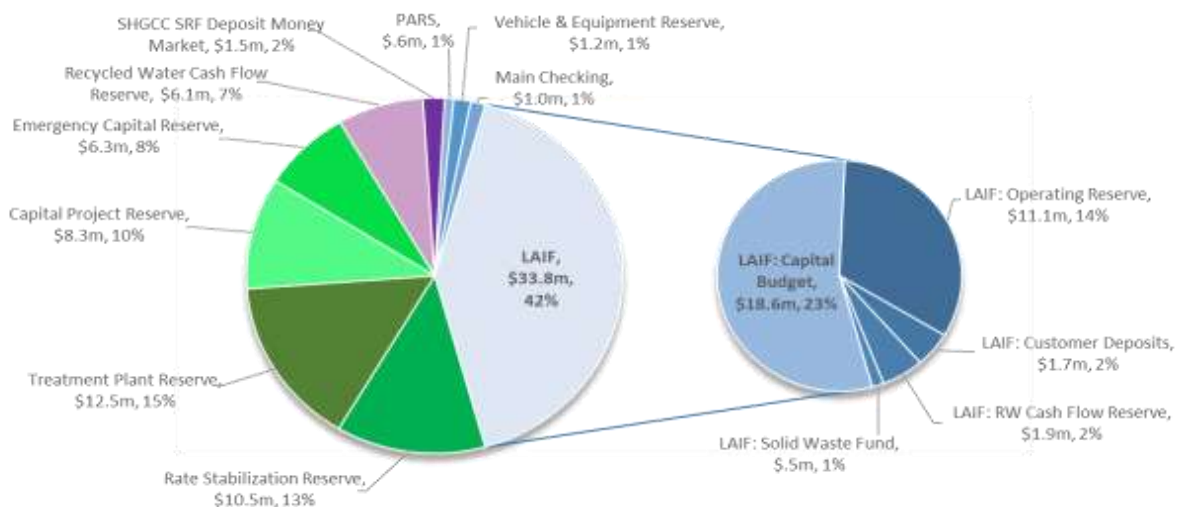
Fiscal Impact

The District has approximately \$82 million in all reserve and bank accounts as of February 28, 2023, including restricted funds. There was \$3.95 million in transfers in the approved FY 2022-23 Budget. The board approved additional transfers on June 22, 2022, December 14, 2022, and February 8, 2023, for a total of \$15.2 million in transfers in FY 2022-23.

<u>District Funds</u>	<u>2/28/2023</u>
Cash Equivalent Accounts	36,072,400
Investment Accounts - Unrestricted	43,705,176
Public Agency Retirement Services (PARS Trust)	631,069
SHGCC SRF Loan Deposit	1,517,085
Total District Funds	81,925,730

Effective July 1, 2022, the Operating Reserve target increased to \$11.1 million for six months of operations, based on the approved budget for Fiscal Year 2022-23. As of February 28, 2023 there is one fund under the target balance, by approximately \$47 thousand, due to fluctuations in market values, which will be recovered as the District holds investments until they mature.

**Cash & Investments
February 28, 2023**



The monthly statement synopsis indicating the amount of each reserve fund the District holds in the Bank of the West Investment Portfolios are attached. Quarterly reports on the Investment Portfolios will include details of investments of each reserve account.

Recommendation

The Finance Manager recommends the District Board accept the Investment Portfolio Statements by affirming and approving the items listed in the Consent Calendar.

Attached: 2023-02 Investment Reserve Accounts

WBSD - RATE STABILIZATION RESERVE

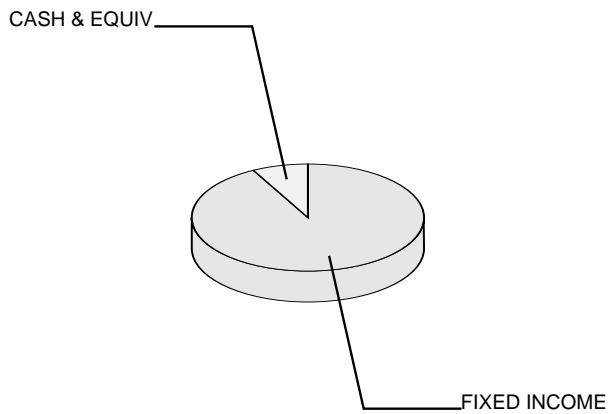
Account Number:
Statement Period:

02/01/23 -
02/28/23

WEST BAY SANITARY DISTRICT
 500 LAUREL STREET
 MENLO PARK CA 94025

Fiduciary
 Chuen Ying Lee
 (408) 645-3234
Portfolio
 Michael D. Smith
 (408) 490-2079

Asset Allocation



Asset Valuation

Description	Market Value	% of Account
Cash & Equiv	823,205.41	7.9%
Fixed Income	9,651,488.85	92.1%
Total Portfolio	\$ 10,474,694.26	100.0%
Accrued Income	54,799.14	
Total Valuation	\$ 10,529,493.40	

Market Reconciliation

	Current Period	Year To Date
Beginning Market Value	\$ 10,562,386.02	\$ 9,737,901.10
Income		
Interest.....	22,615.82	148,511.64
Purchased Income.....	-375.61	-8,404.39
Additions.....	0.00	767,700.00
Disbursements.....	-1,394.06	-11,142.37
Realized Gains/(Losses).....	0.00	-60.87
Change In Accrued Income.....	-4,010.84	2,924.63
Change In Market Appreciation/(Depreciation).....	-42,093.12	-48,370.11
Non-Cash Asset Changes.....	-7,634.81	-59,566.23
Ending Market Value	\$ 10,529,493.40	\$ 10,529,493.40

WBSD - TREATMENT PLANT RESERVE

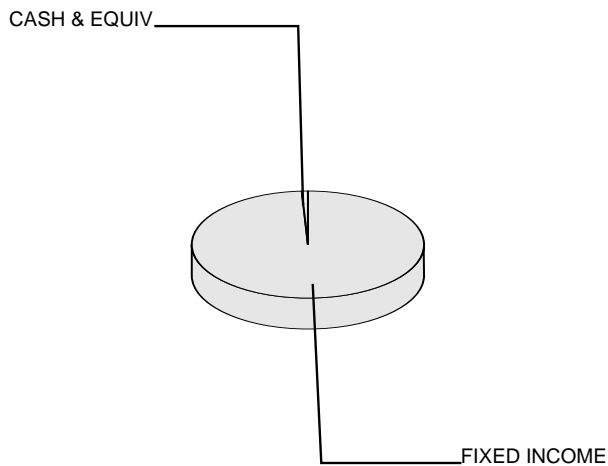
Account Number:
Statement Period:

02/01/23 -
02/28/23

WEST BAY SANITARY DISTRICT
 500 LAUREL STREET
 MENLO PARK CA 94025

Fiduciary
 Chuen Ying Lee
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 Michael D. Smith
 (408) 490-2079

Asset Allocation



Asset Valuation

Description	Market Value	% of Account
Cash & Equiv	72,311.97	0.6%
Fixed Income	12,420,835.40	99.4%
Total Portfolio	\$ 12,493,147.37	100.0%
Accrued Income	56,254.98	
Total Valuation	\$ 12,549,402.35	

Market Reconciliation

	Current Period	Year To Date
Beginning Market Value	\$ 12,675,065.20	\$ 2,493,136.18
Income		
Interest.....	11,316.90	99,439.77
Purchased Income.....	-158.65	-61,578.86
Additions.....	0.00	10,118,211.08
Disbursements.....	-1,675.92	-7,045.17
Realized Gains/(Losses).....	0.00	0.00
Change In Accrued Income.....	8,510.08	46,065.26
Change In Market Appreciation/(Depreciation).....	-148,683.38	-175,611.77
Non-Cash Asset Changes.....	5,028.12	36,785.86
Ending Market Value	\$ 12,549,402.35	\$ 12,549,402.35

BANK OF THE WEST
WEALTH MANAGEMENT

A trade name used by BMO Harris Bank N.A.

WBSD - CAPITAL PROJECT RESERVE

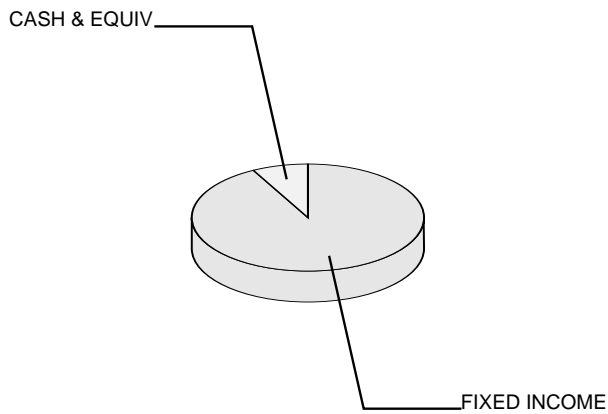
Account Number:
Statement Period:

02/01/23 -
02/28/23

WEST BAY SANITARY DISTRICT
 500 LAUREL STREET
 MENLO PARK CA 94025

Fiduciary
 Chuen Ying Lee
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Portfolio
 Michael D. Smith
 (408) 490-2079

Asset Allocation



Asset Valuation

Description	Market Value	% of Account
Cash & Equiv	689,523.22	8.3%
Fixed Income	7,591,387.50	91.7%
Total Portfolio	\$ 8,280,910.72	100.0%
Accrued Income	27,341.85	
Total Valuation	\$ 8,308,252.57	

Market Reconciliation

	Current Period	Year To Date
Beginning Market Value	\$ 6,340,380.80	\$ 5,830,876.97
Income		
Interest.....	15,769.82	91,028.98
Purchased Income.....	-2,398.50	-7,760.40
Additions.....	2,000,000.00	2,479,000.00
Disbursements.....	-837.62	-6,676.50
Realized Gains/(Losses).....	0.00	0.00
Change In Accrued Income.....	-1,977.96	-7,241.23
Change In Market Appreciation/(Depreciation).....	-36,425.74	-42,262.40
Non-Cash Asset Changes.....	-6,258.23	-28,712.85
Ending Market Value	\$ 8,308,252.57	\$ 8,308,252.57

BANK OF THE WEST
WEALTH MANAGEMENT

A trade name used by BMO Harris Bank N.A.

WBSD - EMERGENCY CAPITAL RESERVE

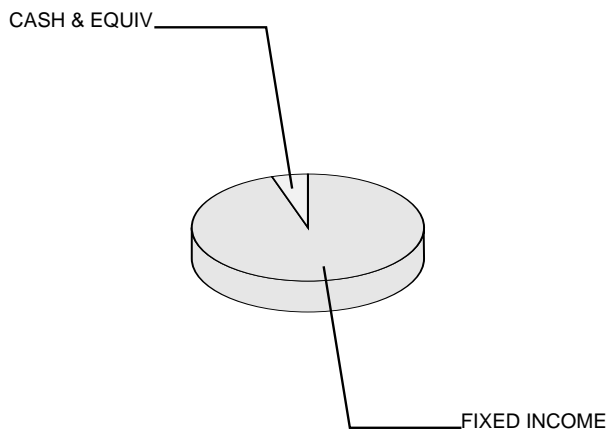
Account Number:
Statement Period:

02/01/23 -
02/28/23

WEST BAY SANITARY DISTRICT
 500 LAUREL STREET
 MENLO PARK CA 94025

Fiduciary
 Chuen Ying Lee
 (408) 645-3234
Portfolio
 Michael D. Smith
 (408) 490-2079

Asset Allocation



Asset Valuation

Description	Market Value	% of Account
Cash & Equiv	300,223.15	4.8%
Fixed Income	5,931,505.72	95.2%
Total Portfolio	\$ 6,231,728.87	100.0%
Accrued Income	26,390.59	
Total Valuation	\$ 6,258,119.46	

Market Reconciliation

	Current Period	Year To Date
Beginning Market Value	\$ 5,283,177.17	\$ 4,877,961.83
Income		
Interest.....	10,391.49	76,074.42
Purchased Income.....	-1,341.06	-6,128.87
Additions.....	1,000,000.00	1,381,100.00
Disbursements.....	-697.75	-5,576.13
Realized Gains/(Losses).....	0.00	-522.32
Change In Accrued Income.....	412.76	-1,715.72
Change In Market Appreciation/(Depreciation).....	-31,558.73	-38,878.52
Non-Cash Asset Changes.....	-2,264.42	-24,195.23
Ending Market Value	\$ 6,258,119.46	\$ 6,258,119.46

BANK OF THE WEST
WEALTH MANAGEMENT

A trade name used by BMO Harris Bank N.A.

WBSD - RECYCLED WATER CASH FLOW

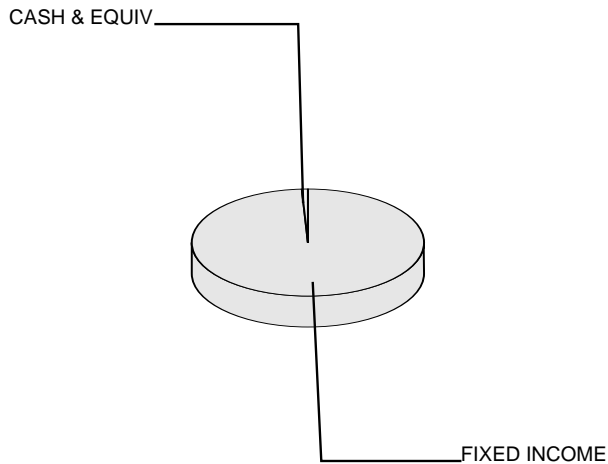
Account Number:
 Statement Period:

02/01/23 -
 02/28/23

WEST BAY SANITARY DISTRICT
 500 LAUREL STREET
 MENLO PARK CA 94025

Fiduciary
 Chuen Ying Lee
 (408) 645-3234
Portfolio
 Michael D. Smith
 (408) 490-2079

Asset Allocation



Asset Valuation

Description	Market Value	% of Account
Cash & Equiv	89,093.96	1.5%
Fixed Income	5,935,099.50	98.5%
Total Portfolio	\$ 6,024,193.46	100.0%
Accrued Income	35,714.88	
Total Valuation	\$ 6,059,908.34	

Market Reconciliation

	Current Period	Year To Date
Beginning Market Value	\$ 6,076,666.04	\$ 5,623,527.18
Income		
Interest.....	2,416.32	70,609.61
Purchased Income.....	0.00	-3,939.82
Additions.....	0.00	456,100.00
Disbursements.....	-802.70	-6,421.13
Realized Gains/(Losses).....	0.00	0.00
Change In Accrued Income.....	7,056.78	10,445.55
Change In Market Appreciation/(Depreciation).....	-26,142.75	-107,836.81
Non-Cash Asset Changes.....	714.65	17,423.76
Ending Market Value	\$ 6,059,908.34	\$ 6,059,908.34

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WEST BAY SANITARY DISTRICT AGENDA ITEM 5

To: *Board of Directors*

From: *Sergio Ramirez, General Manager*

Subject: *General Manager's Report*

1) Administrative:

- a. Staff attended a meeting by the City of East Palo Alto regarding their Request For Qualifications (RFQ) process on March 17, 2023.
- b. The Part-time Clerical Assistant has completed the APN, Accounting, and general office scanning projects. Staff will evaluate how to best scan the remaining documents stored at the District's offsite facilities.
- c. Staff has been meeting regularly to update the General Code of Regulations and the Standard Specifications and Detail Drawings. General Counsel will be asked to review the items before bringing it to the Board.

2) Finance:

- a. Spending against the National Fish and Wildlife Foundation grant of \$4.9 million has begun by way of soil sampling. A Construction Support for the Levee Improvements will be brought to the Board of Directors for approval. The agreement included environmental monitoring.
- b. The Meta finance agreement is being signed. The agreement provides for 43.3 percent reimbursement for the Project Management costs by Meta.

3) CIP Projects:

- a. **Construction Capital Improvement Program (CIP):**
 - i. The Bayfront Park Sewer Improvements Project awarded to Ranger Pipelines Inc. will begin as material are secured in the next month.
- b. **Levee Improvement Project:**
 - i. Approval for the Levee Improvement Project call-for-bids will come to the Board at a Regular Board Meeting on March 22, 2023.

4) Information Technology (IT):

- a. Staff is working with Streamline on the new website. Roll out of the new site is scheduled for July 1, 2023.
- b. Staff will be migrating to Microsoft Office 365 on March 29, 2023.

Report to the District Board for the Regular Meeting of March 22, 2023

Additional information or topics may be introduced by the GM verbally during the Board meeting.

- 5) **Operations and Maintenance:**
 - a. **Collection System:**
 - i. Crews continue to clean and CCTV inspect the sewer system on a regular basis.
 - b. **Pump Facilities:**
 - i. The Pump Supervisor and Superintendent continue to research the replacement options for the outdated telemetry ISAC System.
 - c. **Training:**
 - i. Staff has been working on the new Standard Operating Procedures and Job Safety Analysis. General Manager will report further at the March 22, Board Meeting.
- 6) **Water Quality:**
 - a. **Sharon Heights Golf and Country Club (SHGCC):**
 - i. Approval for the Avy Altschul Pump Station Project call-for-bids will come to the Board at a Regular Board Meeting on March 22, 2023.
 - b. **Bayfront Recycled Water Facility (BRWF):**
 - i. Project Management should begin shortly with an expected recycled water delivery date of Q1 2026.
 - c. **Woodside Recycled Water Facility (BRWF):**
 - i. The Woodside Recycled Water Facility feasibility will conclude soon. Menlo Country Club is exploring a large facility similar to SHGCC. A full report will be brought to the District Board.
- 7) **Fleet and Facilities:**
 - a. **Vehicle Maintenance:**
 - i. The District is awaiting receipt of the new Combo Jet-Vac Unit ordered last year. The unit is expected to arrive later this year.
- 8) **Personnel:**
 - i. The Associate Engineering recruitment continues.
- 9) **Upcoming Events:**
 - a. **Next Regular Board Meetings:** Wednesdays, March 22nd and April 12th.
- 10) **Misc. Items:**
 - a. **West Bay:** The District experienced 1 sanitary sewer overflow (SSO) due to a forcemain break on the new Phil Scott Pump Station to the recycled water facility.
 - b. **Town of Los Altos Hills:** Crews assisted the Town with a power outage.
 - c. **Town of Woodside:** Staff is working with the Town to secure their own bypass equipment.

Report to the District Board for the Regular Meeting of March 22, 2023

Additional information or topics may be introduced by the GM verbally during the Board meeting.



WEST BAY SANITARY DISTRICT AGENDA ITEM 6

To: *Board of Directors*

From: *Fariborz Heydari, P.E. Project Manager*

Subject: *Consider Authorizing the General Manager to Issue the Call for Bids for the Avy-Altschul Pump Station Project*

Background

In agreement with Sharon Heights Golf and Country Club (SHGCC), the District Board approved the design of a small pump station near the intersection of Avy Avenue and Altschul Avenue in Menlo Park that would divert wastewater to the SHGCC Recycled Water Facility to create additional recycled water. This pump station was envisioned as a simplex pump station (one pump).

The pump station was designed and sited on Los Lomas Elementary School District property in a new easement that abuts against an existing sanitary sewer easement through the same property. Gravity sewer mains diverting wastewater to this pump station were designed from the intersection of Avy and Altschul to the new pump station. The pump station discharges into a previously constructed forcemain pipe in Altschul Avenue and Sharon Road. This forcemain discharges into a gravity pipeline at the intersection of Sharon Road and Eastridge Avenue and ultimately drains to the main diversion pump station near the intersection of Vine Street and Sand Hill Road, where it is then pumped to the SHGCC Recycled Water Facility for treatment.

Analysis

Freyer & Laureta (F&L) was contracted to design the project and coordinate with the City of Menlo Park, the School District, and PG&E for the service needed for the pump station. The location of the pump station was agreed upon by all parties and the design of the electrical service has been completed by PG&E.

The anticipated construction cost for this project is \$950,000.

Fiscal Impact

SHGCC has committed to funding the Avy-Altschul Pump Station Project. The District applied for a loan from the State Water Resources Control Board (SWRCB) State Revolving Fund (SRF) to design and construct the pump station. The SWRCB awarded the project \$950,000.00 including \$300,000.00 in State grants. There is no fiscal impact to the District's General Fund as the SRF loan will be repaid by SHGCC.

Environmental Review

A Categorical Exemption was filed for this project on December 21, 2021. Reasons for exemption include the project consisting of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The Project would have a limited disturbance area and minimal aboveground components, and thus would be considered a small facility.

An environmental checklist was prepared for the Project, which documents that the Project would not trigger any exceptions to a categorical exemption (i.e., would not impact scenic highways, is not located on a hazardous waste site, would not impact a historical resource, and would not have a significant impact due to its location, cumulative impacts, or other unusual circumstances). Thus, the Project is exempt under State CEQA Guidelines Sec. 15303.

Recommendation

The Project Manager recommends the District Board of Directors authorize the General Manager to issue a call for bids for the Avy-Altschul Pump Station that diverts wastewater to the SHGCC Recycled Water Facility that can be treated to create additional recycled water.



WEST BAY SANITARY DISTRICT AGENDA ITEM 7

To: *Board of Directors*

From: *Fariborz Heydari, P.E. Project Manager*

Subject: *Consider Authorizing the General Manager to Issue the Call for Bids for the Flow Equalization and Resource Recovery Facility Levee Improvement Project*

Background

Freyer & Laureta, Inc. (F&L) with major support provided by SWCA Environmental Consultants (SWCA) has worked with the West Bay Sanitary District (WBSD) staff to design levee improvements around the Flow Equalization and Resource Recovery Facility (FERRF). The improvements include both sheetpile and nature-based adaptation measures (living shoreline) to combat rising sea levels.

The levee improvement project is within the jurisdiction of several agencies that are mandated to protect wildlife habitat and water quality. The resource agencies include the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries), and San Francisco Bay Conservation and Development Commission (BCDC).

During the course of project permitting, the resource agency team and the public expressed concerns over the design for the living shoreline submitted due impacts to marshes and waters of the San Francisco Bay. As a result of these concerns, F&L and SWCA worked with WBSD to prepare an alternative concept design to move the project inland to reduce impacts to the Bay. On June 21, 2022, F&L and SWCA attended a meeting with the resource agency team to present the alternative design and the resource agency team agreed that this was the preferred design, and the permit applications should be revised and resubmitted with the new design that partially encroach on District property.

The F&L team has been diligently working with the resource agency team and although permits for all agencies are not yet secured, the F&L team has secured draft permit conditions from all permitting resource agencies that can be incorporated into the project documents with the understanding that the conditions are in draft form. These

conditions do provide required project elements to be incorporated into contract documents.

Analysis

Below is a summary of permit status:

- RWQCB Permit is obtained with project conditions.
- BCDC Permit draft permit conditions are obtained, permit scheduled for April 2023 meeting.
- USACE Permit draft permit conditions are obtained, permit to be issued after BCDC permit is issued.
- State Lands approved the levee project.

The anticipated construction cost for this project is \$10,700,000, \$3,626,020 of related construction costs are to be funded by the National Fish and Wildlife Foundation (NFWF) Grant obtained by the District. The project will take place over a two to three year period due to the scope of the work.

This project will not be awarded to the low bid contractor until all permits are secured, which is anticipated to be by June 2023. The District reserves the right to reject all bids.

Fiscal Impact

The District applied for a loan from the State Water Resources Control Board (SWRCB) State Revolving Fund (SRF) to design and construct the Levee as well as the Recycled Water facility. The SWRCB awarded the project \$66.6 million including \$14.7 million in State grants. The SRF will fund the recycled water facility and a portion of the levee.

The District's FY2022/23 Construction in Progress - Levee Improvement Project budget is \$7 million. The NFWF Grant toward project construction costs is \$3.6 million. The anticipated construction cost for this project is \$10.7 million. Appropriations to the FY2023/24 budget will be necessary since construction will take place over several years.

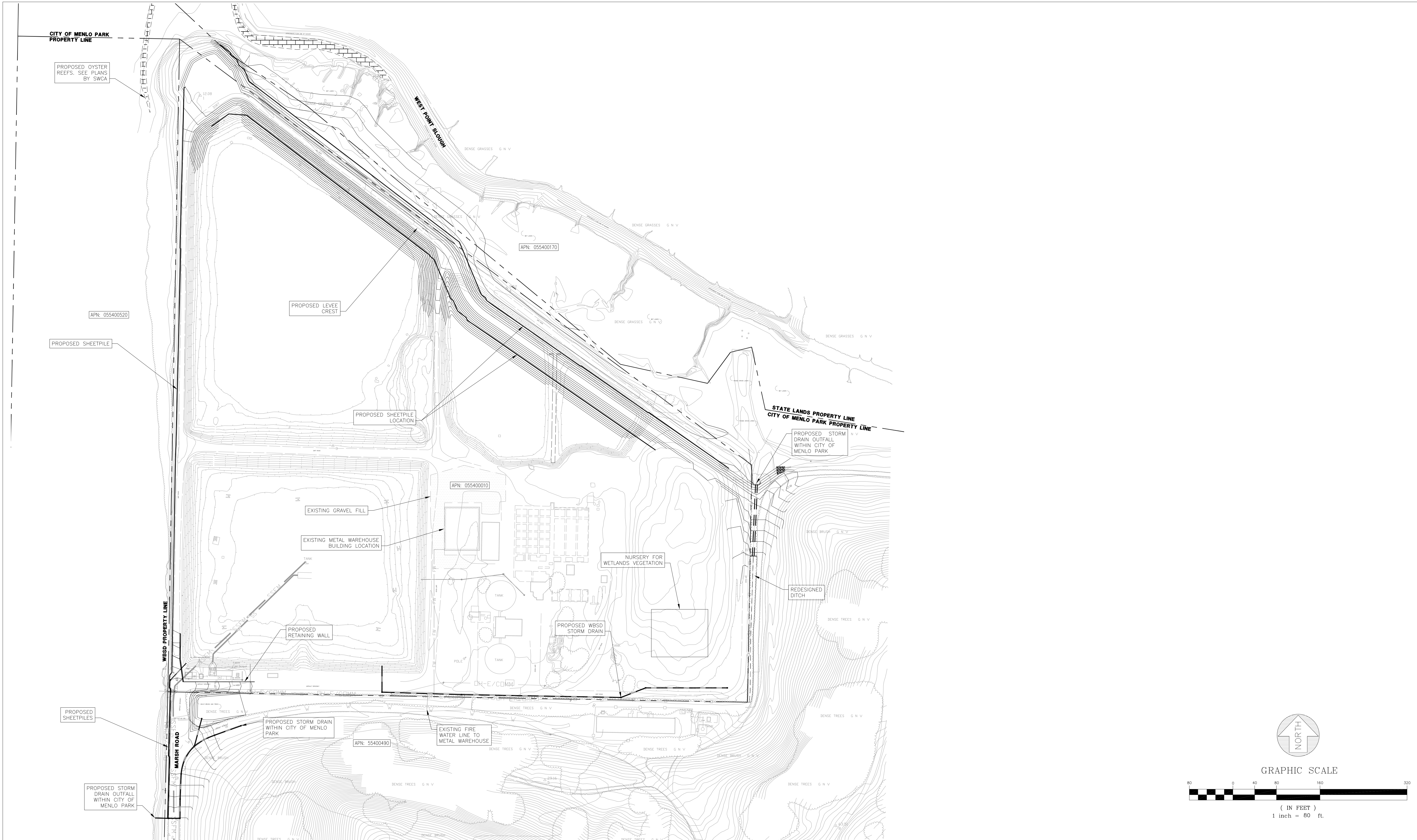
Environmental Review

An Environmental Impact Report titled "Flow Equalization & Resource Recovery Facility Levee Improvements and Bayfront Recycled Water Facility Project" was finalized for this Project, filed May 17, 2021, State Clearinghouse #2020050414.

Recommendation

The Project Manager recommends the District Board of Directors authorize the General Manager to issue a call for bids for the FERRF Levee Improvements project in order to combat sea level rise, with the understanding the project will not be awarded until necessary permits are secured.

Attachment: Project Site



DATE:	03/10/2023	03/10/2022	PROGRESS SET	
SCALE:	AS NOTED			
DESIGNED:	LFH & FYM			
DRAWN:	FYM			
CHECKED:	LFH			
PROJ. ENGR:	RJL			
BY	DATE	DESCRIPTION OF REVISIONS	APP'D	

FL **FREYER & LAURETA, INC.**
 CIVIL ENGINEERS • SURVEYORS • CONSTRUCTION MANAGERS

150 Executive Park Blvd #4200 • San Francisco, CA 94134
 (415)534-7070 • www.freyerlaureta.com

WEST BAY
 SANITARY DISTRICT
 SAN MATEO COUNTY

PROJECT No. 1762.0

**FLOW EQUALIZATION AND RESOURCE RECOVERY
 FACILITY LEVEE IMPROVEMENTS PROJECT**

**SITE PLAN
 MENLO PARK, CALIFORNIA**

SHEET
C2.0
 JOB NO.
1079



WEST BAY SANITARY DISTRICT AGENDA ITEM 8

To: *Board of Directors*

From: *Fariborz Heydari, P.E. Project Manager*

Subject: *Consider Authorizing the General Manager to Enter Into an Agreement for On-Call Construction Consultation Support with Freyer & Laureta, Inc. (F&L) for the Flow Equalization and Resource Recovery Facility Levee Improvement Project*

Background

Freyer & Laureta, Inc. (F&L) with major support provided by SWCA Environmental Consultants (SWCA) has worked with the West Bay Sanitary District (WBSD) staff to design levee improvements around the Flow Equalization and Resource Recovery Facility (FERRF). The improvements include both sheetpile and nature-based adaptation measures (living shoreline) to combat rising sea levels.

The levee improvement project is within the jurisdiction of several agencies that are mandated to protect wildlife habitat and water quality. The resource agencies include the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries), and San Francisco Bay Conservation and Development Commission (BCDC).

During the course of project permitting, the resource agency team and the public expressed concerns over the design for the living shoreline submitted due impacts to marshes and waters of the San Francisco Bay. As a result of these concerns, F&L and SWCA worked with WBSD to prepare an alternative concept design to move the project inland to reduce impacts to the Bay. On June 21, 2022, F&L and SWCA attended a meeting with the resource agency team to present the alternative design and the resource agency team agreed that this was the preferred design, and the permit applications should be revised and resubmitted with the new design that partially encroach on District property.

The F&L team and been diligently working with the resource agency team and although permits for all agencies are not yet secured, the F&L team has secured draft permit conditions from all permitting resource agencies that can be incorporated into the

Report to the District Board for the Regular Meeting of March 22, 2023

project documents with the understanding that the conditions are in draft form. These conditions do provide required project elements to be incorporated into contract documents.

F&L has prepared a proposal that includes services to provide pre-construction, construction, and post-construction support for the FERRF Levee Improvement Project. This proposal summarizes the understanding of the project and presents proposed scope of work, budget, and assumptions for supporting construction and post-construction monitoring. A majority of these fees will be reimbursed from the grant received from the National Fish and Wildlife Foundation (NFWF).

As proposed, F&L will continue to be the project manager of this project with SWCA, Hohbach-Lewin, and Crawford Associates as subconsultants. A majority of this proposal is work to be performed by SWCA as much of it is permit compliance related.

Analysis

Below is a summary of permit status:

- RWQCB Permit is obtained with project conditions.
- BCDC Permit draft permit conditions are obtained, permit scheduled for April 2023 meeting.
- USACE Permit draft permit conditions are obtained, permit to be issued after BCDC permit is issued.
- Stand Lands approved the levee project.

The following services include the following tasks, with added descriptions in the attached proposal.

Task	General Description
Project Management	<ul style="list-style-type: none"> • Conduct regular project meetings with key members of the WBSD and the construction contractor. • Manage compliance documentation for the project, including QA/QC of all deliverables. • Ensure that all training and surveys are conducted on schedule, resource monitors are present on-site, and project environmental commitments are met. • Ensure that post-construction compliance measures are reviewed and/or being met while appropriately

	<p>allocating compliance staff based on reductions in project activity.</p> <ul style="list-style-type: none"> Track the project schedule and budget across all phases of the project and ensure all commitments are met in accordance with the contract.
Finalization of Plans	<ul style="list-style-type: none"> Finalize plans to address permit conditions. Resource agency coordination and submittals for a number of different types of deliverables prior to and during construction. Prepare and submit biologist resumes to the USFWS for approval prior to construction and to notify the agencies prior to construction commencement. Contact the agencies in the event questions about permit conditions come up during monitoring, in the event a special-status species is found, and the permit conditions require agency notification, or if the work period needs to be extended.
Bid Support Services	<ul style="list-style-type: none"> Support in development of bid documents for construction contractors. Assist with developing responses to bidder requests for information (RFI's), assist WBSD with contractor selection, and coordinate with the selected construction contractor.
Grant Reporting and Management	<ul style="list-style-type: none"> Perform grant management on behalf of WBSD for the duration of the project's period of performance.
SWPPP Coordination	<ul style="list-style-type: none"> Provide limited support to help coordinate the development of an irrigation plan, dewatering plan, and SWPPP for the project prepared by the construction contractor.
Environmental Impact Report Addendum	

	<ul style="list-style-type: none"> • Prepare an addendum in order to address the oyster reefs that are part of the project, desired by resource agencies and NFWF.
Public Access Design	<ul style="list-style-type: none"> • Design public access amenities that are required by the BCDC for the project including bench, signage, and minor grading near the northeast corner of the FERRF site.
Preconstruction Activities	<ul style="list-style-type: none"> • Provide Worker Environmental Awareness Training Preparation. • Prepare Permit Binder. • Quality Assurance Project Plan compliance. • Baseline Adaptive Management and Monitoring Plan Data Collection. • Black Rail and Ridgway's Rail Surveys. • Focused Plant Survey. • Burrowing Owl Surveys. • Plant Procurement.
Construction Activities	<ul style="list-style-type: none"> • Implementation Oversight. • Compliance Monitoring. • Black and Ridgway's Rail Surveys. • Engineering support during construction.
Post Construction Monitoring Reporting	<ul style="list-style-type: none"> • Adaptive Management and Monitoring Plan. • Post-Construction Monitoring Reporting.

Fiscal Impact

The District applied for a loan from the State Water Resources Control Board (SWRCB) State Revolving Fund (SRF) to design and construct the Levee as well as the Recycled Water facility. The SWRCB awarded the project \$66.6 million including \$14.7 million in State grants. The SRF will fund the recycled water facility and a portion of the levee.

The District's FY2022/23 Construction in Progress - Levee Improvement Project budget is \$7 million. The proposed fee for the above listed tasks is \$1,624,100 of which \$1,259,092 will be reimbursed by the NFWF grant obtained by the District.

Recommendation

The Project Manager recommends the District Board of Directors authorize the General Manager to enter into agreement with Freyer & Laureta, Inc, for Construction Support Services for the FERRF Levee Improvement Project.

March 16, 2023

Mr. Fariborz Heydari, P.E.
Projects Manager
West Bay Sanitary District
500 Laurel Street
Menlo Park, California 94025

**Re: WEST BAY SANITARY DISTRICT FLOW EQUALIZATION AND RESOURCE RECOVERY FACILITY
LEEVE IMPROVEMENTS - CONSTRUCTION SUPPORT**

Dear Mr. Heydari,

As discussed, the Freyer & Laureta, Inc. (F&L) team appreciates the opportunity to present this proposal to provide pre-construction, construction, and post-construction support for the living shoreline portion of the West Bay Sanitary District Flow Equalization and Resource Recovery Facility Levee Improvements and Recycled Water Facility Project (project).

The Scope of Work summarizes the current status of the project and presents proposed scope of work, budget, and assumptions for construction support for the project.

Background

F&L with major support provided by SWCA Environmental Consultants (SWCA) is currently working with the West Bay Sanitary District (WBSD) to design and finalize permitting for a living shoreline along the existing levee surrounding the Flow Equalization and Resource Recovery Facility (FERRF) in order provide a nature-based adaptation measure for rising sea levels. Work on living shoreline is within the jurisdiction of several agencies that are mandated to protect wildlife habitat and water quality. The resource agencies include the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries), and San Francisco Bay Conservation and Development Commission (BCDC).

During the course of the project the resource agency team and the public expressed concerns over the design for the living shoreline submitted with the permit applications due to the impacts to marshes and waters of the San Francisco Bay. As a result of these concerns, F&L and SWCA worked with WBSD to prepare an alternative concept design to move the project inland to reduce impacts to the Bay. On June 21, 2022, F&L and SWCA attended a meeting with the resource agency team to present the alternative design and the resource agency team agreed that this was the preferred design, and the permit applications should be revised and resubmitted with the new design that partially encroach on District property. Additional documents were

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also requested, including a Compensatory Mitigation Plan, a Basis of Design report, and a Quality Assurance Project Plan (QAPP).

The F&L team and been diligently working with the resource agency team and below is a summary of permit status:

- RWQCB Permit is obtained with project conditions.
- BCDC Permit draft permit conditions are obtained, permit scheduled for April meeting.
- USACE Permit draft permit conditions are obtained, permit to be issued after BCDC permit is issued.
- Stand Lands approved the levee project, needs CEQA documentation in the form of an EIR Addendum for the proposed oyster reefs.

This scope of work in this proposal summarizes the understanding of the project and presents proposed scope of work, budget, and assumptions for supporting construction and post-construction monitoring. A majority of these fees will be reimbursed from the grant received from the National Fish and Wildlife Foundation (NFWF).

F&L will continue to be the project manager of this project with SWCA, Hohbach-Lewin, and Crawford Associates as subconsultants. A majority of this proposal is work to be performed by SWCA.

Description of Services

Task 1. Project Management and Controls

The F&L team will conduct regular project meetings with key members of the WBSD and the construction contractor. Project Principals and Project Managers will work with the construction team and other relevant project members to look ahead and identify and resolve potential issues before they escalate.

SWCA's Project Principal and Project Manager will manage compliance documentation for the project, including QA/QC of all deliverables (e.g., daily and annual reports; training handouts; agency communications). Their Project Manager will also create a compliance plan that details communication protocols, and task schedules, so that communication pathways are clear and effective and compliance tasks are completed on time and during the appropriate stage of the project. They will be responsible for ensuring that all training and surveys are conducted on schedule, resource monitors are present on-site, and project environmental commitments are met. As project construction closes, SWCA's Project Principal and Project Manager will ensure that post-construction compliance measures are reviewed and/or being met while appropriately allocating compliance staff based on reductions in project activity.

Throughout the duration of the project, the Project Principal and Project Manager will be supported by a Project Controller. The Controller will track the project schedule and budget across all phases of the project and ensure all commitments are met in accordance with the contract. The Controller will provide skilled and dedicated project-level financial oversight, allowing our technical staff to focus on ensuring the technical parts of the scope are of the highest quality and are completed on time. The Controller will also regularly review the project

schedule with the project team to identify potential “pinch points” that could jeopardize critical milestones and budget.

Task 1 Assumptions

- Project duration is assumed to be 35 months, including pre-construction support (5 months), construction support (18 months), and one year of post-construction monitoring (12 months).
- Primary team members will attend up to 26 1-hour weekly meetings and 60 additional 1-meetings as needed with WBSD, construction contractor(s), and/or other relevant team personnel. This task also includes up to 70 hours for other SWCA staff to attend meetings as needed. All project meetings will be conducted virtually. No on-site meetings are included. Additional meetings can be attended under an amended budget.
- No changes from the mitigation measures, project description, and/or permit conditions will occur during the project. Such changes may result in added costs that can be addressed under a change order.
- Engineering tasks are not included in this proposal. Should revisions to the project design or other tasks requiring an engineer be required, these can be conducted under a separate contract.

Task 2. Finalization of Plans

The USACE and BCDC permit conditions require revisions to numerous plan documents and submittal for review and approval. This task includes time to finalize these plans, including the Adaptive Management and Monitoring Plan (AMMP), Quality Assurance Project Plan (QAPP), and Compensatory Mitigation Plan (CMP). Our team will electronically submit each plan to the WBSD for one round of review and consolidated comments. After addressing WBSD comments, our team will finalize each plan and submit it to the WBSD and the appropriate resource agencies within the timeframes designated in the permits.

The project permits require resource agency coordination and submittals for a number of different types of deliverables prior to and during construction, including biological monitor qualifications, survey results, sightings of any listed or sensitive animal species, and construction commencement notifications. This task includes time to prepare and submit SWCA’s biologist resumes to the USFWS for approval prior to construction and to notify the agencies prior to construction commencement. This task also allows time for contacting the agencies in the event questions about permit conditions come up during monitoring, in the event a special-status species is found, and the permit conditions require agency notification, or if the work period needs to be extended. Up to 60 hours of agency coordination prior to and during construction.

This task also include time for up to three SWCA staff members to attend a site walk with the regulatory agencies and NFWF after construction is complete.

Task 2 Assumptions

- No substantial changes will be required to finalize the AMP, QAPP, or CMP.

- Up to 40 hours have been included to finalize each of these plans and obtain approval from the regulatory agencies. This include responding to one round of consolidated comments each from F&L, WBSD, and the regulatory agencies. Additional time required to revise the plans can be provided under an amended budget.
- Changes to figures and maps are not anticipated as part of this task. These services can be provided under an amended budget.
- Up to 60 hours of agency coordination time have been included for coordination prior to and during construction.
- Assistance with permit amendments or extensions is not included. In addition, this scope of work does not include assistance with mitigation negotiations or implementation. This assistance can be provided under an amended budget.
- The permit measures are not expected to substantially change or require additional coordination time that is not described in this task.
- This scope assumes that no state or federally listed species will be injured or killed as a result of project activities. Therefore, time has not been included to consult with the agencies in these instances.
- All documents will be submitted electronically.
- The field visit with the regulatory agencies will be attended by up to three (3) SWCA staff members and (2) F&L staff members and will not exceed 6 hours, inclusive of travel time.
- Project completion reports are not included in this task.

Task 3. Bid Support Services

WBSD will release the project for public bid to solicit construction proposals from qualified firms. The F&L team will support in development of bid documents for construction contractors. Work performed under this task will include coordination time to assist with defining minimum qualifications for contractors or subcontractors that will implement the ecotone slope, final preparation of bid documents, assist with developing responses to bidder requests with information (RFI's), assist WBSD with contractor selection, and coordinate with the selected construction contractor.

Task 3 Assumptions

- The 100% Design plans, specifications, and cost estimates (PS&E) produced under SWCA's current contract will be incorporated into the bid documents. This scope of work only includes time to incorporate minor clarifications to these PS&E documents for bidding purposes.
- WBSD will lead the review of bids submitted by prospective contractors, and F&L team will provide review and input on bid items.

- Bid support under this task will be limited to a total of up to 145 hours of office support. Additional support can be provided under an amended budget.

Task 4. Grant Reporting and Management

The ecotone slope portion of the project is funded by a grant made through the National Fish and Wildlife Foundation's (NFWF) National Coastal Resilience Fund. SWCA has extensive experience managing grant awards made through NFWF, including for coastal resilience projects with living shoreline (ecotone slope) components. This experience has provided our team with a wealth of knowledge regarding NFWF's preferred methods for tracking and reporting success metrics, matching funds, and project updates. Our team has developed several NFWF-specific tracking tools and templates that have been used to communicate relevant information to NFWF's program management team on previous grant funded projects. As such, our team proposes to perform grant management on behalf of WBSD for the duration of the project's period of performance. Grant management will include the following tasks:

- Programmatic Reports: NFWF requires two (2) programmatic reports per year that detail relevant updates about progress towards project milestones, success metrics, and lessons learned. Reports will be developed in NFWF's programmatic report template, which is downloadable through NFWF's grant management software, EasyGrants. Reports are limited to two (2) pages, and it is anticipated that no more than eight (8) programmatic reports will be prepared. SWCA will provide the reports to WBSD for review and address comments (assumed one round) prior to uploading the final documents to EasyGrants.
- Annual Financial Reports: In addition to programmatic reports, NFWF also requires that grantees submit annual financial reports. These reports detail project expenditures to date and provide the grantee with the opportunity to provide justification for grant-reimbursable expenditures and any variation from the initial budget identified in the grant application. It is anticipated that no more than three (3) financial reports will be prepared. SWCA will provide the reports to WBSD for review and address comments (assumed one consolidated round) prior to uploading the final documents to EasyGrants.
- Final reports: At grant close out, WBSD will be required to submit a final programmatic and financial report to NFWF. These reports summarize the project's accomplishments, project activities + outcomes, and any lessons learned during the period of performance. Additionally, the final report will include any deliverables that were identified in the grant application. The final programmatic report will be prepared in NFWF's template (available for download in EasyGrants) and will be limited to ten (10) pages (not including uploads). The final financial report details all project-related expenditures that were incurred during the Project's period of performance. Additionally, WBSD will be required to list all sources of matching funds (federal and non-federal) and electronically certify that the report is true, complete, and accurate. SWCA will prepare both reports on behalf of WBSD and provide final drafts for WBSD to review. SWCA will then address WBSD's comments (assumed one consolidated round) and upload the final documents to EasyGrants.

- Match Tracking and Reporting: In WBSD’s proposal to NFWF, WBSD committed \$5,487,578.00 in non-federal matching funds (match). This funding comes from a variety of sources, including cash funding provided by WBSD, matching funds provided by WBSD’s staff, and in-kind contributions from contractors that perform work on the project. SWCA will coordinate with all entities providing match to the program and provide a summary of matching funds that will be uploaded with each programmatic report. As each match tracking spreadsheet will accompany a programmatic report, it is assumed that no more than eight (8) match tracking spreadsheets will be prepared.
- Reimbursement Requests: Although WBSD may request reimbursement from NFWF as frequently as needed, we have found that NFWF prefers quarterly reimbursement requests for payment. Reimbursement requests are performed through EasyGrants and require WBSD to upload documentation that provides evidence of project-related costs that have been incurred during the reporting period. SWCA will collaborate with WBSD and their contractors to submit reimbursement requests. SWCA will upload copies of these invoices to EasyGrants for NFWF’s review. Based on a quarterly invoicing schedule across a four-year period of performance, SWCA assumes that no more than 16 reimbursement requests will need to be completed.
- Amendment Request: Due to delays surrounding project permitting, WBSD will need to complete an amendment request that will extend the project’s period of performance into 2026. SWCA will draft and submit the amendment request on behalf of WBSD. SWCA will prepare the amendment request on behalf of WBSD and provide a draft to WBSD for review. SWCA will then address WBSD’s comments (assumed one consolidated round) and upload the final document to EasyGrants.

Task 4 Assumptions

- One round of consolidated comments on all documents prepared as part of this task.
- Up to eight (8) programmatic reports will be prepared.
- Up to four (4) annual financial reports will be prepared.
- Up to eight (8) match tracking spreadsheets will be prepared.
- Up to 16 reimbursement requests will be completed.
- One amendment request will be prepared.

Task 5. Storm Water Pollution Prevention Plan (SWPPP) Coordination

The F&L team will provide limited support to help coordinate the development of an irrigation plan, dewatering plan, and SWPPP for the project by the construction contractor. For the irrigation plan, this support will include the development of a concise memorandum or performance specification summarizing the general requirements for a temporary spray and/or drip irrigation system to provide supplemental water to the ecotone slope plants during the plant establishment period (typically 2-3 years after implementation). For the

dewatering plan and SWPPP, SWCA will review and provide comments on the draft plans developed by the construction contractor.

Task 5 Assumptions

- Construction contractor will prepare and be responsible for the irrigation plan (including all required flow and pressure calculations and system component selection), dewatering plan, and SWPPP, which will then be reviewed by WBSD, F&L, and SWCA.
- It is assumed the contractor will prepare the Water Quality Management Plan per the FEIR. As a result, preparation of this plan is not included. This plan can be prepared under an amended budget.
- SWPPP document will be developed by the construction contractor. This option is not included in this scope of work but can be added under a contract amendment as needed.
- Development of Permit Registration Documents (PRD's) associated with the SWPPP and submittal of these documents to the State Water Resources Board (Water Board) via the online SMARTS system are not included in this scope of work but can be added under a contract amendment as needed.
- Qualified SWPPP Practitioner (QSP) services to implement the SWPPP during construction, including any required monitoring, sampling, or reporting, are not included in this scope of work but can be added under a contract amendment as needed.

Task 6. Environmental Impact Report Addendum

As previously mentioned, the State Lands Commission (SLC) has requested that WBSD provide an addendum to the Final Environmental Impact Report for the Flow Equalization and Resource Recovery Facility Levee Improvements and Bayfront Recycled Water Facility Project (FEIR) in order to address the oyster reefs that are part of the project. As part of this task, SWCA will prepare an addendum to the FEIR pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines. Section 15164 of the CEQA Guidelines state that "The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 [of the CEQA Guidelines] calling for preparation of a subsequent EIR have occurred." The addendum will describe the changes and additions to the FEIR necessary to achieve CEQA compliance for the placement of the oyster reefs within the currently proposed project. The addendum to the FEIR will include an introduction that will have a brief description of the project, the addendum determination, and a summary of addendum conclusions; a description of the differences between the current project and the FEIR project; and conclusions for each of the resource areas that will include a description of the relationship of the current project to the previously certified FEIR existing conditions and impacts and a conclusion on whether the impact has changed.

Task 6 Assumptions

- At this point, it appears that an EIR Addendum will remain the selected CEQA approach for the oyster reefs, given the low likelihood of new or substantial increases in impacts or associated new mitigation requirements. If, during the CEQA analysis, a new or more severe significant environmental impact is

identified that cannot be avoided or reduced, a Mitigated Negative Declaration (MND), Supplemental EIR, or Subsequent EIR would be required. A new scope of work would then be prepared, based on the new findings.

- The addendum will contain only the information necessary to make the FEIR adequate for the project as revised. The Addendum will not re-create an entire, revised FEIR.
- Technical studies will not be required to comply with Section 15164 of the CEQA guidelines.
- The addendum will not need to be circulated for public review.
- No new maps will be required and the site plans and other materials prepared for the permit applications can be used for the addendum.
- The addendum will not result in changes to the mitigation, monitoring, and reporting program.
- Team will address one round of internal review and consolidated comments and one round of review and consolidated comment from WBSD on the draft document.
- The document will be delivered electronically, no hard copies will be necessary.

Task 7. Public Access Design

The F&L Team will provide design support during the development of design plans for any public access amenities that are required by the BCDC for the project. This support would include the compilation and review of BCDC design standards and the planning and conceptual layout any require public access amenities. The detailed design and development of construction plans for these improvements, including any required engineering, would then be completed by F&L with limited support by SWCA.

Task 7 Assumptions

- Public access amenities are currently anticipated to be limited to small scale improvements along existing trails within Bedwell Bayfront Park adjacent to the project site. These amenities may include informal viewing wildlife areas, benches, or interpretive and wayfinding signage that meets BCDC’s design standards for the Bay Trail and Shoreline.

Task 8. Preconstruction Activities

8.1 Worker Environmental Awareness Training Preparation

In accordance with the USFWS Biological Opinion (BO) and the FEIR, SWCA will prepare worker environmental awareness training for workers that includes the description and status of the species; the habitat of the species; the legal ramifications of impacting the species; a list of measures being taken to reduce impacts on these species during project construction; and what to do if the species are encountered. As part of the training, SWCA

will prepare and provide handouts, including colored photographs for species identification and contact phone numbers for key project personnel. A qualified SWCA biologist will conduct the training for all employees, contractors, or other personnel working on the project site prior to them starting work. Upon completion of the training, the SWCA biologist will ensure that all employees, contractors, or other personnel working at the project site sign a form stating they attended the training program and understand and agree to comply with all protection measures. These sign-in sheets will be kept on site and in the SWCA's biologist's project binder.

Assumptions:

- The worker environmental awareness training will be delivered by the on-site biological monitor as part of the daily biological monitoring duties described further in the Biological Monitoring task. No additional site visits are included as part of this task.
- Up to 100 training brochures are included.

8.2 Permit Binder Preparation

Regulatory permits, including typically require that a copy of all project permits be provided to the contractors, subcontractors, inspectors, and monitors and be kept on the project site at all times. SWCA will prepare permit binders to ensure that copies of the project permits are available to all contractors, subcontractors, inspectors, and monitors. In addition, based on our past experience, we have found that preparing a permit matrix has ensured projects are kept on track since the permit conditions can be easily referenced and compliance with the permit conditions can be easily documented. As a result, SWCA will prepare a permit matrix to include in the permit binder. SWCA will update the permit binder to track compliance during construction.

Assumptions:

- No more than two permit binders will be required. Additional permit binders can be provided under an amended budget.
- The compliance matrix will be update once per month during construction for a total of 18 updates.

8.3 Quality Assurance Project Plan compliance

This task includes time to prepare a technical memorandum for RWQCB and BCDC prior to construction to document that all fill materials to be utilized for the project are suitable for use at the site. The memorandum will include the test results demonstrating that the chemical concentration of the soils comply with the RWQCB standards in the QAPP and a description of the quality of fill proposed for use at the project site.

Assumptions:

- The soils proposed for use will be acceptable for the project site. If soils are not acceptable, assistance with finding imported soils can be provided under an amended budget.

- WBSD is responsible for testing soils at the project site.
- Amendments to the QAPP and revisions to the technical memo will not be required.
- No fieldwork is included under this task. Fieldwork can be included under an amended budget.

8.4 Baseline Adaptive Management and Monitoring Plan Data Collection

The project's AMMP requires regular monitoring of several metrics to ensure appropriate restoration of temporarily impacted areas, appropriate performance criteria associated with the ecotone slope, and appropriate monitoring of the restored areas. This task provides for the collection of baseline (pre-construction) hydrological, vegetation, geomorphological, and biological monitoring data as described in the following subsections.

Reference Site Establishment

SWCA will work with the resource agencies to establish an appropriate reference site for comparison with post-construction restoration progress. This reference site will allow for the collection of data on typical water quality, tidal water levels, vegetation, and geomorphology, as described below. The site chosen will also consist of a similar tidal wetlands/salt marsh habitat to the project site so that a fair comparison can be made. The site will have a comparable overall plant composition to the project area. Based on an initial conversation with Tahsa Sturgis at RWQCB, it is assumed that the existing conditions at the project site itself may be utilized as the reference site for the proposed project. This task includes time for up to two (2) biologists to conduct one (1) six (6)-hour site visit with the regulatory agencies, inclusive of travel time, and up to fifteen (15) additional hours of agency coordination time to confirm the reference site. Baseline reference site data will be collected in conjunction with the site visits described in the following subsections.

Hydrologic Data

SWCA will collect baseline data on water quality and tidal water levels at the reference site, which is assumed to be the existing project site. Data on general water quality parameters (i.e., salinity, temperature, pH, dissolved oxygen, and turbidity) and tidal water levels will be collected prior to construction for use as a reference after the project is complete. Water quality parameters will be monitored either by a deployed continuous monitoring station device or by collecting a grab sample using a multi-parameter probe and flow cell. Tidal water levels will be recorded through the installation of two salt-resistant water level loggers below the mean low water (MLW) line. Two SWCA field staff will collect the baseline hydrological data in one (1) eight (8)-hour day, inclusive of travel.

Vegetation Data

SWCA will collect baseline vegetation monitoring data to document project site conditions prior to construction. Vegetation data will also be collected at the reference site which is assumed to be the existing project site. SWCA will collect data on vegetation biomass, survivorship, succession, and invasive plants. These data will be used as a reference to compare post-restoration conditions and thereby document vegetation restoration success at the project site. SWCA biologists will establish a minimum of ten (10) transects along the entire length of the living shoreline/ecotone slope. A minimum of twenty-five (25) one (1)-square-meter quadrats will be

established along the transects depending on the length of the restoration area, which will vary. A minimum of twelve (12) photograph stations will be established to assist with the documentation of vegetation cover (at least four stations will document vegetation cover) and comply with the RWQCB Permit Measure 13. Baseline data on vegetation biomass, survivorship, and succession will be collected at the peak of biomass (i.e., between September and October for marsh species and December and January for coastal scrub species). Baseline data on invasive species will be collected during late summer. In addition, photographs will be taken from transect locations of the adjacent shoreline to assist with documenting changes over time. This work can be accomplished by two (2) SWCA biologists in up to three (3) ten (10)-hour days, including travel time.

Geomorphological Data

SWCA will also collect baseline geomorphological data to document elevation and shoreline position in the project area. SWCA will collect this geomorphological data concurrent with the vegetation baseline data along the same transects described in the Vegetation Data subsection. A baseline elevation measurement will be taken at each quadrat using an RTK unit. Shoreline position measurements will also be collected at this time. Percent vegetation cover and elevation will be measured 1 meter landward and 1 meter bayward at the edge of vegetation. The same photograph stations established in the project area (see Vegetation Data subsection) will be used for geomorphological monitoring. The results of the baseline data collection activities will be compiled, organized, and subject to an internal QA/QC process but will not be compiled into a document for submittal in this task. Baseline data will be described in deliverables resulting from the Phase 10 post-construction monitoring tasks. This geomorphological data collection work can be accomplished by two (2) SWCA hydrologists in up to two (2) ten (10)-hour days, including travel time.

Drone Imagery Collection

SWCA will use a small unmanned aerial system (sUAS) to collect photographic visual (RGB) imagery of the ecotone slope area and lands directly adjacent to the ecotone slope. The data collection will be accomplished with an American made Skydio UAS, which employs a 12-megapixel camera that uses a red, green, and blue (RGB) color system and an integrated global positioning system (GPS) unit to allow for semi-autonomous flight. The sUAS is controlled via a handheld radio controller with an attached Android mini-tablet computer. The pilot-in-command is always in the loop and can take over flight operations if needed. The area will be broken up into several zones and the flight plans will follow the base ground topography to maintain a consistent ground sampling distance of 2.2 cm per pixel or better. The flights will be conducted approximately 100 feet above ground surface. The flights will fly within the area of interests; with the unmanned aviation team launching and recovering the aircraft from a safe location adjacent to the AOI. Line of sight with the aircraft will be maintained at all times, in accordance with the Federal Aviation Administration (FAA) regulations.

The data will be analyzed with the Pix4D a photogrammetry processing software which will render the orthomosaic, point cloud, and digital surface model. The data products will be added to your project space on SWC.ai, a cloud-based geospatial visual intelligence platform for fusion, analysis, and delivery. Topographic information will be generated from the digital surface model, creating a 1-foot contour map.

Assumptions:

- Safe access will be provided to the biologists at a time agreed upon by the WBSD and the biologists.

- SWCA will have access to the entire survey area.
- No significant changes to the AMMP will be required to finalize the documents for the regulatory agencies.
- Based on an initial conversation with Tahsa Sturgis at RWQCB, it is assumed that the existing conditions at the project site itself may be utilized as the reference site for the proposed project. A separate reference site can be established under an amended budget if determined necessary by the regulatory agencies.
- This task includes up to seven (7) days for two (2) staff to conduct the fieldwork (128 hours total, inclusive of travel time).
- The drone survey will be conducted by one drone pilot in one (1) ten (10)-hour day, inclusive of travel time.
- No more than 12 acres of survey area will be included as part of the drone survey.
- Deliverables from the drone surveys will include orthomosaics in georeferenced TIFF format with 2.2 cm/pixel resolution (GSD), 3D point clouds in American Society for Photogrammetry and Remote Sensing laser (LAS) file format (the preferred Light Detection and Ranging [LiDAR] format), digital surface model (DSM) in georeferenced TIFF format, and all original high-resolution photos that were collected as part of the acquisition process.
- Up to two (2) client representatives will be granted login credentials on our SWCA platform. We will provide an initial virtual training call on the use of the platform.
- Given that no oyster reef structures are present on the existing reference site, baseline oyster reef measurements will be taken once the proposed project has been implemented.
- Water quality monitoring stations will not be established during the baseline site visit.
- This task does not include AMMP monitoring beyond the initial establishment of points and transects and the collection of baseline data.
- Sediment deposition, dendritic channel evolution, avifauna use, and special-status species surveys are not required prior to construction; therefore, these tasks have not been included. If the regulatory agencies require pre-construction surveys, these can be conducted under an amended budget.
- No reports will be included as part of this task.

8.5 Black Rail and Ridgway's Rail Surveys

SWCA will use Sequoia Ecological Consulting as a subcontractor to conduct protocol-level rail surveys. Per the FEIR, prior to ground disturbing activities within salt marsh habitat and a 700-foot buffer, California black rail and California Ridgway's rail surveys must be conducted in accordance with the U.S. Fish and Wildlife Service's (USFWS) 2015 California Clapper Rail Survey Protocol. Since the 2023 rail survey season has passed, protocol-level rail surveys cannot be conducted in 2023, therefore, only passive surveys are proposed to ensure no rails are within the project area. This task includes one passive (non-protocol-level) survey to be conducted before the points and transect establishment described in the Baseline AMMP Data Collection task above are established. Prior to the passive survey, in accordance with the USFWS 2015 California Clapper Rail Survey Protocol, survey stations within the project site will be established along the shoreline so that the entire marsh within and adjacent to the project site is covered by 100-meter radius circular plots; this will be accomplished by establishment of two survey stations. The passive survey will be conducted between January 15 and April 15, 2023 by two (2) qualified biologists, including one 10(a)(1)(A) permitted biologist. Passive surveys include an observer spending two (2) hours at each survey station. Following the survey, a draft memorandum will be prepared and electronically submitted to the WBSD for one round of review and consolidated comments. After addressing WBSD comments, SWCA will electronically submit a final memorandum to the WBSD and the regulatory agencies, as appropriate.

Assumptions:

- Safe access will be provided to the biologists at a time agreed upon by the WBSD and the biologists.
- The passive survey will not include playbacks of rail vocalizations.

8.6 Nesting Bird Surveys

Pre-construction nesting bird surveys will be completed by qualified biologists within five (5) days of any construction-related activities scheduled during the nesting season (February 1 through September 15). Surveys will be conducted within the entire project area. Any suitable habitat that is inaccessible will be viewed through high powered binoculars. The biologists will also use binoculars to survey out to 1,000 feet for raptor nests and 250 feet for other species. If active nests are found within the survey area, the biologists will flag avoidance buffers and/or coordinate with the appropriate resource agencies. This task includes time for two (2) qualified biologists to complete this survey in one (1) eight (8)-hour day, inclusive of travel time. Results from nesting bird survey, including maps indicating nest locations and suggested nest avoidance buffers, will be prepared in a memorandum. SWCA will electronically submit the draft memorandum to the WBSD for one round of review and consolidated comments. After addressing WBSD comments, SWCA will electronically submit a final memorandum to the WBSD and the agencies, as appropriate.

Assumptions:

- Safe access will be provided to the biologists at a time agreed upon by the WBSD and the biologists.

- Task assumes that no nests will be found and/or appropriate buffers can be implemented.
- This task includes up to one (1) eight (8)-hour day for two (2) biologists, inclusive of travel time.
- Nesting bird surveys will not need to be repeated due to delays or a pause in activity. Delays or pauses that exceed five (5) days will require an additional nesting bird survey, which can be conducted under an amended budget.
- SWCA will address one round of review and consolidated comment from F&L and one round of review and consolidated comment from WBSD.
- All documents will be submitted electronically.

8.7 Focused Plant Survey

The FEIR requires a qualified botanist conduct a focused pre-disturbance survey during the appropriate blooming periods for Coastal marsh milkvetch, Point Reyes bird's-beak, Congdon's tarplant, and saline clover. Because these four species have overlapping blooming periods, it is assumed that only one survey will be required (in June). The survey will be conducted in accordance with the CDFW's *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Special-Status Communities* (CDFW 2018). If any special-status plant species is observed during the survey, the botanist will determine the number of individuals present, and the limits of the area occupied by the population will be marked with flagging and geo-located. This task includes time for two (2) qualified botanists to complete this survey in one (1) ten (10)-hour day, inclusive of travel time. The results of the survey will be documented in a brief memorandum that will be electronically submitted to the WBSD for one round of review and consolidated comments. After addressing WBSD comments, SWCA will electronically submit a final memorandum to the WBSD, the appropriate agencies, and to NFWF following grant completion. Any new special-status plant occurrences will be reported to the CNDDDB. Time is included to report one special-status plant occurrence to the CNDDDB.

Assumptions:

- Safe access will be provided to the biologists at a time agreed upon by the WBSD and the biologists.
- All four special-status plant species will be identifiable to the taxonomic level necessary to determine listing status in June.
- This task includes up to one (1) ten (10)-hour day for two botanists, inclusive of travel time.
- SWCA will address one round of review and comment from F&L and one round of review and comment from WBSD.
- All documents will be submitted electronically.

8.8 Burrowing Owl Surveys

Per the FEIR, SWCA will conduct pre-construction burrowing owl survey, in conformance with *Appendix D: Breeding and Non-breeding Season Surveys* of the 2012 CDFW Staff Report on Burrowing Owl Mitigation. Four survey visits will be completed within all suitable habitat in the project area and a 250-foot buffer. If construction is scheduled to begin during the breeding season (i.e., February 1 to August 31), the surveys will be conducted by qualified biologists according to the following schedule: 1) at least one survey between February 15 and April 15, and 2) a minimum of three surveys, at least three weeks apart, between April 15 and July 15, with at least one survey after June 15. If construction is scheduled to begin during the non-breeding season, the four survey events will be spread evenly throughout the non-breeding season. The biologists will walk appropriately spaced transects and record all potential burrowing owl burrows and or sign (e.g., pellets, excrement, moted feathers, prey remains, etc.). This task includes time for two qualified biologists to complete this survey in four (4) six (6)-hour days, inclusive of travel time. The results of the survey will be documented in a brief memorandum that will be electronically submitted to the WBSD for one round of review and consolidated comments. After addressing WBSD comments, SWCA will electronically submit a final memorandum to the WBSD. Any new burrowing owl occurrences will be reported to the CNDDDB. Time is included to report one burrowing owl occurrence to the CNDDDB.

Assumptions

- Safe access will be provided to the biologists at a time agreed upon by the WBSD and the biologists.
- Active nest monitoring is included in the Biological Monitoring task.
- This task includes up to four (4) six (6)-hour day for two biologists, inclusive of travel time.
- SWCA will address one round of review and comment from F&L and one round of review and comment from WBSD.
- All documents will be submitted electronically.

8.9 Plant Procurement

As specified on the design plans, the project will utilize plants that are salvaged from on-site or procured from local native plant nurseries. Prior to construction, SWCA will work with the construction contractor to develop a plan to harvest, maintain, and install suitable native plant material from the site. In addition, SWCA will coordinate with WBSD, the on-site Save the Bay nursery, and other local native plant nurseries to procure or contract grow any required plant material that cannot be harvested from the site. All other necessary planting materials will be sourced by the construction contractor prior to or during construction and submitted for approval by SWCA's landscape architect prior to purchase and installation.

Assumptions

- Up to sixty-four (64) hours of procurement and coordination time has been included for this task. Additional time to procure and coordinate on plants can be included under an amended budget.

- Any required deposits or payments for the required plant materials are not included in this scope of work and will be provided by others.
- Soil procurement will not be necessary because on-site soil will be used. If soil procurement becomes necessary, this service can be provided under an amended budget.

Task 9. Construction Activities

9.1 Implementation Oversight

SWCA's engineer of record for the ecotone slope/living shoreline design, or their deputy, will be on site for an 8-hour day on a weekly basis throughout the construction period of the ecotone slope/living shoreline to monitor implementation progress. In addition, SWCA's landscape architect/restoration ecologist will conduct up to eight (8) eight (8)-hour site visits during implementation of the planting and irrigation for the ecotone slope. A weekly activity log will be kept to document progress and document any issues that may arise during construction, as well as the resolution of those issues. This task also includes up to twenty-four (24) hours of office support to respond to Requests for Information (RFI's) from the construction contractor during implantation of the ecotone slope / living shoreline.

During these site visits SWCA will also review any soil stockpiles established by the contractor to help document compliance with QAPP and that all approved fill materials for the ecotone slope are properly sorted and contained at the site until they are utilized for the project.

Assumptions

- It is assumed that implementation of the ecotone slope/living shoreline portion of the project will be completed in up to sixteen (16) weeks, and that site visits by SWCA's engineer and landscape architect will not be required outside of this timeframe.
- During implementation of the remainder of the project soil management will be monitored by F&L or SWCA during the course of other required site inspections. Additional field visits will not be required.

9.2 Compliance Monitoring

A biological monitor will be on-site daily to conduct pre-construction clearances for wildlife, including salt marsh harvest mouse, California Ridgway's rail, and California black rail; coordinate with the construction teams on upcoming activities; and inspect the construction contractor's work daily for compliance with permit conditions. In accordance with the FEIR and the USFWS BO, the monitor will be present during the installation of the exclusion fence and ecotone levee cofferdam, vegetation removal, and all construction activities within the marsh or in vegetated areas within 5 feet of the marsh, to ensure that impacts to salt marsh harvest mouse, California Ridgway's rail, black rail, and other special-status species are minimized during construction. In the

event that special-status species are found within or directly adjacent to the project site, the monitor will identify an appropriate no-disturbance buffer.

If burrowing owls or other nesting birds are present during the breeding season, the on-site biologist will monitor to determine when the nest is no longer active (e.g., the juveniles are foraging independently, or the nest fails on its own). As the cofferdams are being placed, the monitor will be present to relocate any stranded fish to suitable habitat outside of the work area, in accordance with the FEIR permit conditions. SWCA will document any fish relocation efforts in daily reports, as appropriate, summarizing the methods and results of the relocation.

Daily results for biological monitoring, including construction activities and species observations, will be recorded in SWCA's in-house reporting system or on daily monitoring logs. Upon request, SWCA will provide monitoring reports to the WBSD and/or F&L, including photographs, special-status species occurrences, and a summary of construction activities. Any important updates and any detection of listed species are communicated to the client in a timely manner to avoid unnecessary project delays.

Assumptions:

- Monitoring will be required for ten (10) hours per day (including travel) five (5) days per week for up to 20 weeks (i.e., 100 days or 1,000 hours of monitoring). Additional monitoring days can be provided under an amended budget.
- During the workday, monitors will prepare a daily report documenting their monitoring activities for internal record. All reporting will be conducted during the ten (10)-hour workday.
- Estimates for biological monitoring assume no weather delays that result in changes to the schedule and budget will occur.
- As new crew members join the project field team, the worker education program will be completed as an environmental tailboard. Trainings that cannot be completed as part of the environmental tailboard can be provided under an amended budget.
- No schedule acceleration will be required, which would require additional biological monitoring staff. Additional staff can be provided under an amended budget.
- Nightwork will not be required.
- Fish relocation will be conducted as part of the daily monitoring and will not require an additional monitor.
- Electrofishing will not be required to move fish from the dewatered area.
- Cultural monitoring is not included, but can be provided under a budget amendment if an anticipated discovery is found.

- Construction will be continuous, and one mobilization and one demobilization will be required. No standby time has been included for weather or work stoppages.
- Should significant construction delays occur, our biologists may have to take on additional assignments thereby requiring additional time to secure necessary staffing and approvals by agencies.
- When permit measures differ, the most stringent will apply.
- No take, mortality, or injury of listed or special-status species is expected. Thus, this task does not include the salvage and reporting of injured or moribund individuals. If salvage becomes necessary, this can be provided at an additional cost.
- No relocation of federally or state-listed species will occur, as no federal take authorization has been obtained for these species and relocation or handling of species would be considered “take.”

9.3 Black and Ridgway’s Rail Surveys

SWCA will use Sequoia Ecological Consulting as a subcontractor to conduct protocol-level rail surveys. Protocol-level rail surveys will be conducted at the project site to extend the construction season in 2024, if necessary, utilizing the survey methods provided in the 2015 USFWS California Clapper Rail Survey Protocol. The survey will be conducted by two qualified biologists, including one 10(a)(1)(A) permitted biologist. As directed by the protocol, surveys will consist of four surveys in 2024: two passive surveys and two active surveys spaced at least 2 weeks apart, beginning between January 15 and February 1 and continuing until late March or mid-April. Each of the four surveys will be conducted in one survey day. Survey stations will be established within the project site along the shoreline so that the entire marsh within and adjacent to the project site is covered by 100-meter radius circular plots; this will be accomplished by establishing two survey stations. Passive surveys include an observer spending 2 hours at each survey station. Active surveys include an observer spending 45 minutes at each survey station. A protocol-level survey draft report will be prepared and electronically submitted to the WBSD for one round of review and consolidated comments. After addressing WBSD comments, SWCA will electronically submit the final reports to the WBSD and the appropriate agencies. Any California black rail and California Ridgway’s rail observations will be reported to the California Natural Diversity Database (CNDDDB). Time is included to report one special-status occurrence to the CNDDDB.

Assumptions:

- Safe access will be provided to the biologists at a time agreed upon by the WBSD and the biologists.
- If the Invasive Spartina Project has rail survey data for the project site, SWCA will coordinate with them for the survey results rather than conducting a survey.

9.4 Engineering Support during Construction

Engineering support will be provided during construction to prepare Instructional Bulletins, design modifications, and response to contractor questions.

Assumptions:

- Construction surveying/staking is not included in this proposal.
- Compaction testing is not included in this proposal.

Task 10. Post-Construction Activities

Task 10.1 Adaptive Management and Monitoring Plan

This scope of work includes time to conduct the following monitoring tasks for the first year after implementation of the project. Ongoing monitoring in subsequent years will be conducted under a separate scope of work.

Hydrologic Monitoring

In accordance with the AMMP, water quality and water level monitoring will be conducted to record water surface elevations at the site and ensure that water quality at the site does not decline from baseline levels and that water quality continues to meet RWQCB standards. Following the completion of construction, SWCA will establish monitoring stations in the most appropriate locations to understand the impact of the project design on water quality compared to baseline levels. Water quality parameters (i.e., salinity, temperature, pH, dissolved oxygen, and turbidity) will be monitored and compared to the baseline data collected as part of the Baseline AMMP Data Collection task. Tidal water level monitoring will also be established in the Baseline AMMP Data Collection task. The water level logger will be downloaded during this site visit. Two (2) SWCA field staff will collect the hydrological data in two (2) eight (8)-hour days, inclusive of travel.

Vegetation Monitoring

Using the same transects and photograph stations described in the Baseline AMMP Data Collection task, SWCA will collect data on vegetation biomass, survivorship, succession, and invasive plants immediately after the completion of restoration and for one year following construction completion. Photographs will also be taken at the photograph points that were set up prior to project commencement. The data collected will be compared with the reference site to measure restoration success. Monitoring for vegetation succession will be consistent with baseline vegetation surveys conducted along the ecotone slope/living shoreline and will follow CNPS transect sampling methods. As in the Baseline AMMP Data Collection task, data on vegetation biomass, survivorship, and succession will be collected at the peak of biomass (i.e., between September and October for marsh species and December and January for coastal scrub species). Baseline data on invasive species will be collected during late summer. If an invasive species is observed and easy to remove by hand, it will be removed immediately. This work can be accomplished by two (2) SWCA biologists in up to four (4) ten (10)-hour days, including travel time. An annual vegetation monitoring report will be prepared summarizing the methods and results of the surveys (see Task 10B below).

In accordance with the CMP, this task also includes time for a restoration specialist to perform monthly site visits and develop a list of remedial action items to be immediately addressed, if necessary. These monthly visits will begin following the completion of construction, during the 120-day plant establishment period. Up to four (4) visits have been included. Remedial actions will be included in the reporting tasks under Task 10B.

Geomorphological Monitoring

As described in the Baseline AMMP Data Collection task, transects and photograph stations will be established prior to construction and baseline geomorphological data will be collected. Using the same transects and photograph stations, SWCA will then collect post-construction geomorphological data to document elevation and shoreline position in the project area and at the reference site. The data collected will be compared with the reference site and pre-construction elevation levels and shoreline position. Geomorphological monitoring will be conducted in conjunction with the vegetation monitoring, as appropriate. This geomorphological data collection work can be accomplished by two SWCA hydrologists in up to two (2) ten (10)-hour days, including travel time.

Sedimentation in restored tidal areas will be monitored using sedimentation plates, pins, erosion tables, or Light Detection and Ranging (LiDAR), or, if more feasible, sediment deposition can be measured by mapping vegetation. If sedimentation plates are used, each plate will be constructed of a square sheet of non-corrosive material. Sedimentation plates will be set flush with the marsh surface prior to restoration of tidal action. A rod will be placed through the center to anchor the plate and facilitate relocation for sampling purposes. Sediment accumulation on the plates will be measured in years 1, 5, and 10. A total of three plates will be placed on the site before tidal action is restored. Initial elevations will be recorded for all plates. This data collection work can be accomplished by two (2) SWCA hydrologists in up to two (2) ten (10)-hour days, including travel time.

Evolution of tidal channels will be evaluated using readily available aerial imagery. To the extent feasible, depending on available imagery, the aerial images will be captured in the first year following construction during a low tide to increase visibility of channel network development and again in 5 and 10 years during a low tide to increase visibility of channel network development. Aerial images will be interpreted with GIS to calculate: 1) overall channel density and length; and 2) channel width. Density will be calculated as square feet of channel per square feet of marsh plain.

Oyster Reef Monitoring

In accordance with the AMMP, SWCA will document the footprint (dimensions in square feet) and take photographs of the oyster reefs installed at the project site. Oyster reef monitoring will be conducted immediately following construction completion. This data collection work can be accomplished by two (2) SWCA hydrologists in one (1) six (6)-hour day, including travel time.

Avifauna Use Monitoring

As directed by the AMMP, qualified SWCA biologists will conduct post-construction avifauna surveys immediately following the completion of construction (i.e., in the fall/winter and spring/summer) for 1 year. The biologists will record observational species presence and activity/behavior and any breeding or nesting activity. Data analysis will include an evaluation of species composition, abundance, and trends in bird use of

the site. This data collection work can be accomplished by two SWCA biologists in two (2) ten (10)-hour days, including travel time.

Salt Marsh Harvest Mouse Surveys

A qualified SWCA biologist will conduct post-construction salt marsh harvest mouse habitat surveys (non-protocol) immediately following the completion of construction for 1 year. No trapping will be conducted as part of this survey. Incidental observations of mice, if any, will be recorded. This data collection work can be accomplished by two (2) SWCA biologists in one (1) ten (10)-hour day, including travel time.

Black and Ridgway's Rail Surveys (Optional)

Protocol-level rail surveys will be conducted at the project site prior to construction in 2024, if necessary, utilizing the survey methods provided in the 2015 USFWS California Clapper Rail Survey Protocol. The survey will be conducted by two qualified biologists, including one 10(a)(1)(A) permitted biologist. As directed by the protocol, surveys will consist of four surveys in 2024: two passive surveys and two active surveys spaced at least 2 weeks apart, beginning between January 15 and February 1 and continuing until late March or mid-April. Each of the four (4) surveys will be conducted in one survey day. Survey stations will be established within the project site along the shoreline so that the entire marsh within and adjacent to the project site is covered by 100-meter radius circular plots; this will be accomplished by establishing two survey stations. Passive surveys include an observer spending 2 hours at each survey station. Active surveys include an observer spending 45 minutes at each survey station. A protocol-level survey draft report will be prepared and electronically submitted to the WBSD for one round of review and consolidated comments. After addressing WBSD comments, SWCA will electronically submit the final reports to the WBSD and the appropriate agencies.

Drone Imagery Collection

SWCA will use a small unmanned aerial system (sUAS) to collect photographic visual (RGB) imagery of the ecotone slope area and lands directly adjacent to the ecotone slope. The data collection will be accomplished with an American made Skydio UAS, which employs a 12-megapixel camera that uses a red, green, and blue (RGB) color system and an integrated global positioning system (GPS) unit to allow for semi-autonomous flight. The sUAS is controlled via a handheld radio controller with an attached Android mini-tablet computer. The pilot-in-command is always in the loop and can take over flight operations if needed. The area will be broken up into several zones and the flight plans will follow the base ground topography to maintain a consistent ground sampling distance of 2.2 cm per pixel or better. The flights will be conducted approximately 100 feet above ground surface. The flights will fly within the area of interests; with the unmanned aviation team launching and recovering the aircraft from a safe location adjacent to the AOI. Line of sight with the aircraft will be maintained at all times, in accordance with the Federal Aviation Administration (FAA) regulations.

The data will be analyzed with the Pix4D a photogrammetry processing software which will render the orthomosaic, point cloud, and digital surface model. The data products will be added to your project space on SWC.ai, a cloud-based geospatial visual intelligence platform for fusion, analysis, and delivery. Topographic information will be generated from the digital surface model, creating a 1-foot contour map.

Assumptions:

- Safe access will be provided to the biologists at a time agreed upon by the WBSD and the biologists.
- The first monitoring year commences in the calendar year after the project is completed, which is anticipated to be 2025.
- This scope of work includes one year of post-construction monitoring in accordance with the AMMP. Additional years of monitoring are not included but can be provided under an amended scope.
- Conditions at the reference site will not have substantially changed since baseline data were collected there.
- This task includes up to twelve (12) days for two (2) biologists to conduct the AMMP fieldwork (238 hours total, inclusive of travel time).
- Up to four (4) 6-hour visits, including travel time, for two (2) biologists have been included to document remedial measures during the plant establishment period.
- If the Invasive Spartina Project has rail survey data for the project site, SWCA will coordinate with them for the survey results rather than conducting a survey.
- The drone survey will be conducted by one drone pilot in one (1) ten (10)-hour day, inclusive of travel time.
- No more than 12 acres of survey area will be included as part of the drone survey.
- Deliverables from the drone surveys will include orthomosaics in georeferenced TIFF format with 2.2 cm/pixel resolution (GSD), 3D point clouds in American Society for Photogrammetry and Remote Sensing laser (LAS) file format (the preferred Light Detection and Ranging [LiDAR] format), digital surface model (DSM) in georeferenced TIFF format, and all original high-resolution photos that were collected as part of the acquisition process.
- Up to two (2) client representatives will be granted login credentials on our SWCA platform. We will provide an initial virtual training call on the use of the platform.
- Any remedial measures or maintenance identified by the restoration specialist will be implemented by WBSD or a contractor.
- Protocol-level salt marsh harvest mouse surveys are not included in this task, but can be included under an amended budget.
- This task does not include any time for reporting. Reporting is included under Task 10B.
- This task does not include time for preparing and submitting CNDDDB records.

Task 10.2 Post-Construction Monitoring Reporting

Annual Progress Reports

The project's BCDC and RWQCB permits require that annual reports be submitted following the completion of each construction year. SWCA will work with the contractor, F&L, and WBSD to prepare one construction progress report which will identify and illustrate the progress of the project, and the locations where any impacts to the Bay or habitats have occurred. The draft report will be prepared and electronically submitted to the WBSD and F&L for one round of review and consolidated comments. After addressing WBSD comments, SWCA will electronically submit the final reports to the WBSD, RWQCB, and the BCDC within 60 days after completing construction activities in that calendar year.

Project Completion and As-Built Reports

SWCA will separately prepare project completion reports following construction completion, in accordance with the project's, USACE, RWQCB, and BCDC permits and the USFWS BO. Due to the complicated permitting for the project, SWCA recommends submitting individual reports to each agency. The reports required are the following:

- USACE: The USACE 404 Permit Special Condition 8 requires a post-construction report be submitted forty-five (45) days after the conclusion of construction activities.
- RWQCB: The RWQCB Water Quality Certification Condition 16 requires a Notice of Project Construction Completion to be submitted within sixty (60) days of completing the project construction activities.
- BCDC: The BCDC Major Permit Special Condition Measure A(2)(e) requires a Final As-Built Report be submitted within sixty (60) days of completing the project construction activities.
- USFWS: The USFWS BO Reporting Requirement 3 requires that a post-construction compliance report be submitted within sixty (60) days of completing the project construction activities.

The reports will contain pertinent information, as described in the permits, including construction activities, construction start and end dates, compliance with the permit measures, and as-built drawings (if different from drawings submitted with application), and include before and after photographs. Each draft report will be prepared and electronically submitted to the WBSD and F&L for one round of review and consolidated comments. After addressing WBSD comments, SWCA will electronically submit the final reports to the WBSD and the agencies, as appropriate.

Mitigation/Restoration Monitoring Reports

Using the vegetation data collected in the Baseline AMP Data Collection task and the Vegetation Monitoring task, SWCA will separately prepare the first annual mitigation monitoring reports to demonstrate that the project's impacts have been sufficiently and appropriately mitigated, in accordance with the project's, USACE, RWQCB, and BCDC permits. The reports required are the following:

- USACE: The USACE 404 Permit Special Condition 5 requires that an annual monitoring report be submitted by December 31 for five (5) years following the completion of construction and a final monitoring report shall be submitted to the Corps at the end of the 10-year monitoring period.
- RWQCB: The RWQCB Water Quality Certification Conditions 18 and 22 require an annual monitoring report to be submitted by January 31 following each monitoring year's completion. The first monitoring year commences in the calendar year after the Project is completed.
- BCDC: The BCDC Major Permit measure H(4) requires annual monitoring report by January 31 following the monitoring year after project completion.

The reports will contain the pertinent information required in the permits, including methods, restoration success criteria, the project site's progress in meeting the restoration criteria, before and after photographs, and recommendations for remedial action, as necessary. The data collected, including photographs, will be compared with pre-project conditions and the reference site. The report will also note any invasive weeds that were removed. Each draft report will be prepared and electronically submitted to the WBSD and F&L for one round of review and consolidated comments. After addressing WBSD comments, SWCA will electronically submit the final reports to the WBSD and the agencies, as appropriate.

Assumptions:

- The WBSD and/or contractor will provide any pertinent technical information needed for the annual RWQCB/BCDC annual progress reports.
- No significant changes to the AMMP will be required to finalize the documents for the regulatory agencies.
- Preparation of the annual and post-construction as-built drawings/reports required by the RWQCB, USACE, and BCDC are not included in this task, as it is assumed that the WBSD and/or contractor will provide them and any other technical information needed.
- Up to eight (8) hours for the review and submittal of the as-built drawings/reports prepared by the WBSD and/or contractor are included in the post-construction report task.
- Project construction activities will not exceed two (2) years; thus, only one (1) annual progress report will be necessary.
- The annual Water Board fee is not included in this task.
- SWCA will address one set of consolidated comments from WBSD and F&L on each document.
- All documents will be submitted electronically.



Proposed Fee

All work will be on a time and materials (t&m) basis, not exceed the following limits without District authorization. Proposed hours can be seen in the attached Fee Breakdown Table.

Task 1 – Project Management	\$228,439
Task 2 – Finalization of Plans	\$101,518
Task 3 – Bid Support Services	\$66,550
Task 4 – Grant Reporting and Management	\$27,408
Task 5 – SWPPP Coordination	\$27,571
Task 6 – Environmental Impact Report Addendum	\$37,385
Task 7 – Public Access Design	\$22,734
Task 8 – Preconstruction Activities	\$191,510
Task 9 – Construction Activities	\$568,971
Task 10 – Post Construction Monitoring Reporting	\$351,930
Total Budget	\$1,624,100

- 1) See Fee Breakdown Table for detail of our proposed fee.
- 2) Total Budget round up to nearest \$100.
- 3) \$1,259,092 covered by NFWF Grant.

Thank you for the opportunity of submitting this proposal to you. If you have any questions, please feel free to call us.

Very truly yours,

FREYER & LAURETA, INC.

Richard J. Laureta, P.E.
President

Table 1. Estimate Budget for Professional Services

Rate	Principal		Senior Project		Project		Staff		Subconsultants**					Total Cost per Task								
	(hours)	\$	(hours)	\$	(hours)	\$	(hours)	\$	SWCA	Hohbach-Lewin	BAGG	Crawford	Pacific Crest									
Task 1 - Project Management	80	\$ 20,000.00	160	\$ 37,600.00	-	\$ -	-	\$ -	170,839.15	\$ -	\$ -	\$ -	\$ -	\$ 228,439								
Task 2 - Finalization of Plans	2	\$ 500.00	12	\$ 2,820.00	120	\$ 19,200.00	120	\$ 17,400.00	45,848.28	\$ 5,250.00	\$ 5,250.00	\$ 5,250.00	\$ -	\$ 101,519								
Task 3 - Bid Support Services	8	\$ 2,000.00	16	\$ 3,760.00	30	\$ 4,800.00	40	\$ 5,800.00	34,440.37	\$ 5,250.00	\$ 5,250.00	\$ 5,250.00	\$ -	\$ 66,550								
Task 4 - Grant Reporting and Management	2	\$ 500.00	6	\$ 1,410.00	16	\$ 2,560.00	5	\$ 725.00	22,212.93	\$ -	\$ -	\$ -	\$ -	\$ 27,408								
Task 5 -SWPPP Coordination	2	\$ 500.00	8	\$ 1,880.00	45	\$ 7,200.00	16	\$ 2,320.00	15,670.94	\$ -	\$ -	\$ -	\$ -	\$ 27,571								
Task 6 - Environmental Impact Report Addendum	2	\$ 500.00	6	\$ 1,410.00	16	\$ 2,560.00	4	\$ 580.00	32,334.69	\$ -	\$ -	\$ -	\$ -	\$ 37,385								
Task 7 - Public Access Design	1	\$ 250.00	8	\$ 1,880.00	24	\$ 3,840.00	40	\$ 5,800.00	10,964.25	\$ -	\$ -	\$ -	\$ -	\$ 22,734								
Task 8 - PreConstruction Activities	10	\$ 2,500.00	40	\$ 9,400.00	100	\$ 16,000.00	40	\$ 5,800.00	157,810.40	\$ -	\$ -	\$ -	\$ -	\$ 191,510								
Task 9-Construction Activities	40	\$ 10,000.00	100	\$ 23,500.00	300	\$ 48,000.00	200	\$ 29,000.00	384,971.02	\$ 21,000.00	\$ 42,000.00	\$ 5,250.00	\$ 5,250.00	\$ 568,971								
Task 10- Post Construction Monitoring Reporting	20	\$ 5,000.00	60	\$ 14,100.00	100	\$ 16,000.00	80	\$ 11,600.00	305,230.44	\$ -	\$ -	\$ -	\$ -	\$ 351,930								
Total Labor Hours	167		416		751		545							\$ 1,624,100								
\$ 41,750.00 \$ 97,760.00 \$ 120,160.00 \$ 120,160.00 \$ 79,025.00 \$ 1,180,322.46 \$ 31,500.00 \$ 52,500.00 \$ 15,750.00 \$ 5,250.00																						
**Includes 5% mark up for subconsultants																						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 25%; text-align: right;">Soft Costs</td> <td style="width: 25%; text-align: right;">\$1,259,092</td> </tr> <tr> <td></td> <td style="text-align: right;">Construction</td> <td style="text-align: right;">\$3,626,020</td> </tr> <tr> <td></td> <td style="text-align: right;">NFWF Grant</td> <td style="text-align: right;">\$1,259,092</td> </tr> </table>															Soft Costs	\$1,259,092		Construction	\$3,626,020		NFWF Grant	\$1,259,092
	Soft Costs	\$1,259,092																				
	Construction	\$3,626,020																				
	NFWF Grant	\$1,259,092																				

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**WEST BAY SANITARY DISTRICT
AGENDA ITEM 9**

To: Board of Directors

From: Sergio Ramirez, General Manager

Subject: Discussion and Direction on the West Bay and Sharon Heights Recycled Water Facility

A discussion will be held on the Sharon Heights Recycled Water Facility and other events related to the recycled water plant. The Board will have opportunity to provide direction to staff and legal counsel.

Recycled Water Facility Production Data:

2020	Treated	Delivered
August	8.8MG	8.2MG
September	8.2MG	5.1MG
October	7.4MG	4.5MG
November	5MG	1.4MG
December	4.7MG	.55MG
2021	Treated	Delivered
January	4.8MG	.23MG
February	4.4MG	.13MG
March	5.9MG	1.8MG
April	8.5MG	7.6MG
May	9.3.MG	8.2MG
June	9.8MG	8.7MG
July	9.5MG	9.1MG
August	9.4MG	9.0MG
September	9.1MG	6.9MG*
October	7.6MG	2.6MG**
November	5.2MG	0
December	4.7MG	0

2022	Treated	Delivered
January	4.4MG	97,000 gallons
February	4.4MG	1.5MG
March	6.6MG	3.5MG
April	7.6MG	3.8MG
May	9.2MG	7.4MG
June	9.8MG	8.7MG
July	9.6MG	8.1MG
August	9.2MG	8.1MG
September	8.6MG	6.7MG
October	7.9MG	4.6MG
November	5.9MG	310,000 gallons
December	5.4MG	154,690 gallons

2023	Treated	Delivered
January	5MG	0 gallons
February	3.3MG	0 gallons

* Sharon Heights substantially tapered off their water usage for September which is the reason for the large discrepancy between treated and delivered.

** Treatment was reduced in the second half of the month. Rain in late October and an irrigation equipment malfunctions caused water delivery to decrease.

The following is a disclosure statement required for any document, written report or brochure prepared in whole or in part pursuant to the Finance Agreement with the State Water Resources Control Board for the West Bay Sanitary District Recycled Water Project - Sharon Heights: Funding for this project has been provided in full or in part through an agreement with the State Water Resources Control Board. California's Clean Water State Revolving Fund is capitalized through a variety of funding sources, including grants from the United States Environmental Protection Agency and state bond proceeds. The contents of this document do not necessarily reflect the views and policies of the foregoing, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.



**WEST BAY SANITARY DISTRICT
AGENDA ITEM 10**

To: Board of Directors

From: Sergio Ramirez, General Manager

**Subject: Discussion and Direction on the Bayfront Recycled Water Project
and Status Update**

A discussion will be held on the District's Bayfront Recycled Water Projects and other events related to the recycled water projects including financing, environmental review, design/build issues and grant applications.

The Board will have opportunity to provide direction to staff and general counsel.

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**WEST BAY SANITARY DISTRICT
AGENDA ITEM 11**

To: Board of Directors

From: Sergio Ramirez, General Manager

Subject: Report and Discussion on South Bayside Waste Management Authority (SBWMA)

The District's representative to South Bayside Waste Management Authority (SBWMA), President Fran Dehn, will report on any pertinent items regarding SBWMA business.

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**WEST BAY SANITARY DISTRICT
AGENDA ITEM 12**

To: *Board of Directors*

From: *Sergio Ramirez, General Manager*

**Subject: *Report and Discussion on Silicon Valley Clean Water (SVCW)
Plant***

The District's representative to Silicon Valley Clean Water (SVCW), Commissioner George Otte, will report on pertinent items regarding SVCW Operations, CIP and Finance.

Report to the District Board for the Regular Meeting of March 22, 2023

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