

1902 - Serving Our Community for over 115 Years - 2018
**WEST BAY SANITARY DISTRICT
AGENDA OF BUSINESS
REGULAR MEETING OF THE DISTRICT BOARD
WEDNESDAY, FEBRUARY 14, 2018 AT 7:00 P.M.
RONALD W. SHEPHERD ADMINISTRATION BUILDING,
500 LAUREL STREET, MENLO PARK, CALIFORNIA 94025**

Board Members

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

District Manager

Phil Scott

District Legal Counsel

Anthony Condotti, Esq.

AGENDA OF BUSINESS

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

1. Call to Order
2. Roll Call
3. Communications from the Public
4. Public Hearing - Annexing Certain Territory Within the West Bay Sanitary District's On-Site Wastewater Disposal Zone – Lands of Choi (191 Meadowood Drive, Portola Valley) Pg. 4-1
5. Consideration of Adopting Resolution Ordering Annexation of Certain Parcels in the Territory of West Bay Sanitary District to the West Bay Sanitary District's On-Site Wastewater Disposal Zone Including Certain Determinations, Findings and Declarations of the District Board – Lands of Choi (191 Meadowood Drive, Portola Valley) Pg. 5-1
6. District Manager's Report Pg. 6-1
7. 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 January 24, 2018 Pg. 7A-1
- B. Approval of the Withdrawal Order Authorizing Payment of Certain Bills and Salaries and Consideration of Other Financial Matters for February 14, 2018 Pg. 7B-1
- C. WBSD Operations and Maintenance Report – January 2018 Pg. 7C-1
- D. Town of Los Altos Hills Operations and Maintenance Report for Work Performed by WBSD – January 2018 Pg. 7D-1
- E. Consideration of Resolution Consenting to Annexation of Territory to the West Bay Sanitary District by the San Mateo County Local Agency Formation Commission – 191 Meadowood Drive, Portola Valley (077-211-050), Lands of Choi Pg. 7F-1

- F. Consideration of Authorizing the District Manager to Issue the Class 3 Permit for the Sewer Relocation Required for the Development Project at 550 El Camino Real, Menlo Park, CA Pg. 7E-1
- 8. Consider Accepting the “ West Bay Sanitary District Flow Equalization Facility Levee Improvements Constraints Technical Memorandum” Dated January 2018 by Freyer & Laureta Pg. 8-1
- 9. Consider Authorizing the District Manager to Execute a Cost Sharing Agreement with the Town of Atherton for the Relocation of Sewer Main in the Town Center Area Along Dinkelspeil Lane Pg. 9-1
- 10. Consider Approval of Procedures for Swearing In of Board Members and Installation of Officers Pg. 10-1
- 11. Consideration of Establishing March 14, 2018 as the Date of Public Hearing to Consider a General Regulation Amending the Code of General Regulations for Board Member Compensation Pg. 11-1
- 12. Discussion and Direction on Recycled Water Projects - Sharon Heights & Bayfront, Including Project Status Pg. 12-1
- 13. Report & Discussion on South Bayside Waste Management Authority (SBWMA) and Status of Restated Franchise Agreement Pg. 13-1
- 14. Report & Discussion on Silicon Valley Clean Water (SVCW) and Discussion on SVCW CIP Program and Financing Pg. 14-1
- 15. Closed Session:
 - A. CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Cal. Govt. Code §54957.6)
Agency designated representatives: District Manager, Legal Counsel
Employee Organization: Teamsters Local 350
 - B. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Cal. Govt. Code §54956.9(d)(2)
Number of potential cases: Two
- 16. Consideration to Approve the Resolution Establishing the Personnel Policies – Dress Code Pg. 16-1
- 17. Comments or Reports from Members of the District Board and Consider Items to be Placed on Future Agenda
- 18. 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 4

To: *Board of Directors*

From: *Bill Kitajima, Projects & IT Manager*

Subject: *Public Hearing - Annexing Certain Territory Within the West Bay Sanitary District's On-Site Wastewater Disposal Zone – Lands of Choi (191 Meadowood Drive, Portola Valley)*

Background

On December 13, 2017, the Board adopted a Resolution of intention to annex the parcel referenced above to the District's On-Site Wastewater Disposal Zone. The Public Hearing date was established as February 14, 2018.

Analysis

The District's **Master Resolution Governing Annexations of Territory to the West Bay Sanitary District On-Site Disposal Zone** states: "Pursuant to Section 6959 of the Health and Safety Code, the date of the Public Hearing shall be commenced no less than 45 days nor more than 60 days from the date of adoption of the Resolution of Intention, and the Public Hearing shall be completed no more than 90 days after the first day of the hearing."

In accordance with Section 6960, and 6960.1 of the same code, reviews and reports of findings are required of both the County Health Officer and Regional Water Quality Control Board. Additionally, Section 6960.3 of this code requires the review and approval by a local agency formation commission, which has adopted rules and regulations affecting the functions and services of special districts.

The San Mateo County Health Officer has responded by a letter of approval dated July 20, 2017 a copy of which is attached; the San Francisco Bay Regional Water Quality Control Board responded by a letter of approval dated December 21, 2017, a copy of which is attached; and the San Mateo Local Agency Formation Commission has approved per their Resolution No. 1213 dated August 13, 2017, a copy of which is attached.

Fiscal Impact

Property owners has paid all annexation fees and the fiscal impact would be additional sewer service charge revenue to the District once the parcel is connected.

Recommendation

The Board is asked to close the Public Hearing following public comment.

Attachments: San Mateo County Health Officer Letter, San Francisco Bay Regional Water Quality Control Board Letter, San Mateo Local Agency Formation Commission Resolution No. 1213

December 20, 2017

APN 077-211-050

Bill Kitajima
West Bay Sanitary District
500 Laurel Street
Menlo Park, CA 94025

Dear Mr. Kitajima:

**SUBJECT: ANNEXATION, 191 MEADOWWOOD DRIVE, PORTOLA VALLEY,
APN 077-223-050**

Thank you for the December 20, 2017, letter of *Intention to Annex Certain Territory* to District's On-Site Wastewater Disposal Zone for the subject parcel. County Environmental Health has reviewed the letter of intent and has no objection to the annexation of this parcel into the District's on-site wastewater disposal zone.

Should you have any questions, please call me at (650) 372-6279.

Sincerely,



Gregory J. Smith, PG, REHS
Supervisor Water Protection and Land Use Programs

cc: Debbie Pedro, Planning Director, Town of Portola Valley



San Francisco Bay Regional Water Quality Control Board

December 21, 2017
File: CW-255833

Mr. Bill Kitajima (bkitajima@westbaysanitary.org)
Projects & IT Manager
West Bay Sanitary District
500 Laurel Street
Menlo Park, California 94025-3486

**Approval to Annex Certain Territory (Lands of Choi) to the West Bay Sanitary District
On-Site Wastewater Disposal Zone: APN: 077-211-050**

Dear Mr. Kitajima:

The Regional Water Board hereby approves the annexation of the subject parcel to the On-Site Wastewater Disposal Zone of the West Bay Sanitary District (District). The property owner applied to the District for annexation “for the purpose of obtaining sewer service for a single-family residence.” To connect to existing District sewer facilities, the property owner requires a Grinder Pump System that the District must maintain. Therefore, this parcel must be annexed into the District's disposal zone.

The Regional Water Board's approval is conditional upon the District (1) retaining responsibility for operation and maintenance of the grinder pump system, and (2) ensuring the proper operation and maintenance of the other sewerage facilities serving the parcel. Disposal of sewage onto soils within the disposal zone is not approved.

If you have any questions, please contact me at (510) 622-2407, or via e-mail at patrick.karinja@waterboards.ca.gov.

Sincerely,

Patrick Karinja
Water Resource Control Engineer

RECORDING REQUESTED BY:
San Mateo Local Agency
Formation Commission

WHEN RECORDED MAIL TO:

LAFCo
PONY# ~~XXXXXX~~

LAF 124

2017-073189

4:05 pm 08/21/17 CCL Fee: NO FEE

Count of Pages 7

Recorded in Official Records

County of San Mateo

Mark Church

Assessor-County Clerk-Recorder



THIS IS

7p

Annexation of 191 meadowood St.
(APN 077-211-050) to
West Bay Sanitary District

TITLE OF DOCUMENT

Exempt from filing fees under Government Code ~~8112~~ 6103

Recorders Code : CCL



LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1683 • PHONE (650) 363-4224 • FAX (650) 363-4849

CERTIFICATE OF COMPLETION

Pursuant to Government Code Section 57200, this Certificate is issued by the Executive Officer of the Local Agency Formation Commission of San Mateo County, California.

1. The short-form designation, as determined by LAFCo, is Annexation of 191 Meadowood Drive/APN 077-211-050 to the West Bay Sanitary District
2. The name of each district or city involved in this change of organization or reorganization and the kind or type of change of organization ordered for each city or district are as follows:

<u>City or District</u>	<u>Type of Change of Organization</u>
West Bay Sanitary District	Annexation

3. The above-listed cities and/or districts are located within the following counties: San Mateo County only.
4. A description of the boundaries of the above-cited change of organization or reorganization is shown on the attached map, marked Exhibit A and by reference incorporated herein.
5. The territory involved in this change of organization or reorganization is uninhabited.
6. This change of organization has been approved subject to the following terms and conditions, if any: None
7. The resolution confirming this change of organization was adopted on July 19, 2017 by LAFCo, is marked Exhibit B and by reference incorporated herein.

I hereby certify that I have examined the above-cited resolution, including any terms and conditions, and the map description and have found these documents to be in compliance with Resolution 1213, adopted on July 19, 2017.

Dated: August 21, 2017

Martha Poyatos
Executive Officer

COMMISSIONERS: DON HORSLEY, CHAIR, County ▪ MIKE O'NEILL, VICE CHAIR, City ▪ JOSHUA COSGROVE, Special District ▪ ANN DRAPER, Public
RICH GARBARINO, City ▪ JOE SHERIDAN, Special District ▪ WARREN SLOCUM, County

ALTERNATES: VACANT, Special District ▪ HARVEY RARBACK, City ▪ SEPI RICHARDSON, Public ▪ DAVE PINE, County

STAFF: MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL ▪ JEAN BROOK, COMMISSION CLERK

EXHIBIT A
ANNEXATION TO WEST BAY SANITATION DISTRICT
LANDS OF ONO AND PORTIONS LYING WITHIN MEADOWOOD DRIVE
TOWN OF PORTOLA VALLEY, SAN MATEO COUNTY
GEOGRAPHIC DESCRIPTION

APPROVED
SAN MATEO LOCAL AGENCY
FORMATION COMMISSION
455 COUNTY CENTER
REDWOOD CITY, CA 94063

EXHIBIT A PAGE 1 OF 2

Situate in Rancho Corte Madera, Town of Portola Valley, County of Santa Clara, State of California.

Being all of Parcel One of the lands of George Y. Choi and Michelle M. Ono, Trustees of the Choi Ono Horn Trust dated October 9, 1997, by Grant Deed dated July 22, 2016, and recorded July 27, 2016 as Document Number 2016-073548, San Mateo County Records, and

Being a portion of Meadowood Drive, as said road is shown and delineated on that certain Tract Map entitled, "Tract No. 738 Oak Hills," filed for record on August 9, 1954 in Book 45 of Recorded Subdivision Maps at Pages 40 through 43, San Mateo County Records and being more particularly bounded and described as follows to wit;

Beginning at the northern most corner of said Parcel One, said point also being the northern most corner of Lot 5 as shown and delineated on the aforementioned Tract Map.

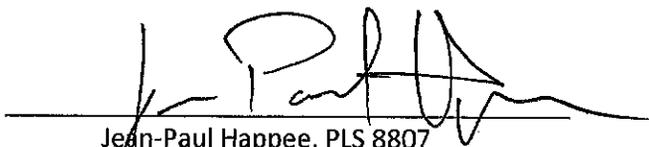
Thence from said point of Beginning along the northeastern boundary of Lot 5 and its southeasterly prolongation thereof (LINE 1) S 68° 22' 32" E 440.78 feet to a point in the southeastern line of Meadowood Drive; thence along the southeastern line of Meadowood Drive (LINE 2) S 29° 11' 18" W 371.04 feet to the point of intersection of said southeastern line of Meadowood Drive with the southeasterly prolongation of the southwesterly boundary of said Lot 5; thence along said last mentioned boundary (LINE 3) N 44° 17' 00" W 400.87 feet to the western most corner of Lot 5; thence along the northwestern boundary of Lot 5 (LINE 4) N 14° 22' 09" E 205.82 feet to the point of beginning.

Attached hereto is a plat labeled "Exhibit B" and by this reference made a part thereof.

Compiled by Alpha Land Surveys, Inc. in July of 2017.

Containing 2.67 acres, more or less.

DISCLAIMER: FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.


Jean-Paul Happee, PLS 8807



WEST BAY SANITATION DISTRICT (191 MEADOWOOD DRIVE)

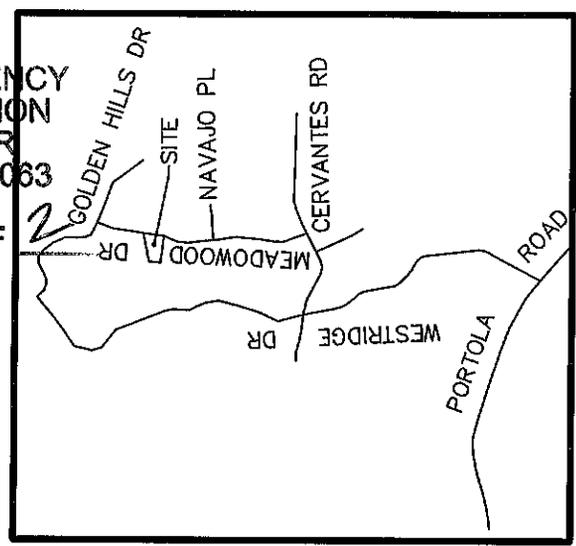
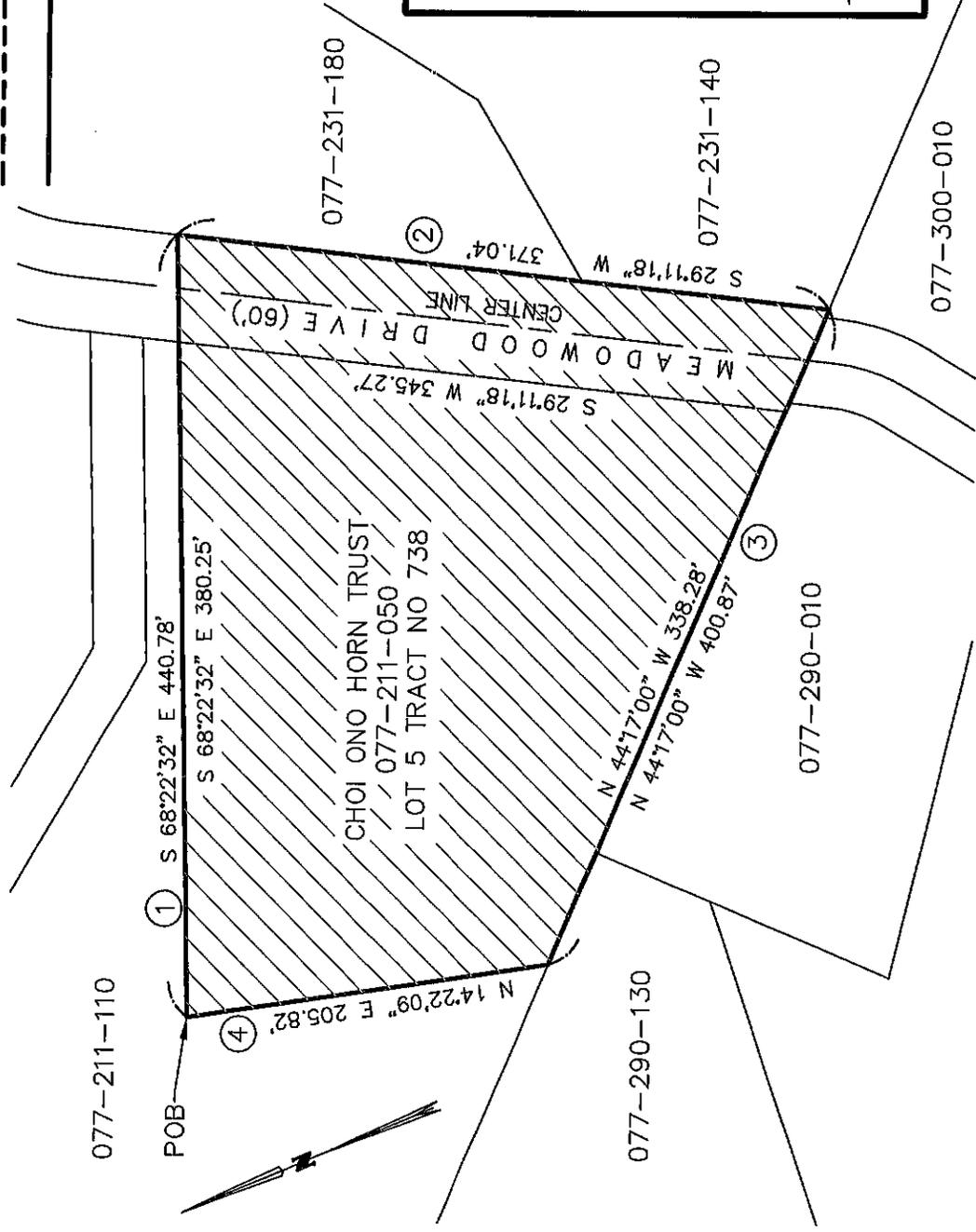
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LEGEND & ABBREVIATIONS

- POB POINT OF BEGINNING
- EXISTING SANITATION DISTRICT BOUNDARY
- PROPOSED SANITATION DISTRICT BOUNDARY

APPROVED
 SAN MATEO LOCAL AGENCY
 INFORMATION COMMISSION
 455 COUNTY CENTER
 REDWOOD CITY, CA 94063

EXHIBIT A PAGE 2 OF 2



VICINITY MAP



ALPHA LAND SURVEYS, INC.
 4444 SCOTTS VALLEY DRIVE, SUITE 7
 SCOTTS VALLEY, CA 95066 (831) 438-4453

EXHIBIT B - PLAT TO ACCOMPANY LEGAL DESCRIPTION
 ANNEXATION TO WEST BAY SANITATION DISTRICT
 LANDS OF ONO AND PORTIONS LYING WITHIN
 MEADOWOOD DRIVE,
 TOWN OF PORTOLA VALLEY, SAN MATEO COUNTY

JULY 14, 2017
 SCALE 1"=100'
 PAGE 2 OF 2

APPROVED
SAN MATEO LOCAL AGENCY
FORMATION COMMISSION
455 COUNTY CENTER
REDWOOD CITY, CA 94063

EXHIBIT B PAGE 1 OF 3

LAFCo File No. 17-07

RESOLUTION NO. 1213

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF SAN MATEO
MAKING DETERMINATIONS, APPROVING LAFCO FILE 17-07--
ANNEXATION OF 191 MEADOWOOD DRIVE
TO WEST BAY SANITARY DISTRICT,
WAIVING CONDUCTING AUTHORITY PROCEEDINGS,
AND ORDERING SAID ANNEXATION

RESOLVED, by the Local Agency Formation Commission of the County of San Mateo, State of California, that

WHEREAS, a proposal for the annexation of certain territory to the West Bay Sanitary District in the County of San Mateo was heretofore filed with the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including her recommendations thereon, the proposal and report having been presented to and considered by this Commission; and

WHEREAS, it appears to the satisfaction of this Commission that all owners of the land included in the proposal consent to the proceeding; and

WHEREAS, a public hearing by this Commission was held on the proposal and at the hearing, this Commission heard and received all oral and written protests, objections, and evidence which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the proposal and the Executive Officer's report; and

WHEREAS, the Commission has waived conducting authority proceedings pursuant to government code Section 56663(c); and

NOW, THEREFORE, the Local Agency Formation Commission of the County of San Mateo DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. This proposal is approved, subject to the following conditions: None.

Section 2. The boundaries as set forth in the application are hereby approved as submitted and are as described in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 3. The territory consists of 2.17 acres, is found to be uninhabited, and is assigned the following distinctive short-form designation: Annexation of 191 Meadowood Drive (APN 077-211-050), Portola Valley, to West Bay Sanitary District.

Section 4. Subsequent annexation to the On-site Wastewater Disposal Zone is approved.

Section 5. Conducting authority proceedings are hereby waived in accordance with Government Code Section 56663(c) and this annexation is hereby ordered.

APPROVED
SAN MATEO LOCAL AGENCY
FORMATION COMMISSION
455 COUNTY CENTER
REDWOOD CITY, CA 94062
EXHIBIT B PAGE 2 OF 3

Regularly passed and adopted this 19th day of July, 2017.

Ayes and in favor of said resolution:

Commissioners: Joshua Cosgrove
Ann Draper
Rich Garbarino
Joe Sheridan
Warren Slocum
Harvey Rarback (Alternate)
Don Horsley, Chair

APPROVED
 SAN MATEO LOCAL AGENCY
 FORMATION COMMISSION
 455 COUNTY CENTER
 REDWOOD CITY, CA 94063
 EXHIBIT B PAGE 3 OF 3

Noes and against said resolution:

Commissioner(s): None.

Commissioners Absent and ~~XXXXXX~~:

Commissioner(s): Mike O'Neill

Don Horsley
 Chair
 Local Agency Formation Commission
 County of San Mateo
 State of California

ATTEST:

Martha Poyatos
 Martha Poyatos
 Executive Officer
 Local Agency Formation Commission

Date: 8-21-17

I certify that this is a true and correct copy of the resolution above set forth.

Jean Brook
 Jean Brook
 Clerk to the Commission
 Local Agency Formation Commission

Date: 8-21-17

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WEST BAY SANITARY DISTRICT AGENDA ITEM 5

To: *Board of Directors*

From: *Bill Kitajima, Projects & IT Manager*

Subject: *Consideration of Adopting Resolution Ordering Annexation of Certain Parcels in the Territory of West Bay Sanitary District to the West Bay Sanitary District's On-Site Wastewater Disposal Zone Including Certain Determinations, Findings and Declarations of the District Board – Lands of Choi (191 Meadowood Drive, Portola Valley)*

Background

This property will utilize a Grinder Pump System; consequently this property must be annexed into the District's On-Site Wastewater Disposal Zone. The property owner shall be required to extend and connect to the existing Grinder force main on Meadowood Drive.

Analysis

Following the Public Hearing to annex certain territory to the District's On-Site Wastewater Disposal Zone, the attached resolution would formally complete the annexation of the referenced Lands of Choi.

Fiscal Impact

Property owners have paid all annexation fees and the fiscal impact would be additional sewer service charge revenue to the District once the parcel is connected.

Recommendation

Subject to the final review by legal counsel and the findings of the resolution holding true through the public hearing (i.e., protests by less than 35 percent of the voters and landholders), it is recommended by the Projects & IT Manager that the Board adopt the resolution as drafted.

Attachment: Resolution _____ (2018), Map, Legal/Geographic Description

WEST BAY SANITARY DISTRICT

RESOLUTION NO. _____ (2018)

**RESOLUTION ORDERING ANNEXATION OF CERTAIN TERRITORY OF WEST BAY
SANITARY DISTRICT TO THE WEST BAY SANITARY DISTRICT ON-SITE WASTEWATER
DISPOSAL ZONE INCLUDING CERTAIN DETERMINATIONS, FINDINGS AND
DECLARATIONS OF THE DISTRICT BOARD (LANDS OF CHOI)**

The District Board of West Bay Sanitary District determines, finds and declares as follows:

(a) The proceedings, which are the subject of the Resolution, are undertaken pursuant to Chapter 3 of Part 2 of Division 5 (commencing with Section 6950) of the California Health & Safety (“H & S”) Code having to do with the formation of, and annexations to, on-site wastewater disposal zones.

(b) On December 13, 2017 the District Board approved and adopted Resolution No. 2078 (2017), “RESOLUTION OF INTENTION TO ANNEX CERTAIN TERRITORY TO THE WEST BAY SANITARY DISTRICT ON-SITE WASTEWATER DISPOSAL ZONE.” Among other things, Resolution No. 2078 (2017) described the area to be annexed to the zone, the name and address of the applicant and the number, type, volume and location of on-site wastewater disposal systems proposed.

(c) Pursuant to Resolution No. 2078 (2017), a public hearing was noticed in the manner required by H&S § 6958. The public hearing was commenced on February 14, 2018 and closed on February 14, 2018.

(d) Prior to the close of the hearing, the District Board received and considered reports from the following public officials and agencies as required by law:

- i. From the Public Health and Environmental Protection Division, Health Services Agency of the County of San Mateo, a letter dated December 20, 2017, constituting the report of the local health officer specifying the matters required by H & S § 6960.1.
- ii. From the California Regional Water Quality Control Board, San Francisco Bay Region, a letter dated December 21, 2017 constituting the report of the affected regional water quality control board with regard to the matters required by H & S § 6960.1 and approving the proposed plan for wastewater disposal by the affected regional water quality control board required by H & S § 6960.4.
- iii. From San Mateo Local Agency Formation Commission, a letter by which the commission approved annexation to the District and the District’s On-Site Wastewater Disposal Zone.

(e) At all times during the public hearing, the District was prepared to hear and receive any oral or written protests, objections and evidence which might be offered. No oral or written protests, objections or evidence in opposition to the proposal were made, presented or filed at any time. Therefore, pursuant to H & S § 6963, it is determined that written protests filed and not withdrawn prior to the conclusion of the public hearing represented:

- i. Less than 35 percent of the number of voters who reside in the territory to be annexed to the zone; and
- ii. Less than 35 percent of the number of owners of real property in the territory to be annexed to the zone who also own not less than 35 percent of the assessed value of real property in the territory to be annexed to the zone.

(f) The number and types of on-site wastewater disposal systems proposed to be acquired, operated, maintained and monitored in the territory to be annexed to the zone are in conformity with and do not exceed the limitations set forth in the reports referred to (d) i. and ii. above.

(g) The territory proposed for annexation to the zone contains two (2) voters as defined in the Elections Code.

(h) Operation of the zone in the territory to be annexed will not result in land uses that are not consistent with general plans, zoning ordinances or other land use regulations of the Town of Portola Valley, the County of San Mateo or any other affected public agency.

In consideration of the foregoing determinations, findings and declarations,

IT IS RESOLVED by the District Board as follows:

1. The territory described in Exhibit "A" shall be annexed to the West Bay Sanitary District On-Site Wastewater Disposal Zone.
2. This annexation shall be accomplished without an election and confirmation of voters within the area to be annexed shall not be required on the question of such annexation.
3. The exterior boundaries of the annexation shall include the same territory described in Exhibit "A" to Resolution No. 2078 (2017), which Exhibit "A" is attached to this Resolution and incorporated herein by reference.
4. There shall be one on-site wastewater disposal system serving one residential user in the territory to be annexed to the zone, which system the District will either acquire, operate, maintain or monitor, as the case may be, all as set forth in Exhibit "B" to Resolution No. 2078 (2017), which Exhibit "B" is attached to this Resolution and incorporated herein by reference.
5. Operations of the portions of the zone annexed herein shall be financed by a system of fees and charges imposed upon persons who make use of the on-site wastewater disposal system in the territory annexed to the zone. The fees and charges will be structured to take into account the actual costs of operating and administering the zone and the maintenance, repair and replacement of wastewater facilities within the

territory annexed to the zone. The fees and charges will, to the extent applicable, include the cost of transporting zone-generated wastewaters to appropriate wastewater treatment facilities.

Passed and adopted by the District Board of West Bay Sanitary District at a regular meeting thereof held on the 14th day of February, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

Attest:

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

WEST BAY SANITATION DISTRICT (191 MEADOWWOOD DRIVE)

DISCLAIMER: FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

LEGEND & ABBREVIATIONS

POB

POINT OF BEGINNING

EXISTING SANITATION DISTRICT BOUNDARY

PROPOSED SANITATION DISTRICT BOUNDARY

077-211-110

POB S 68°22'32" E 440.78'

S 68°22'32" E 380.25'

N 14°22'09" E 205.82'

CHOI ONO HORN TRUST

077-211-050

LOT 5 TRACT NO 738

S 29°11'18" W 345.27'

MEADOWWOOD DRIVE (60') CENTER LINE

S 29°11'18" W 371.04'

N 44°17'00" W 338.28'

N 44°17'00" W 400.87'

077-290-010

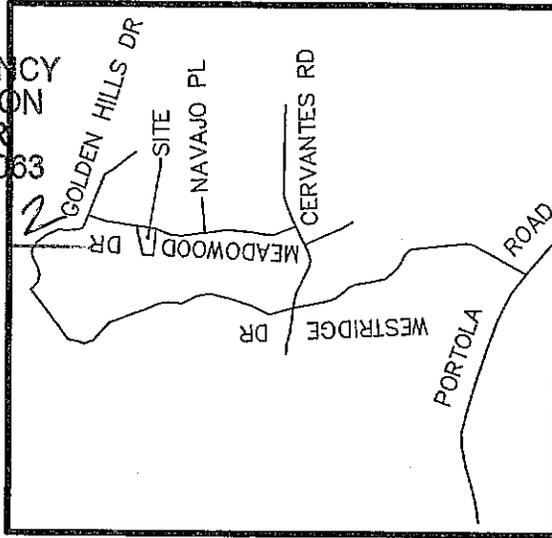
077-231-180

077-231-140

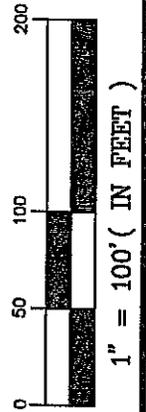
077-300-010

APPROVED
SAN MATEO LOCAL AGENCY
FORMATION COMMISSION
455 COUNTY CENTER
REDWOOD CITY, CA 94063

EXHIBIT A PAGE 2 OF 2



VICINITY MAP



ALPHA LAND SURVEYS, INC.
4444 SCOTTS VALLEY DRIVE, SUITE 7
SCOTTS VALLEY, CA 95066 (831) 438-4453

EXHIBIT B - PLAT TO ACCOMPANY LEGAL DESCRIPTION ANNEXATION TO WEST BAY SANITATION DISTRICT LANDS OF ONO AND PORTIONS LYING WITHIN MEADOWWOOD DRIVE, TOWN OF PORTOLA VALLEY, SAN MATEO COUNTY

JULY 14, 2017
SCALE 1"=100'
PAGE 2 OF 2

EXHIBIT A
ANNEXATION TO WEST BAY SANITATION DISTRICT
LANDS OF ONO AND PORTIONS LYING WITHIN MEADOWOOD DRIVE
TOWN OF PORTOLA VALLEY, SAN MATEO COUNTY
GEOGRAPHIC DESCRIPTION

APPROVED
SAN MATEO LOCAL AGENCY
FORMATION COMMISSION
455 COUNTY CENTER
REDWOOD CITY, CA 94063

EXHIBIT A PAGE 1 OF 2

Situate in Rancho Corte Madera, Town of Portola Valley, County of Santa Clara, State of California.

Being all of Parcel One of the lands of George Y. Choi and Michelle M. Ono, Trustees of the Choi Ono Horn Trust dated October 9, 1997, by Grant Deed dated July 22, 2016, and recorded July 27, 2016 as Document Number 2016-073548, San Mateo County Records, and

Being a portion of Meadowood Drive, as said road is shown and delineated on that certain Tract Map entitled, "Tract No. 738 Oak Hills," filed for record on August 9, 1954 in Book 45 of Recorded Subdivision Maps at Pages 40 through 43, San Mateo County Records and being more particularly bounded and described as follows to wit;

Beginning at the northern most corner of said Parcel One, said point also being the northern most corner of Lot 5 as shown and delineated on the aforementioned Tract Map.

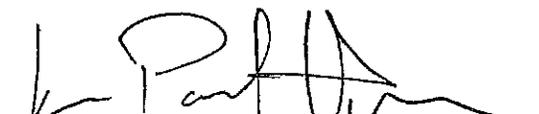
Thence from said point of Beginning along the northeastern boundary of Lot 5 and its southeasterly prolongation thereof (LINE 1) S 68° 22' 32" E 440.78 feet to a point in the southeastern line of Meadowood Drive; thence along the southeastern line of Meadowood Drive (LINE 2) S 29° 11' 18" W 371.04 feet to the point of intersection of said southeastern line of Meadowood Drive with the southeasterly prolongation of the southwesterly boundary of said Lot 5; thence along said last mentioned boundary (LINE 3) N 44° 17' 00" W 400.87 feet to the western most corner of Lot 5; thence along the northwestern boundary of Lot 5 (LINE 4) N 14° 22' 09" E 205.82 feet to the point of beginning.

Attached hereto is a plat labeled "Exhibit B" and by this reference made a part thereof.

Compiled by Alpha Land Surveys, Inc. in July of 2017.

Containing 2.67 acres, more or less.

DISCLAIMER: FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.


Jean-Paul Happee, PLS 8807



WEST BAY SANITATION DISTRICT (191 MEADOWOOD DRIVE)

DISCLAIMER: FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

LEGEND & ABBREVIATIONS

POB

POINT OF BEGINNING

EXISTING SANITATION DISTRICT BOUNDARY

PROPOSED SANITATION DISTRICT BOUNDARY

077-211-110

POB (1) S 68°22'32" E 440.78'

S 68°22'32" E 380.25'

(4) N 14°22'09" E 205.82'

CHOI ONO HORN TRUST

077-211-050

LOT 5 TRACT NO 738

S 29°11'18" W 345.27'

MEADOWOOD DRIVE (60') CENTER LINE

(2) S 29°11'18" W 371.04'

077-231-180

077-231-140

077-290-130

N 44°17'00" W 338.28'

N 44°17'00" W 400.87'

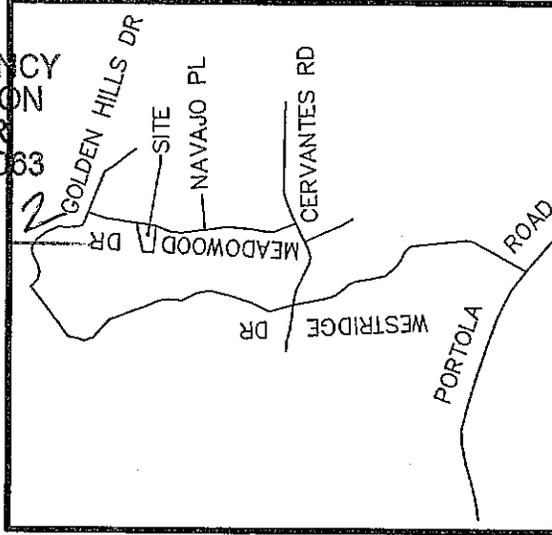
(3)

077-290-010

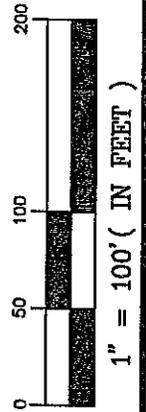
077-300-010

APPROVED
SAN MATEO LOCAL AGENCY
FORMATION COMMISSION
455 COUNTY CENTER
REDWOOD CITY, CA 94063

EXHIBIT A PAGE 2 OF 2



VICINITY MAP



ALPHA LAND SURVEYS, INC.
4444 SCOTTS VALLEY DRIVE, SUITE 7
SCOTTS VALLEY, CA 95066 (831) 438-4453

EXHIBIT B - PLAT TO ACCOMPANY LEGAL DESCRIPTION ANNEXATION TO WEST BAY SANITATION DISTRICT LANDS OF ONO AND PORTIONS LYING WITHIN MEADOWOOD DRIVE, TOWN OF PORTOLA VALLEY, SAN MATEO COUNTY

JULY 14, 2017
SCALE 1"=100'
PAGE 2 OF 2

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WEST BAY SANITARY DISTRICT AGENDA ITEM 6

To: Board of Directors
From: Phil Scott, District Manager
Subject: District Manager's Report

1. CIP Project:

- a) Belle Haven II is approximately 99% complete.
- b) El Camino Real sewer main accidentally filled with concrete. District staff performed 60 foot of replacement of sewer main with night work over the last two weeks.

2. Affiliate Agency/Association News:

- a) **County:** District and County have agreed to share the cost of an analysis of impacts and challenges to transferring the Solid Waste Franchise to the County. Should be complete in 3 months.
- b) **SBWMA:** position of Senior Finance Manager is now vacant
- c) **City of Half Moon Bay:** The City of HMB issued an RFP for Collection System Maintenance since the Regional Water Board fines for Sewer Authority Mid-Coastside. The District Manager and staff considered preparing a proposal. Due to manpower shortages, lack of senior level personnel, and the remoteness of the service location, staff concluded that the District is not in an optimal position to provide these services at this time.
- d) **CWEA:** Annual Conference in Sacramento April 17-20. Several staff will attend as volunteers and potential award winners.

3. Upcoming Events:

- a) Board meetings: February 28, March 14 and March 28.
- b) Finance Committee met on February 5 to discuss Investment Portfolio, banking options, and a debt management policy as well as strategies for the \$13M allocable to the District for the SVCW CIP projects due in Q2 of 2019. The Committee will report out at the February 28th Board meeting.
- c) District has been invited to participate in Poster Session March 30 and present paper on SHGCC recycled water project at WateReuse conf in Monterey.

4) Misc./Action Items from Previous Meeting:

- a) **SSOs:** 5 SSO's in 2017.
- b) **Recruitment:** Second round interviews for Source Control Inspector took place last week and #1 ranked candidate declined the position. A hiring decision is pending. Projects & Engineering Technician interviews also took place last week. Applications received are in the single digits reflecting tight labor market in the Bay Area. Recruitment announcements have been placed for Field Supervisor.

Report to the District Board for the Regular Meeting of February 14, 2018

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

- c) **Succession Plan:** Staff is working with Donna Wies Consulting to update our 2015 succession plan to document the steps implemented and to explore possible solutions to recruitment challenges.
- d) **On Site Treatment Systems:** District received 2 proposals for On Site Permitting Project for the anticipated Facebook Blackwater On Site treatment system. Selected consultant will assist the District in establishing discharge limits and developing a permitting program for such systems.

5) Resource Sharing:

- a) **Town of Los Altos Hills:** 3 SSO in 2017. 1 caused by Contractor. 0 SSO in 2018. DM exploring options for consolidation.
- b) **Town of Woodside:** 0 SSO's in 2016. 1 pump station SSO in 2017. 0 SSO's in 2018. The District has commenced to provide pump station maintenance. District is assisting TOW with information for their current rate study to include a sinking fund to replace pump station and CIP plan to replace 1.5% of system annually.

Report to the District Board for the Regular Meeting of February 14, 2018

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



1902 - *Serving Our Community for over 110 Years* - 2018

WEST BAY SANITARY DISTRICT
MINUTES OF THE REGULAR MEETING OF THE DISTRICT BOARD
WEDNESDAY, JANUARY 24, 2018 AT 7:00 P.M.

Note: Agenda Items Listed In Order They Were Discussed

1. **Call to Order**

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

2. **Roll Call**

BOARD MEMBERS PRESENT: Moritz, Walker, Dehn, Otte

BOARD MEMBERS ABSENT: Thiele-Sardiña

STAFF MEMBERS PRESENT: Scott, Condotti, Katajima, Ramirez

Others Present: Joe LaMarina - SBWMA, Geno Gasparini – Recolgy, Rick Simonson & John Farnkopf– HF&H Consultants, Tony

Valdivia and Dave Richardson – Woodard Curran, Jeff Knapp – Overaa, Steve Owen – Perc Water, Robin Driscoll – Sharon Heights Golf and Country Club, Peter Talbot – Kennedy, Jenkins. Pete Anderson – Anderson Pacific, Sami Kader – WaterWorks Engineers

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

8. **Consider to Adopt Resolution to Approve Model Amended and Restated Franchise Agreement and Compensation Package with Recology San Mateo County from January 1, 2021 to December 31, 2035 District Manager’s Report**

Motion by: Dehn 2nd by: Walker Vote: AYE: 4 NAY: 0 Abstain: 0

Comments: DM Scott outlined the terms of the new agreement which includes a 15 year term plus possible extension for another 5 years, no major changes, save \$2M – \$3M in RFP costs and need to add transfer language. Secretary Dehn outlined the transfer language and suggested moving forward subject to that language included. She further added that another jurisdiction has indicated the agreement would be approved by the District. She would like to make clear she had no conversation with anyone about approval, only consideration of the agreement. Motion is made for approval with transfer language added as approved by District Counsel.

4. **Public Hearing: Consideration of Resolution Relating to 2018 Wastewater Revenue Bonds and Approving Related Documents and Official Actions**

Motion to open: Otte 2nd by: Dehn Vote: AYE: 4 NAY: 0 Abstain: 0

Comments: None

Motion to close: Otte 2nd by: Walker Vote: AYE: 4 NAY: 0 Abstain: 0

5. Consideration of Resolution Relating to 2018 Wastewater Revenue Bonds and Official Actions

Motion by: Walker 2nd by: Otte Vote: AYE: 4 NAY: 0 Abstain: 0

Comments: DM Scott outlined the true costs of bonds:

1. True Interest Cost of the Bonds: 3.24%.
2. Finance charge for the portion of the Bonds which is allocable to the District, being the sum of all fees and charges paid to third parties (Costs of Issuance of approximately \$98,803 plus estimated underwriter's compensation and bond insurance assuming bond insurance is obtained): \$326,618.
3. Amount of proceeds of the Bonds expected to be received by the Authority which is allocable to the District, net of proceeds for Costs of Issuance in (2) above and net of capitalized interest (if any) and reserves (if any) paid or funded with the proceeds of the Bonds: \$35,328,026.
4. Total payment amount for the portion of the Bonds which is allocable to the District, being the sum of (a) debt service to be paid on the Bonds to final maturity, plus (b) any financing costs not paid from proceeds of the Bonds: \$55,862,856

6. Discussion on Sewer Service Charges Rate Study for 2018

Comments: Rick Simonson outlined the needed for a rate increase effective July 1 which included 52% of costs for SVCW. \$48M will be need in the next 18 months for the SVCW capital improvement plan and a total of \$160M needed for SVCW CIP projects. Board consensus is to increase residential rates 5% and increase some commercial classes to pay for cost of service, ranging from 0% increase to 18% increase. The Board will consider a final report in February.

7. Consideration of Awarding Design/Build Contract for the West Bay Sanitary District Recycled Water Project - Sharon Heights

Motion by: Dehn 2nd by: Walker Vote: AYE: 4 NAY: 0 Abstain: 0

Comments: DM Scott outlined the item which includes a recommendation from the Recycled Water project Selection Committee to award the Design/Build of the Sharon Heights recycled water facility to Anderson Pacific/WaterWorks. The bid award consists of a guaranteed maximum price of \$19.695M for design and construction with \$2.9M in soft costs and contingency. DM Scott reported that a careful selection process was followed as prescribed in the RFP which involved a Selection Committee including two District Board members, three District staff members and two Sharon Heights members. DM Scott stated that an authorization letter was received from Sharon Heights Golf and Country Club today.

Jeff Knapp of Overaa Construction spoke to say he is not calling this a protest but would like additional information. He would like to know if they were highest ranked and lowest priced, then why aren't they the best value? Steve Owen – Perc Water also pointed out the District's staff report doesn't show net present value.

DM Scott explained that Auburn Constructors was #1 ranked as a result of the RFP process and the Selection Committee began negotiations with them. After it was determined that a mutually beneficial agreement could not be made with them negotiations ended and the team Committee commenced negotiations with the #2 ranked team Overaa/PercWater. The Committee met with Overaa/PercWater at least twice in face to face meetings. After the Committee determined that they could not come to a mutually beneficial agreement with Overaa, negotiations ended and the team Committee commenced negotiations with the number # 3 ranked team Anderson Pacific.

Selection Committee Member, Secretary Dehn reported the process was well thought out and the committee stayed with the process, as prescribed in the RFP, in reviewing the various proposals. DC Condotti stated he is certain the process was followed and the committee's work in evaluation of the proposals was done in keeping with the project's RFPs.

The Motion by Dehn to award contract was subject to the receipt from the Sharon Heights Golf and Country Club a revised authorization letter giving full approval from Sharon Heights of the award of the contract, and receipt of all due diligence materials, as well as other materials as outlined in the January 24, 2018 letter.

President Moritz commented that a great amount of material was provided in the Board packet to make a well informed selection and the process is very well described. President Moritz thanked all the members on the selection committee for their time and hard work on this project. DM Scott responded to a grievance from a representative of Perc Water regarding the process and the decision the selection committee made.

9. Consider to Approve Second Quarter Internal Financial Statements & Analysis of Financial Position as of Quarter End December 31, 2017

Motion by: Walker 2nd by: Dehn Vote: AYE: 4 NAY: 0 Abstain: 0

Comments: None

10. District Manager's Report

1) CIP Project:

a) Belle Haven II is approximately 99% complete.

2) Affiliate Agency/Association News:

a) **County:** District is working on a proposal to develop an RFP for an analysis of impacts and challenges to transferring the Solid Waste Franchise to the County.

b) **Town of Atherton:** District Counsel has provided a draft agreement with Town of Atherton to accelerate the District's CIP project to replace the sewer main running through the Town Center. The agreement is currently under review by the Town and if agreeable the DM will bring the agreement to the Board for approval February 14, 2018. The District will pay for construction costs and the Town will pay for soft costs – engineering and public utility easement acquisition. The main will be relocated toward the south side of the Town campus and will be further away from PD, Town Chambers and the Library.

3) Upcoming Events:

a) Board meetings: February 14 and 28

- b) Finance Committee Meeting will be meeting February 5 to discuss Investment Portfolio, banking options, and a debt management policy as well as strategies for the \$13M allocable to the District for the SVCW CIP projects due in Q2 of 2019.

4) Misc./Action Items from Previous Meeting:

- a) **SSOs:** 5 SSO's in 2017.
- b) **Recruitment:** Interviews for Source Control Inspector have begun and second round interviews are occurring this week. Projects & Engineering Technician interviews are also scheduled for next week. Applications received are in the single digits reflecting tight labor market in the Bay Area.
- c) **City of Half Moon Bay:** The City of HMB may be issuing an RFP for Collection System Maintenance since the Regional Water Board fines for Sewer Authority Mid-Coastside.
- d) **Sewer Main:** concrete pulled from sewer main on El Camino Real from Station 1300 Project.

5) Resource Sharing:

- a) **Town of Los Altos Hills:** 1 SSO in 2016. 3 SSO in 2017. 1 caused by Contractor.
- b) **Town of Woodside:** 0 SSO's in 2016. 1 pump station SSO in 2017. 0 SSO's in 2018. The District has commenced to provide pump station maintenance. District is assisting TOW with information for their current rate study to include a sinking fund to replace pump station and CIP plan to replace 1.5% of system annually.
- c) **Redwood City:** District staff responded to assist RWC with determining cause of sink hole next to 2 story apartment building. Determined it was not leaky storm main or sanitary sewer main.

11. Consent Calendar

- A. Approval of Minutes for Regular meeting January 10, 2018
- B. Approval of the Withdrawal Order Authorizing Payment of Certain Bills and Salaries and Consideration of Other Financial Matters for January 24, 2018 Pg.
- C. Consider to Ratify and Approve Report on District's Investment Portfolio Including the Transactions of Assets Described Therein as of 12-31-17
- D. Consideration of Resolution Consenting to Annexation of Territory to the West Bay Sanitary District by the San Mateo County Local Agency Formation Commission – 67 Hillbrook Drive, Portola Valley (079-073-120)

Motion by: Dehn 2nd by: Walker Vote: AYE: 4 NAY: 0 Abstain: 0

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

Comments: None

12. Discussion and Direction on Recycled Water Projects - Sharon Heights & Bayfront, Including Project Status

Comments: DM Scott reports the District will need the first year's service fee from Sharon Heights before notice to proceed may be sent to contractor.

13. Report & Discussion on South Bayside Waste Management Authority (SBWMA) and Negotiations for Restated Franchise Agreement

Comments: Secretary Dehn reported the next meeting will be on January 25th.

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

Comments: Director Otte reported design/build contracts were issued in November and the design process will take about 9 nine months.

15. Closed Session

- A. CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Cal. Govt. Code §54957.6)
Agency designated representatives: District Manager, Legal Counsel
Employee Organization: Teamsters Local 350
- B. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Cal. Govt. Code §54956.9(d)(2)
Number of potential cases: Two

Entered closed session at 8:45 p.m. Left closed session at 9:12 p.m.

Reportable action: None

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

Comments: None

17. Adjournment Time: The meeting was adjourned at 9:13 PM

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**WEST BAY SANITARY DISTRICT
WITHDRAWAL ORDER
2/14/2018**

CHECK	TO WHOM PAYABLE	PURPOSE	AMOUNT
63213	CWEA-SCVS	Meetings, Training, Travel - Coll	140.00
63214	PRECISE PRINTING AND MAILING	Printing & Publications - A&G	2,273.76
63215	CALIFORNIA WATER SERVICE	Utilites - Coll	62.82
63216	FREMONT URGENT CARE	Professional Services - A&G	63.00
63217	MAXX METALS	Operating Supplies - Coll	97.88
63218	GRAINGER	CIP - Construction Inspector Vehicle	842.96
63219	HELIX LABORATORIES, INC.	Operating Supplies - Coll	2,392.50
63220	OMEGA INDUSTRIAL SUPPLY, INC.	Operating Supplies - Coll	1,649.66
63221	PONTON INDUSTRIES, INC.	Operating Supplies - Coll	3,593.10
63222	PREFERRED ALLIANCE	Professional Services - A&G	168.84
63223	RED WING SHOE STORE	Operating Supplies - Coll	721.10
63224	ROBERTS & BRUNE CO	Operating Supplies - Coll	76.08
63225	U.S. HEALTHWORKS MEDICAL GROUP	Professional Services - A&G	112.47
63226	WECO INDUSTRIES, INC.	Operating Supplies - Coll	505.32
63227	WINZER CORPORATION	Operating Supplies - Coll	232.41
63228	BOY SCOUT TROOP 222	Flow Equal Resource Recovery Facility (FERRF)	1,497.00
63229	AT&T	Utilities - A&G	1,268.15
63230	ALPHA ANALYTICAL LABORATORIES	CIP - SHGCC recycled water facility	2,110.50
63231	READYREFRESH BY NESTLE	Utilites - A&G	56.28
63232	CALPERS LONG-TERM CARE PROGRAM	LTC Withholding	26.61
63233	CINTAS CORP	Contract Services - Coll	1,163.49
63234	COMCAST	Utilities - A&G	260.31
63235	FEDERAL EXPRESS	Office Expense - A&G	200.52
63236	GRAINGER	Operating Supp / Rep & Maint - Coll	2,837.28
63237	MASTERS OF COMMUNICATION	Repairs & Maintenance - Coll	294.98
63238	CITY OF MENLO PARK	Utilities - Coll	68.13
63239	OGASAWARA LANDSCAPE MAINT.	Contract Services - A&G	840.00
63240	PACIFIC GAS & ELECTRIC	Utilites - Coll	1,686.53
63241	R.E.P. NUT N BOLT GUY	Operating Supplies - Coll	150.00
63242	RANGER PIPELINES	CIP - Belle Haven II Sewer Project	324,657.52
63243	RMC WATER AND ENVIRONMENT	CIP - Flow Equal & Resource Recovery Facility	49,986.74
63244	COUNTY OF SANTA CLARA	Other Operating Expenses - Coll	587.00
63245	SHARP BUSINESS SYSTEMS	Rents & Leases - Coll	270.33
63246	STAPLES CREDIT PLAN	Office Expence/ Ink Supplies /Repairs& Maintenance- A&G/Coll	1,159.49
63247	TOSHIBA FINANCIAL SERVICES	Rents & Leases - Coll	266.45
63248	TOWNE FORD SALES	Repairs & Maintenance - Coll	328.29
63249	VERIZON WIRELESS	Utilities - A&G	1,387.79
63250	DELTA DIABLO SANITATION DIST.	Memberships - A&G	7,523.41
63251	CINTAS CORP	Contract Services - Coll	49.97
63252	CWEA	Memberships - Coll	445.00
63253	CWEA	Memberships - Coll	180.00
63254	SAN MATEO COUNTY CLERK	Deposits - 230 Shawnee Pass, PV (Gurtner)	39.00
63255	SAN MATEO COUNTY CLERK	Deposits - 250 Shawnee Pass, PV (Nicholas)	30.00
63256	SAN MATEO COUNTY CLERK	Deposits - 18 Redberry Ridge, PV (Douglas)	33.00
63257	SAN MATEO COUNTY CLERK	Deposits - 510 La Mesa Ct, PV (Smuck & Rodriques)	18.00
63258	SAN MATEO COUNTY CLERK	Deposits - 829 Hermosa, MP (Cullen)	18.00
63259	NAVIA BENEFIT SOLUTIONS	FSA Deduction	150.00
63260	SAN MATEO COUNTY EMPLOYEES	Credit Union WH	1,854.50
63261	MARIE RAMIREZ/SDU	Wage Garnishment	821.08
63262	ERIC MADRIGAL	Meetings, Training & Travel - Coll	156.53
63263	JONATHAN WERNES	Meetings, Training & Travel - Coll	115.55

63264	TEAMSTERS LOCAL NO. 350	Union Dues WH	812.00
63265	ALPHA ANALYTICAL LABORATORIES	Research & Monitoring - Coll	2,110.50
63266	AMERICAN MESSAGING	Utilities - Coll	61.51
63267	CSRMA c/o ALLIANT INSURANCE	Employee Benefits - A&G	6,192.00
63268	CALIFORNIA WATER SERVICE	Utilities - Coll	34.37
63269	CINTAS CORP	Contract Services - Coll	68.57
63270	NAVIA BENEFIT SOLUTIONS	Employee Benefits - A&G	1,000.00
63271	FREYER & LAURETA	CIP & Professional Services	19,152.50
63272	GRAINGER	Operating Supplies - Coll	277.78
63273	HOME DEPOT CREDIT SERVICES	Operating Supplies - Coll.	550.15
63274	JANI-KING OF CA, INC - SFR/OAK	Contract Services - A&G	614.92
63275	LOG ME IN	Repairs & Maintenance - Coll	64.85
63276	CITY OF MENLO PARK	Utilities - A&G	238.03
63277	MENLO PARK HARDWARE CO. #14016	Repairs & Maint / Op Supplies - Coll	236.19
63278	MUNICIPAL MAINTENANCE EQUIP.	Operating Supplies - Coll	390.00
63279	PACIFIC GAS & ELECTRIC	Utilites - A&G	3,892.20
63280	PIER 2 MARKETING	Repairs & Maintenance - Coll	500.00
63281	SEEKZEN SYSTEMS	Professional Services - Coll	475.00
63282	TELETRAC NAVMAN US LTD.	Contract Services - Coll	491.76
63283	WECO INDUSTRIES, INC.	Operating Supplies - Coll	2,431.51
63284	ZOOM IMAGING SOLUTIONS, INC.	Rents & Leases - Coll	428.14
63285	CHAVAN & ASSOCIATES LLP	Professional Services - A&G	800.00
63286	SANTA CLARA VALLEY - CWEA	Meetings, Training & Travel - A&G	325.00
63287	SAN MATEO COUNTY CLERK	Deposits - 381 McKendry Dr, MP (Brady)	17.00
63288	SAN MATEO COUNTY CLERK	Deposits - 348 Camino Al Lago, Ath (Cummings)	17.00
63289	SAN MATEO COUNTY CLERK	Deposits - 295 E. Creek, Dr, MP (Pracht & Aaron Rev Trust)	20.00
63290	ACCESS	Other Operating Expense - A&G	192.00
		TOTAL CHECKS	<u>456,862.31</u>

WIRES

TRANSFER DATE

PURPOSE

1/16/2018	Employee Payroll - Pay Period 1/05/2018 - 1/16/2018	2,389.98
1/16/2018	ICMA	35,000.00
1/24/2018	SBSA Bond - 2009 \$55 Million	323,507.85
1/24/2018	SVCW Bond - 2014 \$60 Million	729,185.44
1/24/2018	SVCW Bond - 2015 \$70.2 Million	282,175.00
1/31/2018	Directors Fees for January	2,105.56
1/31/2018	PERS Retirement contributions for January	39,491.86
2/1/2018	SVCW Operating, Capital & Reserve contributions for February	622,050.00
2/2/2018	Employee Payroll - Pay Period 1/19/2018 - 2/2/2018	80,303.34
2/2/2018	Federal Payroll Taxes	16,943.97
2/2/2018	State Payroll Taxes	6,048.65
2/2/2018	ICMA	7,564.33
2/5/2018	Prime Pay Fees	936.30
2/5/2018	Transfer from BoW Checking to LAIF	2,500,000.00
2/7/2018	Transfer from BoW Checking to LAIF	1,820,000.00
	WIRE TRANSFERS FROM BoW CHECKING	<u>6,467,702.28</u>
1/16/2018	Recology - Solid waste franchise fee	13,414.78
2/2/2018	San Mateo County - Sewer Service receipts	3,147,219.33
2/6/2019	Maturing Investments from Bank of the West Reserves	1,820,000.00
	TOTAL WIRE TRANSFERS TO BoW CHECKING	<u>4,980,634.11</u>

Secretary

President

WITHDRAWAL ORDER
SUPPLEMENTAL PURCHASE REGISTER
2/14/2018

OPERATING SUPPLIES & OFFICE EXPENSE

<u>CHECK</u>	<u>AMOUNT</u>	<u>VENDOR</u>	<u>DESCRIPTION</u>
63219	2,392.50	HELIX LABORATORIES, INC.	Two 55-gallon Commander odor control.
63220	1,649.66	OMEGA INDUSTRIAL SUPPLY, INC.	Miscellaneous supplies for maintenance.
63221	3,593.10	PONTON INDUSTRIES, INC.	Four XPS-10 transducers for Stowe Lane PS.
63236	2,837.28	GRAINGER	Generator for CCTV unit, compressor replace for pipepatch trailer, battery clamps, carwash brushes.
63283	2,431.51	WECO INDUSTRIES, INC.	Parts for the OZ III camera.

MISCELLANEOUS

<u>CHECK</u>	<u>AMOUNT</u>	<u>VENDOR</u>	<u>DESCRIPTION</u>
63214	2,273.76	PRECISE PRINTING AND MAILING	Printing and mailing of annual easement letters to property owners.
63228	1,497.00	BOY SCOUT TROOP 222	Purchase of storage unit at FEF.
63230	2,110.50	ALPHA ANALYTICAL LABORATORIES	Water quality monitoring for SHGCC recycled water facility project.
63242	324,657.52	RANGER PIPELINES	Belle Haven II sewer project contract payment #14.
63243	49,986.74	RMC WATER AND ENVIRONMENT	Flow Equal & Resource Recovery Facility July - November consulting.
63250	7,523.41	DELTA DIABLO SANITATION DIST.	Western Recycled Water Coalition 2018 membership.
63262	156.53	ERIC MADRIGAL	Reimburse tuition for Operation & Maintenance of Wastewater Collection System course at Cal State Sac.
63263	115.55	JONATHAN WERNES	Reimburse tuition for Environmental Compliance course at Cal State Sacramento.
63267	6,192.00	CSRMA c/o ALLIANT INSURANCE	Additional workers comp insurance premium for FY2016-17.
63270	1,000.00	NAVIA BENEFIT SOLUTIONS	Annual flexible spending account management fee.
63271	19,152.50	FREYER & LAURETA	December engineering for FEF levee & Belle Haven III; Facebook construction inspection; and misc.
63285	800.00	CHAVAN & ASSOCIATES LLP	Final payment on FY2016-17 annual financial audit.

WEST BAY SANITARY DISTRICT

SUMMARY OF FY2017-18 PAYMENTS
(Through Withdrawal Order 2/14/2018)

REGULAR PAYABLES	TOTAL BY VENDOR 7/1/2017-2/14/2018	WITHDRAWAL 2/14/2018
A-A Lock & Alarm	1,357.71	
A-1 Rhino Liner	-	
A & B Trailer Hitch Inc.	-	
A & D Automatic Gate Access	-	
AAA Rentals	2,703.60	
ABAG Hazmat	-	
ADS LLC	5,733.55	
Abila	-	
Access	192.00	192.00
Ace Fire Equipment & Service	378.84	
Accurate Mailing	-	
Ackerman Practicon	-	
Action Towing	312.50	
Matheson Tri-Gas, Inc.	396.08	
Alan Steel & Supply Co.	-	
Allen Equipment Company, Inc.	-	
Alliant Insurance Services Inc	29,300.00	
The Almanac	5,610.00	
Alpha Analytical Laboratories	53,817.00	4,221.00
Alpine Ladera Fuel Inc.	-	
American Industrial Pumps	-	
American Messaging	491.54	61.51
American Textile & Supply	-	
American Water Services	288.37	
American Water Works Assn.	262.00	
Andes Construction Inc.	-	
Anderson Pacific	-	
Andrighetto RA	-	
A M Consulting	13,000.00	
Arrowhead	-	
Ascent Elevator Services Inc.	-	
Association of Bay Area Gov.	-	
AT&T	9,544.42	1,268.15
Atchison, Barisone & Condotti	46,844.30	
Town of Atherton	3,000.00	
BHI Management Consulting	-	
Backflow Prevention Specialist	-	
Baggengineers	25,686.00	
Bayside Heating & Air	-	
Bankcard Center	25,957.43	
S.G. Banks, Inc	-	
Barker Blue	-	
Bay Alarm	7,915.53	
Bay Area Air Quality	1,207.00	
Bay Area Barricade Service Inc	3,356.30	
Bay Area Clean Water Agencies	-	
Bay Area Paving Co. Inc.	32,803.00	
Bayside Equipment Company	637.62	
Bayside Fire Protection Inc.	-	
Bay Area Clean Water Agencies	-	
Bell Electrical Supply, Inc.	-	
Jed M. Beyer	190.46	
Blue Oaks Reimb Agrmnt Participants	-	
Bobcat West	-	
Boyce Reimb Agreement Participants	-	
Boy Scout Troop 222	1,497.00	1,497.00
Bruce Barton Pump Service	-	
Buja, Mejia, Sausal Creek Assoc Reim Agrmnt	596,749.98	
Burke, Williams & Sorensen	885.00	
CA-NV AWWA	-	
CDPH-OCP	-	
CDW Government	-	
CWEA,Sfbs	130.00	
CWEA-SCVS	495.00	140.00
CWEA-SAS	-	
CWEA-SFSB	-	
CWEA	4,500.00	625.00
CASA	12,855.00	

WEST BAY SANITARY DISTRICT

SUMMARY OF FY2017-18 PAYMENTS
(Through Withdrawal Order 2/14/2018)

	TOTAL BY VENDOR 7/1/2017-2/14/2018	WITHDRAWAL 2/14/2018
REGULAR PAYABLES		
CSDA	3,421.00	
CSRMA C/O Alliant Insurance	195,017.11	6,192.00
CSR Graphics	-	
State of California	-	
Calif Special Districts Assn.	5,188.00	
California Commerce	-	
Calif. Labor Law Poster Servic	152.00	
California Trenchless Inc.	-	
Calif. Utilities Emergency Assc	-	
State Water Resources Control	-	
California Water Service	13,845.42	97.19
California Water Service Company	-	
Calpers Long-Term Care Program	2,551.38	26.61
Calpers Fiscal Services Div.	-	
Cal-Steam	-	
Caltrans	-	
Cardiac Science Corp.	-	
Center For Hearing Health Inc.	555.00	
Central Supply Co., Inc.	-	
Century Carpet, Inc.	10,936.00	
Chemsearch	-	
Chevron	-	
Chavan & Associates LLP	14,800.00	800.00
Christian Brothers Lining, Co.	-	
Cintas Corp	22,503.05	1,282.03
Cintas Fas Lockbox 636525	-	
Comcast	1,814.18	260.31
Commercial Capital Company Llc	-	
Comtread Inc.	-	
CPS HR Consulting	695.00	
Corrosion Engineering Assoc.	-	
Heath Cortez	482.72	
Costco Membership	60.00	
County Specialty Gases	-	
Cues	3,600.00	
CUSI	-	
DKF Solutions Group	-	
D & L Supply	6,427.50	
D & S Sales	-	
The Definitive Deodorant Co.	-	
Dell Marketing L.P.	2,162.70	
Delta Diablo Sanitation Dist.	7,523.41	7,523.41
Deluxe	-	
Dept. of Industrial Relations	506.00	
Dept of Motor Vehicles	-	
Detection Instruments	-	
Dewey Pest Control	8,818.00	
Direct Safety	-	
Dolphin Graphics	1,633.31	
Downtown Ford Sales	31,221.88	
Ducky's Car Wash	-	
Duke's Root Control, Inc	182,265.53	
Du-All Safety, Llc	12,150.00	
ESRI	-	
East Bay Muni Utility District	2,361.00	
City of East Palo Alto	331.80	
Eco Office	1,084.73	
Electro-Stock Inc	-	
Embarcadero Media	3,821.20	
Environmental Bio Int., Llc	-	
Express Safety, Inc.	670.50	
Fanton Reimbursement Recipients	-	
Fastenal Company	-	
Fast Response On-Site Testing	1,557.60	
Federal Express	1,133.06	200.52
Fremont Urgent Care	63.00	63.00
Finishmaster Inc	500.03	
City of Foster City	500.00	
Four Star Automotive, Inc.	-	
Freyer & Laureta	190,744.95	19,152.50

WEST BAY SANITARY DISTRICT

SUMMARY OF FY2017-18 PAYMENTS
(Through Withdrawal Order 2/14/2018)

	TOTAL BY VENDOR 7/1/2017-2/14/2018	WITHDRAWAL 2/14/2018
REGULAR PAYABLES		
Full Source, LLC	1,963.74	
G3 Engineering, Inc	-	
GCVSC (Grtr Centrl Valley Coll Syst)	-	
Gaffigan Company	-	
Gardini Electric Co. Inc.	-	
Garratt Reimbursement Recipients	-	
Angus Gavin	-	
Gearbox	1,600.00	
General Hardware & Bldrs Suppl	-	
Getgo, Inc.	543.69	
Givat Partnership	-	
Golden Gate Truck	-	
Golden Oak Reimb Agrmnt Participants	-	
Golden Street Printing Co	-	
Goldstreet Design Agency, Inc.	-	
Grainger	18,497.87	3,958.02
Granite Rock, Inc.	1,680.83	
Guardian Life Insurance Co.	-	
HDPE Supply	-	
HF&H Consultants, Llc	35,342.68	
H & R Plumbing & Drain	7,800.00	
Hach Company	5,779.31	
Hagemeyer North America, Inc.	-	
Hadronex, Inc.	30,784.00	
Half Moon Bay Grading & Paving	-	
Harbor Ready Mix	-	
Harrington Industrial Plastics	-	
Hassett Hardware	-	
Helix Laboratories, Inc.	8,808.75	2,392.50
Arthur Hildebrand	-	
Hillyard/San Francisco	985.20	
Holmes International	-	
Home Depot Credit Services	8,413.49	550.15
Hot Stick U.S.A.	-	
Bob Hulsmann	657.03	
Hydraulic Controls	-	
Hyster Sales Company	-	
ICMA-Fees	-	
IEDA	4,963.00	
IKEA Accounts Receivable	-	
Ikon Financial Services	-	
Ikon Office Solutions	-	
Industrial Safety Supply	18,820.99	
Industrial Scientific	-	
Instrument Technology Corp.	-	
International Tree Experts	-	
Interstate All Battery Center	-	
Interstate Traffic Control Pro	179.44	
Isac Inc	16,500.00	
J & B Corrosion Engineering	1,380.00	
Jack Doheny Companies, Inc.	800.00	
Jani-King of Ca, Inc - Sfr/Oak	4,830.81	614.92
Bill Kitajima	-	
Kaman Industrial Technologies	-	
Kantor'S Furniture	-	
Kohlberg Reimb Agrmnt participants	-	
Richard Kinder	300.00	
KIS	-	
Kone Inc.	1,667.47	
Alex Kushner General Contr.	-	
L & M Transmission	-	
LDH MP, LLC	-	
LMC Truck	2,830.55	
LTW Reimb Agreement Participants	-	
Larson Consulting	-	
Lasky Trade Printing	282.75	
Las Lomas Elementary School	-	
Legacy Painting Contractors	-	
Randall Livingston	-	
Log Me In	1,363.85	64.85

WEST BAY SANITARY DISTRICT

SUMMARY OF FY2017-18 PAYMENTS
(Through Withdrawal Order 2/14/2018)

	TOTAL BY VENDOR 7/1/2017-2/14/2018	WITHDRAWAL 2/14/2018
REGULAR PAYABLES		
Town of Los Altos Hills	-	
Lucity, Inc.	-	
Lyngso Garden Materials, Inc	234.90	
MSDS Online, Inc.	-	
Damian Madrigal	69.61	
Eric Madrigal	156.53	156.53
Mail Finance	547.72	
The Marlin Company	-	
Marshall & Tidmarsh/Moulds RA	-	
Massimo Mazzon	-	
Masune	-	
Masters of Communication	294.98	294.98
Maxx Metals	396.89	97.88
McGuire & Hester	-	
Dale/McMills Partnership	-	
Mckenna Long & Aldridge	-	
Metal Building Company	-	
Menlo Chevron	-	
Menlo Park Chamber of Commerce	-	
City of Menlo Park-Water	5,263.52	
City of Menlo Park-Repair	16,291.27	
City of Menlo Park-Fuel	34,500.18	
City of Menlo Park	2,916.06	306.16
Menlo Park Police Department	-	
City of Menlo Park-Print Shop	-	
Menlo Park Fire Protection	5,790.00	
Menlo Park Hardware Co. #14016	1,153.98	236.19
Metromedia, Inc.	3,095.00	
Myers Tire Supply	-	
Mid Peninsula Abstracts	810.00	
Midwest Unlimited	-	
Mike's Camera, Inc.	-	
Mills-Peninsula Health Service	-	
Mission Clay Products Llc	2,761.57	
Mission Valley Ford	-	
Monney Car Audio	713.13	
Katrina Montinola	-	
Edward P. Moritz	-	
Morse Hydraulics	376.81	
Moss Rubber	-	
Motorola Solutions, Inc.	-	
Motion Industries, Inc.	-	
Municipal Maintenance Equip.	10,349.49	390.00
NCCIPMA-HR	-	
National Fleet Solutions	-	
National Notary Association	-	
Nationwide Retirement Solution	-	
National Safety Council	-	
Navia Benefit Solutions	3,700.04	1,150.00
Neopost USA Inc.	-	
Carrie Nevoli - Petty Cash	1,522.19	
Nixon-Egli Equipment Company	-	
Norcal Materials, Inc.	1,184.29	
Nor-Cal Pipeline	-	
Norlab, Inc.	-	
North Bay Pensions	-	
No. CA. Emergency Vehicle Inst	435.00	
Northern Safety Co.	-	
Northern Tool & Equip Co.	-	
Northwestern Design	-	
Oldcastle Precast Inc.	-	
Office Of Water Programs	-	
Ogasawara Landscape Maint.	8,300.00	840.00
Old Toledo Brands, Inc.	-	
Omega Industrial Supply, Inc.	5,399.59	1,649.66
Opengov, Inc.	-	
Oratech Controls, Inc.	-	
Orenco Systems	-	
Orlandi Trailer	-	
Orr Safety	-	

WEST BAY SANITARY DISTRICT

SUMMARY OF FY2017-18 PAYMENTS
(Through Withdrawal Order 2/14/2018)

	TOTAL BY VENDOR 7/1/2017-2/14/2018	WITHDRAWAL 2/14/2018
REGULAR PAYABLES		
George Otte	-	
Owen Equipment Company	-	
P&F Distributers	228.38	
P&F Distributers	-	
PC Connection Sales Corp	668.00	
Pacific Auto Repair	-	
Pacific Gas & Electric	43,074.31	5,578.73
PAMF	3,487.25	
Pape Machinery	-	
Albert Patino	-	
Patterson Medical Supply, Inc	-	
Pearpoint, Inc	-	
Peninsula Abstracts	-	
Peninsula Auto-RV Truck Service	-	
Peninsula Battery Inc.	-	
Peninsula Building Materials	1,301.48	
Peninsula Corridor JPA	-	
Pacific Peninsula Group	-	
Peterson Trucks	-	
Phil Finer Refrigeration & A/C	421.71	
Piccolo Italiano Ristorante	1,658.30	
Pier 2 Marketing	6,500.00	500.00
Pinnacle Products	-	
Pinpoint	-	
Pipelogix	-	
Pirtek Sfo	-	
Pitney Bowes, Inc.	-	
Pollard Water.Com	-	
Ponton Industries, Inc.	20,020.30	3,593.10
Mark F. Praturion	-	
Precise Concrete Sawing, Inc.	-	
Precise Printing and Mailing	4,339.47	2,273.76
Precision Engineering	-	
Precor Home Fitness	-	
Preferred Alliance	1,520.96	168.84
Principal Financial Group	31,400.04	
Priority 1 Public Safety	2,513.62	
Progressive Business	-	
PERS Public Agency Coalition	250.00	
Public Employees Retirement-Medical	258,386.24	
Public Employees Retirement	481,863.00	39,491.86
Samuel Quezada	-	
Marie Ramirez/SDU	13,137.28	821.08
Sergio Ramirez	8,231.14	
R.A. Nosek Investigations	915.00	
R.E.P. Nut N Bolt Guy	150.00	150.00
R.S. Hughes	-	
RMC Water and Environment	216,016.39	49,986.74
Radin Co.	-	
Ranger Pipelines	3,158,551.69	324,657.52
RapidForms	-	
Readyrefresh By Nestle	1,971.60	56.28
Red Wing Shoe Store	6,531.16	721.10
Redwood General Tire Co., Inc.	558.28	
Reed & Graham, Inc.	-	
Todd Reese	327.12	
Re-Pipe California	-	
Restoration Management Co.	883.09	
Rich Voss Trucking	608.30	
Ricker Machinery Company	-	
Roberts & Brune Co	19,904.30	76.08
Roto Rooter	-	
Rubber Flooring Inc.	-	
Santified Plumbing & Rooter	-	
Silicon Valley Clean Water	4,976,400.00	622,050.00
SVCW Bond - \$55 Million	968,710.57	323,507.85
SVCW Bond - \$60 Million	1,144,175.41	729,185.44
SVCW Bond - \$70.2 Million	826,950.00	282,175.00
SVCW SRF Loan payment	506,765.20	
SBWMA	-	

WEST BAY SANITARY DISTRICT

SUMMARY OF FY2017-18 PAYMENTS
(Through Withdrawal Order 2/14/2018)

	TOTAL BY VENDOR 7/1/2017-2/14/2018	WITHDRAWAL 2/14/2018
REGULAR PAYABLES		
SWRCB	11,195.00	
Safeguard Armor	-	
Safety Center Inc	-	
Safety-Kleen, Corp.	-	
Sage Software	-	
San Mateo County Employees	29,672.00	1,854.50
San Mateo County Assessor	305.00	
SM County-CSDA	-	
San Mateo County Clerk	2,881.00	192.00
San Mateo County Elections	8,214.49	
SM County Environmental Health	-	
SM County-Empl Services	-	
San Mateo Co Health Dept	256.00	
SM County Public Health	-	
San Mateo County	3,953.60	
SM County Recorder	-	
San Mateo County Sheriffs Dept	-	
San Mateo County Tax Collector	791.60	
SM LAFCO	-	
Samtrans	-	
Rupert Sandoval	75.00	
Santa Clara Valley Water Dist.	100.00	
County of San Mateo Lafco	16,285.00	
Santa Clara County Clerk	30.00	
Santa Clara County Dept of Env. Health	587.00	587.00
Santa Clara Valley - CWEA	325.00	325.00
Henry Santos	-	
Scelzi Enterprises, Inc.	-	
Robert J. Scheidt	300.00	
Schmidt/Tabacco RA	-	
Phil Scott	1,713.78	
John T. Seace, LS	-	
Secretary of State	-	
Seekzen Systems	3,800.00	475.00
Sensera Systems	4,338.80	
Sequoia Automotive	-	
Shape Incorporated	6,823.35	
Siemens Industry, Inc.	-	
Simonds Machinery Co.	-	
Snap on Industrial C/O	-	
Sharp Business Systems	2,461.70	270.33
Sharp Electronics Corporation	653.17	
Shaw Pipeline Inc.	-	
Signa Mechanical	10,370.83	
John R. Simonetti	-	
SIM/TECH Filter	-	
Snap on Industrial	-	
Softmart	-	
Solarwinds	53.00	
Sonsray Machinery Llc	759.33	
South Bay Truck & Equip.	-	
Southwest Credit	-	
Southwest Construction & Prop	-	
Southwest Products Corp.	7,862.42	
Spartan Tool LLC	1,987.97	
Sreco Flexible	-	
Staples Credit Plan	9,264.93	1,159.49
State Board of Equalization	-	
State Water Resources Control	-	
Statewide Safety & Signs	-	
Sterngold Reimbursement Agreement Participants	-	
Stevens Creek Quarry, Inc.	1,539.73	
Sunnyvale Ford	5,982.56	
The Surtec System	209.89	
Sutter EAP	1,313.27	
Symantec Corporation	-	
System Pavers	23,500.00	

WEST BAY SANITARY DISTRICT

SUMMARY OF FY2017-18 PAYMENTS
(Through Withdrawal Order 2/14/2018)

	TOTAL BY VENDOR 7/1/2017-2/14/2018	WITHDRAWAL 2/14/2018
REGULAR PAYABLES		
Tap Plastics Inc.	-	
Target Specialty Products	-	
Teamsters Local No. 350	8,043.00	812.00
Teletrac Navman US LTD.	1,473.96	491.76
Telog Instruments, Inc.	-	
Telstar Instruments, Inc.	-	
Terminix Processing Center	-	
Test America	-	
The Concept Genie	3,532.13	
Roy Thiele-Sardina	-	
Thomson Reuters/Barclays	-	
3T Equipment Company	20,138.96	
Tools Direct USA	-	
Toshiba Financial Services	3,311.53	266.45
Total Equipment	-	
Total Safety U.S., Inc.	-	
Towne Ford Sales	15,871.28	328.29
TPC Trainco	1,100.00	
Tractor Equipment Sales	-	
Trailer Villa	8,000.00	
Transcom Corporation	-	
Trenchless Technology Inc.	-	
Turf & Industrial Equipment	-	
USB Memory Direct	1,212.50	
Underground Service Alert	6,890.87	
United Rentals Northwest, Inc.	610.03	
U.S. BANK PARS ACCT	-	
US Concrete	-	
U.S. Healthworks Medical Group	532.41	112.47
U.S. Jetting, LLC.	1,962.82	
Vallen Distribution, Inc.	1,690.98	
Valley Oil Company	-	
V & A Consulting Engineers	21,026.80	
V.W. Housen & Associates	-	
Valley Heating & Cooling	414.00	
Valley Power Systems North	2,699.07	
Vanderlans & Sons, Inc.	-	
Verizon Wireless	11,746.04	1,387.79
Vision Communications Co.	4,859.96	
Vortex Industries, Inc.	2,092.50	
Water Environment Federation	247.00	
Weco Industries, Inc.	22,331.36	2,936.83
Jonathan Werness	230.10	115.55
West Valley Ventures	-	
West Yost & Associates	6,268.97	
Whitley Burchett & Associates	-	
Winzer Corporation	685.89	232.41
Young's Auto Supply Center	1,450.12	
Zanker Road Landfill	265.66	
Zoom Imaging Solutions, Inc.	2,269.93	428.14
TOTAL REGULAR PAYABLES	14,916,945.44	2,453,272.46
SALARIES/WAGES & W/H		
Salaries/Wages - Net Pay	1,252,394.11	\$82,693.32
Directors Fees - Net Pay	14,410.44	\$2,105.56
PrimePay Fees	4,666.15	\$936.30
IRS - Federal Payroll Taxes	303,744.38	\$16,943.97
EDD - State Payroll Taxes	75,270.81	\$6,048.65
ICMA	161,984.00	\$42,564.33
PMP	114,992.16	
TOTAL SALARIES RELATED	1,927,462.05	\$151,292.13
TOTAL PAYABLES	16,844,407.49	2,604,564.59

WEST BAY SANITARY DISTRICT
Schedule of Cash Receipt Deposits
1/18/2018 - 2/8/2018

DEPOSIT DATE	RECEIPT NUMBER	DESCRIPTION	AMOUNT
1/23/18	321093	Invoice 2017/18-010 - Sewer Service fees	1,072.00
1/23/18	321094	Permit fees	60.00
1/23/18	321095	Permit fees	160.00
1/23/18	321096	Class 3 Permit - 1 Facebook Way, MP	2,545.00
1/23/18	321097	Vendor refund for employees ICMA account	84.94
1/23/18	321098	Permit fees	270.00
1/23/18	321099	Postage reimbursement	2.30
1/23/18	321100	Permit fees	330.00
1/23/18	459901	V O I D	
1/23/18	459902	Permit fees	330.00
1/23/18	459903	Invoice 2017/18-057 - Sewer main repair on Avy Ave (City of Menlo Park)	23,443.26
1/23/18	459904	Permit fees	270.00
1/23/18	459905	Permit fees	270.00
1/23/18	459906	Permit fees	270.00
1/23/18	459907	Permit fees	270.00
2/02/18	459908	Permit fees	358.88
2/02/18	459909	Permit fees	370.78
2/02/18	459910	Permit fees	270.00
2/02/18	459911	Inv 2017/18-020 - Sewer Service Fees	536.00
2/02/18	459912	Permit fees	90.00
2/02/18	459913	Inv 2017/18-031 - Sewer Service fees	536.00
2/02/18	459914	Permit fees	270.00
2/02/18	459915	Permit & Connection fees	8,931.00
2/02/18	459916	Permit fees	270.00
2/02/18	459917	Invoice 2017/18-018 - Sewer Service fees	682.00
2/02/18	459918	Permit fees	270.00
2/02/18	459919	Permit & Connection fees	9,201.00
2/02/18	459920	Connection and permit fees for development of 24 SFR's at 133 Encinal, MP	172,988.90
2/02/18	459921	Invoice 2017/18-017 - Sewer Service fees	682.00
2/02/18	459922	Permit fees	330.00
2/02/18	459923	Permit fees	270.00
2/02/18	459924	Permit fees	270.00
2/02/18	459925	Permit fees	160.00
2/02/18	459926	Permit fees	270.00
2/02/18	459927	Permit fees	270.00
2/02/18	459928	Connection Fee	8,501.00
2/02/18	459929	Deposit & Class 3 permit for blackwater treatment system @ 1 Facebook Wy	102,545.00
2/07/18	459930	Permit fees	270.00
2/07/18	459931	Inv 2017/18-007 - Sewer Service fees	682.00
2/07/18	459932	Inv 2017/18-006 - Sewer Service fees	1,364.00
2/07/18	459933	Inv 2017/18-023 - Sewer Service fees	682.00
2/07/18	459934	Inv 2017/18-008 - Sewer Service fees	1,364.00
2/07/18	459935	Inv 2017/18-054A, 050A, 049A - Sewer Maintenance (Town of Los Altos Hills)	81,894.67
2/07/18	459936	Permit fees	270.00
2/07/18	459937	Permit fees	160.00
		TOTAL	424,136.73

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**WEST BAY SANITARY DISTRICT
AGENDA ITEM 7C**

To: Board of Directors
From: Sergio Ramirez, Operations Superintendent
Subject: WBSD Operations and Maintenance Report – January 2018

Month	Basin PM Pipe Cleaning Miles	High Freq. PM Pipe Cleaning Miles	Un-Sche. Pipe Cleaning Miles	WBS D CCTV Insp. Miles	Pipe Patch Repairs Qty.	Open Trench Repairs Qty.	Pump Sta. PM Qty.	Pump Sta. Unsch. Repairs Qty.	SSO Cat. 1	SSO Cat. 2&3s	Service Calls- Unit 208			
											Call Outs	Sch PM	Unsch. PM	USA's
January	5.3	4.4	0.3	1.5	0	5	4	1	0	0	80	13	6	231
Yr to date	5.3	4.4	0.3	1.5	0	5	4	1	0	0	80	13	6	231

2018 Goals	120.0	51.0	n/a	45-50	65	90	n/a	<10	0-2	4 to 6	n/a	n/a	n/a	n/a
2017 Results	126.4	51.5	5.7	24.8	59	97	1265	8	2	3	700	178	61	3218
2016 Results	138	49	6	33	65	94	1188	5	0	8	798	167	155	3222
2015 Results	120	55	21	46	65	90	1349	6	0	5	798	174	185	2125
2014 Results	137	63	20	48	65	78	1328	10	2	12	771	183	72	1834
2013 Results	85	90	n/a	50.1	65	78	1281	105	0	10	802	285	95	1103
2012 Results	75	90	20	49	63	76	1221	186	1	11	727	212	92	867
2011 Results	74	104	32	45	47	73	472	184	0	16	777	318	151	1469

* =Beginning of PMPP year.

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**WEST BAY SANITARY DISTRICT
AGENDA ITEM 7D**

To: Board of Directors

From: Sergio Ramirez, Operations Superintendent

Subject: Town of Los Altos Hills Operations and Maintenance Report for Work Performed by WBSD – January 2018

Month Temp Help	Basin PM Pipe Clean- ing	High Freq. PM Pipe Clean- ing	Un- Sche. Pipe Clean- ing	WBS D CCTV Insp.	Pump Sta. PM	Pump Sta. Unsch. Repairs	SSO	SSO	Service Calls
	Miles	Miles	Miles	Miles	Qty.	Qty.	Cat. 1	Cat. 2&3 s	Call Outs
January	0.0	1.8	0.1	1.5	4	1	0	0	0
February									
March									
April									
May									
June									
July									
*August	0.8	0.3	0.0	0.8	4	0	0	0	0
Sept.	0.0	1.2	0.0	1.2	4	0	0	0	0
Oct.	0.9	0.0	0.0	1.7	4	1	0	1	0
Nov.	0.2	2.6	0.0	1.4	4	0	0	0	0
Dec	0.1	2.7	1.6	2.7	4	0	0	1	0
Yr to date	2.0	8.6	1.7	9.3	24	2	0	2	0
FY15/16Goals	25.57	tbd	n/a	17.6	52	n/a	tbd	tbd	n/a

* Agreement commenced: FY Aug 1 through July 31.

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**WEST BAY SANITARY DISTRICT
AGENDA ITEM 7E**

To: Board of Directors

From: Bill Kitajima, Projects & IT Manager

Subject: Consideration of Resolution Consenting to Annexation of Territory to the West Bay Sanitary District by the San Mateo County Local Agency Formation Commission – 191 Meadowood Drive, Portola Valley (077-211-050), Lands of Choi

Background

The owners of the property located at 191 Meadowood Drive, Portola Valley, Lands of Choi have requested the Local Agency Formation Commission (LAFCo) annex their property to the West Bay Sanitary District for the purposes of obtaining sanitary sewer service. The parcel will be a single-family residence that will need to connect to extend and connect to the existing grinder sewer force main located on Meadowood Drive.

Analysis

Attached for the Board's review is the Geographic/Legal Description (Exhibit A) of the property to be annexed and the LAFCo Resolution No. 1213 (Exhibit B) approving the annexation.

Fiscal Impact

Property owners have paid all annexation fees, and the fiscal impact would be additional sewer service charge revenue to the District once the parcel is connected.

Recommendation

The Projects Manager recommends that the District Board approve the Resolution as presented.

Attachments: Resolution _____ (2018)
Site Map
Exhibit A – Geographic/Legal Description
Exhibit B – LAFCo Resolution No. 1213

RESOLUTION NO. ____ (2018)

IN THE DISTRICT BOARD OF THE WEST BAY SANITARY DISTRICT

COUNTY OF SAN MATEO, STATE OF CALIFORNIA

A Resolution Consenting to the Annexation of Lands of Choi (APN 077-211-050) to the West Bay Sanitary District

WHEREAS:

1. A petition for annexation of the property described herein to this District was initiated by the property owners.
2. The Local Agency Formation Commission (LAFCo) of San Mateo County assigned the following distinctive short form designation: Annexation of 191 Meadowood Drive, Portola Valley (Lands of Choi/APN 077-032-010)
3. The property to be annexed is described as follows:
See Exhibit "A" attached hereto and by this reference made a part hereof.
4. The said property is uninhabited.
5. The conditions of annexation are:
 - a. In the event that, pursuant to rules, regulations or ordinances of the District, as now or hereafter amended, the District shall require any payment of a fixed or determinable amount of money either as a lump sum or installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of the District, such payment will be made to the District in the manner and at the time as provided by rules, regulations or ordinances of the District, as now or hereafter amended.
 - b. Upon and after the effective date of said annexation, the territory, and all persons entitled to vote by reason of residing or owning land within the territory, shall be subject to the jurisdiction of the District; shall have the same rights and duties as if the territory had been a part of the District upon its original formation; shall be liable for the payment of principal, interest and any other amounts which shall become due on account of any outstanding or then-authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District; shall be subject to the levying or fixing and collection of any and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and ordinances of the District, as now or hereafter amended.

6. The proposed annexation is for the interest of the landowners and present and future inhabitants within the District and within the said property to be annexed.
7. The LAFCo of San Mateo County has adopted Resolution 1213 (Exhibit "B") ordering annexation of the referenced territory to the West Bay Sanitary District.

NOW, THEREFORE, BE IT RESOLVED that:

- a. The above described property, pursuant to the order of the San Mateo County LAFCo, is hereby annexed to the West Bay Sanitary District, and the District Manager is directed to make such distribution of this Resolution as is required by law or is desirable.
- b. Pursuant to Government Code Section 56837, the District consents to waiver conducting authority proceedings.
- c. The regular San Mateo County Assessment Roll will be used to collect sewer service charges.
- d. The territory will not be taxed for bonded indebtedness.

Passed and adopted by the District Board of the West Bay Sanitary District at a regular meeting thereof held on the 14th day of February, 2018 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

WEST BAY SANITATION DISTRICT (191 MEADOWOOD DRIVE)

DISCLAIMER: FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

LEGEND & ABBREVIATIONS

POB POINT OF BEGINNING

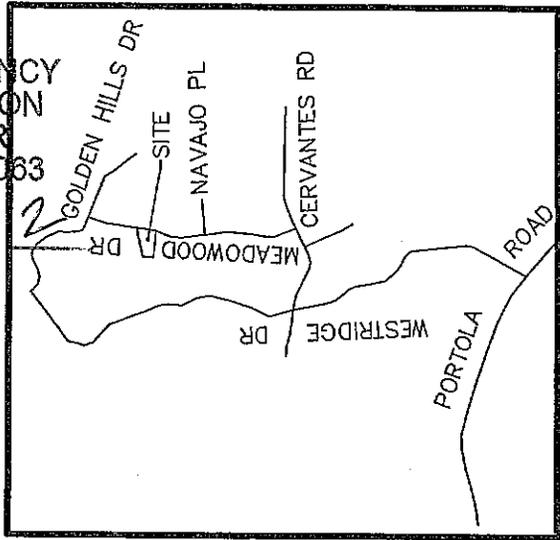
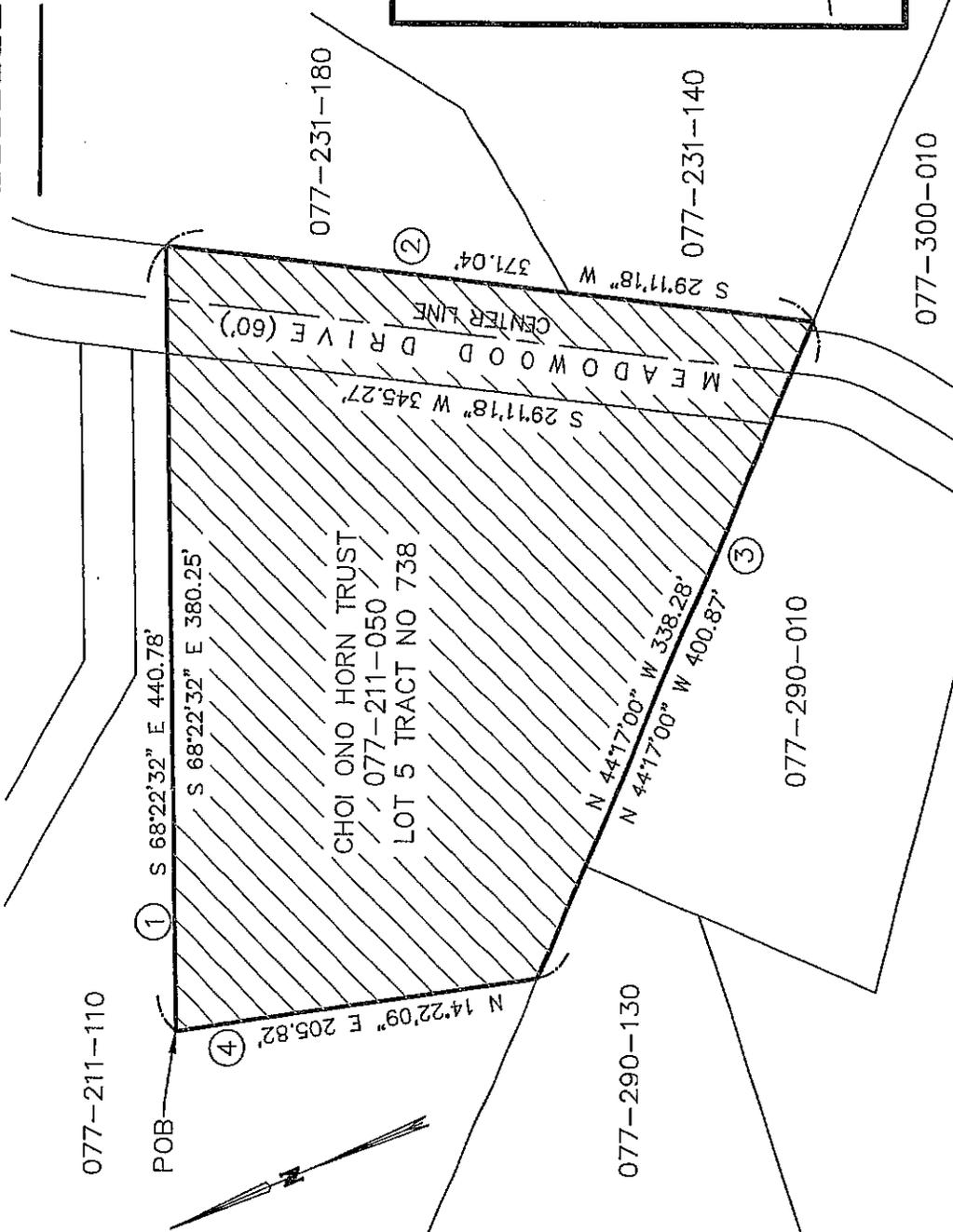
--- EXISTING SANITATION DISTRICT BOUNDARY

--- PROPOSED SANITATION DISTRICT BOUNDARY

EXISTING SANITATION DISTRICT BOUNDARY
PROPOSED SANITATION DISTRICT BOUNDARY

APPROVED
SAN MATEO LOCAL AGENCY
FORMATION COMMISSION
455 COUNTY CENTER
REDWOOD CITY, CA 94063

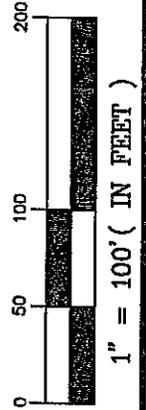
EXHIBIT A PAGE 2 OF 2



VICINITY MAP

ALPHA LAND SURVEYS, INC.
4444 SCOTTS VALLEY DRIVE, SUITE 7
SCOTTS VALLEY, CA 95066 (831) 438-4453

EXHIBIT B - PLAT TO ACCOMPANY LEGAL DESCRIPTION ANNEXATION TO WEST BAY SANITATION DISTRICT LANDS OF ONO AND PORTIONS LYING WITHIN MEADOWOOD DRIVE, TOWN OF PORTOLA VALLEY, SAN MATEO COUNTY



JULY 14, 2017
SCALE 1"=100'
PAGE 2 OF 2

EXHIBIT A
ANNEXATION TO WEST BAY SANITATION DISTRICT
LANDS OF ONO AND PORTIONS LYING WITHIN MEADOWOOD DRIVE
TOWN OF PORTOLA VALLEY, SAN MATEO COUNTY
GEOGRAPHIC DESCRIPTION

APPROVED
SAN MATEO LOCAL AGENCY
FORMATION COMMISSION
455 COUNTY CENTER
REDWOOD CITY, CA 94063

EXHIBIT A PAGE 1 OF 2

Situate in Rancho Corte Madera, Town of Portola Valley, County of Santa Clara, State of California.

Being all of Parcel One of the lands of George Y. Choi and Michelle M. Ono, Trustees of the Choi Ono Horn Trust dated October 9, 1997, by Grant Deed dated July 22, 2016, and recorded July 27, 2016 as Document Number 2016-073548, San Mateo County Records, and

Being a portion of Meadowood Drive, as said road is shown and delineated on that certain Tract Map entitled, "Tract No. 738 Oak Hills," filed for record on August 9, 1954 in Book 45 of Recorded Subdivision Maps at Pages 40 through 43, San Mateo County Records and being more particularly bounded and described as follows to wit;

Beginning at the northern most corner of said Parcel One, said point also being the northern most corner of Lot 5 as shown and delineated on the aforementioned Tract Map.

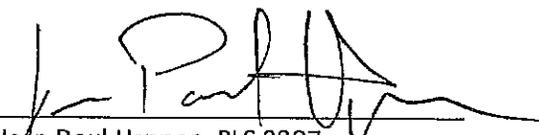
Thence from said point of Beginning along the northeastern boundary of Lot 5 and its southeasterly prolongation thereof (LINE 1) S 68° 22' 32" E 440.78 feet to a point in the southeastern line of Meadowood Drive; thence along the southeastern line of Meadowood Drive (LINE 2) S 29° 11' 18" W 371.04 feet to the point of intersection of said southeastern line of Meadowood Drive with the southeasterly prolongation of the southwesterly boundary of said Lot 5; thence along said last mentioned boundary (LINE 3) N 44° 17' 00" W 400.87 feet to the western most corner of Lot 5; thence along the northwestern boundary of Lot 5 (LINE 4) N 14° 22' 09" E 205.82 feet to the point of beginning.

Attached hereto is a plat labeled "Exhibit B" and by this reference made a part thereof.

Compiled by Alpha Land Surveys, Inc. in July of 2017.

Containing 2.67 acres, more or less.

DISCLAIMER: FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.


Jean-Paul Happee, PLS 8807



WEST BAY SANITATION DISTRICT (191 MEADOWOOD DRIVE)

DISCLAIMER: FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

LEGEND & ABBREVIATIONS

POB

POINT OF BEGINNING

EXISTING SANITATION DISTRICT BOUNDARY

PROPOSED SANITATION DISTRICT BOUNDARY

077-211-110

POB (1) S 68°22'32" E 440.78'

S 68°22'32" E 380.25'

(4) N 14°22'09" E 205.82'

CHOI ONO HORN TRUST

077-211-050

LOT 5 TRACT NO 738

S 29°11'18" W 345.27'

MEADOWOOD DRIVE (60') CENTER LINE

(2) S 29°11'18" W 371.04'

077-231-180

077-231-140

077-290-130

N 44°17'00" W 338.28'

N 44°17'00" W 400.87'

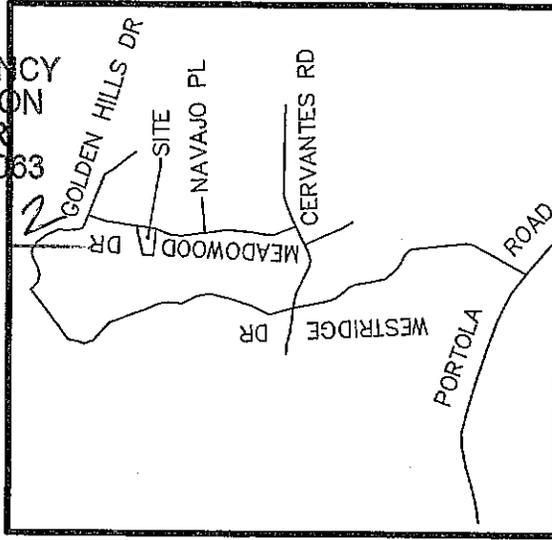
(3)

077-290-010

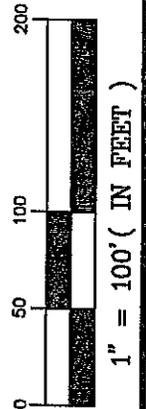
077-300-010

APPROVED
SAN MATEO LOCAL AGENCY
FORMATION COMMISSION
455 COUNTY CENTER
REDWOOD CITY, CA 94063

EXHIBIT A PAGE 2 OF 2



VICINITY MAP



ALPHA LAND SURVEYS, INC.
4444 SCOTTS VALLEY DRIVE, SUITE 7
SCOTTS VALLEY, CA 95066 (831) 438-4453

EXHIBIT B - PLAT TO ACCOMPANY LEGAL DESCRIPTION
ANNEXATION TO WEST BAY SANITATION DISTRICT
LANDS OF ONO AND PORTIONS LYING WITHIN
MEADOWOOD DRIVE,
TOWN OF PORTOLA VALLEY, SAN MATEO COUNTY

JULY 14, 2017

SCALE 1"=100'

PAGE 2 OF 2

RECORDING REQUESTED BY:
San Mateo Local Agency
Formation Commission

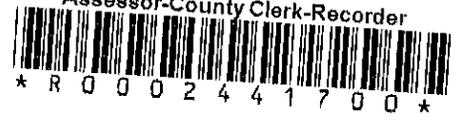
WHEN RECORDED MAIL TO:

LAFCo
PONY# ~~XXXXXX~~

LAF 124

2017-073189

4:05 pm 08/21/17 CCL Fee: NO FEE
Count of Pages 7
Recorded in Official Records
County of San Mateo
Mark Church
Assessor-County Clerk-Recorder



THIS IS

7p

Annexation of 191 meadowood St.
(APN 077-211-050) to
West Bay Sanitary District

TITLE OF DOCUMENT

Exempt from filing fees under Government Code ~~8112~~ 6103

Recorders Code : CCL



LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1683 • PHONE (650) 363-4224 • FAX (650) 363-4849

CERTIFICATE OF COMPLETION

Pursuant to Government Code Section 57200, this Certificate is issued by the Executive Officer of the Local Agency Formation Commission of San Mateo County, California.

1. The short-form designation, as determined by LAFCo, is Annexation of 191 Meadowood Drive/APN 077-211-050 to the West Bay Sanitary District
2. The name of each district or city involved in this change of organization or reorganization and the kind or type of change of organization ordered for each city or district are as follows:

<u>City or District</u>	<u>Type of Change of Organization</u>
West Bay Sanitary District	Annexation

3. The above-listed cities and/or districts are located within the following counties: San Mateo County only.
4. A description of the boundaries of the above-cited change of organization or reorganization is shown on the attached map, marked Exhibit A and by reference incorporated herein.
5. The territory involved in this change of organization or reorganization is uninhabited.
6. This change of organization has been approved subject to the following terms and conditions, if any: None
7. The resolution confirming this change of organization was adopted on July 19, 2017 by LAFCo, is marked Exhibit B and by reference incorporated herein.

I hereby certify that I have examined the above-cited resolution, including any terms and conditions, and the map description and have found these documents to be in compliance with Resolution 1213, adopted on July 19, 2017.

Dated: August 21, 2017

Martha Poyatos
Executive Officer

COMMISSIONERS: DON HORSLEY, CHAIR, County ▪ MIKE O'NEILL, VICE CHAIR, City ▪ JOSHUA COSGROVE, Special District ▪ ANN DRAPER, Public
RICH GARBARINO, City ▪ JOE SHERIDAN, Special District ▪ WARREN SLOCUM, County

ALTERNATES: VACANT, Special District ▪ HARVEY RARBACK, City ▪ SEPI RICHARDSON, Public ▪ DAVE PINE, County

STAFF: MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL ▪ JEAN BROOK, COMMISSION CLERK

EXHIBIT A
ANNEXATION TO WEST BAY SANITATION DISTRICT
LANDS OF ONO AND PORTIONS LYING WITHIN MEADOWOOD DRIVE
TOWN OF PORTOLA VALLEY, SAN MATEO COUNTY
GEOGRAPHIC DESCRIPTION

EXHIBIT A PAGE 1 OF 2

Situate in Rancho Corte Madera, Town of Portola Valley, County of Santa Clara, State of California.

Being all of Parcel One of the lands of George Y. Choi and Michelle M. Ono, Trustees of the Choi Ono Horn Trust dated October 9, 1997, by Grant Deed dated July 22, 2016, and recorded July 27, 2016 as Document Number 2016-073548, San Mateo County Records, and

Being a portion of Meadowood Drive, as said road is shown and delineated on that certain Tract Map entitled, "Tract No. 738 Oak Hills," filed for record on August 9, 1954 in Book 45 of Recorded Subdivision Maps at Pages 40 through 43, San Mateo County Records and being more particularly bounded and described as follows to wit;

Beginning at the northern most corner of said Parcel One, said point also being the northern most corner of Lot 5 as shown and delineated on the aforementioned Tract Map.

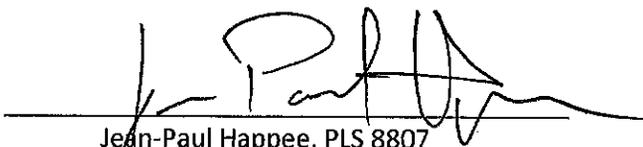
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Attached hereto is a plat labeled "Exhibit B" and by this reference made a part thereof.

Compiled by Alpha Land Surveys, Inc. in July of 2017.

Containing 2.67 acres, more or less.

DISCLAIMER: FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.


Jean-Paul Happee, PLS 8807



WEST BAY SANITATION DISTRICT (191 MEADOWOOD DRIVE)

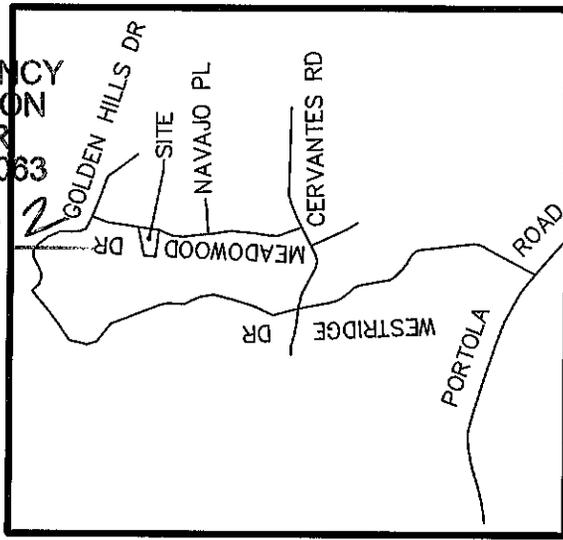
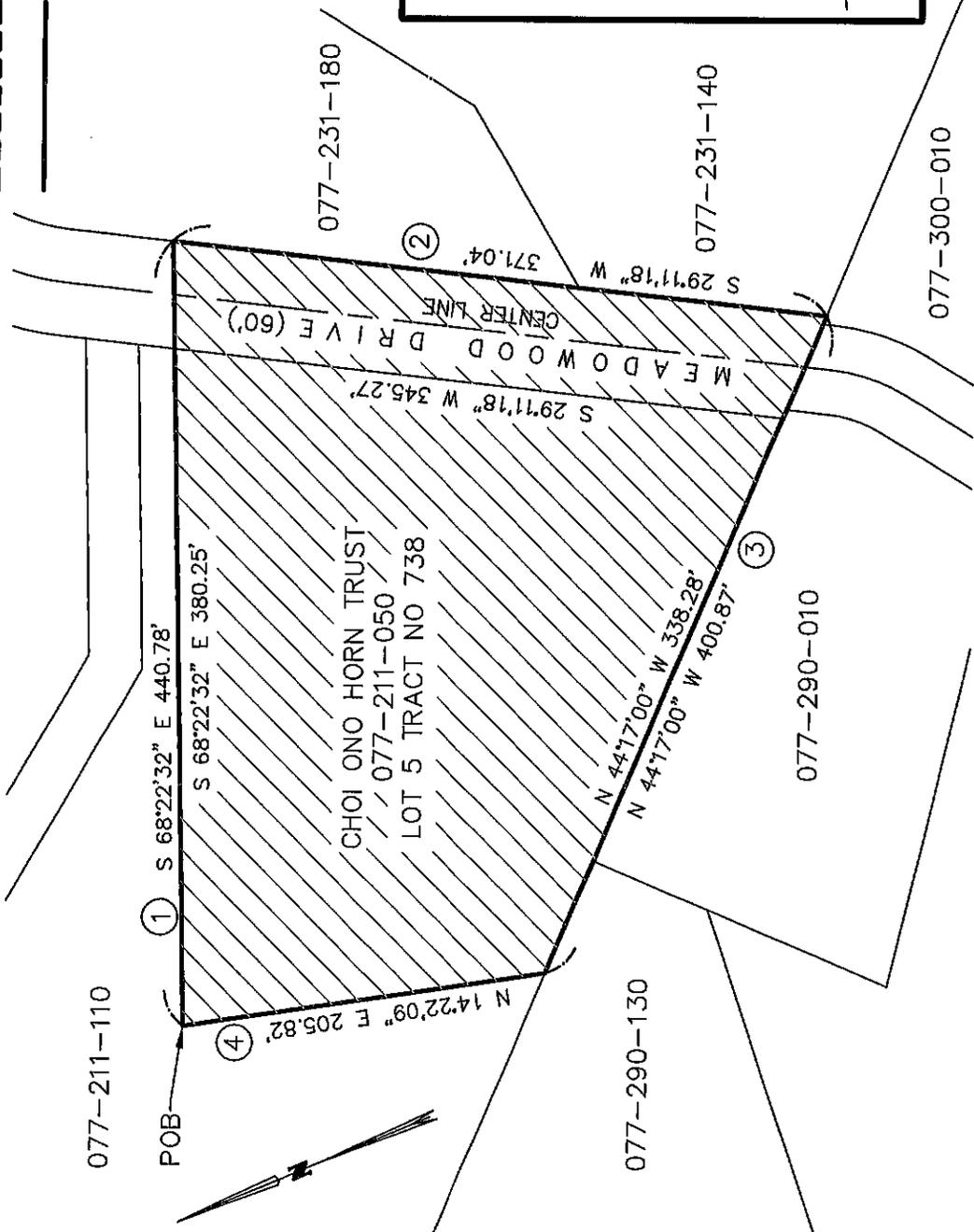
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LEGEND & ABBREVIATIONS

- POB POINT OF BEGINNING
- EXISTING SANITATION DISTRICT BOUNDARY
- PROPOSED SANITATION DISTRICT BOUNDARY

APPROVED
 SAN MATEO LOCAL AGENCY
 INFORMATION COMMISSION
 455 COUNTY CENTER
 REDWOOD CITY, CA 94063

EXHIBIT A PAGE 2 OF 2



ALPHA LAND SURVEYS, INC.
 4444 SCOTTS VALLEY DRIVE, SUITE 7
 SCOTTS VALLEY, CA 95066 (831) 438-4453

EXHIBIT B - PLAT TO ACCOMPANY LEGAL DESCRIPTION ANNEXATION TO WEST BAY SANITATION DISTRICT LANDS OF ONO AND PORTIONS LYING WITHIN MEADOWOOD DRIVE, TOWN OF PORTOLA VALLEY, SAN MATEO COUNTY

JULY 14, 2017
 SCALE 1"=100'
 PAGE 2 OF 2

APPROVED
SAN MATEO LOCAL AGENCY
FORMATION COMMISSION
455 COUNTY CENTER
REDWOOD CITY, CA 94063

EXHIBIT B PAGE 1 OF 3

LAFCo File No. 17-07

RESOLUTION NO. 1213

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF SAN MATEO
MAKING DETERMINATIONS, APPROVING LAFCO FILE 17-07--
ANNEXATION OF 191 MEADOWOOD DRIVE
TO WEST BAY SANITARY DISTRICT,
WAIVING CONDUCTING AUTHORITY PROCEEDINGS,
AND ORDERING SAID ANNEXATION

RESOLVED, by the Local Agency Formation Commission of the County of San Mateo, State of California, that

WHEREAS, a proposal for the annexation of certain territory to the West Bay Sanitary District in the County of San Mateo was heretofore filed with the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including her recommendations thereon, the proposal and report having been presented to and considered by this Commission; and

WHEREAS, it appears to the satisfaction of this Commission that all owners of the land included in the proposal consent to the proceeding; and

WHEREAS, a public hearing by this Commission was held on the proposal and at the hearing, this Commission heard and received all oral and written protests, objections, and evidence which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the proposal and the Executive Officer's report; and

WHEREAS, the Commission has waived conducting authority proceedings pursuant to government code Section 56663(c); and

NOW, THEREFORE, the Local Agency Formation Commission of the County of San Mateo DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. This proposal is approved, subject to the following conditions: None.

Section 2. The boundaries as set forth in the application are hereby approved as submitted and are as described in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 3. The territory consists of 2.17 acres, is found to be uninhabited, and is assigned the following distinctive short-form designation: Annexation of 191 Meadowood Drive (APN 077-211-050), Portola Valley, to West Bay Sanitary District.

Section 4. Subsequent annexation to the On-site Wastewater Disposal Zone is approved.

Section 5. Conducting authority proceedings are hereby waived in accordance with Government Code Section 56663(c) and this annexation is hereby ordered.

APPROVED
SAN MATEO LOCAL AGENCY
FORMATION COMMISSION
455 COUNTY CENTER
REDWOOD CITY, CA 94062
EXHIBIT B PAGE 2 OF 3

Regularly passed and adopted this 19th day of July, 2017.

Ayes and in favor of said resolution:

Commissioners:

Joshua Cosgrove

Ann Draper

Rich Garbarino

Joe Sheridan

Warren Slocum

Harvey Rarback (Alternate)

Don Horsley, Chair

APPROVED
SAN MATEO LOCAL AGENCY
FORMATION COMMISSION
455 COUNTY CENTER
REDWOOD CITY, CA 94063
EXHIBIT B PAGE 3 OF 3

Noes and against said resolution:

Commissioner(s):

None.

Commissioners Absent and ~~Not Present~~:

Commissioner(s):

Mike O'Neill

Don Horsley
Chair
Local Agency Formation Commission
County of San Mateo
State of California

ATTEST:

Martha Poyatos

Martha Poyatos
Executive Officer
Local Agency Formation Commission

Date: 8-21-17

I certify that this is a true and correct copy of the resolution above set forth.

Jean Brook

Jean Brook
Clerk to the Commission
Local Agency Formation Commission

Date: 8-21-17

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**WEST BAY SANITARY DISTRICT
AGENDA ITEM 7F**

To: Board of Directors

From: Bill Kitajima, Projects Manager

Subject: Consideration of Authorizing the District Manager to Issue the Class 3 Permit for the Sewer Relocation Required for the Development Project at 550 El Camino Real, Menlo Park, CA

Background

The District has a 16-in mainline that currently crosses the property in which the Developer is developing. No recorded easement for the existing sewer main alignment was found. However, the Developer has agreed to, at no cost to the District, redirect this line to a new alignment around the planned development and grant easements for the new alignment in exchange for the abandonment of another easement on the property not being used.

Analysis

The District had an easement across the property in another location but the agreement also stated that the District must occupy the easement within a certain timeframe. That timeframe has long expired. To remove any questionable encumbrance on the property, the Developer would like this to be officially abandoned. The developer would also realign the existing 16-in sewer main around the planned development. This would be done with proper recording of pertinent easements.

Fiscal Impact

None

Recommendation

The Projects Manager recommends the District Board direct the District Manager to file the Notice of Exemption and authorize the District Manager to issue Class 3 Sewer Permit No. 1076 for the work required to relocate the sewer main for the project.

Attachments: Resolution ____ (2018)
Class 3 Permit (1076)
Site Map

Notice of Exemption

To: County Clerk
County of San Mateo
555 County Center
Redwood City, CA 94063

From: West Bay Sanitary District
500 Laurel Street
Menlo Park CA 94025

Project Title: 550 El Camino Real – Gravity Sewer Main Realignment

Project Location – Specific: 550 El Camino Real, Menlo Park, CA 94025

Project Location – Town: Menlo Park **Project Location – County:** San Mateo

Description of Project: Gravity sewer main realignment

Name of Public Agency Approving Project: West Bay Sanitary District

Name of Person or Agency Carrying Out Project: Stanford University

Exempt Status:

CEQA Guidelines Section 15601(b)(3), General Rule;
Categorical Exemption: Class 1 – Section 15301(b), Existing Facilities, and Class 2 – Section 15302(c), Replacement or Reconstruction.

Reasons why project is exempt:

This project is exempt from CEQA because it can be “seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment.” This certainty is based on the District’s past experience with numerous sewer construction and rehabilitation projects of this nature, and the mitigated measures included in all such projects to alleviate any impacts.

Most project elements also are exempt as minor alteration and repair of existing public facilities or topographical features involving negligible or no expansion of use beyond that previously exist.

Lead Agency: West Bay Sanitary District

Lead Agency Contact Person: Phil Scott (650) 321-0384

Signature Date: _____ Title: District Manager

“PRELIMINARY REVIEW”

550 El Camino Real Sewer Realignment
February 9, 2018

INTRODUCTION. At the February 14, District Board Meeting, the Board will consider the approval of the Class 3 Sewer Permit for the construction of a gravity sewer realignment for the 550 El Camino Real project; and the authorization for the filing of a California Environmental Quality Act (CEQA) “Notice of Exemption” for the project. This project is proposed by the property owner, Stanford University.

EXEMPTION REVIEW. In compliance with CEQA Guidelines, this “preliminary review” of the gravity sewer realignment at 550 El Camino Real was conducted to determine whether the project is exempt from CEQA. Based on this review, staff has concluded that the project is exempt from CEQA under several sections of the guidelines. In summary, the project would not have any significant impacts on the environment because it includes little or no expansion of capacity, and will employ mitigation measures to alleviate any impacts.

This preliminary review presents and elaborates upon the rationale for the conclusions reached by staff.

Staff has concluded that all project elements are exempt under CEQA Guidelines section 15061(b)(3) (known as the “General Rule”), since it can be “seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.”

This certainty is based on the District’s past experience with numerous sewer construction projects of this nature, and the mitigation measures included in all such projects to alleviate any impacts.

Past Experience. The District has completed many miles of sewer construction projects and pump station rehabilitation projects in commercial and residential areas throughout Menlo Park, Atherton, and the County of Santa Clara, including the Portola Valley area. While construction-related impacts on land use, traffic, noise, air quality, erosion, drainage, public safety, and cultural resources can occur, no significant environmental impacts have resulted from this work.

The reasons these have been “less-than-significant” include the short-term nature of construction activities, application of the District’s standard construction mitigation measures, good community relations outreach programs to inform project area residents of construction activities, and active coordination with local jurisdictions.

Construction Mitigation Measures. Specific impact mitigation measures will be included in the proposed project to avoid, minimize, reduce, or rectify for construction-related impacts. These measures are used on all sewer construction projects. The measures address dust control; erosion control; noise control; protection of soils; provision for adequate drainage; protection and restoration of structures; precautions for working

near sensitive and unique vegetation, protection and restoration of vegetation, landscaping, and improvements; public health and safety precautions; community notifications; traffic control; and preservation of cultural resources.

Staff has concluded that most project elements are “categorically exempt” under CEQA Guidelines Section 15301(b) (existing facilities); or Section 15302(c) (replacement or reconstruction). These exemptions require repair, maintenance, or minor alteration of existing structures or facilities.

CONCLUSION. Based on the information presented herein, staff has concluded that all of the realignment of the gravity sewer main is exempt from CEQA under the CEQA Guidelines Section 15061(b)(3) (the General Rule), and that most project elements are also exempt under CEQA Guideline Section Section 15301(b), (existing facilities) or Section 15302(c), (replacement or reconstruction).

WEST BAY SANITARY DISTRICT

500 Laurel Street
Menlo Park, California 94025
(650) 321-0384

Permit Number
No 1076

Type _____

APPLICATION FOR CLASS 3 SEWER PERMIT

To the WEST BAY SANITARY DISTRICT:

The undersigned, being the Owner Owner's Agent of the property located at

550 El Camino Real, Menlo Park

does hereby request permission to construct sanitary sewers and related facilities to serve a

Residential Non-residential Development at said location.

ENGINEER'S

SANNIS

Name

1700 S. Winchester Blvd
Address Campbell, CA 95008

OWNER'S

STANFORD UNIVERSITY

Name

3160 Porter Dr.
Address Palo Alto, CA 94304

CONTRACTOR'S

PARISAE Builders

Name

1675 S. BASCOM AVE # 2400
Address CAMPBELL, CA 95008

Applicant's Signature

Jan Murray

Signed by - Please Print Name

Scott Jan Murray
Address

Receipt of \$ 545.00 Application Fee is hereby acknowledged

Date

Receipt of \$ 2000.00 Cash deposit or Performance Bond

Comments

Mainline Extension of approx 457 ft
+ installation of 4 manholes to serve
Project.

Approved by the District Board on _____

Application approved and permit issued:

WEST BAY SANITARY DISTRICT

Phil Scott, District Manager

Date _____

By _____

Final Acceptance by the District Board on _____

(SEE PERMIT CONDITIONS ON REVERSE)



SEWER REALIGNMENT 550 EL CAMINO REAL



**WEST BAY SANITARY DISTRICT
AGENDA ITEM 8**

To: Board of Directors

From: Phil Scott, District Manager

Subject: Consider to Accept the “ West Bay Sanitary District Flow Equalization and Resource Recovery Facility Levee Improvements Constraints Technical Memorandum” Dated January 2018 by Freyer & Laureta

Background

The District is interested in exploring the feasibility of utilizing the Flow Equalization Facility (FEF) as the District’s Resource Recovery Center in the future or some other beneficial use. If the District utilizes the site to recover, treat, and recycle wastewater to provide Commercial and Industrial users an alternate source of water for irrigation and industrial use, the site will need to be upgraded and protected from flooding.

The FEF site is a part of the District’s out of service wastewater treatment plant with ponds repurposed to serve as flow equalization during wet weather. The facility is not flood protected and is within the Federal Emergency Management Act 100-year floodplain. It is expected that in the near future the site may not be needed for flow equalization and part or all of the facility could be used for water resource recovery.

To understand the potential improvements needed at the Flow Equalization and Resource Recovery Facility (FERRF) formerly known as the Flow Equalization Facility (FEF), and the challenges associated with implementing any improvements, the District Board authorized a Technical Feasibility Study to be performed by Freyer & Laureta in January 2017.

Analysis

Freyer & Laureta have produced the “West Bay Sanitary District Flow Equalization and Resource Recovery Facility Levee Improvements Constraints Technical Memorandum” Dated January 2018. In this document they outline 4 alternatives for construction in order to protect the site from potential flooding from King Tides and Sea Level Rise and remove the site from its designation within the FEMA 100 year flood zone. The removal of this designation is key to building a recycled water treatment facility or most any other permanent facility on the site that would qualify for permits, funding and environmental assessments.

The Alternatives proposed in the Technical Memorandum will be the basis for future Capital Improvement Projects to accomplish the improvements needed for the FERRF.

Fiscal Impact

There is no fiscal impact to accepting this technical memorandum but there will be Capital Asset Funds needed for the capital projects anticipated in the next fiscal year as a result of following the recommendations within the memorandum. The amount of these projects has not yet been calculated and will require separate approval through the Fiscal Year budget approval process.

Recommendation

The District Manager recommends the District Board accept the “West Bay Sanitary District Flow Equalization and Resource Recovery Facility Levee Improvements Constraints Technical Memorandum” by Freyer & Larueta dated January 2018.



WBSD

PROJECT DESCRIPTION

**West Bay Sanitary District
Flow Equalization and Resource Recovery Facility
Levee Improvements Constraints
Technical Memorandum**

100% DRAFT
January 2018



144 North San Mateo Drive • San Mateo, CA 94401
(650)344-9901 • Fax (650)344-9920 • www.freyerlaureta.com



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Menlo Park Equalization Basin Levee Improvements Constraints Technical Memorandum

Executive Summary

The West Bay Sanitary District owns and operates a Flow Equalization and Resource Recovery Facility (FEARRF) in Menlo Park located off Marsh Road, north of Bayfront Park. This facility is located within the FEMA 100-year flood zone. This Technical Memorandum is prepared for the West Bay Sanitary District to document the potential constraints to improve the site to remove it from the FEMA flood plain elevation while also planning to protect the site against the 50-year Sea Level Rise projections for San Mateo County.

Four alternatives were studied to accomplish these goals:

Alternative 1 - Place fill on the existing levees surrounding the site to raise the levees to an elevation above the FEMA flood zone and to account for sea level rise. Limited sheet piling would be installed in southwest corner of the facility around the existing FEARRF pump station and piping, where fill would conflict with these facilities. In this alternative, the levees would not be FEMA certified.

Alternative 2 - Reconstruct the levees surrounding the site to an elevation above the FEMA flood zone and to account for sea level rise. Again, limited sheet piling would be installed in southwest corner of the facility around the existing FEARRF pump station and piping, where fill would conflict with these facilities. In this alternative, the levees would be FEMA certified.

Alternative 3 - Raise an interior portion of the facility with placement of fill to an elevation above the FEMA flood zone and to account for sea level rise. The interior portion of the facility would be out of the FEMA flood zone. In this option, exterior levees would still be raised by either of the first two alternatives mentioned above.

Alternative 4 - Install sheet piles around the entire facility to an elevation above the FEMA flood zone and to account for sea level rise. In this alternative, the sheet piles would be FEMA certified.

The facility was previously a wastewater treatment plant but currently used for wastewater flow equalization, wastewater management, and storage of District materials and equipment. During normal wastewater flow conditions, the Menlo Park Pump Station conveys wastewater to the Silicon Valley Clean Water Treatment Plant via force main. During certain wet weather events, the force main or treatment plants capacity can be exceeded at which time the pump station diverts wastewater to the facility for storage until wastewater flows normalize. The facility has 3 basins to utilize for equalization

needs. Flows coming on site will be initially stored in Basin 1. If Basin 1 reaches capacity, flows can be sent to either of the two remaining basins.

Currently the FEARFF is protected by levees. There are areas along the levee that are lower than the FEMA floodplain elevation which allows for 100-year tides to enter the site. Furthermore, the levees do not protect against sea level rise. Each alternative was analyzed to determine materials and construction equipment/truck trips needed to account for potential environmental impacts and project constraints. The conceptual plans can be found in the Appendix.

As part of the constraints analyses for each alternative, categories of environmental impacts were reviewed including: Agriculture, Forestry, Mineral Resources, Population and Housing, Recreation, Utilities and Service Systems, Public Services, Aesthetics, Biological Resources, Cultural Resources, Tribal Cultural Resources, Hydrology and Water Quality, and Land Use.

All four alternatives are anticipated to have no, or no significant, impacts for Agriculture, Forestry, Mineral Resources, Population and Housing, Recreation, Utilities and Service Systems, and Public Services. Significant impacts are anticipated to Aesthetics, Biological Resources, Cultural Resources, Tribal Cultural Resources, Hydrology and Water Quality, and Land Use.

Based on the analysis presented in this constraints report, it is believed that the CEQA document required for this project will likely be an Initial Study/Mitigative Negative Declaration. Additional studies are suggested to support impact analyses related to aesthetics, biological resources, hydrology and water quality, and land use, however it is believed that these impacts can be mitigated to less than significant levels.

It was believed there was one scenario that could result in the preparation of an EIR. This scenario involved the FEARFF building and/or levees found to be significant historical resource(s). WBSD decided to perform a Historic Evaluation to determine if either the building or levee are significant historical resources. The report found that neither were significant historical resources, further reinforcing the that the CEQA document required for this project will likely be an Initial Study/Mitigated Negative Declaration.

Introduction

The West Bay Sanitary District owns and operates a Flow Equalization and Resource Recovery Facility (FEARRF) in Menlo Park located off Marsh Road. This facility is located within the Federal Emergency Management Agency (FEMA) 100-year flood zone. This Technical Memorandum is prepared for the West Bay Sanitary District to document the potential project constraints to improve the site from the FEMA flood plain elevation while also planning to protect the sites against the 50-year Sea Level Rise projections for San Mateo County.

In order to accomplish this goal, four alternatives are being analyzed:

1. Raising the existing levees with fill and installing limited sheet piling.
2. Reconstructing the levees and installing limited sheet piling.
3. Raising an interior portion of the facility with fill.
4. Installing sheet piles around the entire facility.

Background

The facility serves as wet weather storage for wastewater flows primarily during times of peak wet weather flow. The District's collection system drains into a pump station (Menlo Park Pump Station) near the entry into Bedwell Bayfront Park. Under normal flow conditions, the Menlo Park Pump Station pumps wastewater to the Silicon Valley Clean Water (SCVW) Treatment Plant in Redwood City. During high flow events (wet weather flows) when collected wastewater exceeds the capacity of either the plant or the conveyance system to the plant, wastewater is diverted from the Menlo Park Pump Station to the FEARRF. When wastewater flow to the Menlo Park Pump Station normalizes, the wastewater stored at the FEARRF is then pumped back to the Menlo Park Pump Station. The function and operation of the facility is further described in the District's Wastewater Collection System Master Plan (2011).

Existing Conditions

The FEARRF consists of three basins, a return pump station, and remnants of the old wastewater treatment plant that previously operated at the site (operations have since moved off-site). The site also is used as a maintenance yard, storage of materials, and office space. Basins 1 and 2 are used for flow equalization and Basin 3 is used for emergency storage and storage of water in the event Basins 1 and 2 are being repaired. Levees currently surround the perimeter of the site on 2 sides (north, and west) to separate the facility from adjacent lands and waters.

Project Purpose

The purpose of this project is to present alternatives for bringing the District's FEARFF out of the FEMA 100-year flood zone and to protect against future sea level rise.

Setting and Location

The District's facility is located north of Bedwell Bayfront Park, in Menlo Park. As shown on Figure 1 - Project Location Map, the project site is surrounded by a park to the south and east and San Francisco Bay to the west and north.



Figure 1 - Project Location Map

Summary of Field Investigations Performed

Survey

An aerial topographic survey was performed for the entire FEARRF using the North American Vertical Datum (NAVD) 88 datum. The aerial survey can be seen in Figure 2 – Aerial Survey.



Figure 2 - Aerial Survey

Planning and Design Parameters and Assumptions

Planning assumptions

The planning assumptions for the project are as follows:

- Fill to elevation 10' NAVD 88 will bring the site out of the FEMA 100-year flood plain.
- Fill to elevation 13' NAVD 88 will bring the site above the flood plain and account for Sea Level Rise predicted for San Mateo County.
- Levee raised to elevation 15' NAVD 88 to account for site settlement. Two feet of settlement is anticipated, therefore to have an ultimate elevation of 13', the levees should be raised to elevation 15'.
- Sheet pile with top at elevation 13' NAVD 88 will bring the site above the flood plain and account for Sea Level Rise predicted for San Mateo County.

Project Alternatives

Four alternatives were developed for the WBSD based on input from the District's management, staff and consultants. These alternatives may be used individually or in conjunction with each other to protect the FEARRF.

Alternative 1 - Raising the existing levees with fill and installing limited sheet piling

The first alternative would be to raise the existing levee to elevation 15' around the entire site. A portion of the site will have a sheet pile wall at elevation 13'. Soil would be added to the interior and top of the levee sloped at a 3:1 horizontal to vertical ratio in most areas. The exterior side of the levee would not be disrupted. Work on the bay side would begin at the outer edge of the existing top of levee and work inward approximately 80 feet. The existing levee is approximately at an elevation of 10' and will be raised to 15'. All equipment and vehicles will move along the existing levee roads and within the facility. To accomplish this, the existing basins would be downsized to accommodate for the larger levees. Because the existing levee is not being changed, the structure will not be FEMA certified.

Construction

Materials	
Soil	65,000 CY
Sheet Pile (Fiberglass, assumed 30' length)	450 LF

Trucking	
Soil Import and Export	5420 trips
Sheet Pile Deliveries	9 trips

Construction Vehicles	
Vehicle	Quantity
Excavator	2
Loader	2
Backhoe	1

Dozer	1
Roller	1
Water Truck	1
Pile Driver	1

Schedule

It is estimated that this work would take 4 months to complete.

Alternative 2 – Reconstructing the levees and installing limited sheet piling

Alternative 2 would remove the existing levees and build a new certified FEMA levee to the elevation of 15’ around the entire facility. A portion of the site will have a sheet pile wall at elevation 13’. To construct the new levee, the levee would be reconstructed up to 32 feet outside the existing outer edge of the top of levee on the bay side (to elev. 0) and approximately 80 feet to the interior of the property. All equipment and vehicles will work on the altered levee or within the facility.

Construction

Materials	
Soil	65,000 CY
Sheet Pile (Fiberglass, assumed 30’ length)	450 LF

Trucking	
Soil Import and Export	5,420 trips
Sheet Pile Deliveries	9 trips

Construction Vehicles	
Vehicle	Quantity
Excavator	2
Loader	2
Backhoe	1
Dozer	1
Roller	1
Water Truck	1
Pile Driver	1

Schedule

It is estimated that this work would take 8 months to complete.



Figure 3 – Levee

Alternative 3 – Raising an interior portion of the facility with fill

Alternative 3 would bring a portion of the facility to elevation 15'. Fill would be brought on site to raise a specific section of the facility to a safe elevation above the flood plain and Sea Level Rise. This would alter approximately 1.94 acres of the site by raising it approximately 5 feet from its original elevation. Equipment and vehicles will remain within the facility for the entirety of the work. This alternative is likely to be done in addition to one of the three levee alternatives.

Construction

Materials	
Soil	10,000 CY

Trucking	
Soil Import and Export	835 Trips

Construction Vehicles	
Vehicle	Quantity
Excavator	2
Loader	2
Backhoe	1
Dozer	1
Roller	1
Water Truck	1

Schedule

It is estimated that this work would take 4 months to complete.

Alternative 4 – Installing sheet piles around the entire facility

Alternative 4 utilizes a sheet pile wall all the way around the facility. The sheet piles will be installed along the outside edge of the top of levee on the bay side. All equipment and vehicles will work along the existing levee road on the bay side and within the facility. This would be a FEMA certified sheet pile wall at the elevation 13’.

Construction

Materials	
Sheet Pile (Fiberglass, assumed 30’ length)	3,600 LF

Trucking	
Sheet Pile Deliveries	72 Trips

Construction Vehicles	
Vehicle	Quantity
Excavator	1
Loader	1
Dozer	1
Water Truck	1
Pile Driver	2

Schedule

It is estimated that this work would take 6 months to complete.

Conceptual Plans

The conceptual plans can be found in the attached Appendix with the following breakdown:

- Sheet 1 = Alternatives 1 and 2
- Sheet 2 = Alternative 3
- Sheet 3 = Alternative 4

Anticipated Construction Cost Schedules

Anticipated construction costs for each Alternative are listed below. Anticipated costs can be found in the attached Appendix.

Anticipated Construction Costs	
Alternative 1 – Fill on Levee, no FEMA certification	\$4,450,000
Alternative 2 – Reconstruct Levee, FEMA Certification	\$7,710,000
Alternative 3 – Interior fill only, no levee or sheet pile.	\$649,000
Alternative 4 – Sheet piles around the FEARFF	\$3,107,000

Additional Technical Studies Recommended for each Alternative

Below are additional Technical Studies Recommended for the selected alternative.

All Alternatives

Visual simulations

Historical Resources Evaluation Report

Formal Wetland Delineation

Biological Surveys including a survey for Western burrowing owl burrow use, and snowy plover nesting activities.

Alternative 1: Levee Addition

Visual simulations

Historical Resources Evaluation Report

Formal Wetland Delineation

Biological Surveys including a survey for Western burrowing owl burrow use, and snowy plover nesting activities.

Alternative 2: Levee Replacement

Visual simulations

Historical Resources Evaluation Report

Formal Wetland Delineation

Biological Surveys including a survey for Western burrowing owl burrow use, and snowy plover nesting activities.

Habitat Mitigation and Monitoring Plan for the loss of salt marsh wetland

Alternative 3: Levee Addition and Internal Fill

Visual simulations

Historical Resources Evaluation Report

Formal Wetland Delineation

Biological Surveys including a survey for Western burrowing owl burrow use, and snowy plover nesting activities.

Alternative 4: Perimeter Sheet Pile and Levee Addition

Visual simulations

Historical Resources Evaluation Report

Formal Wetland Delineation

Biological Surveys including a survey for Western burrowing owl burrow use, and snowy plover nesting activities.

Habitat Mitigation and Monitoring Plan for the loss of salt marsh wetland

Hydraulic study for tidal influence and wave reflection off sheet piles

Permit Requirements

Summary of Actions that Trigger Permit Requirements

SWRCB Construction General Permit for Ground Disturbance Greater than 1 acre (all Alternatives)

State Lands Commission Consultation - Activities within the tidal zone

BCDC Consultation – Activities within 100 feet of the shoreline (all Alternatives)

USACE 404/RWQCB 401 Clean Water Act, and Section 7 Consultation –Potential impacts to wetlands require a 404 permit, which triggers a 401 Water Quality Certification. Potential impacts to federally listed species require USACE consultation with the USFWS under Section 7 of the Endangered Species Act (all Alternatives that require work on the outboard side of site levees).

Potential Permit Difficulties

Project alternatives that impact the salt marsh habitat adjacent to the levees many not be feasible to obtain permits because of the state and federally-listed species, and the state fully-protected species. While it is feasible to obtain authorization to take species listed under the federal and/or state endangered species acts, the same authorization cannot be granted to fully-protected species.

Alternative 2, Levee Replacement, would impact these species and would permanently remove salt marsh habitat. Alternative 4 Perimeter Sheet Pile and Levee Addition could have similar impacts. The loss of salt marsh habitat would require mitigation that may include restoration of a higher ratio of salt marsh in a nearby location.

Alternative 4 would not impact the salt marsh and would have significantly reduced impacts to special-status species if it was built on the inside of the levees rather than on the outboard edge.

CEQA Document

As part of the constraints analyses for each alternative, categories of environmental impacts were reviewed including: Agriculture, Forestry, Mineral Resources, Population and Housing, Recreation, Utilities and Service Systems, Public Services, Aesthetics, Biological Resources, Cultural Resources, Tribal Cultural Resources, Hydrology and Water Quality, and Land Use.

All four alternatives are anticipated to have no, or no significant, impacts for Agriculture, Forestry, Mineral Resources, Population and Housing, Recreation, Utilities and Service Systems, and Public Services. Significant impacts are anticipated to Aesthetics, Biological Resources, Cultural Resources, Tribal Cultural Resources, Hydrology and Water Quality, and Land Use.

Based on the analysis presented in this constraints report, it is believed that the CEQA document required for this project will likely be an Initial Study/Mitigative Negative Declaration. Additional studies are suggested to support impact analyses related to aesthetics, biological resources, hydrology and

water quality, and land use, however it is believed that these impacts can be mitigated to less than significant levels.

It was believed there was one scenario that could result in the preparation of an EIR. This scenario involved the FEARFF building and/or levees found to be significant historical resource(s). WBSD decided to perform a Historic Evaluation to determine if either the building or levee are significant historical resources. The report found that neither were significant historical resources, further reinforcing the that the CEQA document required for this project will likely be an Initial Study/Mitigated Negative Declaration. This Historic Evaluation is included in the Appendix of this report.

Construction Timing

The timing of construction can be influenced by two resource areas: hydrology/water quality and biological resources. To avoid potential issues with water quality, construction can be timed to avoid rainfall or high tide conditions which increase the potential for water quality impacts. Potential water quality impacts may be reduced or minimized through careful planning, installation, monitoring and maintenance of water quality/erosion BMPs during construction.

With respect to biological resources, construction may be restricted during the breeding season for birds and special-status species, generally February-August. In addition, the daily construction schedule may be restricted during high tide, when the salt marsh harvest mouse may be using the site for cover above the tideline.

No other resource area impacts would cause restrictions or considerations for construction timing.

Appendix

FIGURES: ALTERNATIVES 1 THROUGH 4

FLOOD INSURANCE RATE MAP

ANTICIPATED COST SCHEDULES

WEST BAY SANITARY DISTRICT FLOW EQUALIZATION FACILITY
LEVEE PROJECT, ENVIRONMENTAL CONSTRAINTS ANALYSIS,
PREPARED BY MIG, INC.

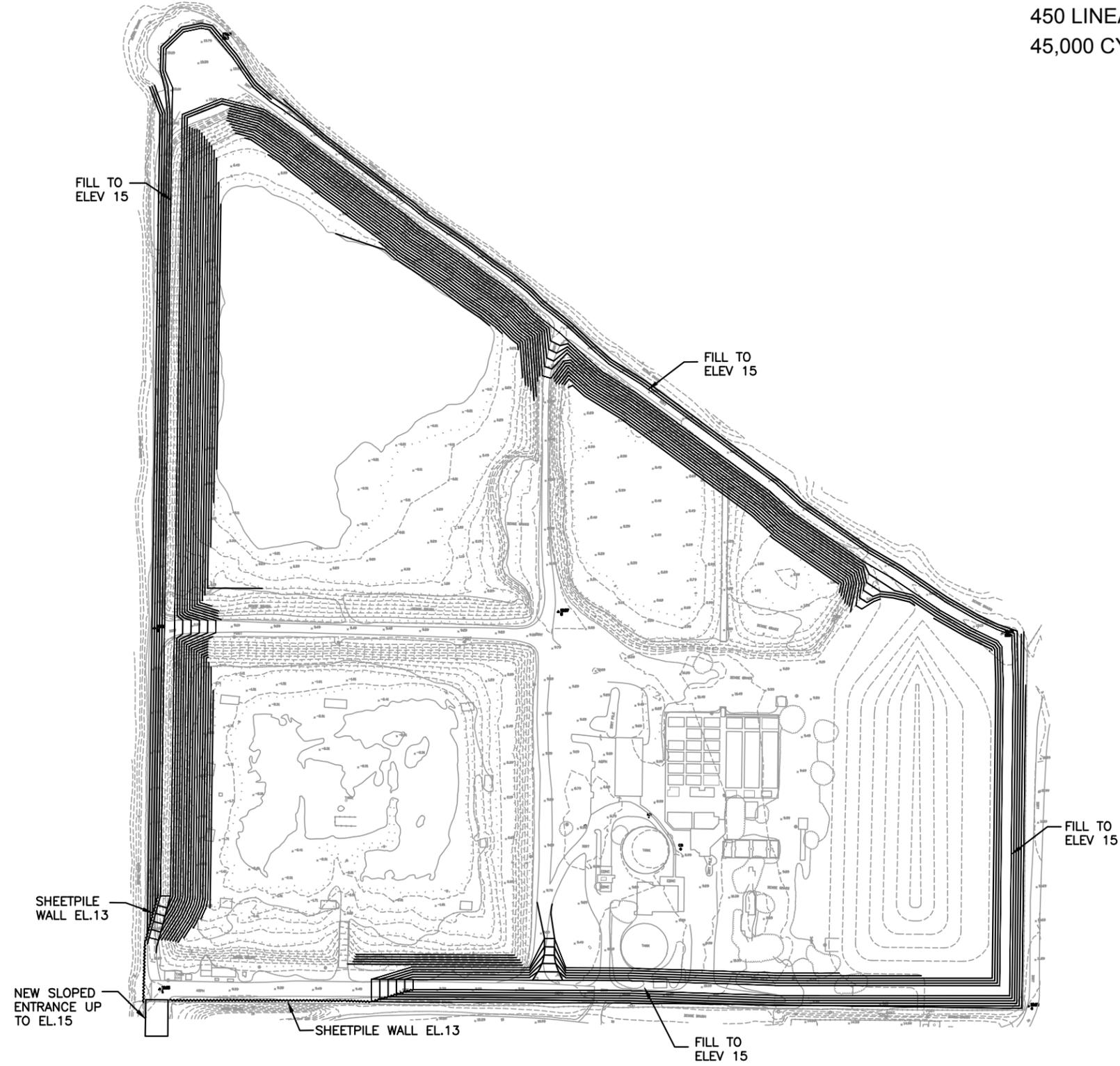
HISTORIC RESOURCE EVALUATION FOR THE WEST BAY SANITARY
DISTRICT LEVEE PROJECT, PREPARED BY MIG, INC.

ALTERNATIVE 1 & 2

QUANTITIES

450 LINEAR FEET OF SHEETPILE WALL

45,000 CY FILL



SCALE
1" = 150'

FILL OPTION

FLOW EQUALIZATION FACILITY FEASIBILITY STUDY
WEST BAY SANITARY DISTRICT, MENLO PARK, CA

FL FREYER & LAURETA, INC.
CIVIL ENGINEERS • SURVEYORS • CONSTRUCTION MANAGERS
144 North San Mateo Drive • San Mateo, CA 94401
(650)344-9901 • Fax (650)344-9920 • www.freyerlaureta.com

DATE:	7/30/17
SCALE:	1" = 150'
DESIGNED:	RJL
DRAWN:	RJL
CHECKED:	RJL
PROJ. ENGR:	RJL
SHEET	
1	
OF 4 SHEETS	
JOB NO.	
1076	

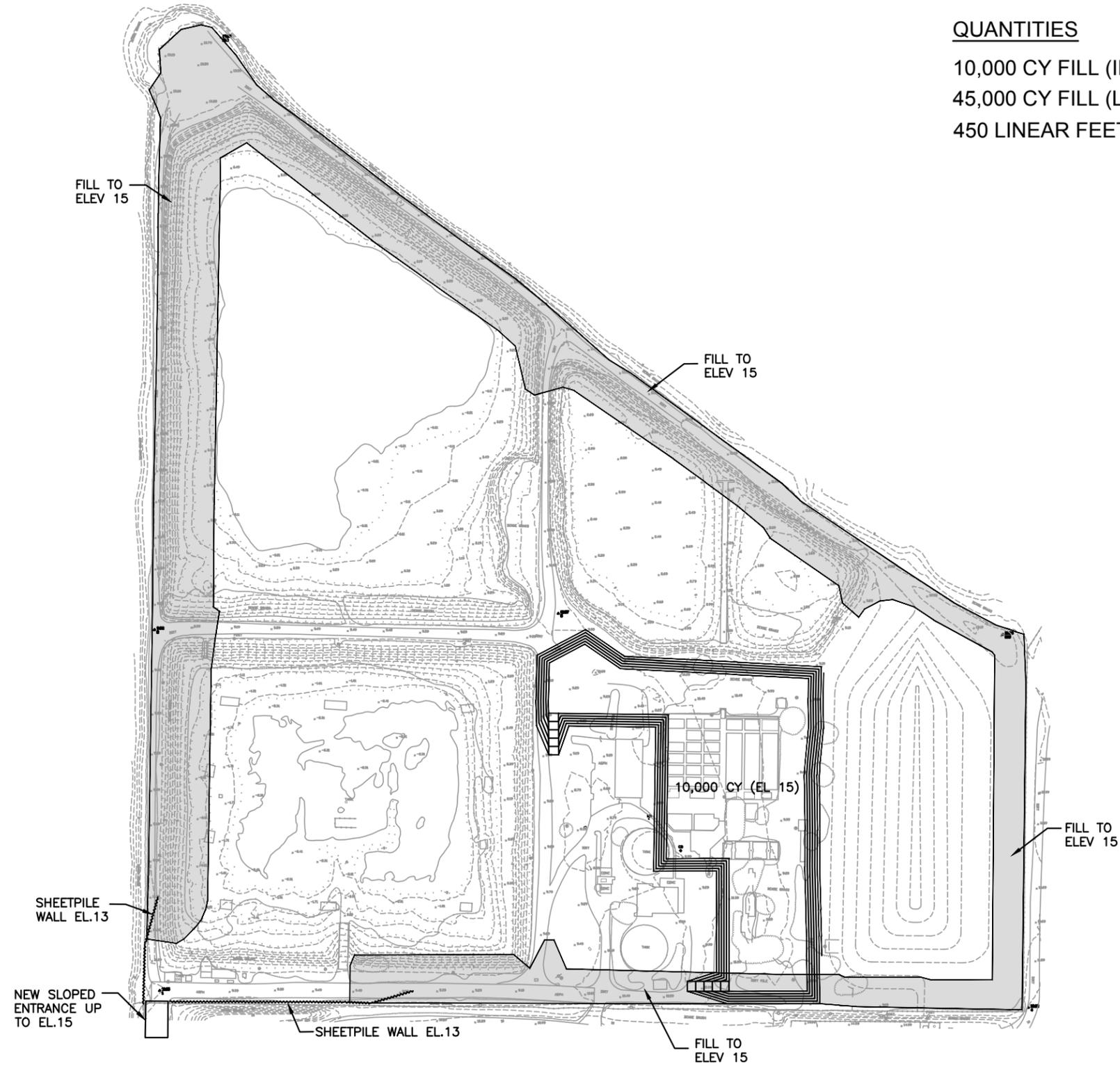
ALTERNATIVE 3

QUANTITIES

10,000 CY FILL (INTERNAL FEF)

45,000 CY FILL (LEVEES)

450 LINEAR FEET OF SHEETPILE WALL



SCALE
1" = 150'

INTERNAL FILL OPTION

FLOW EQUALIZATION FACILITY FEASIBILITY STUDY
WEST BAY SANITARY DISTRICT, MENLO PARK, CA



FREYERA & LAURETA, INC.
CIVIL ENGINEERS • SURVEYORS • CONSTRUCTION MANAGERS
144 North San Mateo Drive • San Mateo, CA 94401
(650)344-9901 • Fax (650)344-9920 • www.freyerlaureta.com

DATE:	7/30/17
SCALE:	1" = 150'
DESIGNED:	RJL
DRAWN:	RJL
CHECKED:	RJL
PROJ. ENGR:	RJL

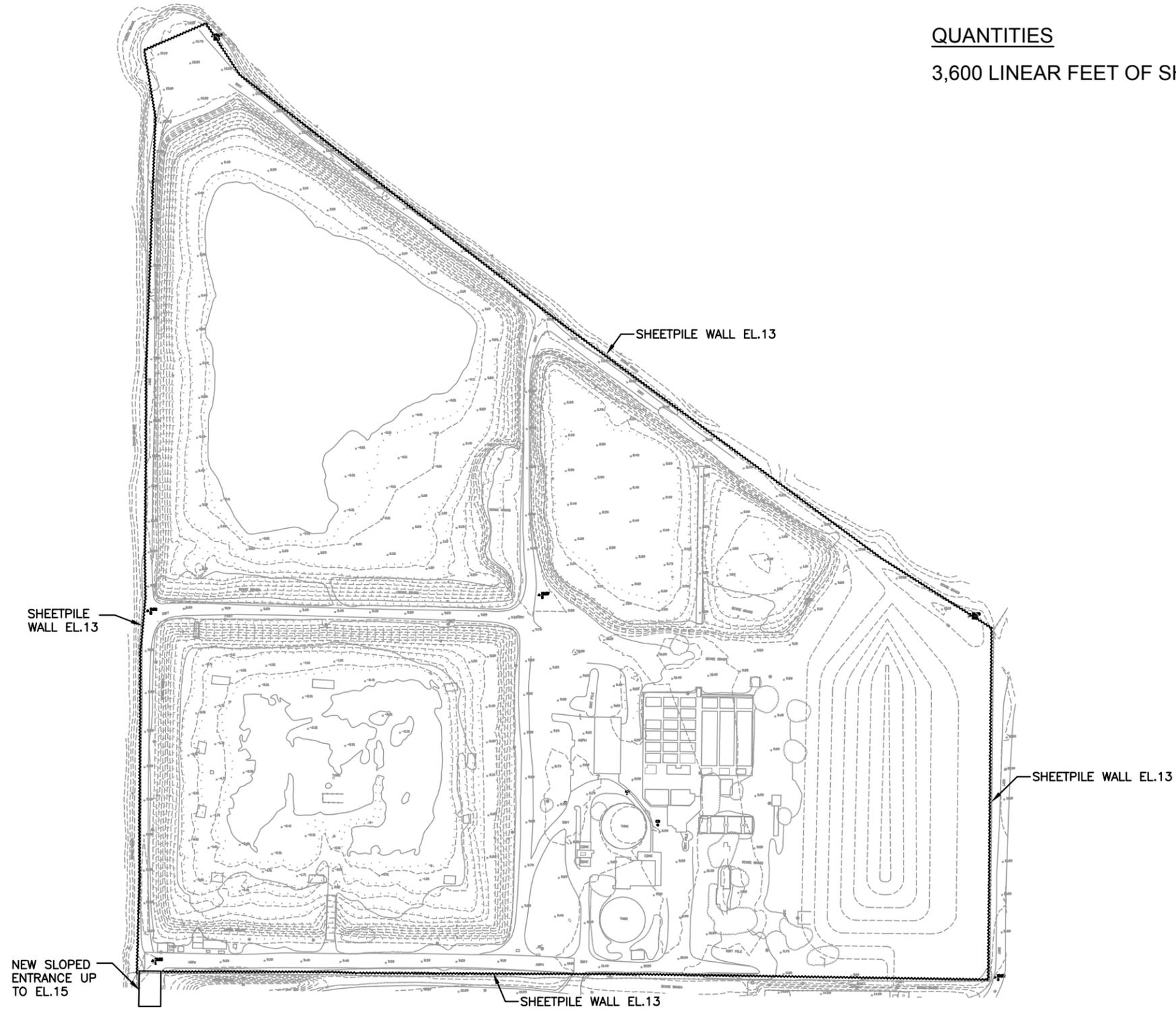
SHEET
2
OF 4 SHEETS

JOB NO.
1076

ALTERNATIVE 4

QUANTITIES

3,600 LINEAR FEET OF SHEETPILE WALL



SCALE
1" = 150'

SHEETPILE OPTION
FLOW EQUALIZATION FACILITY FEASIBILITY STUDY
WEST BAY SANITARY DISTRICT, MENLO PARK, CA

FL FREYER & LAURETA, INC.
CIVIL ENGINEERS • SURVEYORS • CONSTRUCTION MANAGERS
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(650)344-9901 • Fax (650)344-9920 • www.freyerlaureta.com

DATE:	7/30/17
SCALE:	1" = 150'
DESIGNED:	R/JL
DRAWN:	R/JL
CHECKED:	R/JL
PROJ. ENGR:	R/JL

SHEET	3
OF 4 SHEETS	
JOB NO.	1076

**WEST BAY SANITARY DISTRICT FLOW EQUALIZATION
FACILITY LEVEE PROJECT
ENVIRONMENTAL CONSTRAINTS ANALYSIS**

JANUARY 2018



PREPARED BY:
MIG, INC.
2635 N. FIRST STREET, SUITE 149
SAN JOSE, CA 95134

PREPARED FOR:
FREYER & LAURETA, INC.
144 N. SAN MATEO DRIVE
SAN MATEO, CA 94401

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Attachment B: Species Lists

Attachment C: Draft Staff Report, Beneficial Reuse of Dredged Materials: Sediment Screening and Testing Guidelines

1 INTRODUCTION

The West Bay Sanitary District (District) owns and operates a Flow Equalization Facility (FEF) adjacent to the San Francisco Bay in Menlo Park, California. The FEF is currently located in a Federal Emergency Management Agency (FEMA) flood zone. Therefore, the District is proposing to improve the site and bring it out of the FEMA flood zone. The purpose of this environmental constraints analysis is to inform the District of potential environmental constraints as it deliberates which alternative to build. The environmental constraints analysis describes:

- The sensitive resources that could be affected by the construction of the project alternatives;
- the potential regulatory requirements triggered by each alternative;
- the avoidance, minimization, and mitigation measures each alternative may require; and
- what additional technical studies will need to be completed.

2 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The West Bay Sanitary District Flow Equalization Facility (herein referred to as FEF or project area) is located at the northern terminus of Marsh Road in Menlo Park, California. It can be accessed by the Bayfront Expressway (Highway 84), located approximately 0.6 mile to the south, or U.S. Highway 101 located approximately 0.8 mile to the south.

2.2 PROJECT SETTING

The FEF site is approximately 20 acres in size and includes four water storage basins that occupy most the site. Basins 1 and 2 are used for flow equalization and Basins 3 and 4 are used for emergency storage. An operations building, materials storage, and water treatment facility associated with former operations as a water treatment plant for the City are also present on the site. Levees surround the storage basins and separate them from each other and from the adjacent San Francisco Bay. The 160-acre Bedwell-Bayfront Park, which is a large, mostly grassy, open space area with numerous trails, borders the site to the south and east. The tidally-influenced Flood Slough, which flows to Westpoint Slough and San Francisco Bay, borders the site to the west. Greco Island, part of the Don Edwards San Francisco Bay Wildlife Refuge, borders the site to the north.

The FEF is in a FEMA 100-year flood zone. The District is proposing to improve the site and bring it out of the FEMA flood zone and plan for 50-year sea level rise (SLR) projections. This is proposed to be accomplished through one of four project alternatives considered in this constraints analysis. The alternatives are described in Section 2.4.



 Project Area

The project area is mostly unvegetated and developed with the water storage basins and associated levees and structures. There are scattered ornamental shrubs and small trees on the site, such as lollypop tree (*Myoporum laetum*) and olive tree (*Olea europaea*). There are also non-native annual grasses and forbs on the levee banks that include ruderal species common to the area such as wild oats (*Avena* sp.), bromes (*Bromus* spp.), Italian wildrye (*Festuca perennis*).

Coastal salt marsh dominated by pickleweed (*Salicornia* sp.) borders the project area to the north and west, and annual grassland with scattered coyote brush (*Baccharis pilularis*) borders the project area to the south and east.

Several special-status species occur in the area, including Ridgway's rail (*Rallus obsoletus* spp. *obsoletus*; state and federally listed Endangered and state Fully-protected), salt-marsh harvest mouse (*Reithrodontomys raviventris*; state and federally listed Endangered and state Fully-protected), and burrowing owl (*Athene cunicularia*; California Species of Special Concern), among others (see Section 3.2).

Project site photographs are included in Attachment A.

2.3 PURPOSE AND NEED

The FEF provides storage for wastewater during times of peak flows or conveyance system maintenance. The function and operation of the facility is described in the District's Wastewater Collection System Master Plan (2011). However, the facility is not flood protected and is within the FEMA 100-year floodplain. In addition, very high tides (i.e., king tides) could breach the existing levee. If the levee breaches, the entire berm is endangered and raw sewage could spill into the adjacent San Francisco Bay. Therefore, the purpose of the proposed project is to provide flood protection along the perimeter of the storage basins, and prevent sewage from spilling into the bay during storm or high tide events.

2.4 PROJECT ALTERNATIVES ADDRESSED IN THIS ANALYSIS

Four project alternatives are currently under consideration. The alternative entail raising the height of the existing levees with imported fill, rebuilding the levees, raising the levees as well as internal portions of the site, and using sheet piling around the perimeter. The alternatives are described in more detail below.

- 1) Alternative 1 - Raise the existing levee around the site from approximately 10 feet NAVD 88 at the lowest point to elevation 15 feet, through placement of fill. This scenario involves placement of fill on top of the existing levee to an elevation above the FEMA Flood Zone and to account for sea level rise. Placement would start at the outward (bayside) edge of the existing gravel road on top of the levee, then extend inward approximately 80 feet. The interior levee slopes would be re-graded to match the new levee heights (3:1 horizontal to vertical in most areas), which would result in a slight reduction of holding volume for the equalization basins. The exterior side of the levee would not be disrupted. This scenario involves installing 450 linear feet of sheetpile in the southwest corner of the site to avoid filling the location of the existing FEF control

building and pump station. Alternative 1 requires approximately 65,000 cubic yards (CY) of fill. In this alternative, the levees would be raised above the flood zone but would not be FEMA certified because the underlying levee is not FEMA certified.

- 2) Alternative 2 – Complete reconstruction of the existing levee surrounding the site to achieve FEMA certification. This scenario involves removing the existing levee and rebuilding it to elevation 15 feet (above FEMA flood zone and to account for sea level rise). To accomplish this, the existing levee would need to be excavated outboard up to 32 feet from the existing outer edge of the top of the levee on the bayside, to an elevation below the mean high-water line, then rebuilt, filling inboard approximately 80 feet. This scenario involves installation of 450 linear feet of sheet pile in the southeast corner (at 13 feet elevation) to avoid filling the existing FEF control building and pump station. Alternative 2 involves approximately 65,000 CY of fill, and 36,000 CY of excavated/recompacted existing levee fill.
- 3) Alternative 3 – Internal Filling. This scenario would fill the interior of the site from an elevation of approximately 10 feet to an elevation of 15 feet, above the FEMA floodplain elevation and to account for sea level rise. This would alter approximately 1.94 acres of the site by raising it approximately 5 feet from its original elevation. In this option, the outer levees would still be raised by either Alternative 1 or 2. Although the levees won't be accredited, the purpose would be to build up out of the floodplain based on a Letter of Map Revision based on fill (LOMR-F). This scenario involves 10,000 CY of fill on the interior of the site and 65,000 CY of fill for the levees and installation of 450 linear feet of sheetpile wall (as described for Alternative 1 or 2).
- 4) Alternative 4 – Raise levee heights through the placement of sheetpile. This scenario involves the placement of sheetpile on the outside edge of the top of the levee that surrounds the entire site. This scenario involves the installation 3,600 linear feet of sheetpile wall. The sheet piles would be driven approximately 26-27 feet below the ground surface with approximately 3-4 feet extending above ground. To be FEMA certified, the wall would be placed at an elevation of 13 feet.

The placement of fill to an elevation of 10 feet NAVD 88 will bring the site to the FEMA 100-year flood plain (FEMA flood panel 06081C0306E). Elevation 13 feet NAVD 88 will bring the site above the FEMA 100-year flood plain and account for predicted 50-year Sea Level Rise in San Mateo County. Levees will be raised to 15 NAV 88 to account for two feet of site settlement. Therefore, the levees are planned to be raised to elevation 15 feet NAVD 88. The source of the fill is identified as 1300 El Camino Real in Menlo Park (separate construction project).

No changes in FEF operations are proposed either as part of, or due to, any of the described alternatives.

Construction is expected to last up to four months. Up to 75,000 cubic yards of fill could be brought on site for the project; no off-haul of material is anticipated. Construction details for the alternatives include the following:

Table 1 Construction Details for Alternatives 1-4

Alternative/Construction method	Existing fill to be re-worked	New Fill (import)	Length of sheetpile wall	Construction equipment	Trips	Duration
Alternative 1 - Placement of fill on top of existing levee (not FEMA certified)	0	65,000 CY	450 linear feet	2 excavators, 2 loaders, 1 backhoe, 1 dozer, 1 roller, 1 water truck, 1 pile driver	Soil import/export: 5,420 trips Sheet pile deliveries: 9 trips	2 months
Alternative 2 –Rebuild levee to FEMA standard	36,000 CY	65,000 CY	450 linear feet	2 excavators, 2 loaders, 1 backhoe, 1 dozer, 1 roller, 1 water truck, 1 pile driver	Soil import/export: 5,420 trips Sheet pile deliveries: 9 trips	4 months
Alternative 3 - Fill Entire Site (levees via Alternative 1 or 2, plus internal area)	0	10,000 CY for internal fill area (75,000 CY total; 65,000 CY for levees and 10,000 CY for internal fill area)	450 linear feet	2 excavators, 2 loaders, 1 backhoe, 1 dozer, 1 roller, 1 water truck	Soil import/export: 835 trips	2 months
Alternative 4 - Sheetpile around perimeter of site	0	0	3,600 linear feet	1 excavator, 1 loader, 1 dozer, 1 water truck, 2 pile drivers 1 crane	Sheet pile deliveries: 72 trips	4 months
Note: Alternatives 1-4 do not require soil export. Imported fill soil is assumed to be sourced from 1300 El Camino Real, Menlo Park						

3 ENVIRONMENTAL CONSTRAINTS ANALYSIS

The environmental constraints analysis considers the potential impacts of each of the four alternatives in terms of the CEQA checklist that is provided in the CEQA Guidelines. The checklist includes a specific set of resource areas for consideration, and the impacts are determined to fit into one of four categories: no impact, less than significant impact, significant impact unless mitigated, and significant impact even with mitigation.

CEQA was enacted in 1970 to provide for full disclosure of environmental impacts to the public before issuance of a permit by state and local public agencies. CEQA (Public Resources Code Sections 21000 et. seq.) requires public agencies to review activities which may affect the quality of the environment so that consideration is given to preventing damage to the environment. When a lead agency issues a permit for development that could affect the environment, it must disclose the potential environmental effects of the project. This is done with an Initial Study and Negative Declaration (or Mitigated Negative Declaration) or with an Environmental Impact Report. Certain classes of projects are exempt from detailed analysis under CEQA.

This analysis evaluates the environmental constraints and permit requirements of the four construction alternatives described in Section 2. This analysis does not evaluate the impacts or constraints of the potential reduction of holding volume of flows provided by the FEF equalization basins.

3.1 METHODS

Methods include literature review, and site visit, as described below.

3.1.1 Literature Review

As part of the constraints analysis, MIG staff reviewed available background information pertaining to the environmental resources on and near the project area. Available literature and maps were reviewed, as well as other information sources listed below:

- The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC);
- The USFWS National Wetland Inventory;
- The California Department of Fish and Wildlife (CDFW) California Natural Diversity Database list of listed, proposed, candidate, or sensitive species;
- The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) Essential Fish Habitat (EFH) mapper;
- The NOAA Fisheries critical habitat portal;
- The California Native Plant Society Electronic Inventory of species;
- Most recent and commonly accepted Sea Level Rise predictive mapping;

- Local planning documents;
- Any previous biological and/or environmental studies in the area that could be accessed;
- California Department of Toxic Substances Envirostor database search
- The California Historic Resource Information System (CHRIS);
- The Native American Heritage Commission’s (NAHC) Sacred Lands File (SLF) search;
- The National Register of Historic Places; and
- The California Register of Historic Resources.

3.1.2 Site Visit

MIG staff, including Taylor Peterson (Director of Biological Analysis), Barbara Beard (Director of Environmental Analysis), Christina Lau (Senior Environmental Analyst), and Megan Kalyankar (Biologist/Analyst) met with staff from the District, including Richard Laureta and Bill Kitajima, at the project site on March 1, 2017. The site visit was conducted to assess the existing conditions in the project area. Staff walked the perimeter levees of the project site and took photographs and notes on existing conditions at the site, including vegetation, habitat types and wildlife present on or adjacent to the site, as well as surrounding land uses and existing site hydrology. District staff also described the project alternatives in greater detail.

3.2 CEQA RESOURCE AREAS WITH NO IMPACTS, OR NO SIGNIFICANT IMPACTS

3.2.1 No Impacts: Agriculture, Forestry, and Mineral Resources, Population and Housing, Recreation, Utilities and Service Systems, and Public Services

The project entails site improvements to address flooding and sea level rise. No impacts or constraints are identified for agriculture and minerals as the site does not have any agriculture, forestry, or important mineral designations. The site does not support, nor does the project propose housing or recreational uses, therefore, no impacts to population and housing or recreation are anticipated. The site is adjacent to recreational use areas such as Bedwell-Bayfront Park and San Francisco Bay, however the project would not impede the use of these areas for recreational purposes, therefore recreational impacts are not anticipated. The site is closed to the public therefore recreational use at the project site is not allowed. The project does not involve new development or facilities requiring utilities or additional services, therefore, no impacts are identified.

Impacts or constraints to agriculture, forestry, and mineral resources, population and housing, recreation, utilities and service systems and public services would not differ among the alternatives. There are no CEQA/environmental permits associated with these resource areas.

3.2.2 Resource Areas with Less than Significant Impacts

3.2.2.1 Air Quality and Greenhouse Gases

Background

The California Air Resources Board (ARB) has established California Ambient Air Quality Standards for the six common air pollutants regulated by the federal Clean Air Act, plus the following pollutants: hydrogen sulfide (H₂S), sulfates (SO_x), vinyl chloride, and visibility reducing particles. The six common air pollutants, also referred to as criteria air pollutants, are: ozone (O₃); particulate matter (PM), which consists of “inhalable coarse” PM (particles between 2.5 and 10 microns in diameter, or PM₁₀) and “fine” PM (particles 2.5 microns in diameter and smaller, or PM_{2.5}); carbon monoxide (CO); nitrogen dioxide (NO₂); sulfur dioxide (SO₂); and lead (Pb).

In addition to criteria air pollutants, the United State Environmental Protection Agency (U.S. EPA) and the ARB have classified certain pollutants as hazardous air pollutants (HAPs) or toxic air contaminants (TACs), respectively. These pollutants can cause severe health effects at very low concentrations, and many are suspected or confirmed carcinogens. The U.S. EPA has identified 187 HAPs, including such substances as benzene and formaldehyde; the ARB also considers particulate emissions from diesel-fueled engines (DPM) to be a TAC.

Sensitive air quality receptors include specific subsets of the general population that are susceptible to poor air quality and the potential adverse health effects associated with poor air quality. In general, children, senior citizens, and individuals with pre-existing health issues, such as asthmatics, are considered sensitive receptors. Both the ARB and the Bay Area Air Quality Management District (BAAQMD) consider schools, schoolyards, parks and playgrounds, daycare facilities, nursing homes, hospitals, and residential areas as sensitive air quality land uses and receptors (BAAQMD 2011, ARB 2005).

Regulatory Setting

The BAAQMD is the agency primarily responsible for maintaining air quality and regulating emissions of criteria and toxic air pollutants within the San Francisco Bay Area Air Basin. The BAAQMD carries out this responsibility by preparing, adopting, and implementing plans, regulations, and rules that are designed to achieve attainment of state and national air quality standards.

CEQA Thresholds of Significance

The BAAQMD has established CEQA significance thresholds for criteria air pollutant and TAC emissions resulting from construction- and operations-related activities (BAAQMD 2011). These thresholds of significance for criteria pollutants and TACs are summarized below in Table 2. The BAAQMD considers projects that exceed these CEQA thresholds to have a significant air quality effect.

Impacts

The project is not anticipated to have operational air quality or greenhouse gas (GHG) impacts as the levee improvements would not change on site operations or ambient noise. Fill used for the project is expected to be sourced from a construction site at 1300 El Camino Real in Menlo Park, less than four miles away. Off-haul of fill from the site at 1300 El Camino Real was evaluated in the 1300 El Camino Real Greenheart Project Draft Infill EIR (City of Menlo Park, February 2016) and found air quality impacts from construction to be less than significant with mitigation.

Mitigation Measure AQ 1-2 from that Greenheart Project EIR required the use of modern fleet vehicles for on-road material delivery and haul trucks. These are the same haul trucks that would be used to off-haul material from the 1300 El Camino Real site to the Menlo Park Flow Equalization Basin project site at 1600 Marsh Road. Therefore, it is assumed the haul trucks bringing fill to the MPFEB project site would consist of this modern fleet of vehicles.

Pollutant	BAAQMD Project-Level Threshold of Significance ^(A)		
	Construction Emissions	Operational Emissions	
	Daily Emissions (pounds/day)	Daily Emissions (pounds/day)	Annual Emissions (tons per year)
ROG	54	54	10
NO _x	54	54	10
Exhaust PM ₁₀	82	82	15
Exhaust PM _{2.5}	54	54	10
Fugitive Dust PM ₁₀ /PM _{2.5}	Best Management Practices	<i>None</i>	
Local CO	<i>None</i>	9.0 ppm (8-hour average) 20.0 ppm (1-hour average)	

Table 2 BAAQMD CEQA Thresholds of Significance			
Pollutant	BAAQMD Project-Level Threshold of Significance ^(A)		
	Construction Emissions	Operational Emissions	
	Daily Emissions (pounds/day)	Daily Emissions (pounds/day)	Annual Emissions (tons per year)
Risks and Hazards – New Source/Receptor (Individual)	Compliance with Qualified Community Risk Reduction Plan; or Increased cancer risk of >10.0 in a million; and Increased non-cancer risk of >1.0 Hazard Index (chronic or acute); and Ambient PM _{2.5} increase: >0.3µg/m ³ annual average		
Risks and Hazards – New Source/Receptor (Cumulative)	Compliance with Qualified Community Risk Reduction Plan; or Increased cancer risk of >100 in a million (from all local sources); and Increased non-cancer risk of >10.0 Hazard Index (from all local sources) (chronic); and Ambient PM _{2.5} increase: >0.8µg/m ³ annual average (from all local sources)		
Accidental Release of Acutely Hazardous Pollutants	<i>None</i>	Storage or use of acutely hazardous materials locating near receptors or receptors locating near stored or used acutely hazardous materials considered significant	
Odors	<i>None</i>	Complaint History – 5 confirmed complaints per year averaged over three years	
Source: BAAQMD 2011			

Temporary air quality and GHG emissions would result from materials deliveries (fill and sheet pile) as well as heavy equipment used during construction activities. Temporary air quality and GHG emissions are minimized through adherence to local BAAQMD regulations for construction activities. Considering the project’s location away from sensitive receptors (residences), relatively short construction period (four months or less), use of modern fleet vehicles to haul fill to the site, and fill volume of less than 75,000 cubic yards, project construction air quality and GHG emissions are not expected to require mitigation. Standard construction BMPs to reduce dust emissions during construction are expected to be incorporated into the project. These include:

- Water all exposed surfaces (e.g., staging areas, soil piles, graded areas, and unpaved access roads) during construction as necessary to limit visible dust emissions.

- Cover all haul trucks transporting soil, sand, or other loose materials off the project site.
- Use a wet power vacuum street sweeper as necessary to remove all visible mud or dirt track-out onto adjacent public roads (dry power sweeping is prohibited) during construction of the proposed project.
- Vehicle speeds on unpaved roads/areas shall not exceed 15 miles per hour.
- Complete all areas to be paved as soon as possible and lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Minimize idling time of diesel powered construction equipment to five minutes and post signs reminding workers of this idling restriction at access points and equipment staging areas during construction of the proposed project.
- Maintain and properly tune all construction equipment in accordance with manufacturer's specifications and have a California ARB-certified visible emissions evaluator check equipment prior to use at the site.
- Post a publicly visible sign with the name and telephone number of the construction contractor and WBSD staff person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The publicly visible sign shall also include the contact phone number for the Bay Area Air Quality Management District to ensure compliance with applicable regulations.

The CEQA impacts for air quality and GHG are expected to be less than significant and would not differ between the build alternatives being considered.

3.2.2.2 Geology

The project site is an existing FEF and site of a water pollution treatment plant, which is no longer in operation, however the facility is still on site. The site's location in the seismically active Bay Area means the site would be subject to strong seismic groundshaking, seismic failure, or liquefaction during an earthquake.

The project would not exacerbate any on site geologic conditions including fault rupture, seismic ground shaking, liquefaction, or landslides. It is assumed that the project would incorporate standard engineering and construction techniques based on site specific conditions to adequately engineer the proposed levees to prevent/minimize failure in a seismic event. Potential erosion is addressed below in hydrology and biological resources. Constraints related to geology and soils would not differ between project alternatives 1-4.

3.2.2.3 Hazards/Hazardous Materials

A search of the Department of Toxic Substances Control Envirostor website revealed the project site was previously subject to a site screening evaluation by the Department of Toxic Substances Control in which was completed in 1987. The ponds were excavated and the materials disposed to a landfill (Browning Ferris). Potential contaminants of concern were noted as metals and uncategorized. The current status is "no further action" as of 9/1/1985. Avoidance and minimization measures are anticipated to minimize the potential for hazardous materials leaks/spills from use of equipment during construction and potential to encounter contaminated

soils. See also Biological Resources, and Hydrology/Water Quality Section below. Constraints related to hazards or hazardous materials would not differ between project alternatives 1-4.

3.2.2.4 Noise

The project will not change current operations or introduce new sources of noise, thus there will be no operational noise impacts. Temporary noise impacts would result during construction. Noise sources include soil and materials delivery (traffic) and construction equipment noise during construction. A pile driver or vibratory pile driver could be used during construction. Construction noise may be audible to users of the northern portion of Bedwell-Bayfront Park, but it would be a transient impact and would exist for 2-4 months during the construction period. There are no homes, schools, hospitals, or elderly care facilities close enough to the project to be impacted by construction noise. Temporary noise impacts will be minimized if local noise regulations for construction activities are adhered to. Considering the project's location apart from stationary sensitive receptors, project construction noise is not expected to require mitigation. The CEQA impacts for noise would be less than significant and would not differ between project alternatives 1-4.

Potential effects of noise and pile vibrations during construction on biological resources is addressed in the biological resources section; it will require additional analysis when permit applications are prepared for the selected alternative.

3.2.2.5 Transportation

The project is not anticipated to have any traffic or transportation system impacts because the project would not result in operational changes to the facility that would increase operational traffic. Temporary construction impacts are anticipated due to soil or sheetpile import, however, since the traffic impacts are temporary they are usually considered less than significant with the implementation of a construction traffic management plan. The plan should consider the daily volume of on-haul, timing of trucks to limit/minimize hauling activities during peak traffic hours and address potential conflicts with recreational users at Bedwell-Bayfront park. Construction traffic could have potential air quality impacts, please refer to the Air Quality and Greenhouse Gas discussions. CEQA impacts to traffic and transportation systems would not differ between project alternatives 1-4.

3.3 CEQA RESOURCE AREAS WITH POTENTIALLY SIGNIFICANT IMPACTS

Resource areas that may result in significant impacts require avoidance, minimization, or mitigation measures. The potentially significant impacts are discussed in this section, and the measures needed to reduce the impact to less than significant are described in Section 4.

3.3.1 Aesthetics

3.3.1.1 Environmental Setting

The project site is a former waste water treatment plant site that is no longer in use. The site is adjacent to San Francisco Bay and Bedwell-Bayfront Park. The site contains remnants of the

wastewater treatment facilities including administration building, tanks, treatment works facilities, and several open basins. The site is no longer used for waste water treatment but the basins are operated as a flow equalization facility offering storage during peak flows. The site is surrounded by and contains earthen levees which form the basins of the flow equalization facility. Access to the facility is from Marsh Road and controlled by a gate and 6-foot chain link fence, topped with spiraled barbed wire that extends along the southern and eastern boundaries of the site.

3.3.1.2 Regulatory Setting

Policies concerning appearance, design, and scenic views of development around the bay contained in the San Francisco Bay Plan (BCDC 2008) include:

1. To enhance the visual quality of development around the Bay and to take maximum advantage of the attractive setting it provides, the shores of the Bay should be developed in accordance with the Public Access Design Guidelines.
2. All bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore. To this end, planning of waterfront development should include participation by professionals who are knowledgeable of the Commission's concerns, such as landscape architects, urban designers, or architects, working in conjunction with engineers and professionals in other fields.
3. In some areas, a small amount of fill may be allowed if the fill is necessary—and is the minimum absolutely required—to develop the project in accordance with the Commission's design recommendations.
4. Structures and facilities that do not take advantage of or visually complement the Bay should be located and designed so as not to impact visually on the Bay and shoreline. In particular, parking areas should be located away from the shoreline. However, some small parking areas for fishing access and Bay viewing may be allowed in exposed locations.
8. Shoreline developments should be built in clusters, leaving areas open around them to permit more frequent views of the Bay. Developments along the shores of tributary waterways should be Bay-related and should be designed to preserve and enhance views along the waterway, so as to provide maximum visual contact with the Bay.
9. "Unnatural" debris should be removed from sloughs, marshes, and mudflats that are retained as part of the ecological system. Sloughs, marshes, and mudflats should be restored to their former natural state if they have been despoiled by human activities.
10. Towers, bridges, or other structures near or over the Bay should be designed as landmarks that suggest the location of the waterfront when it is not visible, especially in flat areas. But such landmarks should be low enough to assure the continued visual dominance of the hills around the Bay.

12. To achieve a high level of design quality, the Commission’s Design Review Board, composed of design and planning professionals, should review, evaluate, and advise the Commission on the proposed design of developments that affect the appearance of the Bay in accordance with the Bay Plan findings and policies on Public Access; on Appearance, Design, and Scenic Views; and the Public Access Design Guidelines. City, county, regional, state, and federal agencies should be guided in their evaluation of bayfront projects by the above guidelines.

13. Local governments should be encouraged to eliminate inappropriate shoreline uses and poor-quality shoreline conditions by regulation and by public actions (including development financed wholly or partly by public funds). The Commission should assist in this regard to the maximum feasible extent by providing advice on Bay-related appearance and design issues, and by coordinating the activities of the various agencies that may be involved with projects affecting the Bay and its appearance.

14. Views of the Bay from vista points and from roads should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water. In this regard, attention should be given to all waterfront locations, areas below vista points, and areas along roads that provide good views of the Bay for travelers, particularly areas below roads coming over ridges and providing a “first view” of the Bay (shown in Bay Plan Map No. 8, Natural Resources of the Bay).

15. Vista points should be provided in the general locations indicated in the Plan maps. Access to vista points should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where parking or public transportation is available. In some cases, exhibits, museums, or markers would be desirable at vista points to explain the value or importance of the areas being viewed.

There are no Bay Plan designated vista points on or adjacent to the project site. In addition, Bedwell-Bayfront Park is designated as “waterfront” development and the marshes to the north of the project site are designated as wildlife refuge (Don Edwards San Francisco Bay National Wildlife Refuge). The adjacent canal is also labeled tidal marsh (Bay Plan 2008, Plan Map 6, Central Bay South, Amended Sept 2006, Reprinted March 2012).

Typical municipal aesthetic protections usually involve guiding development which are typically structures like buildings or homes. These protections are built into architectural control reviews of the Menlo Park zoning regulations and are guided by principles such as: maintaining the general appearance in character with the neighborhood, not detrimental to the orderly growth of the City, and does not impair desirability of investment or occupation of the neighborhood. Because the development proposed is relatively low (less than 5 feet) consisting of an earthen berm or sheetpile wall, the aesthetic policies to be considered involve general environmental conservation and preservation principals. The open space and conservation policies in the Menlo Park General Plan recognize the importance of the natural environment, preserve habitat, maintain open space, support restoration efforts, preserve open space, and protect scenic areas.

3.3.1.3 Impacts

Impacts related to aesthetics would differ slightly among the build alternatives being considered.

Alternatives 1, 2, and 3 - The improvements proposed (raising levees and/ or interior areas) with fill soil approximately 5 feet in height would not significantly affect area views of the site. The improvements do not significantly adversely affect the visual character of the site as the visual elements of the project site would remain largely unchanged as no new features or uses are proposed as part of the project. An increase in levee height of approximately five feet could alter views from public viewpoints such as Marsh Road or trails within Bedwell-Bayfront Park. Visual simulations will be required to simulate views from off-site locations to demonstrate the change in views from the proposed project. Assuming the views are not significantly changed or blocked, the impact would not be considered significant.

Alternative 4 - The sheetpile only option represents a change of the visual character of the levees. Currently, the levees are composed of compacted soil and the sheetpile option would replace the earthen structure with a sheet pile wall. The sheet pile wall is comprised of bent metal panels that are vibrated or driven and bolted and/or welded together into the ground and supported by a framing system. The sheet piles would extend approximately 26-27 feet into the ground, leaving the remaining 3-4 feet visible above the ground surface. Visually, the sheetpiles represent a change in the visual character of the site by adding a metal, man-made structure in a location that is presently an engineered earthen levee. The new sloped entrance could potentially disrupt long range views from Marsh Road to the bay. Visual simulations will be required to simulate views from off-site locations to demonstrate the change in views from the proposed project. Assuming the views are not significantly changed or blocked, the impact would not be considered significant. While the sheetpile option would be a change in levee construction material and a change from the existing visual character of the existing earthen levee, the case could be made that the visual impact is not significant because the project site is part of an existing industrial operation at a former waste water treatment plant site which are and would remain visible from off-site locations with the project. Mitigation that could be recommended to reduce impacts to changes in visual character include color selection for the sheet piles or other treatments that could soften the linear appearance of the wall.

3.3.2 Biological Resources

3.3.2.1 Regulatory Setting

Federal Endangered Species Act (FESA)

The FESA of 1973, as amended, establishes a broad public and federal interest in identifying, protecting, and providing for the recovery of threatened or endangered species. The Secretary of the Interior and the Secretary of Commerce are designated in the FESA as responsible for identifying endangered and threatened species and the destruction or adverse modification of critical habitat, carrying out programs for the conservation of these species, and rendering opinions regarding the impact of proposed federal actions on listed species. The USFWS and the NOAA Fisheries are charged with implementing and enforcing the FESA. The USFWS has

authority over terrestrial and continental aquatic species, and NOAA Fisheries has authority over species that spend all or part of their life cycle at sea, such as salmonids.

Section 9 of FESA prohibits the unlawful “take” of any listed fish or wildlife species. “Take”, as defined by FESA, means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such action.” The FESA defines harm to mean “an act which actually kills or injures wildlife.” Such an act “may include “significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering” (50 CFR § 17.3). Take can be permitted under FESA pursuant to sections 7 and 10. Section 7 provides a process for take permits for federal projects or projects subject to a federal permit, and Section 10 provides a process for incidental take permits for projects without a federal nexus. FESA does not extend the take prohibition to federally listed plants on private land, other than prohibiting the removal, damage, or destruction of such species in violation of state law.

Magnuson-Stevens’s Fisheries Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended, is the primary law governing marine fisheries management in U.S. federal waters. First passed in 1976, the Magnuson-Stevens Act fosters long-term biological and economic sustainability of our nation's marine fisheries out to 200 nautical miles from shore. Key objectives of the Magnuson-Stevens Act are to:

- Prevent overfishing
- Rebuild overfished stocks
- Increase long-term economic and social benefits
- Ensure a safe and sustainable supply of seafood

Prior to the Magnuson-Stevens Act, waters beyond 12 nautical miles were international waters and fished by fleets from other countries. The 1976 law extended U.S. jurisdiction to 200 nautical miles and established eight regional fishery management councils (Councils) with representation from the coastal states and fishery stakeholders.

The Councils' primary responsibility is development of fishery management plans (FMPs). One of the primary provisions of the FMPs specifies that EFH be identified and described for the fishery, adverse fishing impacts on EFH be minimized to the extent practicable, and other actions to conserve and enhance EFH be identified. EFH is defined as waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. The legislation states that migratory routes to and from anadromous fish-spawning grounds should also be considered EFH.

This Magnuson-Stevens’s Act requires all federal agencies to consult with NOAA Fisheries regarding all actions or proposed actions permitted, funded, or undertaken, that may adversely affect EFH. The phrase “adversely affect” refers to the creation of any impact that reduces the quality or quantity of EFH, and may include direct or indirect physical, chemical, or biological alterations of the water or substrate. It additionally indicates the loss of, or injury to, benthic

organisms, prey species and their habitat, and other ecosystem components, if such modifications reduce the quantity and/or quality of the EFH. Federal activities that occur outside EFH, but may nonetheless have an impact on EFH waters, and substrate must also be considered in the consultation process. When NOAA Fisheries finds that a federal or state action would adversely affect EFH, it is required to provide conservation recommendations.

The Magnuson-Stevens Act states that consultation regarding EFH should be consolidated, where appropriate, with the interagency consultation, coordination, and environmental review procedures required by other federal statutes, such as the National Environmental Policy Act and the ESA. EFH consultation requirements can be satisfied through concurrent environmental compliance requirements if the lead agency provides NOAA Fisheries with timely notification of actions that may adversely affect EFH, and if the notification meets requirements for EFH assessments.

Migratory Bird Treaty Act (MBTA)

The MBTA (16 U.S. Code [U.S.C.] 703 et seq.), Title 50 Code of Federal Regulations (CFR) Part 10, prohibits taking, killing, possessing, transporting, and importing of migratory birds, parts of migratory birds, and their eggs and nests, except when specifically authorized by the Department of the Interior. As used in the act, the term “take” is defined as meaning, “to pursue, hunt, capture, collect, kill or attempt to pursue, hunt, shoot, capture, collect or kill, unless the context otherwise requires.” With a few exceptions, most birds are considered migratory under the MBTA. Disturbances that cause nest abandonment and/or loss of reproductive effort or loss of habitat upon which these birds depend would be in violation of the MBTA. The USFWS oversees implementation of the MBTA.

Federal Clean Water Act

The U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA) regulate the discharge of dredged or fill material into waters of the U.S., including wetlands, under Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). Waters of the U.S. are defined in Title 33 CFR Part 328.3(a) and include a range of wet environments such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds. The lateral limits of jurisdiction in those waters may be divided into three categories – territorial seas, tidal waters, and non-tidal waters – and is determined depending on which type of waters is present (Title 33 CFR Part 328.4(a), (b), (c)). Activities in waters of the U.S. regulated under Section 404 include fill for development, water resource projects (e.g., dams and levees), infrastructure developments (e.g., highways, rail lines, and airports) and mining projects. Section 404 of the CWA requires a federal permit before dredged or fill material may be discharged into waters of the U.S., unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).

Section 401 of the CWA (33 U.S.C. 1341) requires an applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the U.S. to obtain a water quality certification from the state in which the discharge originates. The discharge is

required to comply with the applicable water quality standards. A certification obtained for the construction of any facility must also pertain to the subsequent operation of the facility. The responsibility for the protection of water quality in California rests with the State Water Resources Control Board and its nine Regional Water Quality Control Boards (RWQCBs). The project is in the USACE San Francisco District and the RWQCB San Francisco Bay region.

California Endangered Species Act (CESA)

The State of California enacted laws similar to the FESA, including the CESA of 1984. Provisions of CESA protect state-listed threatened and endangered species. The CDFW is charged with establishing a list of endangered and threatened species. CDFW regulates activities that may result in “take” of individuals (i.e., “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”). Habitat degradation or modification is not expressly included in the definition of “take” under the California Fish and Game Code, but CDFW has interpreted “take” to include the killing of a member of a species which is the proximate result of habitat modification.

California Environmental Quality Act (CEQA)

CEQA was enacted in 1970 to provide for full disclosure of environmental impacts to the public before issuance of a permit by state and local public agencies. CEQA (Public Resources Code Sections 21000 et. seq.) requires public agencies to review activities which may affect the quality of the environment so that consideration is given to preventing damage to the environment. The CEQA Guidelines Section 15380 defines endangered, threatened, and rare species for purposes of CEQA and clarifies that CEQA review extends to other species that are not formally listed under the state or federal Endangered Species Acts but that meet specified criteria (see discussions of the California Native Plant Protection Act, California Species of Special Concern, and California Fully-protected Species below).

California Native Plant Protection Act

The California Native Plant Protection Act of 1977 prohibits importation of rare and endangered plants into California, “taking” of rare and endangered plants, and sale of rare and endangered plants. CESA defers to the California Native Plant Protection Act, which ensures that State-listed plant species are protected when State agencies are involved in projects subject to CEQA. In this case, plants listed as rare under the California Native Plant Protection Act are not protected under CESA but rather under CEQA. The Native Plant Protection Act is administered by the CDFW.

California Fish and Game Code Sections 3503 and 3513

Nesting birds, including raptors, are protected by the California Fish and Game Code Section 3503, which reads, “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” In addition, under Fish and Game Code Section 3503.5, “it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any

regulation adopted pursuant thereto”. Section 3513 essentially overlaps with the MBTA, prohibiting the take or possession of any migratory non-game bird. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by the CDFW. As such, the CDFW typically recommends surveys for nesting birds that could potentially be directly (actual removal of trees/vegetation) or indirectly (noise disturbance) impacted by project-related activities.

California Fish and Game Code Section 4510

California Fish and Game Code Section 4150 states, “all mammals occurring naturally in California which are not game mammals, fully protected mammals, or fur-bearing mammals, are nongame mammals. Nongame mammals or parts thereof may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission.” The non-game mammals that may be taken or possessed are primarily those that cause crop damage.

Fully Protected Species and California Species of Special Concern

The classification of California fully protected species was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Game Code sections (fish at §5515, amphibian and reptiles at §5050, birds at §3511, and mammals at §4700) dealing with fully protected species states that these species “...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species,” although take may be authorized for necessary scientific research. This language makes the fully protected species designation the strongest and most restrictive regarding the “take” of these species. In 2003, the code sections dealing with fully protected species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

California Species of Special Concern are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to the CDFW. This is because they are declining at a rate that could result in listing, or because they historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA, as well as cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given consideration under CEQA during project review.

California Fish and Game Code 1600-1603

Streams, lakes, and riparian vegetation, as habitat for fish and other wildlife species, are subject to jurisdiction by the CDFW under Sections 1600-1616 of the California Fish and Game Code. Any activity that will do one or more of the following requires a 1602 Lake and Streambed Alteration Agreement (LSAA):

- (1) substantially obstruct or divert the natural flow of a river, stream, or lake;
- (2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or
- (3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

CDFW does not exert jurisdiction over saltwater habitats under California Fish and Game Code sections 1600-1603.

California Porter-Cologne Water Quality Control Act

Division 7 of the California Water Code is the basic water quality control law for California. This law is titled the Porter-Cologne Water Quality Control Act (Porter-Cologne Act). The Porter-Cologne Act establishes a regulatory program to protect water quality and to protect beneficial uses of state waters. The implementation of the Porter-Cologne Act is principally characterized in each RWQCB's Water Quality Control Plan (Basin Plan). A Basin Plan is a master policy document for managing surface and groundwater quality throughout each respective region. These Basin Plans set forth the water quality criteria by which all waters of the state within the Region are measured. The project site is under the jurisdiction of the San Francisco Bay RWQCB.

Waters of the State are defined by the Porter-Cologne Water Quality Control Act as "any surface water or groundwater, including saline waters, within the boundaries of the state." The State Water Resources Control Board protects all waters in its regulatory scope, but has special responsibility for isolated wetlands and headwaters. These water bodies have high resource value, are vulnerable to filling, and may not be regulated by other programs, such as Section 404 of the CWA. Waters of the State are regulated by the RWQCBs under the State Water Quality Certification Program, which regulates discharges of dredged and fill material under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act. Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact Waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, but does involve activities that may result in a discharge of harmful substances to Waters of the State, the RWQCBs have the option to regulate such activities under its state authority in the form of Waste Discharge Requirements (WDRs) or Certification of WDRs.

All projects resulting in discharges, whether to land or water, are subject to Section 13263 of the California Water Code. Section 13260 states that persons discharging or proposing to discharge

waste that could affect the quality of waters of the state, other than into a community sewer system, shall file a WDR containing information that may be required by the appropriate RWQCB. The projects are then required to obtain approval of WDRs from the appropriate RWQCB. Land and groundwater-related WDRs regulate discharges of privately or publicly treated domestic wastewater and process and wash-down wastewater. WDRs for discharges to surface waters also serve as National Pollution Discharge Elimination System (NPDES) permits (see below).

San Francisco Bay Conservation and Development Commission

The San Francisco Bay Conservation and Development Commission (BCDC) has regulatory jurisdiction, as defined by the McAteer Petris Act, over the San Francisco Bay and its shoreline. A permit from the BCDC is required for any filling, new construction, dredging, major remodeling, or substantial change in use within the San Francisco Bay and within 100 feet of the San Francisco Bay shoreline. BCDC issues administrative permits for construction projects within its jurisdiction for activities that qualifies as a minor repair or improvement in a relatively short period of time and without a public hearing on the application. Although an administrative permit application can be processed quickly, the project will be reviewed against the same policies that are used to determine whether a more extensive major permit can be approved.

City of Menlo Park Municipal Code / Heritage Tree Ordinance

Chapter 13.24 of the Menlo Park Municipal Code, Heritage Trees sets forth that is unlawful for any person to remove, or cause to be removed, any heritage tree from any parcel of property in the city, or prune more than one-fourth of the branches or roots within a twelve (12) month period, without obtaining a permit¹. The ordinance also requires a tree protection plan for any work performed within an area ten (10) times the diameter of the tree (i.e., the tree protection zone).

Section 13.24.020 of the code defines “heritage tree” as any of the following:

- (4) A tree or group of trees of historical significance, special character or community benefit, specifically designated by resolution of the city council;
- (5) An oak tree (*Quercus*) which is native to California and has a trunk with a circumference of 31.4 inches (diameter of ten (10) inches) or more, measured at fifty-four (54) inches above natural grade. Trees with more than one trunk shall be measured at the point where the trunks divide, with the exception of trees that are under twelve (12) feet in height, which will be exempt from this section.
- (6) All trees other than oaks which have a trunk with a circumference of 47.1 inches (diameter of 15 inches) or more, measured fifty-four (54) inches above natural grade. Trees with more than one trunk shall be measured at the point where the trunks divide,

¹ Per section 01.04.010(9) of the Menlo Park Municipal Code, the term person means “means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.”

with the exception of trees that are under twelve (12) feet in height, which will be exempt from this section.

City of Menlo Park General Plan

The following policies from the City of Menlo Park's General Plan Open Space and Conservation Element are relevant to the project:

- Sensitive Habitats. Require new development on or near sensitive habitats to provide baseline assessments prepared by qualified biologists, and specify requirements relative to the baseline assessments (Policy OSC1.3).
- Heritage Trees. Protect Heritage Trees, including during construction activities through enforcement of the Heritage Tree Ordinance (Chapter 13.24 of the Municipal Code) (Policy OSC1.15).
- Erosion and Sediment Control. Continue to require the use of best management practices for erosion and sediment control measures with proposed development in compliance with applicable regional regulations (Policy S1.26).

3.3.2.2 Biological Setting

The project area is surrounded by open space, and there are many species of birds and other wildlife in the project area. During the site visit, ring-billed gull (*Larus delawarensis*) and black-necked stilt (*Himantopus mexicanus*) were observed in the water storage basins; Canada geese (*Branta canadensis*), killdeer (*Charadrius vociferus*) and western meadowlark (*Sturnella neglecta*) were observed on the levees; and rock pigeon (*Columba livia*), American crow (*Corvus brachyrhynchos*), and Brewer's blackbirds (*Euphagus cyanocephalus*) were observed both on the levees and/or perched on structures at the FEF. One burrowing owl (*Athene cunicularia*), a California species of special concern, was observed on the levee bank of the northernmost water storage basin. Two native mammals, black-tailed jackrabbit (*Lepus californicus*) and California ground squirrel (*Spermophilus beecheyi*) were also observed on the levees and levee banks. In addition, a cat (*Felis catus*) was observed in the shrubs on the southern border of the site. Numerous species of ducks and shorebirds were also observed in the slough bordering the site to the west. See Attachment B: Species Lists for a complete list of species observed in and near the project area.

The project area also supports additional bird species including diurnal birds of prey such as red-tailed hawk (*Buteo jamaicensis*) and turkey vulture (*Cathartes aura*); additional mammal species such as raccoon (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), striped skunk (*Mephitis mephitis*), and mule deer (*Odocoileus hemionus*); and reptiles and amphibians such as California slender salamander (*Batrachoseps attenuatus*), western fence lizard (*Sceloporus occidentalis*), and Northern alligator lizard (*Elgaria multicarinata*).

The basins are surrounded by saltmarsh dominated by pickleweed (*Salicornia virginica*), and wetland species extend onto the outboard side of the levees where the plant species mix also

includes Russian thistle (*Salsola soda*), hastate-leaved orache (*Atriplex prostrata*), hairy gumplant (*Grindelia hirsutula*), and alkali heath (*Frankenia salina*).

3.3.2.3 Special-status Species

A special-status species is defined as a species meeting one or more of the following criteria:

- Listed, proposed for listing, or candidate for possible future listing as threatened or endangered under the Federal Endangered Species Act (FESA, 50 CFR §17.12)
- Listed or candidates for listing by the State of California as threatened or endangered under the California Endangered Species Act (CESA, Fish and Game Code §2050 et seq.).
- Listed as rare under the California Native Plant Protection Act (Fish and Game Code §1900 et seq.).
- Listed as a Fully Protected Species (Fish and Game Code §§3511, 4700, 5050, and 5515)
- Listed as a California species of special concern (CSSC) on California Department of Fish and Wildlife's (CDFW) Special Animals list
- Plant species considered by CNPS and CDFW to be “rare, threatened, or endangered in California” (California Rare Plant Ranks [CRPR] 1A, 1B, and 2)

Please see the special-status species tables in Appendix B for a list of special-status species that occur in the project region, their listing status, geographic range in California, habitat requirements, life form and blooming period (plants only), and potential to occur on the project site. The tables are based on a search of the California Natural Diversity Database (CNDDDB, 2017) and the USFWS IPaC, NOAA Fisheries EFH Mapper, and NOAA Fisheries critical habitat portal for special-status species that could occur within five miles of the project site.

Many of these species are not expected to occur on or adjacent to the project site due to a lack of suitable habitat in the project area. Special-status species which could occur in or adjacent to the project area and the impacts associated with each alternative are described in detail below. Potential habitat for these species is shown on Figure 2: Habitat Map for Special-Status Species.

Longfin smelt

Longfin smelt (*Spirinchus thaleichthys*) is a candidate for listing under the FESA, is listed as threatened under the CESA, and is a California species of special concern. It occurs slightly upstream from Rio Vista and Medford Island through Suisun Bay and Suisun Marsh, in San Pablo Bay, in the San Francisco Bay, in the Gulf of the Farallones, in Humboldt Bay, and in the Eel River estuary. It is found in open water of estuaries, mostly in the middle or bottom of water columns, prefer salinities of 15-30 parts per thousand but can be found in completely freshwater to almost pure seawater. There is one CNDDDB occurrence for longfin smelt within 5 miles of the project site.

Longfin smelt are pelagic and anadromous, spawning in freshwater and moving into estuarine and ocean waters as they mature. They do not tolerate water temperatures higher than 22 degrees Celsius and typically move seaward to San Francisco Bay and cooler water during the summer.

Spawning typically occurs between January and April, but may begin as early as November and last as late as June, and occurs over sandy substrate. Although no suitable spawning habitat occurs for longfin smelt in or near the project area, this fish is documented to migrate throughout San Francisco Bay and the delta region and could occur in the sloughs directly adjacent to the project area.

Alternatives 1 and 3 – Although no fill or construction activities are proposed on the San Francisco Bay side of the project area for Alternatives 1 and 3, impacts could occur within San Francisco Bay if an accidental spill (e.g., fuel, oil) occurs or if sediment from the proposed levee repairs falls into the Bay during construction activities and increases turbidity levels. Increased levels of turbidity could affect longfin smelt by disrupting normal feeding behavior, reducing growth rates, increasing stress levels, and reducing respiratory function.

Alternatives 2 and 3 – Alternative 2 and Alternative 3, if combined with Alternative 2, would reconstruct the levee up to 32 feet outside of the existing edge on the San Francisco Bay side of the project area, which would likely impact coastal saltmarsh wetlands and the adjacent slough where longfin smelt may be present. Alternatives 2 and 3 could impact longfin smelt by generating increased levels of turbidity during the construction if sediment were to fall into the waters of San Francisco Bay. Increased levels of turbidity could affect longfin smelt by disrupting normal feeding behavior, reducing growth rates, increasing stress levels, and reducing respiratory function.

Alternative 4 – Alternative 4 would utilize a sheet pile wall around the project area, which may impact coastal saltmarsh wetlands and the adjacent slough where longfin smelt may be present. Alternative 4 could impact longfin smelt by generating increased levels of turbidity during the construction if sediment were to fall into the waters of San Francisco Bay, or during sheet pile installation into mud. Increased levels of turbidity could affect longfin smelt by disrupting normal feeding behavior, reducing growth rates, increasing stress levels, and reducing respiratory function.

Central California Coast Steelhead Evolutionary Significant Unit (ESU)

The central California coast steelhead ESU is federally listed as threatened. The central California coast steelhead ESU includes all naturally spawned anadromous (fish that spawn in freshwater and spend a portion of their lives in the ocean) populations of steelhead below natural and man-made impassable barriers in the following areas:

- Coastal streams from the Russian River in Sonoma County to Aptos Creek in Santa Cruz County.
- Drainages of San Francisco, San Pablo, and Suisun bays eastward to Chipps Island at the confluence of the Sacramento and San Joaquin rivers.
- All waters of the San Pablo Bay westward of the Carquinez Bridge and all waters of the San Francisco Bay from San Pablo Bay to the Golden Gate Bridge.

- Tributary streams to Suisun Marsh, including Suisun Creek, Green Valley Creek, and an unnamed tributary to Cordelia Slough (commonly referred to as Red Top Creek), excluding the Sacramento-San Joaquin River Basin of the California Central Valley.
- Two artificial propagation programs: the Don Clausen Fish Hatchery and Kingfisher Flat Hatchery/Scott Creek steelhead hatchery programs.

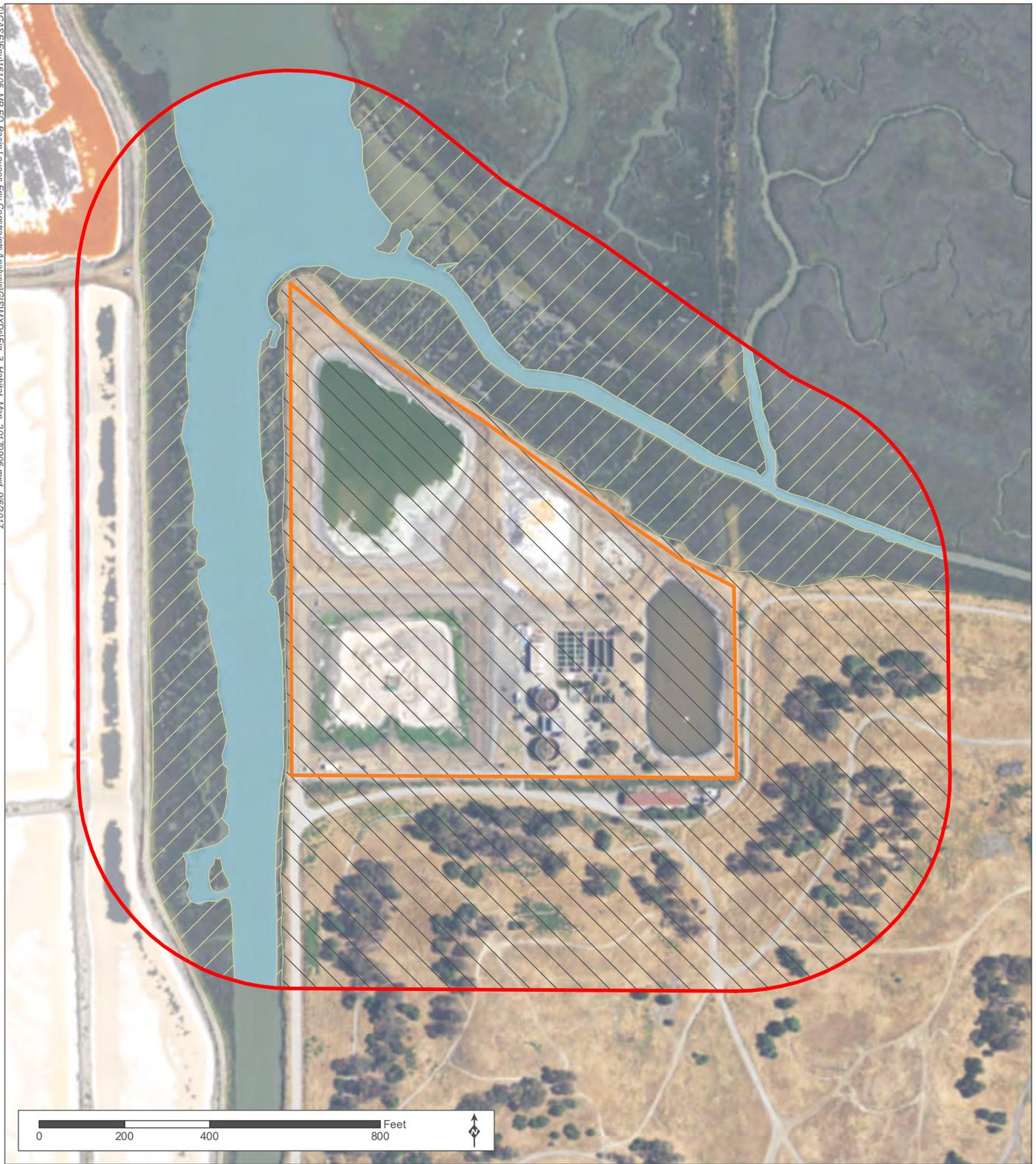
The central California coast steelhead ESU is comprised of all winter-run fish. Winter-run steelhead spawn between December and April, with peak activity between January and March. However, migrating steelhead may be seen in the San Francisco Bay and Suisun Marsh area as early as August. In California, juvenile steelhead develop in freshwater for 1 to 4 years (typically 2 years) before migrating downstream to the marine environment as smolts in the spring months. After 1 to 4 years of growth at sea, adult steelhead return to their natal streams to spawn. A small percentage of returning adults may stray to non-natal streams for spawning. Steelhead are primarily drift feeders and may forage in open waters of estuarine subtidal and riverine tidal habitats. Steelhead do not eat when migrating upstream and often lose body weight.

Barriers to fish passage have isolated large portions of spawning habitat within some basins in this ESU. In addition, flow fluctuations, sedimentation of spawning habitat, altered flow rates, and mortality associated with tracking have also contributed to this species' decline. Predation, most notably by sea lions (*Zalophus* spp.), has also been identified as a significant risk to this ESU.

Little information on central California coast steelhead ESU is available in the CNDDDB; however, the San Francisco Bay serves primarily as a migration corridor for adult and juvenile steelhead, linking the ocean and natal streams. Therefore, the sloughs directly adjacent to the project area may support smolts and adult steelhead during migration. No natal streams or other suitable spawning habitat are located in the vicinity of the project area.

Alternatives 1 and 3 – Although no fill or construction activities are proposed on the San Francisco Bay side of the project area for Alternatives 1 and 3, impacts could occur within San Francisco Bay if an accidental spill (e.g., fuel, oil) occurs or if sediment from the proposed levee repairs falls into the Bay during construction activities and increases turbidity levels. Increased levels of turbidity could affect steelhead by disrupting normal feeding behavior, reducing growth rates, increasing stress levels, and reducing respiratory function.

Alternatives 2 and 3 – Alternative 2 and Alternative 3, if combined with Alternative 2, would reconstruct the levee up to 32 feet outside of the existing edge on the San Francisco Bay side of the project area, which would likely impact coastal salt marsh wetlands and the adjacent slough where steelhead may be present. Alternatives 2 and 3 could impact steelhead by generating increased levels of turbidity during the construction if sediment were to fall into the waters of San Francisco Bay. Increased levels of turbidity could affect steelhead by disrupting normal feeding behavior, reducing growth rates, increasing stress levels, and reducing respiratory function.



Source: ESRI 2014; USGS Online 2014; MIG 2017

-  Project Area
-  500' Buffer Around Project Area
-  Habitat for White-Tailed Kite, Northern Harrier, Western Burrowing Owl, and Alameda Song Sparrow
-  Habitat for Salt Marsh Harvest Mouse, Ridgway's Rail, Northern Harrier, and Alameda Song Sparrow
-  Habitat for Longfin Smelt and Steelhead

Figure 2 Habitat Map for Special-Status Species

Menlo Park EQ Basin Levee Constraints Analysis Project



Alternative 4 – Alternative 4 would utilize a sheet pile wall around the project area, which may impact coastal saltmarsh wetlands and the adjacent slough where steelhead may be present. Alternative 4 could impact steelhead by generating increased levels of turbidity during the construction if sediment were to fall into the waters of San Francisco Bay, or during sheet pile installation into mud. Increased levels of turbidity could affect steelhead by disrupting normal feeding behavior, reducing growth rates, increasing stress levels, and reducing respiratory function.

California Least Tern

California least tern (*Sternula antillarum browni*) is listed as threatened under FESA, listed as endangered under CESA, and a California fully protected species. It nests along the coast from San Francisco Bay south to Northern Baja California. It is a colonial breeder on bare or sparsely vegetated flat substrates, sandy beaches, alkali flats, landfills or paved areas. There is one CNDDDB occurrence for California least tern within 5 miles of the project area.

The project area is surrounded by northern coastal saltmarsh and mudflat habitat, which is suitable foraging habitat for California least tern. Therefore, foraging California least tern are considered to have a moderate potential to occur in or near the project area.

Suitable nesting habitat for California least tern may be present in the salt pond habitat approximately 330 feet west of the project area; however, California least tern nesting colonies in the San Francisco Bay area are only known at Alameda Point, which is approximately 20 miles north of the project area, Eden Landing, which is 6.5 miles northeast of the project area, and Hayward Regional Shoreline, which is approximately 9 miles northeast of the project area, (CDFW 2017b). Therefore, nesting California least tern are not anticipated to occur in or near the project area.

Alternatives 1, 2, 3, and 4 – There is potential that increased noise and vibrations, resulting from heavy equipment use in the project area could disturb or displace nearby foraging and/or roosting California least tern by flushing them from the area. Although flushing may increase the birds' energy demands, it is not expected to result in a substantial effect on any California least tern. In addition, suitable roosting and foraging habitat is present throughout the San Francisco Bay; therefore, these impacts are not expected to be significant.

Ridgway's Rail

Ridgway's rail (*Rallus obsoletus* spp. *obsoletus*; formerly California clapper rail) is listed as endangered under both FESA and CESA, and is a California fully protected species. It inhabits and breeds in saltwater and brackish marshes traversed by tidal sloughs around San Francisco Bay. It is associated with abundant growth of pickleweed, but feeds away from cover on invertebrates in mud-bottomed sloughs. There are four CNDDDB occurrences for Ridgway's rail within 5 miles of the project site.

In the South Bay, Ridgway's rail typically inhabits expansive pickleweed and cordgrass (*Spartina foliosa*) dominated saltmarshes that are tidally influenced. Brackish marshes, including

bulrush/cattail wetland is considered marginally suitable habitat for this species. The species habitat requirements include shallow water or mudflats for foraging and adjacent upland vegetation for escape during high tide. Ridgway's rail nests in areas characterized by the presence of tidal sloughs, abundant invertebrate populations, pickleweed coverage with extensive cordgrass coverage in lower zone, and pickleweed, gum plant, and wrack in the upper zone (BNOA 2009).

Ridgway's rail is known from Bedwell-Bayfront Park, which is directly south of the project area and Greco Island, north of the project area (ebird.org [accessed September 2017]). As a result, Ridgway's rail is assumed to be present within 500 feet of the project area, but is not likely to occur within the project footprint because of its secretive nature and the lack of cover on the project site.

Alternatives 1, 2, 3, and 4 – Because of its reclusive nature, all Ridgway's rails foraging or nesting within 500 feet of the project area could be disturbed by construction noise or other construction activities. Although noise pollution can be minimized to the greatest extent feasible, construction noise could change Ridgway's rail foraging and nesting behavior, resulting in a significant impact to the population.

Alternatives 1 and 2 –The implementation of the project could result in temporary impacts to habitat. Temporary impacts to habitat could include the discharge of sediment or debris into the marsh and the movement of equipment on and around the existing levee and saltmarsh habitat.

Alternative 4 – Alternative 4 would utilize a sheet pile wall around the project area, which may impact coastal saltmarsh wetlands and the adjacent slough where Ridgway's rail may be present. Direct impacts to Ridgway's rail could occur if it is present within the project area during construction through injury/death. Alternative 4 could also temporarily and/or permanently impact saltmarsh habitat, which may be suitable foraging and nesting habitat for Ridgway's rail. Depending on the location of the sheet pile wall it could impose a barrier between saltmarsh wetlands and a small band of upland on the outboard side of the levees.

Western Burrowing Owl

Western burrowing owl (*Athene cunicularia*) is a California species of special concern. It is a year-round resident throughout much of California, except the coastal counties north of Marin and mountainous areas. This species occurs in open, dry annual or perennial grasslands, deserts and scrublands characterized by low growing vegetation. Burrowing owl nests in small mammal burrows, particularly those of the California ground squirrel. There are two CNDDDB occurrences for burrowing owl within 5 miles of the project site. This species was observed on site on one of the levees near a burrow during the March 2017 site survey.

Alternatives 1, 2, 3, and 4 – The project will result in the removal of burrow(s) used by burrowing owl. In addition, the project could result in injury or mortality of the burrowing owl if the burrow is occupied at the time of construction.

Western Snowy Plover

Western snowy plover Pacific population (*Charadrius nivosus nivosus*) is listed as threatened under the FESA and is a California species of special concern. The Pacific population of western snowy plover occurs along the entire coastline of California. Suitable nesting habitat consists of sandy beaches, salt pond levees and shores of large alkali lakes. This species needs sandy, gravelly or friable soils for nesting. There are six CNDDDB occurrences for western snowy plover within 5 miles of the project area.

The project area is surrounded on two sides by northern coastal saltmarsh and mudflat habitat, which is suitable forage habitat for western snowy plover. Therefore, foraging western snowy plover are considered to have a moderate potential to occur in or near the project area.

Suitable nesting habitat for western snowy plover may be present in the salt pond habitat approximately 330 feet west of the project area; however, snowy plover in the San Francisco Bay area are only known to nest at Don Edwards San Francisco Bay National Wildlife Refuge near Ravenswood salt ponds, which is approximately 0.5-mile south of the project area, Eden Landing, which is 6.5 miles northeast of the project area, and Hayward Regional Shoreline, which is approximately 9 miles northeast of the project area, (San Francisco Bay Bird Observatory 2011). Therefore, nesting western snowy plover are not anticipated to occur in or near the project area.

Alternatives 1, 2, 3, and 4 – There is potential that increased noise and vibrations, resulting from heavy equipment use in the project area could disturb or displace nearby foraging and/or roosting western snowy plover by flushing them from the area. Although flushing may increase the birds' energy demands, it is not expected to result in a substantial effect on any western snowy plover. In addition, suitable roosting and foraging habitat is present throughout the San Francisco Bay; therefore, these impacts are not expected to be significant.

Saltmarsh Harvest Mouse

Salt marsh harvest mouse (*Reithrodontomys raviventris*) is listed as endangered under the FESA and CESA, and is also a California fully protected species. This species is endemic to the saline emergent wetlands of the San Francisco Bay and its tributaries. Pickleweed is the primary habitat of this non-burrowing mammal. It builds loosely organized nests and requires higher areas to escape flooding. There are ten CNDDDB occurrences for salt marsh harvest mouse within 5 miles of the project site.

The optimal habitat for salt marsh harvest mouse habitat is generally considered tidal marsh dominated by pickleweed (*Salicornia* spp.; Shellhammer et al. 1982; Shellhammer 1989; USFWS 2009). However, habitats not dominated by pickleweed, within both tidal and diked marshes, are also known to support long term populations (Sustaita et al. 2011). Salt marsh harvest mouse is known to cross levees into ruderal habitat and use levee slopes for breeding and foraging. Salt marsh harvest mouse are known to occur within the saltmarshes to the north and west of the project area on Bair and Greco Islands (Basson 2009). Therefore, salt marsh harvest mouse is assumed to be present within and adjacent to the project area.

Alternatives 1, 2, 3, and 4 – There is potential that increased noise and vibrations, resulting from heavy equipment use in the project area could disturb or displace salt marsh harvest mice by flushing them from the area. Additionally, direct impacts to salt marsh harvest mouse within the project area could occur through injury or death during construction, including death by predation when animals are flushed from their nests. Additionally, the implementation of the project is expected to result in temporary impacts to habitat.

Alternatives 1 and 3 - Although no fill or construction activities are proposed on the San Francisco Bay side of the project area for Alternatives 1 and 3, direct impacts could occur to salt marsh harvest mouse by the temporary disturbance of upland levee habitat, possibly resulting in injury or death during construction if undetected during the implementation of the project. Indirect effects include the potential for increased noise and vibrations, resulting from heavy equipment use in the project area and could disturb or displace salt marsh harvest mice by flushing them from adjacent areas.

Alternatives 2 and 3 – Alternative 2 and Alternative 3, if combined with Alternative 2, would reconstruct the levee up to 32 feet outside of the existing edge on the Bay side, which would likely impact coastal salt marsh wetlands. Alternatives 2 and 3 could directly impact salt marsh harvest mouse through the permanent loss of saltmarsh habitat and the temporary disturbance of upland levee habitat. Temporary disturbance of saltmarsh habitat and upland levee habitat could occur from the discharge of sediment or debris into saltmarsh habitat, disturbance of existing saltmarsh vegetation associated with grading and filling, and the movement of equipment on and around the existing levee and saltmarsh habitat, resulting in possible injury or death of salt marsh harvest mouse during construction. Additionally, the potential for increased noise and vibrations, resulting from heavy equipment use in the project area and could disturb or displace salt marsh harvest mice by flushing them from areas adjacent to the project area, exposing them to depredation or injury/death from construction activities. The permanent loss along with fragmentation of saltmarsh habitat is the primary reason for the population decline of this species.

Alternative 4 – Alternative 4 would utilize a sheet pile wall around the project area, which could directly impact salt marsh harvest mouse through the temporary disturbance of saltmarsh habitat and upland levee habitat during construction. In addition, when completed, the sheet pile wall will likely also result in the permanent loss of access to upland levee habitat. Temporary disturbance of salt marsh habitat and upland levee habitat could also occur from the discharge of sediment or debris into the habitat, disturbance of existing vegetation associated with grading and filling, and the movement of equipment on and around the existing levee and marsh habitat, resulting in possible injury or death during construction. Additionally, the potential for increased noise and vibrations, resulting from heavy equipment use in the project area and could disturb or displace salt marsh harvest mice by flushing them from areas adjacent to the project area, exposing them to depredation or injury/death from construction activities. The installation of a sheet pile wall will leave no, or very little, high-ground for salt marsh harvest mice to retreat during high tides. The permanent loss of upland habitat is especially detrimental to the long-term

survival of salt marsh harvest mouse since climate models predict a rise in sea level. A rise in sea level could result in the permanent flooding of the salt marsh surrounding the project, resulting in the loss of suitable habitat for salt marsh harvest mouse.

White-tailed Kite, Northern Harrier, Alameda Song Sparrow, and Other Nesting Birds

White-tailed kite (*Elanus leucurus*) is a California Fully Protected Species. The species is a year-round resident in lowland areas west of the Sierra Nevada from the head of the Sacramento Valley south, including coastal valleys and foothills, to western San Diego County at the Mexico border. Habitat consists of low foothills or valley areas with valley or live oaks, riparian areas, and marshes near open grasslands that are used for foraging. There is one CNDDDB occurrence for white-tailed kite within 5 miles of the project area. Habitat in the project area is limited, but the adjacent Bedwell-Bayfront Park and saltmarsh habitat associated with the San Francisco Bay could support nesting and foraging. Therefore, it is considered to have a moderate potential to occur in or near the project area.

The northern harrier (*Circus cyaneus*) is a California species of special concern. The species is a permanent resident of the northeastern plateau and coastal areas and a less common resident of the Central Valley. It occurs in coastal scrub, Great Basin grassland, marsh and swamp (coastal and freshwater), riparian scrub, valley and foothill grassland, and wetlands. There are two CNDDDB occurrences for northern harrier within 5 miles of the project site. Suitable foraging and nesting habitat in the project area is limited, but the adjacent Bedwell-Bayfront Park and saltmarsh habitat associated with the San Francisco Bay could support nesting and foraging. Northern harrier has been observed to use the project site levees as a perch to hunt the adjacent saltmarsh.

Alameda song sparrow (*Melospiza melodia pusillula*) is a California species of special concern. It is a resident of salt marshes bordering the south arm of San Francisco Bay. It inhabits pickleweed marshes, nests low in gumplant (*Grindelia*) bushes (high enough to escape high tides) and in pickleweed. There are twelve CNDDDB occurrences for Alameda song sparrow within 5 miles of the project area. Suitable nesting and foraging habitat in the project area is limited, but the adjacent coastal saltmarsh habitat associated with the San Francisco Bay could support nesting and foraging. Therefore, it is considered to have a moderate potential to occur in or near the project area.

Alternatives 1, 2, 3, and 4 – Vegetation within and/or adjacent to the project area could support nesting birds protected by the MBTA and California Fish and Game Code, including special-status species such as white-tailed kite, northern harrier, and Alameda song sparrow. Project activities could destroy bird nests or cause nesting birds to abandon their nests due to construction-related noise.

3.3.2.4 Critical Habitat and Essential Fish Habitat

Critical Habitat

Central California Coast Steelhead ESU

The area designated for central California coast steelhead ESU critical habitat includes approximately 1,465 miles of freshwater stream habitat and approximately 386 square miles of estuarine habitat primarily in the San Francisco, San Pablo, and Suisun Bays. NOAA Fisheries-designated critical habitat for the central California coast steelhead ESU includes all river reaches and estuarine areas accessible to listed steelhead in coastal river basins from California's Russian River to Aptos Creek and all drainages of the San Francisco and San Pablo bays.

NOAA Fisheries has defined primary constituent elements for steelhead critical habitat separately for freshwater spawning, rearing, and migratory corridor sites and estuarine areas. The project area is located adjacent to the San Francisco Bay, which is considered to be estuary critical habitat for central California coast steelhead. Therefore, only PCEs for estuarine habitat are included below. The specific PCEs essential for the conservation of the Central California Coast steelhead ESU in estuarine areas include estuarine areas free of obstruction and excessive predation with:

- Water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between freshwater and saltwater;
- Natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels; and
- Juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation.

Although the project area is located directly adjacent to the San Francisco Bay, which is critical habitat for central California coast steelhead, no critical habitat will be directly impacted by any of the project alternatives. Impacts to critical habitat could occur if there is an accidental spill (e.g., fuel, oil) or if sediment from the repairs falls into the San Francisco Bay during construction activities and increases turbidity levels.

North American Green Sturgeon Southern Distinct Population Segment (DPS)

The area designated for critical habitat for the North American green sturgeon southern DPS includes approximately 320 miles of freshwater river habitat, 897 square miles of estuarine habitat, 11,421 square miles of marine habitat, 487 miles of habitat in the Sacramento-San Joaquin Delta, and 135 square miles of habitat within the Yolo and Sutter freshwater bypasses.

NOAA Fisheries has defined PCEs for green sturgeon critical habitat separately for freshwater riverine systems and estuarine areas. The project area is located adjacent to the San Francisco Bay, which is considered to be estuary critical habitat for North American green sturgeon. Therefore, only PCEs for estuarine habitat are included below. The specific PCEs essential for the conservation of the southern DPS in estuarine areas include:

- 1) Abundant prey items for juvenile, subadult, and adult life stages. Prey species for juvenile, subadult, and adult green sturgeon within bays and estuaries primarily consist of benthic invertebrates and fishes, including crangonid shrimp (*Crangonidae* spp.), burrowing thalassinidean shrimp (*Thalassinidea* spp.) (particularly the burrowing ghost shrimp), amphipods (*Crustacea* spp.), isopods (*Isopoda* spp.), clams (*Mollusca* spp.), annelid worms (*Annelida* spp.), crabs (*Brachyura* spp.), sand lances (*Ammodytidae* spp.), and anchovies (*Engraulidae* spp.). These prey species are critical for the rearing, foraging, growth, and development of juvenile, subadult, and adult green sturgeon within the bays and estuaries.
- 2) Within bays and estuaries adjacent to the Sacramento River (i.e., the Sacramento-San Joaquin Delta and the Suisun, San Pablo, and San Francisco bays), sufficient flow into the bay and estuary to allow adults to successfully orient to the incoming flow and migrate upstream to spawning grounds. Sufficient flows are needed to attract adult green sturgeon to the Sacramento River to initiate the upstream spawning migration.
- 3) Water quality—including temperature, salinity, oxygen content, and other chemical characteristics—necessary for normal behavior, growth, and viability of all life stages. Suitable water temperatures for juvenile green sturgeon should be below 75.2 degrees Fahrenheit (°F). At temperatures above 75.2°F, juvenile green sturgeon exhibit decreased swimming performance and increased cellular stress. Suitable salinities range from brackish water (10 parts per thousand [ppt]) to saltwater (33 ppt). Juveniles transitioning from brackish water to saltwater can tolerate prolonged exposure to seawater salinities, but may exhibit decreased growth and activity levels, whereas subadults and adults tolerate a wide range of salinities. Subadult and adult green sturgeon occupy a wide range of dissolved oxygen levels, but may need a minimum dissolved oxygen level of at least 6.54 milligrams (mg) oxygen (O₂) per liter. As described previously, adequate levels of dissolved oxygen are also required to support oxygen consumption by juveniles (ranging from 61.78 to 76.06 mg O₂ hour⁻¹kilogram⁻¹). Suitable water quality also includes water with acceptably low levels of contaminants (e.g., pesticides, organochlorines, elevated levels of heavy metals; acceptable low levels as determined by NOAA Fisheries on a case-by-case basis) that may disrupt the normal development of juvenile life stages, or the growth, survival, or reproduction of subadult or adult stages.
- 4) A migratory pathway necessary for the safe and timely passage of Southern DPS fish within estuarine habitats and between estuarine and riverine or marine habitats. Safe and timely passage means that human-induced impediments—either physical, chemical, or biological—do not alter the migratory behavior of the fish such that its survival or the overall viability of the species is compromised (e.g., an impediment that compromises the ability of fish to reach thermal refugia by the time they enter a particular life stage). Within the bays and estuaries adjacent to the Sacramento River, unimpeded passage is needed for juvenile green sturgeon to migrate from the river to the bays and estuaries and eventually out into the ocean. Passage within the bays and the Delta is also critical for adults and subadults for feeding and summer holding, as well as to access the Sacramento River for their upstream spawning migrations and to make their out-migration back into

the ocean. Within bays and estuaries outside of the Delta and the Suisun, San Pablo, and San Francisco bays, unimpeded passage is necessary for adult and subadult green sturgeon to access feeding areas, holding areas, and thermal refugia, and to ensure passage back out into the ocean.

- 5) A diversity of depths necessary for shelter, foraging, and migration of juvenile, subadult, and adult life stages. Subadult and adult green sturgeon occupy a diversity of depths within bays and estuaries for feeding and migration. Tagged adults and subadults within the San Francisco Bay estuary primarily occupy waters over shallow depths of less than 10 meters, either swimming near the surface or foraging along the bottom. In a study of juvenile green sturgeon in the Delta, relatively large numbers of juveniles were captured primarily in shallow waters from 1 to 3 meters deep, indicating juveniles may require even shallower depths for rearing and foraging. Thus, a diversity of depths is important to support different life stages and habitat uses for green sturgeon within estuarine areas.
- 6) Sediment quality (i.e., chemical characteristics) necessary for normal behavior, growth, and viability of all life stages. This includes sediments free of elevated levels of contaminants (e.g., selenium, polycyclic aromatic hydrocarbons, and organochlorine pesticides) that can cause adverse effects on all life stages of green sturgeon.

Although the project area is located directly adjacent to the San Francisco Bay, which is critical habitat for North American green sturgeon no critical habitat will be directly impacted by any of the project alternatives. Impacts to critical habitat could occur if there is an accidental spill (e.g., fuel, oil) or if sediment from the repairs falls into the San Francisco Bay during construction activities and increases turbidity levels.

Essential Fish Habitat

EFH has been designated adjacent to the project area for Pacific Coast salmonid species, including Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), and Puget Sound pink salmon (*Oncorhynchus gorbuscha*). EFH for Pacific salmon species includes all streams, lakes, ponds, wetlands, and other currently viable water bodies and most of the habitat historically accessible to salmon in Washington, Oregon, Idaho, and California. In estuarine and marine areas, Pacific coast salmon EFH extends from the nearshore and tidal submerged environments within state territorial waters out to the full extent of the exclusive economic zone (200 nautical miles or 370.4 kilometers) offshore in Washington, Oregon, and California north of Point Conception. The project area is located directly adjacent to the San Francisco Bay and; therefore, EFH for Pacific Coast salmonid species.

Although the project area is located directly adjacent to the San Francisco Bay, which is EFH for salmonid species no EFH will be directly impacted by any of the project alternatives. Impacts to EFH could occur if there is an accidental spill (e.g., fuel, oil) or if sediment from the repairs falls into the San Francisco Bay during construction activities and increases turbidity levels.

3.3.2.5 Aquatic Resources, including Jurisdictional Waters and Wetlands

The San Francisco Bay, which is a water of the U.S. and state, is located adjacent to the project area. In general, Section 404 of the CWA requires permits for the discharge of dredged or fill material into waters of the United States, including wetlands. In addition, the wastewater treatment basins may be subject to USACE jurisdiction, depending on whether wetlands are present within the basins. If wetlands are not present, then impacts to the basins are likely exempt from permit requirements under the CWA. However, wastewater treatment basins are regulated by the RWQCB as a water of the state and project actions will require a Section 401 Water Quality Certification or authorization for waste discharge.

It is recommended that a formal wetland delineation be conducted of the project area to provide a preliminary assessment of waters, including wetlands that fall within the jurisdiction of the USACE, pursuant to Section 404 of the CWA. Impacts to potentially jurisdictional waters are listed below by project alternatives.

Alternatives 1 and 3 – Alternative 1 and Alternative 3 if combined with Alternative 2 would reconstruct the levee approximately 80 feet into the interior of the project area resulting in partial fill of all the wastewater basins, which could impact wetlands, if present. Although no fill or construction activities are proposed on the San Francisco Bay side of the project area, impacts could occur to San Francisco Bay if an accidental spill (e.g., fuel, oil) occurs or if sediment from the proposed levee repairs falls into the Bay during construction activities.

Alternatives 2 and 3 – Alternative 2 and Alternative 3, if combined with Alternative 2, would reconstruct the levee up to 32 feet outside of the existing edge on the San Francisco Bay side of the project area, which would likely impact coastal salt marsh wetlands. Additionally, the levee would be reconstructed approximately 80 feet into the interior of the project area resulting in partial fill of all the wastewater basins, which could impact wetlands, if present.

Alternative 4 – Alternative 4 would utilize a sheet pile wall around the project area, which may impact coastal salt marsh wetlands. Temporary impacts from grading, filling, and the movement of construction equipment associated with the installation of the sheet pile, as well as discharge of sediment into marsh habitat, could also degrade the quality of the aquatic habitat in the San Francisco Bay.

3.3.3 Potential Constraints Associated with Biological Resources

3.3.3.1 FESA Section 7 Consultation

If a USACE Section 404 permit is required for the project, then USACE will initiate a Section 7 consultation under FESA with USFWS and NOAA Fisheries. The USFWS will need to be consulted for impacts to salt marsh harvest mouse, longfin smelt, and Ridgway's rail and NOAA Fisheries will need to be consulted for impacts to central California coast steelhead ESU, North American green sturgeon, and EFH. A Section 7 consultation requires that a separate Biological Assessments (BA) be prepared for each agency. The purpose of a BA is to provide technical information and to review the proposed project in sufficient detail to determine to what extent

the proposed project may affect federally listed threatened, endangered, or proposed species, as well as critical habitat and/or EFH. Both the USFWS and NOAA Fisheries will issue a concurrence letter if they agree with a “not likely to adversely affect” determination or they will issue separate Biological Opinions (BO) on the effects of the proposed project on federally listed species if the species are determined to have potential to be adversely affected. Any BOs issued will include incidental take statements along avoidance and minimization measures (AMMs) to be implemented to avoid and minimize impacts on federally listed species.

If a USACE Section 404 permit is not required for the project, then Section 7 consultation under FESA will not occur and all impacts to federally listed species must be avoided (see Section 4.3 and 4.4.0 below), or authorized through Section 10 of the FESA, requiring preparation of a Habitat Conservation Plan. Preparation of a Habitat Conservation Plan can significantly delay the project since this process can take many years to complete.

3.3.3.2 Biological Surveys and/or Avoidance and Minimization Measures for Listed Species

The following biological surveys and/or avoidance and minimization measures (AMMs) will likely be required to ensure impacts are avoided and/or minimized for listed species.

Ridgway’s Rail

Since Ridgway’s rail is assumed to be present, construction activities will need to avoid Ridgway’s rail breeding season (February 1 through October 31). If presence is not assumed, a protocol-level survey for Ridgway’s rail will be required within 500 feet of the project area to determine if Ridgway’s rails are present. If Ridgway’s rail is not detected, then no further action will be required and the project can proceed. If Ridgway’s rails are detected, then construction activities will need to avoid Ridgway’s rail breeding season (February 1 through October 31). The USFWS Ridgway’s rail survey methodology, which needs project specific approval by CDFW and USFWS before implementation, is as follows (USFWS 2015):

- A qualified biologist (s) shall conduct protocol level surveys for Ridgway’s rail immediately before initiation of any ground disturbing activities within the project area. The qualified biologist (s) will be experienced with the various calls, estimating distances to calls under field conditions, and possess a 10 (a)(1)(A) permit for Ridgway’s rail.
 - **Survey Stations.** Survey stations (individual survey locations) should be established so that the entire marsh around the project area out to 500 feet is covered by 330-ft radius circular plots. Listening (passive) and call playback (active) survey stations should be established no more than 660 feet apart along transects in or adjacent to marsh areas. Survey stations should be located on levee crowns or boardwalks to minimize disturbances to marsh areas. When surveys are conducted within a marsh (as opposed to from the edge), listening stations should not be placed along slough or channel edges to minimize disturbance to rail species. A detailed map depicting sloughs and other marsh landmarks or features in relation to the proposed survey stations will be completed.

- **Survey Period.** Surveys will be initiated between January 15 and February 1. For each survey station, four surveys are to be conducted: two (2) passive surveys, followed by two (2) active surveys. Surveys should be spaced at least two (2) weeks apart and should cover the time-period from the date of the first survey through the end of March or mid-April. This will allow for the surveys to encompass the optimum time period when the highest frequency of calls is likely to occur. Survey at one project site may span multiple days if the project site is large or multiple observers are not available. Surveys should proceed until Ridgway's rail(s) are detected. Once a Ridgway's rail is detected, the project site is considered occupied. At this time, all active surveys within the project site shall be terminated.
- **Survey Duration.** Morning and evening surveys can be conducted. Morning surveys will be initiated no sooner than one hour before sunrise and extended no more than one hour after sunrise; evening surveys will begin one hour prior to sunset and extend no more than one hour following sunset. For passive surveys, an observer will be assigned to each survey station for the duration of two hours. For active surveys, an observer will be assigned to each survey station for the duration of 45 minutes. A total of 3 clapper rail calls will be broadcast at each survey station spaced at 15 minutes apart. Each broadcast will have a duration of 30 seconds and will include three vocalizations: *duet*, *kek* and *kek-burr*. Volume will be between 80-90 dB at 1-m in front of the speaker. Calls will start at the arrival of the surveyor at the station. Playback will be topped immediately if a clapper rail predator (e.g., northern harrier, great blue heron, short-eared owl, cat, etc.) approaches within 100 m of the survey station or a clapper rail location.

Salt Marsh Harvest Mouse

Since salt marsh harvest mouse is assumed to be present within the project area, the following AMMs, which need project-specific approval by CDFW and USFWS before implementation, are recommended to ensure that impacts to salt marsh harvest mouse from this project are avoided as much as practicable:

- If any areas with coastal saltmarsh or vegetation within 50 feet from the edge of coastal saltmarsh need to be cleared for project activities, vegetation will be removed only with non-mechanized hand tools (i.e. trowel, hoe, rake, and shovel). No motorized equipment, including weed whackers or lawn mowers, will be used to remove this vegetation. Vegetation will be removed under the supervision of a qualified biologist.

A qualified biologist will be experienced with the ecology and field identification of salt marsh harvest mouse as well as possess a 10 (a)(1)(A) permit for salt marsh harvest mouse.

Initially, vegetation will be cut down to approximately 6-10 inches and then a qualified biologist will survey the cut area for mice. Vegetation removal may continue when no mice are observed. Vegetation removal will start at the outer edge of the coastal salt marsh (or at the edge farthest from the coastal salt marsh) and work its way toward the undisturbed portion of coastal saltmarsh (or off-site saltmarsh). This method of removal

provides cover for salt marsh harvest mouse and allows them to move toward undisturbed tidal saltmarsh on their own volition as vegetation is removed.

- Exclusionary fencing constructed of plastic sheeting and rigid corrugated metal or visqueen fencing will be installed between areas of salt marsh harvest mouse habitat and work sites immediately following vegetation removal and before excavation activities begin to prevent entry of the mice into cleared areas. The fencing will be trenched into the ground and backfilled to prevent mice from moving under the fencing. Fence stakes will face the work site, away from coastal saltmarsh habitat. The final design and proposed location of the fencing will be submitted to USFWS and CDFW for review and approval prior to placement. A qualified biologist will have the ability to make field adjustments to the location of the fencing based on site-specific habitat conditions.
- Fence maintenance will be conducted as needed throughout the work period. Any necessary repairs to the fencing will be completed within 24 hours of the initial observance of damage. Work will not continue within 300 feet of the damaged fencing until the fence is repaired and the site is surveyed by a qualified biologist to ensure that salt marsh harvest mice have not entered the work area.
- Before work begins each day during (1) all vegetation removal; (2) the construction of the exclusion fencing; and (3) all work within 300 feet of tidal or pickleweed habitats, a qualified biologist will thoroughly inspect the work area and adjacent habitat areas to determine if salt marsh harvest mouse or other special-status species are present in these areas. The qualified biologist will remain on-site while work activities that meet one of the criteria above are being conducted. The qualified biologist will have the authority to stop work if necessary to protect salt marsh harvest mouse or other special-status species and insure compliance with permits and federal law.

Nesting Bird

A nesting bird survey will be required prior to any construction that occurs in the nesting season for migratory birds (generally February 1 through September 15). The bird survey methodology is included as an AMM in Section 3.3.3.4: Avoidance and Minimization Measures.

Burrowing Owl

Because a burrowing owl was observed on the project site, a survey for burrowing owl should be conducted prior to project activities to determine how the site is used by burrowing owls, using the CDFW survey methodology guidance. If active or occupied burrows are detected at the time of the survey, then CDFW would need to be consulted and a Burrow Exclusion Plan would likely need to be prepared. Burrow exclusion can only occur during the non-breeding season (September 1 to January 31); therefore, the surveys should be planned so that exclusion can be conducted within this timeframe. The permanent loss of occupied burrows will likely need to be mitigated by the construction of artificial burrows nearby.

3.3.3.3 Permits

USACE/RWQCB Section 404/401 Clean Water Act Permit

Because of the location of the project adjacent to the San Francisco Bay, impacts to wetland, waters, and federally listed species could occur. Although AMMs will be implemented to reduce impacts to the listed species, it is unlikely that they will eliminate all impacts to these species, especially Ridgway's rail and salt marsh harvest mouse, if present. As a result, consultation with the USFWS under the FESA is recommended to ensure compliance with FESA. Section 7 of FESA requires that a federal agency (e.g., USACE) conduct consultation with the USFWS/NOAA Fisheries. Therefore, due to the potential to impact federally listed species, the potential for impacting wetlands, and the inadvertent release of sediment into the water during the raising of the levee, we recommend that the project design include impacts to waters of the U. S. and that permit applications be submitted to the USACE and RWQCB under Section 404/401 of the CWA.

Impacts from most of the alternatives would likely qualify for a USACE Nationwide Permit. The most appropriate Nationwide Permit for the project would be either Nationwide Permit 18: Minor Discharges or Nationwide Permit 13: Bank Stabilization. A Pre-construction Notification under these Nationwide Permits would need to be submitted to the USACE due to the potential to impact federally listed species. The USACE would then likely conduct informal consultation with the USFWS and/or NOAA Fisheries under Section 7 of the FESA. A Water Quality Certification Application Form would also need to be submitted to the RWQCB. Alternatives that require more than minor discharge into waters of the U.S. may require an Individual Permit, which is a more involved process than the Nationwide Permit.

In MIG's experience, contact with the resource agencies (i.e., USACE, RWQCB, USFWS, and NOAA Fisheries) early on in the permit process can avoid delays in permitting and assist with project planning. The interagency meeting can be very beneficial to the permitting process and ensure that the resource agencies provide an assessment of the viability of some of the more obvious alternatives available to accomplish the project purpose, understand the project conditions and discuss reasonable measures for reducing the impacts of the project, and to provide information on additional factors that must be considered in the permit decision-making process. Therefore, we recommend an interagency meeting be conducted as a prior to the submitting the permit applications.

NPDES General Permit for Stormwater Discharges Associated with Construction Land Disturbance

Since project disturbance is more than one acre for all project alternatives, a Construction General Permit will be required for the project. The Construction General Permit requires the Legally Responsible Person (LRP) to file Permit Registration Documents (PDRs) prior to the commencement of construction activity. The PDRs consist of a Notice of Intent, Risk Assessment, Site Map, a Stormwater Pollution Prevention Plan. The potential for adverse effects to water quality and biological resources will be avoided by implementing BMPs evaluated in

the preparation of the SWPPP. The BMPS will minimize erosion or other sources of water pollution. Examples of the BMPs that may be included are listed in Section 3.3.3.4: Avoidance and Minimization Measures; however, the appropriate BMPS to use will be evaluated during the SWPPP process and will be included in the final SWPPP and project plan specifications.

Example BMPs include:

CDFW Lake and Streambed Alteration Agreement

For all project Alternatives, an LSAA is not required for impacts to the San Francisco Bay or the wastewater treatment ponds associated with the proposed project. The CDFW only has jurisdiction of tidal marshes with a freshwater influence (R. Adair, pers. comm. 2017). Although the San Francisco Bay is located adjacent to the project area, the proposed project is not located near a freshwater source (e.g., river, creek); therefore, the portion of the San Francisco Bay adjacent to the proposed project is not subject to CDFW jurisdiction. In addition, the CDFW does not take jurisdiction of wastewater ponds (R. Adair, pers. comm. 2017). As a result, impacts to the wastewater basins within the project area are not subject CDFW jurisdiction.

CDFW Incidental Take Permit

The CESA prohibits take of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species unless authorized under Section 2081 of the California Fish and Game Code as take that is incidental to otherwise lawful activities. At this time, take of state-listed species is not anticipated as part of the project. However, if take will occur, a CDFW Incidental Take Permit will be required. Take of fully protected species (e.g., Ridgway's rail, salt marsh harvest mouse) cannot be authorized by an Incidental Take Permit; therefore, take of fully protected species must be avoided (e.g., working outside the breeding season or implementing suitable avoidance buffers).

San Francisco Bay Conservation and Development Commission

For all project alternatives, an administrative permit from the BCDC will be required since the project is within 100 feet of the San Francisco Bay shoreline.

3.3.3.4 Avoidance and Minimization Measures

This section provides recommended AMMs that should be incorporated prior to, during, and after construction of the project to avoid and minimize impacts to sensitive habitats (including jurisdictional wetlands) and special-status species.

Best Management Practices

A list of example BMPs for the project follows:

- Work areas that are temporarily impacted will be restored with respect to pre-existing contours and conditions, to the extent feasible, upon completion of work. Restoration work including re-vegetation and soil stabilization will be evaluated upon completion of work and performed, as needed.

- Store, handle, and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
- Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, wash water or sediment and non-stormwater discharges to storm drains and water courses.
- Avoid cleaning, fueling, or maintaining vehicles on site, except in a designated area in which run-off is contained and treated.
- Perform clearing and earth moving activities during dry weather to the maximum extent practical.
- Remove spoils promptly and avoid stockpiling of fill materials when rain is forecast. Cover soil stockpiles and other materials with a tarp or other waterproof material during qualifying rain events.
- Trash and construction related solid wastes must be deposited into a covered receptacle to prevent contamination and dispersal by wind.
- In the event of rain, all grading work is to cease immediately.
- Implement an erosion control plan during the wet season (October 15 through April 15), including, at a minimum, the following:
 - During the rainy season, all paved areas will be kept clear of earth material and debris.
 - Inlet protection will be installed at open inlets to prevent sediment from entering the storm drain system.
 - Straw rolls will be placed at the toe of slopes, and along the down slope perimeter of the project area.
- A hazardous spill plan will be developed prior to construction. The plan will describe what actions will be taken in the event of a spill. The plan will also incorporate preventative measures to be implemented, such as vehicle and equipment staging, cleaning, maintenance, and refueling; and contaminant (including fuel) management and storage. In the event of a contaminant spill, work at the site will immediately cease until the contractor has contained, and mitigated the spill. The contractor will immediately prevent further contamination and notify appropriate authorities, and mitigate damage as appropriate. Adequate spill containment materials, such as oil diapers and hydrocarbon cleanup kits, shall be available on site at all times. Containers for storage, transportation, and disposal of contaminated absorbent materials will be provided in the project area.

Special-status Wildlife

A list of example special-status wildlife measures follows:

- A qualified biologist will conduct an employee education program, consisting of a brief presentation to explain biological resources concerns to contractors, their employees, and any other personnel involved in construction of the project. The program will include the following: a description of relevant special-status species along with their habitat needs as they pertain to the project area; a report of the occurrence of these species in the project vicinity, as applicable; an explanation of the status of these species and their protection under the federal and state regulations; a list of measures being taken to reduce potential impacts to natural resources during project construction and implementation; instructions if a special-status species is found onsite, and a summary of the consequences of violating state and federal law related to these species. A fact sheet conveying this information will be prepared for distribution to the above-mentioned people and anyone else who may enter the project area. Upon completion of training, employees will sign a form stating that they attended the training and agree to all the conservation and protection measures.
- When construction and construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading noise occurs within the avian nesting season (from February 1 to August 31 for passerines and January 1 to September 15 for raptors), all suitable habitats located within the project's area of disturbance including staging and storage areas plus a 250-foot (passerines) and 1,000-foot (raptor nests) buffer around these areas will be thoroughly surveyed, as feasible, for the presence of active nests by a qualified biologist no more than five days before commencement of any site disturbance activities and equipment mobilization. If project activities are delayed by more than five days, an additional nesting bird survey will be performed. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys will be documented.

If pre-construction nesting bird surveys result in the location of active nests, no site disturbance and mobilization of heavy equipment (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), will take place within 250 feet of non-raptor nests and 1,000 feet of raptor nests, or as determined by a qualified biologist in consultation with the CDFW, until the chicks have fledged. Monitoring will be required to insure compliance with MBTA and relevant California Fish and Game Code requirements. Monitoring dates and findings will be documented.

- A qualified biologist will conduct a pre-construction survey within the project area for the presence of special-status species. The survey will be conducted daily, immediately prior to the onset of project activities. If any special-status species are found, work will not commence until the appropriate state and/or federal resource agencies are contacted and avoidance and mitigation measures are in place.
- Food items may attract wildlife onto the construction site, which will expose them to construction-related hazards. The construction site will be maintained in a clean

condition. All trash (e.g., food scraps, cans, bottles, containers, wrappers, cigarette butts, and other discarded items) will be placed in closed containers and properly disposed of.

- If an animal is found at the work site and is believed to be a protected species, work must be halted and the project biologist be contacted for guidance. Care must be taken not to harm or harass the species. No wildlife species will be handled and/or removed from the project area by anyone except qualified biologists.

3.3.4 Cultural Resources

3.3.4.1 Regulatory Setting

California Public Resources Code (PRC)

The PRC establishes the California Register of Historic Places (CRHR). A resource may be listed on the CRHR if it meets any of the National Register of Historic Places (NRHP) criteria or any of the following:

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- (2) Is associated with the lives of persons important in our past.
- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

The PRC also states that an impact to an archaeological resource would occur if (1) the archaeological resource satisfies the definition of a historical resource per the California Code of Regulations (CCR) or (2) the archaeological resource satisfies the definition of a "unique archaeological resource." A unique archaeological resource is an archaeological artifact, object, or site that has a high probability of meeting any of the following criteria:

1. The archaeological resource contains information needed to answer important scientific research questions, and there is a demonstrable public interest in that information.
2. The archaeological resource has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. The archaeological resource is directly associated with a scientifically recognized important prehistoric or historic event or person.

California Code of Regulations

Pursuant to CCR, a historical resource is a resource listed in, or eligible for listing in, the CRHR. In addition, resources included in a local register of historic resources or identified as significant in a local survey conducted in accordance with state guidelines are also considered historic resources under CEQA, unless a preponderance of the facts demonstrates otherwise. Per CCR, the fact that a resource is not listed in or determined eligible for listing in the CRHR or is not included in a local register or survey shall not preclude a Lead Agency, as defined by CCR, from determining that the resource may be a historic resource as defined in California Public Resources Code (PRC) Section 5024.1.

California Historical Building Code

The California Historical Building Code (CHBC) is intended to save California's architectural heritage by recognizing the unique construction issues inherent in maintaining and adaptively reusing historic buildings. The CHBC provides alternative building regulations for permitting repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use, or continued use of a "qualified historical building or structure."

3.3.4.2 Existing Cultural Resources Setting

The project site is a former wastewater treatment plant site, originally constructed in 1952. The site contains remnants of the wastewater treatment facilities including an administration building, tanks, treatment works facilities, and several open basins. Some industrial infrastructure remnants from the original facility use, such as pipes, metal hatches, etc. are in evidence within the site. The site is no longer used for waste water treatment but the basins are operated as a flow equalization facility offering storage during peak flows.

Archaeological Resources

There are currently no recorded archaeological resources on or near the project site. Bay mud beneath sea level is known to contain archaeological resources along the San Francisco Peninsula, however, and excavation below sea level has the potential for discovery of archaeological resources. Additionally, it is thought, based on preliminary research that the levees were constructed with dredged material and may contain archaeological artifacts.

Historic Resources

There are currently no recorded historic resources on the project site. Based on preliminary research, MIG identified two potential resources at the site.

- 1) The wastewater facility. Constructed in 1952, this facility includes an administration building, named 'Operations Building' on its front as well as associated buildings and structures as part of the facility infrastructure. and constructed in 1952. It was considered to have potential to be considered eligible for inclusion on the California Register of Historic Resources (CRHR) being associated with an important part of California's infrastructure.
- 2) The levees surrounding the project site. These levees were constructed in the early 20th century as part of the Solar Salt industry. The Solar salt industry was a big part of the Bay

Area's history and the levees being associated with that history enabled them to be considered potentially eligible for the CRHR.

Historic Resources Evaluation (HRE) Report

A Historical Resource Assessment technical study was completed by MIG on January 16, 2018. It determined that the site did not contain historic resources eligible for either the CRHR or the National Register of Historic Places (NRHP) and that neither of the initially identified features met any of the criteria for inclusion in a historic register.

Record Searches

The California Historic Resource Inventory System (CHRIS) was searched through the North West Information Center (NWIC) for known historic and archaeological resources within the project area and within a one-half mile radius of the site. A single resource was identified in this search: CHRIS resource reference 41-002351. The resource is the Ravenswood Salt Works, a collection of former solar evaporation salt production ponds. It is situated directly adjacent to the eastern boundary of Bedwell Bayfront Park and is listed as a historical landscape by CHRIS.

A search was requested of the Native American Heritage Commission's (NAHC) Sacred Lands File (SLF) search for known tribal resources in the project site and a one-half mile radius surrounding the site. The search was returned with negative results. Following the request of the NAHC, local tribal representatives were contacted by certified mail as an extension of the SLF search for any additional information they may have that is not included on the NAHC database. The representatives did not reply.

MIG conducted a search of both the CRHR or the NRHP; the facility is not listed on either. The City of Menlo Park does not have a local historic register to search.

3.3.4.3 Impacts

Based on the finding from the HRE, no alternative considered would have an impact to historic resources.

The potential for the presence of archaeological remains at the site would generally be considered low based on the known archaeological resources in the vicinity. However, the anaerobic bay mud has the potential for high preservation of archaeological artifacts and Native American settlements are known to have been around the San Francisco Bay, so there is a moderate potential for discovery of artifacts in excavations in native soils.

Alternative 1 - The proposed alternative would consist of placing fill on the levees, and in a limited area installing sheet piling. As there are virtually no ground disturbing activities associated with this alternative, there would be no significant impact to archaeological resources. Installation of the sheet piling could possibly impact unknown buried resources, but impacts would be negligible in significance, as potential artifacts would remain in situ. Any potential resources in the levee would be preserved under the imported fill soil.

Alternative 2 - The proposed alternative would consist of removing the existing levees and replacing them with newly constructed levees meeting FEMA standards. Removal of the levees and grading of soils below water level could have significant impacts on archaeological resources, if present. Mitigation would be required to reduce this impact to less than significant.

Alternative 3 - The proposed alternative would consist of raising the level of the facility with fill. It would be in conjunction with one of the other alternatives, and would have the same effect on the levees as detailed in the discussion under each of the other alternatives.

Alternative 4 - The proposed alternative would consist of installing sheet piling on the outside top edge of the levees. Based on current understanding, this would be hammered or vibrated into place without additional excavation required. Using this assumption there would be no significant impact to archaeological resources. Installation of the sheet piling could possibly impact unknown buried resources, but impacts would be limited, as the footprint of the sheet piling is narrow and is therefore unlikely to encounter buried resources. Additionally, potential artifacts would remain in situ and not be otherwise removed or disturbed. There would not be a significant impact to archaeological resources with this alternative.

All Alternatives - Alternative 2, if chosen would require archaeological mitigation measure(s) due to potential impacts on buried, archaeological resources. For all other alternatives, archaeological Best Management Practices (BMPs) would be sufficient. See Chapter 4, *Anticipated Avoidance, Minimization, and Mitigation Measures* for recommended BMPs and mitigation measures.

No historic mitigation measures would be required for any alternative, as the HRE did not identify any historic resources on the site.

Therefore, Alternatives 1, 3, and 4 are considered to be the culturally preferable option,

3.3.5 Tribal Cultural Resource

3.3.5.1 Regulatory Setting

California Public Resource Code

Section 21074 of the PRC states that: Tribal Cultural Resources (TCR) are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. TCRs can also be a resource determined by a lead agency, in its discretion and supported by substantial evidence, to be a significant resource.

California Assembly Bill 52

Assembly Bill 52 (AB52) requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead

agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

Record Searches

A search was requested of the Native American Heritage Commission's (NAHC) Sacred Lands File (SLF) search for the project site and a one-half mile radius surrounding the site. The search was returned with negative results. Following the request of the NAHC, local tribal representatives were contacted by certified mail as an extension of the SLF search for any additional information they may have that is not included on the NAHC database. The representatives did not reply.

Historic Setting

Prehistoric exploitation of the San Francisco Bay Area (Bay Area) occurred around 3000-6000 BC, possibly earlier. The project site environment at the time would have been an ideal location for prehistoric peoples to hunt, fish, forage, and recreate. Over time the slow establishment of permanent settlements throughout the Bay Area enabled the local peoples to use the local resources more efficiently, farm, store food and establish trade networks.

The City of Menlo Park lies in the northern territory of the Ohlone Native American peoples, whom are sometimes also known as Costanoan. The Ohlone consisted of several ethnic groups based around a common language and territory. They inhabited fixed villages, although would move around temporarily to take advantage of seasonal foodstuffs, such as acorns, waterfowl, and salmon. Despite inhabiting fixed villages, the Ohlone subsisted primarily as hunter-gathers. However, they would burn old growth chaparral to ensure a good harvest of seeds and to provide large grazing areas for prey animals.

The first Europeans to reach the San Francisco Bay Area were Spanish explorers in 1769 as part of the Portolá expedition. In 1774, the de Anza expedition had set out to convert the Native American tribes to Christianity, resulting in the establishment of (among others) Mission San Francisco de Asis (Mission Dolores) (founded in 1776) and Mission Santa Clara de Asis (founded in 1777). The El Camino Real (which runs through Menlo Park) became a heavily traveled route between Mission Dolores and Mission Santa Clara in addition to other missions along the route. This route led to the establishment of inns and roadhouses to serve travelers along the way. In this historic period, the Ohlone people were subjugated and absorbed into the mission system that resulted in the loss of their freedom of movement, their culture, and customs.

Native Archaeological Resources

There are currently no known tribal archaeological resources on the project site, or within a one-half mile radius search of the project area, based on record searches performed by The NWIC CHRIS search and the NAHC SLF search.

Native American Coordination

AB52 states that a lead agency must initiate communication with a Native American tribe that has previously requested consultation on proposed projects. The District has not been contacted by any Native American tribes (Pers. Comm. Rich Laureta Oct 2017), and therefore no consultation is required under AB52.

3.3.5.2 Impacts

All Alternatives – In terms of Tribal Cultural Resources, there is no impact from any of the alternatives. There are no known TCRs in the project vicinity, and all work would be carried out in built up fill soils from the 20th Century.

If consultation with one or more tribes is initiated, then mitigation measures may be requested by the tribe(s).

3.3.6 Hydrology and Water Quality

3.3.6.1 Regulatory Setting

National Flood Insurance Program

FEMA is responsible for determining flood elevations and floodplain boundaries based on USACE studies. FEMA is also responsible for distributing the Flood Insurance Rate Maps (FIRMs), which are used in the National Flood Insurance Program (NFIP). These maps identify the locations of special flood hazard areas, including the 100-year floodplain. FEMA allows non-residential development in the floodplain provided certain design requirements are met (FEMA, 2016). The final project design will require hydrologic review to assure that it does not cause increased flooding elsewhere.

California Construction General Permit

The U.S. EPA has delegated regulatory authority for the NPDES program to state and regional water boards. The State Water Resource Control Board Division of Water Quality (DWQ) has issued a general permit for storm water discharges from construction activity, applicable to any project that would disturb more than one acre of land. The State Water Resource Control Board adopted NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ on September 2, 2009 and amendment No. 2010-0014-DWQ on November 16, 2010. The Construction General Permit requires the Legally Responsible Person (LRP) to file Permit Registration Documents (PDRs) prior to the commencement of construction activity. The PDRs consist of a Notice of Intent, Risk Assessment, Site Map, and a Stormwater Pollution Prevention Plan. The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect storm water runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body

listed on the 303(d) list for sediment. The lower San Francisco Bay is not on the 303(d) list for sediment.

Since project disturbance is more than one acre for all project Alternatives, a Construction General Permit will be required for the project.

Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT)

The CO-CAT developed a guidance document, State of California Sea-Level Rise Guidance Document, for state agencies to use to incorporate sea level rise into planning and decision making for projects in California. The document was developed in response to Executive Order S-13-08, issued on November 14, 2008, which requires all state agencies planning construction projects in areas vulnerable to sea level rise to consider a range of sea level rise scenarios for the years 2050 and 2100. That Executive Order also requested the National Research Council (NRC) to issue a report on sea level rise to advise California on planning efforts. The final report from the NRC, Sea-Level Rise for the Coasts of California, Oregon, and Washington, was released in June 2012. The Sea Level Rise Task Force issued its final guidance in March 2013 with the scientific findings of the 2012 NRC report. In the CO-CAT SLR guidance document, three sea level rise projections based on time periods were selected for south of Cape Mendocino using year 2000 as the baseline.

- 2 to 12 inches (0.13 to 0.98 feet) by 2030
- 5 to 24 inches (0.39 to 2.0 feet) by 2050
- 17 to 66 inches (1.38 to 5.48 feet) in 2100

The guidance also recommends consideration of a wide range of other factors, such as local trends, adaptive capacity, and risk tolerance when selecting estimates of sea level rise.

3.3.6.2 Hydrologic Setting

The project site is located along the edge of San Francisco Bay. In addition to the four flow equalization basins, the site contains the remnants of an old wastewater treatment plant that is no longer in use. Most of the site contains pervious surfaces. The only impervious surfaces are the portion of the access road from Marsh Road along the southern border of the site to the water treatment plant facilities and immediately surrounding the built facilities. The remainder of accessways in and around the site are gravel paved. The flow equalization facility is part of the the District's stormwater/sewer conveyance system and as such does not have a Regional Water Quality Control Board Industrial Stormwater Site permit.

3.3.6.3 Impacts

Alternatives 1, 2, 3: None of the construction alternatives being considered would increase the amount of impervious surface at the site. The outboard levee slope is proposed to remain unchanged, therefore the project's effects on tidal influence and wave reflection would be the same as under existing conditions.

Alternative 4: The placement of sheetpile along the entire perimeter portion of the FEF facility could impact the movement of water around the bayside/outboard side of the wall when sea level rise and or tidal conditions elevate the high tide line to reach the elevation of the sheetpile wall. Hydraulic engineers should be consulted to ensure shoreline areas surrounding the project site are not subject to adverse erosional forces affecting localized shoreline hydrology in the area.

All Alternatives: All alternatives would be expected to implement low impact construction practices to protect water quality during construction. Such practices could include, but are not limited to, the following:

District staff or contractor shall implement the following construction practices to reduce construction-related water quality impacts:

- Prior to construction, the District or its contractor shall hire a hazardous material specialist, or qualified environmental professional to monitor ground disturbance activities at proposed construction work areas for potential contamination. Heavy equipment shall be operated from dry areas only; no equipment shall operate in water.
- Ecological screening criteria for fill: During construction activities, if the hazardous material specialist suspects a potential for contaminated soil (e.g., odors or stained soil indicative of contamination) from the local material from the project area, all construction activities in the disturbed soil area shall be halted and the construction contractor/ hazardous material specialist shall ensure that any fill used in conjunction with the proposed Project will satisfy ecological screening criteria in the RWQCB's "Draft Staff Report, Beneficial Reuse of Dredged Materials: Sediment Screening and Testing Guidelines", in order to avoid the introduction of contaminants. This document is included here as Attachment C.
- If imported soil is used, it shall meet the standards for wetland surface material in the RWQCB's "Draft Staff Report, Beneficial Reuse of Dredge Materials: Sediment Screening and Testing Guidelines". (Attachment C)
- If portions of construction work involve placing sheet piles material in water and may create brief and localized turbidity within adjacent waters, then sheet piles shall be placed at low tides whenever practicable to reduce the amount and duration of increased turbidity and only a portion of the sheet pile rows shall be placed into water.
- All construction materials and debris shall be contained by using BMPS, including silt fences, straw wattles, and clean gravel bags, during construction and removed after construction is completed.

In addition, all alternatives are anticipated to include more than one acre of ground disturbance. Therefore, the project will need to comply with and obtain coverage under the State Water Resources Control Board Construction General Permit. The Construction General Permit requires filing a Notice of Intent with the Regional Board as well as preparation of a Stormwater Pollution Prevention Plan (SWPPP) and monitoring program prior to construction.

3.3.7 Land Use

3.3.7.1 Regulatory Setting

San Francisco Bay Conservation and Development Commission (BCDC)

The BCDC has regulatory jurisdiction, as defined by the McAteer-Petris Act, over the San Francisco Bay and its shoreline. A permit from the BCDC is required for any filling, new construction, dredging, major remodeling, or substantial change in use within the San Francisco Bay and within 100 feet of the San Francisco Bay shoreline, including portions of most creeks, rivers, sloughs, and other tributaries that flow into the San Francisco Bay.

BCDC issues three types of permits; regionwide permits, administrative permits and major permits. Regionwide permits are for routine maintenance work under an existing Commission regionwide permit. Administrative permits for construction projects can be issued for activities that qualify as a minor repair or improvement with a relatively short construction period and can be issued without a public hearing on the application. Although an administrative permit application can be processed quickly, the project will be reviewed against the same policies that are used to determine whether a more extensive major permit will be required. A major permit is issued for work that is more extensive than a minor repair or improvement. A public hearing is mandatory for a major permit application and the application may be reviewed by the commission's design and engineering advisory board.

State law requires BCDC's staff to inform applicants within 30 days as to whether or not an application is complete. Once a complete application is filed, the McAteer-Petris Act and Suisun Marsh Preservation Act require that the Commission must act on that application within 90 days. If the Commission fails to act by the prescribed deadline, the permit application is deemed approved without conditions.

In a BCDC report on sea level rise, two sea level rise projections were selected as the basis for inundation vulnerability assessment.

- A 16-inch (1.3 feet) rise by mid-century (2050)
- A 55-inch (4.58 feet) rise by the end of the century (2100)

State Lands Commission

The California State Lands Commission protects the public's right to use California's waterways for navigation, fishing, boating, natural habitat protection, and other water oriented activities. In coastal areas, public trust lands include tidelands and submerged lands from the shore out three nautical miles into the Pacific Ocean, and lands that have been filled and are no longer under water. Tidelands lie between the mean high tide and the mean low tide lines.

3.3.7.2 Impacts

All Alternatives: Land use at the site would remain unchanged as a result of the project, therefore no significant land use impacts are anticipated. The project occurs at an existing FEF facility and would not divide an established community. No local habitat conservation plan or natural

community conservation plan applies to the project site. Local City building and zoning ordinances do not apply to the project per California Government Code Section 53091 (d, e). Because the project is located on land owned by a special district, the project is not subject to local municipal plans and policies including the Menlo Park General Plan and Zoning Ordinance and Municipal Code. However, local plans and policies of the local government are often used as guidelines when establishing thresholds of significance if none have been specifically adopted by the lead agency. Because the project does not change the existing land use at the site, no land use impacts are anticipated.

Alternatives 1-4 will require a permit from the BCDC because these alternatives are within 100 feet of the San Francisco Bay shoreline.

Alternatives 1, 3, and 4: It is anticipated that the Alternatives 1, 3, and 4 will qualify for an administrative permit from the BCDC. An administrative permit can be issued for an activity that qualifies as a minor repair or improvement in a relatively short period of time.

Alternative 2: It is anticipated that Alternative 2 (rebuild levee to FEMA Certification standards and account for sea level rise) would require construction within tidelands (defined as areas between the mean high tide and mean low tide lines) and therefore would require consultation and permitting with the State Lands Commission. In addition, due to the extent of the levee reconstruction, this alternative could require a major permit from BCDC.

Alternatives 1, 3, and 4: This analysis assumes construction of Alternatives 1, 3, and 4 do not require work in the area defined as tidelands and therefore do not require consultation or permitting from the State Lands Commission.

4 ANTICIPATED AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

4.1 AVOIDANCE AND MINIMIZATION MEASURES FOR ALL ALTERNATIVES

These avoidance and minimization measures (also commonly called Best Management Practices or BMPs) should be implemented for the project, regardless of what alternative is selected. These measures are intended to:

- 1) Reduce dust emissions
- 2) Protect water quality
- 3) Protect of unanticipated buried cultural or paleontological resources
- 4) Protect the site and workers from unanticipated hazardous materials
- 5) Protect Special-status Wildlife and their habitats

Table 3 Avoidance and Minimization Measures That Should Be Incorporated into The Project	
<p>Air Quality – Dust Control</p>	<ul style="list-style-type: none"> • Water all exposed surfaces (e.g., staging areas, soil piles, graded areas, and unpaved access roads) during construction as necessary to limit visible dust emissions. • Cover all haul trucks transporting soil, sand, or other loose materials off the project site. • Use a wet power vacuum street sweeper as necessary to remove all visible mud or dirt track-out onto adjacent public roads (dry power sweeping is prohibited) during construction of the proposed project. • Vehicle speeds on unpaved roads/areas shall not exceed 15 miles per hour. • Complete all areas to be paved as soon as possible and lay building pads as soon as possible after grading unless seeding or soil binders are used. • Minimize idling time of diesel powered construction equipment to five minutes and post signs reminding workers of this idling restriction at access points and equipment staging areas during construction of the proposed project. • Maintain and properly tune all construction equipment in accordance with manufacturer’s specifications and have a California ARB-certified visible emissions evaluator check equipment prior to use at the site. • Post a publicly visible sign with the name and telephone number of the construction contractor and WBSD staff person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The publicly visible sign shall also include the contact phone number for the Bay Area Air Quality Management District to ensure compliance with applicable regulations.
<p>Biological Resources</p>	<p>Pre-construction surveys for nesting birds. Biological/pre-construction surveys for special-status wildlife species, including Ridgway’s rail, burrowing owl, and salt marsh harvest mouse. Worker education prior to construction activities. Implement BMPs.</p>
<p>Cultural Resources (unknown archaeological resources)</p>	<p>In the event unknown archaeological resources are unearthed during ground-disturbing activities, all ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where ground disturbing activities shall not be allowed to continue until a qualified archaeologist has examined the newly</p>

<p>Table 3 Avoidance and Minimization Measures That Should Be Incorporated into The Project</p>	
	<p>discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside of the buffer area.</p> <p>All archaeological resources unearthed by project construction activities shall be evaluated by a qualified professional archaeologist, who meets the U.S. Secretary of the Interior’s Professional Qualifications and Standards. In anticipation of additional discoveries during construction, Archaeological Sensitivity Training will be carried out by a qualified archaeologist for all personnel who will engage in ground moving activities on the site. Should the newly discovered artifacts be determined to be prehistoric, Native American Tribes/Individuals should be contacted and consulted and Native American construction monitoring should be initiated.</p> <p>The WBSD shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis. If appropriate, the archaeologist may introduce archaeological monitoring on all or part of the site. An archaeological report will be written detailing all archaeological finds and submitted to the WBSD and the Northwest Information Center.</p>
<p>Cultural Resources (unanticipated human remains)</p>	<p>If human remains are unearthed during construction of the proposed project, the City shall comply with State Health and Safety Code Section 7050.5. The City shall immediately notify the County Coroner and no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD).</p> <p>After the MLD has inspected the remains and the site, they have 48 hours to recommend to the landowner the treatment and/or disposal, with appropriate dignity, the human remains and any associated funerary objects. Upon the reburial of the human remains, the MLD shall file a record of the reburial with the NAHC and the project archaeologist shall file a record of the reburial with the NWIC. If the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner rejects the recommendation of the MLD and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or</p>

Table 3 Avoidance and Minimization Measures That Should Be Incorporated into The Project	
	his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.
Geology and Soils	The project shall incorporate standard engineering and construction techniques based on site specific conditions to adequately engineer the proposed levees to prevent/minimize failure in a seismic event.
Hazards and Hazardous Materials	The construction contractor shall develop and implement a Hazardous Materials Handling, Storage and Accidental Spill Plan to address potential hazardous materials use, storage, and spill prevention during construction.
Hydrology and Water Quality	<p>Contractor shall apply California Stormwater Quality Association (CASQA) Best Management Practices (BMPs) to prevent water and sediment from entering navigable waterways. The contractor is responsible for identifying and installing the applicable and appropriate BMPs identified in the CASQA handbook. The San Mateo Countywide Pollution Prevention Program Construction Best Management Practices page shall be included in the Project plans.</p> <p>A Notice of Intent must be submitted to the State Water Resources Control Board with a Storm Water Pollution Control Plan (SWPPP) must be prepared.</p> <ul style="list-style-type: none"> • Prior to construction, the District or its contractor shall hired a hazardous material specialist, or qualified environmental professional to monitor ground disturbance activities at proposed construction work areas for potential contamination. Heavy equipment shall be operated from dry areas only; no equipment shall operate in water. • Ecological screening criteria for fill: During construction activities, if the hazardous material specialist suspects a potential for contaminated soil (e.g., odors or stained soil indicative of contamination) from the local material from the project area, all construction activities in the disturbed soil area shall be halted and the construction contractor/ hazardous material specialist shall ensure that any fill used in conjunction with the proposed Project will satisfy ecological screening criteria in the RWQCB’s “Draft Staff Report, Beneficial Reuse of Dredged Materials: Sediment Screening and Testing Guidelines”, in order to avoid the introduction of contaminants.

Table 3 Avoidance and Minimization Measures That Should Be Incorporated into The Project	
	<ul style="list-style-type: none"> • If imported soil is used, it shall meet the standards for wetland surface material in the RWQCB’s “Draft Staff Report, Beneficial Reuse of Dredge Materials: Sediment Screening and Testing Guidelines”. • If portions of construction work involve placing sheet piles material in water and may create brief and localized turbidity within adjacent waters, then sheet piles shall be placed at low tides whenever practicable to reduce the amount and duration of increased turbidity and only a portion of the sheet pile rows shall be placed into water. • All construction materials and debris shall be contained by using BMPS, including silt fences, straw wattles, and clean gravel bags, during construction and removed after construction is completed.
Traffic and Transportation	Public safety and traffic control shall be provided in accordance with manual of uniform traffic control devices (MUTCD).

4.2 ALTERNATIVE 1: LEVEE ADDITION

Standard Construction Measures listed above for reducing dust emissions, protection of water quality, unanticipated buried cultural or paleontological resources, engineering design, potential hazardous materials use and contamination, public safety and traffic control and biological resources should be incorporated into Alternative 1.

4.3 ALTERNATIVE 2: LEVEE REPLACEMENT

During removal of the existing levees and during all ground disturbing activities, an archaeological monitor who meets the Secretary of the Interior’s standards for archaeology must be present to monitor earth moving activities. Should any discovered artifacts be determined to be prehistoric, the appropriate (as determined by the Native American Heritage Commission (NAHC)) Native American Tribes/Individuals will be contacted and consulted and Native American construction monitoring will be initiated. In all cases of archaeological finds the District shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis. An archaeological report will be written detailing all archaeological finds and submitted to the District and the Northwest Information Center.

Alternative 2 will require permits from multiple resource agencies for impacts to wetlands and waters, saltmarsh habitat, and special-status species. If the permits are granted they are likely to require mitigation for the loss of habitat.

4.4 ALTERNATIVE 3: LEVEE ADDITION AND INTERNAL FILL

Please see the description under 4.1 for Alternative 1, above. The impacts are similar, and the best management practices would be similar. However, depending on the location of the internal fill, this alternative may require a permit from the USACE and consultation with the wildlife agencies.

4.5 ALTERNATIVE 4: PERIMETER SHEET PILE AND LEVEE ADDITION

The perimeter sheet pile could impact wetlands and waters and would require permits from multiple resource agencies. If the permits are granted they are likely to require mitigation for the loss of salt marsh / wetland habitat.

5 ADDITIONAL TECHNICAL STUDIES RECOMMENDED FOR EACH ALTERNATIVE

5.1 ALL ALTERNATIVES

Visual simulations

Formal Wetland Delineation

Biological Surveys including a survey for Western burrowing owl burrow use, Ridgway’s rail, and nesting activities.

5.2 ALTERNATIVE 1: LEVEE ADDITION

Visual simulations

Formal Wetland Delineation

Biological Surveys including a survey for Western burrowing owl burrow use and nesting activities.

5.3 ALTERNATIVE 2: LEVEE REPLACEMENT

Visual simulations

Formal Wetland Delineation

Biological Surveys including a survey for Western burrowing owl burrow use, Ridgway’s rail, and nesting activities.

Habitat Mitigation and Monitoring Plan for the loss of saltmarsh wetland

5.4 ALTERNATIVE 3: LEVEE ADDITION AND INTERNAL FILL

Visual simulations

Formal Wetland Delineation

Biological Surveys including a survey for Western burrowing owl burrow use, Ridgway's rail, and nesting activities.

5.5 ALTERNATIVE 4: PERIMETER SHEET PILE AND LEVEE ADDITION

Visual simulations

Formal Wetland Delineation

Biological Surveys including a survey for Western burrowing owl burrow use, Ridgway's rail, and nesting activities.

Habitat Mitigation and Monitoring Plan for the loss of saltmarsh wetland

Hydraulic study for tidal influence and wave reflection off sheetpile

6 PERMIT REQUIREMENTS

6.1 SUMMARY OF ACTIONS THAT TRIGGER PERMIT REQUIREMENTS

SWRCB Construction General Permit for Ground Disturbance Greater than 1 acre (all Alternatives)

State Lands Commission Consultation - Activities within the tidal zone

BCDC Consultation – Activities within 100 feet of the shoreline (all Alternatives)

USACE 404/RWQCB 401 Clean Water Act, and Section 7 Consultation –Potential impacts to wetlands require a 404 permit, which triggers a 401 Water Quality Certification. Potential impacts to federally listed species require USACE consultation with the USFWS under Section 7 of the Endangered Species Act (all Alternatives that require work on the outboard side of site levees).

6.2 POTENTIAL PERMIT DIFFICULTIES

Project alternatives that impact the saltmarsh habitat adjacent to the levees many not be feasible to obtain permits because of the state and federally-listed species, and the state fully-protected species. While it is feasible to obtain authorization to take species listed under the federal and/or state endangered species acts, the same authorization cannot be granted to fully-protected species. Alternative 2, Levee Replacement, would impact these species and would permanently remove saltmarsh habitat. Alternative 4 Perimeter Sheet Pile and Levee Addition could have similar impacts. The loss of saltmarsh habitat would require mitigation that may include restoration of a higher ratio of saltmarsh in a nearby location or compensatory mitigation to a nearby mitigation bank. AMMs and seasonal work windows may be required to ensure take of fully protected species does not occur.

7 CEQA DOCUMENT

Based on the analysis presented in this constraints report, we feel that the CEQA document required for this project is most likely an Initial Study/Mitigative Negative Declaration.

Additional studies were suggested to support impact analyses related to aesthetics, biological resources, hydrology and water quality, and land use. Based on our professional experience, we feel these impacts can be mitigated to less than significant levels.

8 CONSTRUCTION TIMING

The timing of construction can be influenced by two resource areas: hydrology/water quality and biological resources.

To avoid potential issues with water quality, construction can be timed to avoid rainfall or high tide conditions which increase the potential for water quality impacts. Potential water quality impacts may be reduced or minimized through careful planning, installation, monitoring and maintenance of water quality/erosion BMPs during construction.

With respect to biological resources, construction may be restricted during the breeding season for birds and special-status species, generally February-August. In addition, the daily construction schedule may be restricted during high tide, when the salt marsh harvest mouse may be using the site for cover above the tideline.

No other resource area impacts would cause restrictions or considerations for construction timing.

9 REFERENCES

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Personal Communications:

Randi Adair, CDFW Senior Environmental Scientist. March 14, 2017. Phone Conversation with MIG Biologist Lauren Huff regarding CDFW jurisdiction of tidal marshes and wastewater basins.

Frank Lienert, Associate Governmental Program Analyst, Native American Heritage Commission, August 29, 2017. Email regarding negative findings of NAHC Sacred Lands File search.

Richard Laureta, Freyer&Laureta Engineers. October 5, 2017. Phone call with Christina Lau regarding Native American Tribe contact with West Bay Sanitary District.

ATTACHMENT A: PHOTOGRAPHS

Attachment A. Photographs of the Flow Equalization Facility (FEF) Project



Southwestern storage basin



Levee on western border of FEF with Westpoint Slough to the left, facing north



Northwestern storage basin



Burrowing owl and burrow on levee bank at the northwestern corner of FEF



Levee along northern border of FEF, facing east toward Bayfront Park



Northeastern storage basin and central levee (right)



Levee on eastern border of the FEF with Bayfront Park on the left, facing south



Operations building at center of FEF



Water treatment structures at center of FEF



Access road on southern border of FEF, facing east toward Bayfront Park

Environmental Constraints Analysis

ATTACHMENT B: SPECIES LISTS

Attachment B. Wildlife Observed in or Adjacent to the Flow Equalization Facility (FEF)

Common Name	Latin Name	In FEF	In Adjacent Slough/ Coastal Marsh
<i>Birds</i>			
American avocet	<i>Recurvirostra americana</i>		X
American coot	<i>Fulica Americana</i>		X
American crow	<i>Corvus brachyrhynchos</i>	X	
American wigeon	<i>Anas americana</i>		X
Barn swallow	<i>Hirundo rustica</i>		X
Bewick's wren	<i>Thryomanes bewickii</i>	X	
Black-necked stilt,	<i>Himantopus mexicanus</i>	X	X
Brewer's blackbird	<i>Euphagus cyanocephalus</i>	X	X
Burrowing owl	<i>Athene cunicularia</i>	X	
California towhee	<i>Melozone crissalis</i>		X
Canada goose	<i>Branta canadensis</i>	X	X
Canvasback	<i>Aythya valisineria</i>		X
European starling	<i>Sturnus vulgaris</i>	X	
Golden-crowned sparrow	<i>Zonotrichia atricapilla</i>		X
Greater or Lesser Scaup	<i>Athya marila</i> or <i>A. affinis</i>		X
Green-winged teal	<i>Anas crecca</i>		X
Killdeer	<i>Charadrius vociferus</i>	X	
Northern shoveler	<i>Anas clypeata</i>		X
Marbled godwit	<i>Limosa fedoa</i>		X
Ring-billed gull	<i>Larus delawarensis</i>	X	X
Rock pigeon	<i>Columba livia</i>	X	
Song sparrow	<i>Melospiza melodia</i>		X
Snowy egret	<i>Egretta thula</i>		X
Western meadowlark	<i>Sturnella neglecta</i>	X	X
Western sandpiper	<i>Calidris mauri</i>		X
White-crowned sparrow	<i>Zonotrichia leucophrys</i>	X	X
Whimbrel	<i>Numenius phaeopus</i>		X
Willet	<i>Tringa semipalmata</i>		X
<i>Mammals</i>			
Black-tailed jackrabbit	<i>Lepus californicus</i>	X	
California ground squirrel	<i>Spermophilus beecheyi</i>	X	
Cat	<i>Felis catus</i>	X	

Table 1: Special-status Plants Potentially Occurring in the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Life Form, Blooming Period	Potential Occurrence in the Project Area ^b
San Mateo thornmint (<i>Acanthomintha obovate</i> ssp. <i>duttonii</i>)	FE SE CRPR 1B.1	Only known extant population is located in Edgewood County Park Natural Preserve in San Mateo County.	Chaparral, valley and foothill grasslands. Found only in serpentinite soils with inclusions of heavy clay. 50-300 meters (m)	Annual herb, April - June	None. There is no potential habitat on or near the project site. There is one known CNDDDB occurrence within 5 miles of the project site that is “possibly extirpated.”.
Franciscan onion (<i>Allium peninsulare</i> var. <i>franciscanum</i>)	CRPR 1B.2	Coastal mid California, from Monterey to Mendocino counties.	Cismontane woodland, valley and foothill grasslands. Often on dry hillsides and in serpentine bunchgrass grasslands. 52-300 m.	Perennial bulbiferous herb, May - June	None. There is no potential habitat on or near the project site. There is one known CNDDDB occurrence within 5 miles of the project site.
alkali milk-vetch (<i>Astragalus tener</i> var. <i>tener</i>)	CRPR 1B.2	Extant occurrences in Alameda, Merced, Napa, Solano, and Yolo counties.	Playas, valley and foothill grasslands (adobe clay), and vernal pools in alkaline soils. 1-60 m.	Annual herb, March - June	None. There is no potential habitat on or near the project site. There is one known CNDDDB occurrence within 5 miles of the project site that is “possibly extirpated.”
Congdon's tarplant (<i>Centromadia parryi</i> ssp. <i>congdonii</i>)	CRPR 1B.1	Throughout western California from San Luis Obispo to Solano counties.	Valley and foothill grasslands with alkaline or clay soils. 0-230 m.	Annual herb, May - November	None. There is no potential habitat on or near the project site. There are two known CNDDDB occurrences within 5 miles of the project site.

Table 1: Special-status Plants Potentially Occurring in the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Life Form, Blooming Period	Potential Occurrence in the Project Area ^b
Point Reyes bird's beak (<i>Chloropyron maritimum</i> ssp. <i>palustre</i>)	CRPR 1B.2	Extant occurrences in Humboldt, Marin, San Francisco, and Sonoma counties.	Coastal salt marshes and swamps. 0-10 m.	Annual herb (hemiparasitic), June - October	Low. There is no potential habitat on the project site. The coastal saltmarsh habitat adjacent to the project site could support this species; however, this species is thought to be extirpated from San Mateo County. There are four known CNDDDB occurrences within 5 miles of the project site that are “possibly extirpated.”
Crystal Springs fountain thistle (<i>Cirsium fontinale</i> var. <i>fontinale</i>)	FE; SE; CRPR 1B.1	Found exclusively in San Mateo county.	Serpentine seeps in valley and foothill grasslands, cismontane woodland, meadows and seeps, and chaparral openings. 45-175 m.	Perennial herb, May - October	None. There is no potential habitat on or near the project site. There is one known CNDDDB occurrence within 5 miles of the project site.
round-headed Chineses-houses (<i>Collinsia corymbosa</i>)	1B.2	Extant occurrences in Humboldt, Medocino, Marin, Santa Clara, and Sonoma counties.	Coastal dunes. 0-20 m.	Annual herb, April - June	None. There is no potential habitat on or near the project site. There is one known CNDDDB occurrence within 5 miles of the project site.
San Francisco collinsia (<i>Collinsia multicolor</i>)	CRPR 1B.2	Mid-coastal California from Monterey to Marin county including Santa Clara county.	Moist shady woodland, closed-cone coniferous forests and coastal scrub. Occasionally found in serpentine. 30-250 m.	Annual herb, March – May	None. There is no potential habitat on or near the project site. There is one known CNDDDB occurrence within 5 miles of the project site.

Table 1: Special-status Plants Potentially Occurring in the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Life Form, Blooming Period	Potential Occurrence in the Project Area ^b
western leatherwood (<i>Dirca occidentalis</i>)	CRPR 1B.2	San Francisco Bay area including Santa Clara to Marin county and east to Alameda county.	Cool, moist slopes in foothill woodland and riparian forests. Mesic environments in broadleaved upland forests, chaparral and coniferous woodlands and mixed evergreen and oak woodlands. 25-425 m.	Perennial deciduous shrub, January – April.	None. There is no potential habitat on or near the project site. There is one known CNDDDB occurrence within 5 miles of the project site.
Hoover’s button-celery (<i>Eryngium aristulatum</i> var. <i>hooveri</i>)	CRPR 1B.1	Endemic to Alameda, San Benito, Santa Clara, San Diego and San Luis Obispo counties.	Vernal pools. 3-45 m.	Annual/perennial herb, July - August	None. There is no potential habitat on or near the project site. There are two known CNDDDB occurrences within 5 miles of the project site that are “possibly extirpated.”
fragrant fritillary (<i>Fritillaria liliacea</i>)	CRPR 1B.2	Found throughout northern and central California wherever there is suitable habitat.	Cismontane woodland and coastal scrub and prairie, in valley and foothill grasslands (often serpentine bunchgrass grassland). 3-410 m.	Perennial bulbiferous herb, February – April	None. There is no potential habitat on or near the project site. There is one known CNDDDB occurrence within 5 miles of the project site.
Marin dwarf-flax (<i>Hesperolinon congestum</i>)	FT ST 1B.1	Found from Marin County south to San Mateo County.	Serpentine soils in chaparral and valley and foothill grassland habitats. 5-370 m.	Annual herb, April - July	None. There is no potential habitat on or near the project site. There is one known CNDDDB occurrence within 5 miles of the project site.

Table 1: Special-status Plants Potentially Occurring in the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Life Form, Blooming Period	Potential Occurrence in the Project Area ^b
slender-leaved pondweed (<i>Stuckenia filiformis</i> ssp. <i>alpina</i>)	CRPR 2B.2	Occurs in Northern California in the Inner Coast Ranges and Sierra Nevadas from east of Redding to near San Jose. Expected in the San Joaquin Valley, San Francisco Bay area, and the central Sierra Nevada.	Assorted shallow freshwater marshes and . 300-2150 m.	Perennial rhizomatous herb, May - July	None. There is no potential habitat on or near the project site. There is one known CNDDDB occurrence within 5 miles of the project site.
California seablite (<i>Suaeda californica</i>)	FE CRPR 1B.1	Endemic to coastal California in the San Francisco Bay Area and near San Luis Obispo. Current natural populations are restricted to the Morro Bay and Cayucos area. Four populations have been reintroduced to the San Francisco Bay area.	Coastal salt marshes and swamps. 0-15 m.	Perennial evergreen shrub, July - October	Low. There is no potential habitat on the project site. The saltmarsh habitat adjacent to the project site could support this species; however, the current known natural populations are restricted to the Morro Bay and Cayucos area. There is one known CNDDDB occurrence within 5 miles of the project site that is “possibly extirpated.
Showy indian clover (<i>Trifolium amoenum</i>)	FE 1B.1	Extant occurrences known from Marin and San Mateo counties.	Coastal bluff scrub, valley and foothill grassland (sometimes serpentinite). 5-415 m.	Annual herb, April - June	None. There is no potential habitat on or near the project site. There are no known CNDDDB occurrences within 5 miles of the project site.

Table 1: Special-status Plants Potentially Occurring in the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Life Form, Blooming Period	Potential Occurrence in the Project Area ^b
saline clover (<i>Trifolium hydrophilum</i>)	CRPR 1B.2	Endemic to San Francisco Bay Area and surrounding counties.	Marshes and swamps, valley and foothill grassland (mesic, alkaline), vernal pools. 0-300 m.	Annual herb, April – June	None. There is no potential habitat on or near the project site. There is one known CNDDDB occurrence within 5 miles of the project site.
^a Status explanations: Federal: FE = Listed as endangered under the Federal Endangered Species Act. State: SE= Listed as endangered under the California Endangered Species Act. California Rare Plant Rank: 1B= Plants Rare, Threatened, or Endangered in California and Elsewhere 2B= Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere 0.1-Seriously threatened in California 0.2-Fairly threatened in California			^b Potential Occurrence explanations: Present: Species was observed on the project site, or recent species records (within five years) from literature are known within the project area. High: The CNDDDB or other reputable documents record the occurrence of the species off-site, but within a 5-mile radius of the project area and within the last 10 years. High-quality suitable habitat is present within the project area. Moderate: Species does not meet all terms of High or Low category. For example: CNDDDB or other reputable documents may record the occurrence of the species near but beyond a 5-mile radius of the project area, or some of the components representing suitable habitat are present within or adjacent to the project area, but the habitat is substantially degraded or fragmented. Low: The CNDDDB or other documents may or may not record the occurrence of the species within a 5-mile radius of the project area. However, few components of suitable habitat are present within or adjacent to the project area. None: CNDDDB or other documents do not record the occurrence of the species within or reasonably near the project area and within the last 10 years, and no or extremely few components of suitable habitat are present within or adjacent to the project area; or site is outside of specie’s range.		

Table 1: Special-status Plants Potentially Occurring in the Project Area					
Common Name (Scientific Name)	Listing Status^a	Geographic Distribution in California	Habitat Requirements	Life Form, Blooming Period	Potential Occurrence in the Project Area^b

Sources:

1. *California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDDB) RareFind 5, August 24, 2017*

Table 1. Special-status Animals Potentially Occurring in or Near the Project Area				
Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Potential Occurrence in or Near the Project Area ^b
Invertebrates				
San Bruno elfin butterfly (<i>Callophrys mossii bayensis</i>)	FE	Restricted to San Mateo County, where several populations are known from San Bruno Mountain, Milagra Ridge, the San Francisco Peninsula Watershed, and Montara Mountain.	Found in coastal grassland and low scrub of north-facing slopes within the fog belt where the larval hostplant, stonecrop (<i>Sedum spathulifolium</i>), grows.	None. There is no potential habitat on the project site or nearby the project site. There are no CNDDDB occurrences within 5 miles of the project site.
bay checkerspot butterfly (<i>Euphydryas editha bayensis</i>)	FT	Restricted to Santa Clara County.	Found in serpentine grasslands or grasslands occurring on similar soil types. The primary larval hostplant is a native plantain (<i>Plantago erecta</i>). Often requires the presence of a secondary host plant, including purple owl's-clover (<i>Castilleja densiflora</i>) or exserted paintbrush (<i>Castilleja exserta</i>).	None. There is no potential habitat on the project site or nearby the project site. There are no CNDDDB occurrences within 5 miles of the project site.

Table 1. Special-status Animals Potentially Occurring in or Near the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Potential Occurrence in or Near the Project Area ^b
Fish				
delta smelt (<i>Hypomesus transpacificus</i>)	FT SE	Found only in the Sacramento-San Joaquin estuary in California. Historically, populations were found from Suisun Bay, east to the Delta area, and then upstream in the Sacramento River. Locations are dependent upon stage in the life cycle and extent of water outflow from the Sacramento and San Joaquin Rivers. When outflow is greater, delta smelt congregate in upper Suisun Bay and the Montezuma Slough. As a result of increasing water diversions and drought, the center of species range has shifted east to the Sacramento River channel in the Delta.	This species is a euryhaline (saltwater tolerant) species and is seldom found where sea water makes up more than one-third of the total water. Low outflows keep adult delta smelt and their larvae upstream in the deep, narrow channels of the rivers and delta, where food production is limited by the inability of sunlight to penetrate water depths.	None. There is no potential habitat on the project site or nearby the project site. There are no CNDDDB occurrences within 5 miles of the project site.
central California coast steelhead evolutionarily significant unit (ESU) (<i>Oncorhynchus mykiss</i>)	FT	Includes all naturally spawned populations of steelhead (and their progeny) in California streams from the Russian River to Aptos Creek, and the drainages of San Francisco and San Pablo Bays eastward to the Napa River (inclusive), excluding the Sacramento-San Joaquin River Basin.	Found in riparian, emergent, and palustrine habitat. Spawning and rearing habitat is usually characterized by perennial streams with clear, cool to cold, fast flowing water with a high dissolved oxygen content and abundant gravels and riffles. Disperses through estuarine habitat.	Moderate. There is no potential habitat on the project site; but it could migrate through the San Francisco Bay adjacent to the project site. No spawning habitat is present in or nearby the project site. There are no CNDDDB occurrences within 5 miles of the project site.

Table 1. Special-status Animals Potentially Occurring in or Near the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Potential Occurrence in or Near the Project Area ^b
longfin smelt (<i>Spirinchus thaleichthys</i>)	FC ST CSSC	Slightly upstream from Rio Vista and Medford Island through Suisun Bay and Suisun Marsh; San Pablo Bay; San Francisco Bay; Gulf of the Farallones; Humboldt Bay and Eel River estuary	Found in open water of estuaries, mostly in the middle or bottom of water columns, prefer salinities of 15-30 parts per thousand, but can be found in completely fresh water to almost pure sea water.	Moderate. There is no potential habitat on the project site; but it could be present in the San Francisco Bay adjacent to the project site. There is one known CNDDDB occurrence within 5 miles of the project site.
Amphibians and Reptiles				
California tiger salamander (<i>Ambystoma californiense</i>)	FT ST	Endemic to California, found in isolated populations the Central Valley and Central Coast ranges.	This species needs underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal wetlands for breeding.	None. There is no potential habitat on the project site or nearby the project site. There are two extant CNDDDB occurrences and two extirpated CNDDDB occurrences within 5 miles of the project site.
Green sea turtle (<i>Chelonia mydas</i>)	FT	Recorded along the pacific coasts of the Americas from Alaska to Chile. Common as far north as San Quintin Bay in Baja California, but uncommon along the California coast. Can show up almost anywhere on the coast of California, but most sightings are not documented and are very infrequent.	Inhabits the shallow waters of lagoons, bays, estuaries, mangroves, eelgrass and seaweed beds. Prefers areas with abundant aquatic vegetation, such as pastures of sea grasses and algae, in shallow, protected water.	None. There is no potential habitat on or nearby the project site and there are no CNDDDB occurrences within 5 miles of the project site.

Table 1. Special-status Animals Potentially Occurring in or Near the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Potential Occurrence in or Near the Project Area ^b
western pond turtle (<i>Emys marmorata</i>)	CSSC	Occurs from Oregon border of Del Norte and Siskiyou Counties south along the coast to San Francisco Bay, inland through the Sacramento Valley and on western slope of Sierra Nevada.	Inhabits ponds, marshes, rivers, streams, and irrigation canals with muddy or rocky bottoms and with watercress, cattails, water lilies, or other aquatic vegetation in woodlands, grasslands, and open forests.	Low. Ponds on the project site are marginal habitat for this species. There is one known CNDDDB occurrence within 5 miles of the project site.
California red-legged frog (<i>Rana draytonii</i>)	FT CSSC	Endemic to California and northern Baja California.	Inhabits lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	Low. Ponds on the project site are marginal habitat for this species. There are no known CNDDDB occurrences within 5 miles of the project site.
San Francisco garter snake (<i>Thamnophis sirtalis tetrataenia</i>)	FE SE CFP	Occurs in the vicinity of freshwater marshes, ponds and slow moving streams in San Mateo County and extreme northern Santa Cruz County.	Prefers dense cover and water depths of at least one foot, upland areas near water are also very important.	Low. Ponds on the project site are marginal habitat for this species. There are five known CNDDDB occurrences within 5 miles of the project site.

Table 1. Special-status Animals Potentially Occurring in or Near the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Potential Occurrence in or Near the Project Area ^b
Birds				
short-eared owl (<i>Asio flammeus</i>)	CSSC	Year-round resident in certain parts of California; breeds regularly in the Great Basin region and locally in the Sacramento-San Joaquin River Delta, breeds periodically in the Central Coast and San Joaquin Delta.	Found in swamp lands, both fresh and salt, lowland meadows and agricultural fields. Requires open county that supports concentrations of microtine rodents and herbaceous cover sufficient to conceal their ground nests from predators. Tule patches or tall grasses are needed for nesting and day time seclusion.	Low (foraging/migration), None (nesting). No nesting habitat is present at the project site. Suitable foraging/migration habitat for this species is marginal in the project area; however, some suitable foraging/migration and nesting habitat is present adjacent to the project site in the San Francisco Bay. There is one known CNDDDB occurrence within 5 miles of the site.
burrowing owl (<i>Athene cunicularia</i>)	CSSC	Year-round resident throughout much of the State, except the coastal counties north of Marin and mountainous areas.	Occurs in open, dry annual or perennial grasslands, deserts and scrublands characterized by low growing vegetation. Nests in small mammal burrows, particularly those of the California ground squirrel.	Present. This species was observed on the project site during the site survey. There are two known CNDDDB occurrences within 5 miles of the site; however, one of these occurrences is from 1983.

Table 1. Special-status Animals Potentially Occurring in or Near the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Potential Occurrence in or Near the Project Area ^b
marbled murrelet (<i>Brachyramphus marmoratus</i>)	FT SE	Year-round in marine subtidal and pelagic habitats from the Oregon border to Point Sal, Santa Barbara County. Has been recorded as far south as San Diego County in the non-breeding season.	Occurs offshore in pelagic habitat in the non-breeding season. Requires dense, mature forests of redwood and Douglas-fir within 4-5 miles from the coast for breeding, although they have been seen up to 28 miles from the coast.	Low (foraging/migration), None (nesting). No nesting, foraging, or migration habitat is present at the project site. Low-quality suitable foraging/migration habitat for this species is present nearby the project site in the San Francisco Bay. There are no known CNDDDB occurrences within 5 miles of the site.
western snowy plover Pacific population (<i>Charadrius nivosus nivosus</i>)	FT CSSC	The Pacific population of western snowy plover occurs along the entire coastline of California.	Occurs on sandy beaches, salt pond levees and shores of large alkali lakes. Needs sandy, gravelly or friable soils for nesting.	Moderate (foraging), Low (nesting). No suitable nesting or foraging habitat is present on the project site. Suitable nesting habitat is present in the salt pond habitat approximately 330 feet west of the project site. Suitable foraging habitat is present in the adjacent coastal saltmarsh habitat. There are six known CNDDDB occurrences within 5 miles of the site.

Table 1. Special-status Animals Potentially Occurring in or Near the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Potential Occurrence in or Near the Project Area ^b
northern harrier (<i>Circus cyaneus</i>)	CSSC	Occurs throughout lowland California; has been recorded in fall at high elevations	Inhabits grasslands; wet meadows; weedy borders of lakes; annual and perennial grasslands; ungrazed or lightly grazed pastures; freshwater, brackish water, and saltwater marshes; and seasonal and agricultural wetlands. Breeds and forages in a variety of open (treeless) habitats that provide adequate vegetative cover; an abundance of suitable prey; and scattered hunting, plucking, and lookout perches such as shrubs and fenceposts.	Moderate (nesting, foraging, migration). Nesting and foraging habitat on the project site is limited, but the adjacent Bayfront Park and saltmarsh habitat could support nesting and foraging. Could migrate through the project site. There are two known CNDDDB occurrences within 5 miles of the site.
yellow-billed cuckoo (<i>Coccyzus americanus</i>)	FT SE	An uncommon to rare summer resident of valley foothill and desert riparian habitats in scattered locations in California. Known to breed along the Colorado River, in the Sacramento and Owens Valleys, along the south fork of the Kern River in Kern County, along the Santa Ana River in Riverside County, along the Amargosa River in Inyo and San Bernardino counties, and along the San Luis Rey River in San Diego County.	Inhabits extensive deciduous riparian thickets or forests with dense, low-level or understory foliage, and which abut on slow-moving watercourses, backwaters, or seeps. Willow (<i>Salix</i> sp.) almost always a dominant component of the vegetation. Densely foliated, deciduous trees and shrubs, especially willows, required for roosting and nesting sites	None (nesting, foraging, and migration). No nesting, foraging, or migration habitat is present at or near the project site. There are no known CNDDDB occurrences within 5 miles of the site.

Table 1. Special-status Animals Potentially Occurring in or Near the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Potential Occurrence in or Near the Project Area ^b
white-tailed kite (<i>Elanus leucurus</i>)	CFP	Year-round resident in lowland areas west of Sierra Nevada from head of Sacramento Valley south, including coastal valleys and foothills, to western San Diego County at Mexico border.	Inhabits low foothills or valley areas with valley or live oaks, riparian areas, and marshes near open grasslands that are used for foraging	Moderate (nesting, foraging, migration). Suitable nesting, foraging, and migration habitat on the project site is limited, but the adjacent Bayfront Park and saltmarsh habitat could support nesting and foraging. Could migrate through the project site. There are three known CNDDDB occurrences within 5 miles of the site on Bair Island, although these records were last documented in 1971.
American peregrine falcon (<i>Falco peregrine anatus</i>)	CFP	Occurs throughout the Central Valley, coastal areas and northern mountains of California.	Riparian areas, wetlands, lakes and other aquatic features provide important breeding and foraging habitat for this species. Nests on cliffs or man-made structures such as buildings and bridges; feeds on birds.	None (nesting), Low (foraging, migration). There is no potential nesting habitat on or near the project site. There is limited foraging habitat on the project site, but marginal foraging habitat is present in the adjacent saltmarsh habitat. Could migrate through the project site. There is one known CNDDDB occurrence within 5 miles of the site.

Table 1. Special-status Animals Potentially Occurring in or Near the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Potential Occurrence in or Near the Project Area ^b
saltmarsh common yellow throat (<i>Geothlypis trichas sinuosa</i>)	CSSC	This subspecies of the common yellow throat (<i>Geothlypis trichas</i>) is endemic to the fresh and saltwater marshes of the San Francisco Bay region.	Requires thick, continuous cover down to water surface for foraging; and tall grasses, tule patches and willows for nesting.	Low (nesting), Moderate (foraging, and migration). Nesting habitat for this species is not present on the project site, but marginal nesting habitat is present in the saltmarsh habitat adjacent to the project site. Suitable foraging habitat is present in the adjacent saltmarsh habitat. There are three known CNDDB occurrences within 5 miles of the site.
California black rail (<i>Laterallus jamaicensis</i> ssp. <i>coturniculus</i>)	ST	This California endemic subspecies of the black rail (<i>Laterallus jamaicensis</i>) occurs in the San Francisco Bay region, parts of the Central Valley and at the southeastern border of the State. In the San Francisco Bay, known mostly from the northern San Francisco Bay in the San Pablo and Suisun Bays.	Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. It needs water depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.	Low (nesting, foraging). Habitat for this species is not present on the project site, but habitat is present in the adjacent saltmarsh habitat. Typically occurs in the northern San Francisco Bay region and is thought to have limited distribution in the southern San Francisco Bay. There are four known CNDDB occurrences within 5 miles of the site.
Alameda song sparrow (<i>Melospiza melodia pusillula</i>)	CSSC	This California endemic subspecies of song sparrow (<i>Melospiza melodia</i>) is a resident of salt marshes bordering south arm of San Francisco Bay.	Inhabits <i>Salicornia</i> marshes, nests low in <i>Grindelia</i> bushes (high enough to escape high tides) and in <i>Salicornia</i> .	Moderate (nesting, foraging, and migration). Habitat on the project site is limited, but the adjacent coastal saltmarsh habitat contains nesting and foraging habitat. There are twelve known CNDDB occurrences within 5 miles of the site.

Table 1. Special-status Animals Potentially Occurring in or Near the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Potential Occurrence in or Near the Project Area ^b
Ridgeway's rail (<i>Rallus obsoletus</i> spp. <i>obsoletus</i>)	FE SE	This California endemic inhabits salt water and brackish marshes traversed by tidal sloughs in the vicinity of the San Francisco Bay.	Associated with abundant growths of pickleweed, but feeds away from cover on invertebrates from mud-bottomed sloughs.	Moderate (nesting, foraging). Habitat for this species is not present on the project site, but habitat is present in the adjacent saltmarsh habitat. There are eight known CNDDDB occurrences within 5 miles of the site.
California least tern (<i>Sternula antillarum browni</i>)	FE SE	Nests along the coast from San Francisco Bay south to Northern Baja California.	Colonial breeder on bare or sparsely vegetated flat substrates, sandy beaches, alkali flats, landfills or paved areas.	Moderate (foraging/migration), Low (nesting). No suitable nesting or foraging habitat is present on the project site. Suitable nesting habitat is present in the salt pond habitat approximately 330 feet west of the project site. Suitable foraging habitat is present in the adjacent slough habitat. There is one extant CNDDDB occurrence within 5 miles of the project site.

Table 1. Special-status Animals Potentially Occurring in or Near the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Potential Occurrence in or Near the Project Area ^b
Mammals				
pallid bat (<i>Antrozous pallidus</i>)	CSSC	Throughout California except high Sierra from Shasta to Kern Counties and northwest coast, primarily at lower and mid-elevations	Inhabits deserts, grasslands, shrublands, woodlands and forests; most common in open dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures, very sensitive to disturbance of roosting sites.	Low. Habitat for this species is marginal in the project area since very few suitable trees or structures are present on the project site. There are two known CNDDDB occurrences within 5 miles of the project site.
saltmarsh harvest mouse (<i>Reithrodontomys raviventris</i>)	FE SE CFP	Endemic to California and occurs only in the saline emergent wetlands of the San Francisco Bay and its tributaries.	Pickleweed (<i>Salicornia</i> sp.) is the primary habitat of this non-burrowing mammal. It builds loosely organized nests and requires higher areas to escape flooding.	Moderate. Habitat on the project site is marginal; however, the adjacent coastal saltmarsh habitat could support this species. There are ten known CNDDDB occurrences within 5 miles of the project site.
saltmarsh wandering shrew (<i>Sorex vagrans halicoetes</i>)	CSSC	Endemic to the salt marshes of the south arm of the San Francisco Bay.	Inhabits medium-high marsh 6-8 feet above sea level where abundant driftwood is scattered among pickleweed.	Low. Habitat for this species is marginal at the project site and in the adjacent coastal saltmarsh habitat. There are three known CNDDDB occurrences within 5 miles of the project site; however, all of these occurrences were documented prior to 1990.

Table 1. Special-status Animals Potentially Occurring in or Near the Project Area

Common Name (<i>Scientific Name</i>)	Listing Status ^a	Geographic Distribution in California	Habitat Requirements	Potential Occurrence in or Near the Project Area ^b
American badger (<i>Taxidea taxus</i>)	CSSC	Occurs throughout California and the western United States and Canada.	Inhabits a variety of open habitats with friable soils.	None. There is no potential habitat on or adjacent to the project site. There is one known CNDDDB occurrence within 5 miles of the project site that was last documented in 1894.

^a Status explanations:

Federal:

FE = Listed as endangered under the Federal Endangered Species Act.

FT = Listed as threatened under the Federal Endangered Species Act.

FC = A candidate for listing under the Federal Endangered Species Act.

State:

SE= Listed as endangered under the California Endangered Species Act.

ST= Listed as threatened under the California Endangered Species Act.

SC= Candidate for listing under the California Endangered Species Act.

CSSC = Species of Special Concern designated by California Department of Fish and Game

CFP = Fully Protected Species under California Fish and Game Code.

^b Potential Occurrence explanations:

Present: Species was observed on the project site, or recent species records (within five years) from literature are known within the project area.

High: The CNDDDB or other reputable documents record the occurrence of the species off-site, but within a 5-mile radius of the project area and within the last 10 years. High-quality suitable habitat is present within the project area.

Moderate: Species does not meet all terms of High or Low category. For example: CNDDDB or other reputable documents may record the occurrence of the species near but beyond a 5-mile radius of the project area, or some of the components representing suitable habitat are present within or adjacent to the project area, but the habitat is substantially degraded or fragmented.

Low: The CNDDDB or other documents may or may not record the occurrence of the species within a 5-mile radius of the project area. However, few components of suitable habitat are present within or adjacent to the project area.

None: CNDDDB or other documents do not record the occurrence of the species within or reasonably near the project area and within the last 10 years, and no or extremely few components of suitable habitat are present within or adjacent to the project area.

Table 1. Special-status Animals Potentially Occurring in or Near the Project Area

Common Name (Scientific Name)	Listing Status^a	Geographic Distribution in California	Habitat Requirements	Potential Occurrence in or Near the Project Area^b
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Sources:

1. California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDDB) RareFind 5, August 24, 2017
2. U.S. Fish and Wildlife Service (USFWS), Information for Planning and Consultation (IPaC), December 28, 2017
3. National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) Critical Habitat Portal, December 28, 2017

Animal species listed in the CNDDDB that do not meet the definition for special-status species

obscure bumble bee, *Bombus caliginosus*

Crotch bumble bee, *Bombus crotchii*

western bumble bee, *Bombus occidentalis*

great blue heron, *Ardea Herodias*

snowy egret, *Egretta thula*

double-crested cormorant, *Phalacrocorax auritus*

Santa Cruz kangaroo rat, *Dipodomys venustus venustus*

hoary bat, *Lasiurus cinereus*

Environmental Constraints Analysis

Attachment C: Draft Staff Report, Beneficial Reuse of Dredged Materials: Sediment Screening and Testing Guidelines

Draft Staff Report

Beneficial Reuse of Dredged Materials: Sediment Screening and Testing Guidelines

May 2000

For Planning Purposes Only

This document is for planning uses and the determination of general suitability of dredged material for beneficial reuse projects. The permits needed for beneficial reuse of dredged material will be based on site-specific conditions.

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Executive Summary

In this staff report, we present guidelines for testing requirements and evaluation of test results for the placement of dredge materials in beneficial reuse environments. The beneficial reuse options addressed are: wetland creation and restoration, levee maintenance, construction fill, and daily cover at sanitary landfills. This document updates a previous San Francisco Bay Regional Water Quality Control Board document (SFBRWQCB, 1992) and contains updated information on ambient concentrations of contaminants in San Francisco Bay sediments and updated biological effects concentrations (ER-Ls and ER-Ms). This report proposes screening values based on sediment and elutriate chemistry and acute toxicity characteristics and the potential for leaching of contaminants from dredged material after placement. We also propose the use of fine-grained reference sediments for biological testing. These guidelines are based on the Regional Board's current understanding of the appropriate physical, chemical and biological quality requirements of dredge materials for various beneficial reuse placement options.

This document establishes screening values to be used to make general suitability determinations (that is, not specific to a particular reuse project) for the reuse of dredged material in beneficial environments, in the absence of specific criteria that may be defined as part of the permitting process for beneficial reuse projects. Compliance with the screening values does not by itself indicate that any particular dredged material will be found suitable for reuse. In addition, compliance with the screening values and a general suitability determination do not circumvent the need for site-specific permits for each reuse project. Those permits may have more (or less) stringent "acceptance criteria" depending on the site-specific conditions.

Table 1 summarizes the testing framework and screening guidelines recommended in this document.

1 Introduction

This document establishes screening values that will be used by San Francisco Bay Regional Water Quality Control Board (Regional Board) staff when evaluating the suitability of dredged material for beneficial reuse projects. It also provides guidance to project proponents on appropriate sediment testing to support suitability determinations. Suitability determinations are based on best professional judgment, using a preponderance of evidence approach. Therefore, compliance with the screening values does not by itself indicate that dredged material will be found suitable for beneficial reuse. In addition, compliance with the screening values does not circumvent the requirement for site-specific permits for each reuse project. Such permits may have more (or less) stringent “acceptance criteria” depending on the site-specific conditions. This document is intended to assist in planning beneficial reuse projects by establishing general screening guidelines and general sediment testing requirements for beneficial reuse projects. Beneficial reuse project proponents are encouraged to coordinate with agency staff and other interested parties early in the project planning process.

This document considers wetland and upland beneficial reuses of dredged material. Wetland reuse is the use of dredged materials to restore appropriate elevations to subsided diked baylands or other areas in order to create tidal wetlands. Upland reuses include levee maintenance, construction fill, and landfill daily cover.

Since 1992, testing of dredged materials for proposed beneficial reuse projects has followed recommendations in Regional Board Resolution No. 92-145, *Sediment Screening Criteria and Testing Requirements for Wetland Creation and Upland Beneficial Reuse* (SFBRWQCB, 1992). Resolution 92-145 was published to establish screening criteria for the beneficial reuse of dredged sediments in the San Francisco Bay area, especially for the creation and restoration of wetland habitats. The recommended screening criteria in Resolution 92-145 were based on 1992 estimates of ambient chemical concentrations in sediments and soils, and on the National Oceanographic and Atmospheric Administration’s (NOAA) effects-based sediment concentrations of chemical constituents of concern (Long et. al., 1988; Long and Morgan, 1990; Shacklette and Boerngen, 1984). Since the publication of Resolution 92-145, the Regional Board has published new data on ambient chemical concentrations, and NOAA has revised the effects-based concentrations (Long et. al., 1995). The Regional Board has also published new data on reference sediment toxicity conditions of San Francisco Bay sediments (SFBRWQCB, 1998a and 1998b). Several other organizations have published ambient concentrations

of metals in California soils (Bradford et. al., 1996; LBNL, 1995). The Regional Board's evolving understanding of ambient concentrations and toxicity, and effects-based guidelines called for a revision of Resolution 92-145. This document presents an update of Resolution 92-145 incorporating the Regional Board's and NOAA's new data.

Other recent documents related to dredging and dredged material disposal in San Francisco Bay include:

- *Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. - Testing Manual* (USEPA and USACE, 1998) also known as the Inland Testing Manual or ITM
- Dredged Material Management Office (DMMO) Public Notice 01-01, "Guidelines for Implementing the Inland Testing Manual in the San Francisco Region"
- U.S. Army Corps of Engineers Public Notice 99-4, "Proposed Guidance for Sampling and Analysis Plans (Quality Assurance Project Plans) for Dredging Projects within the USACE San Francisco District"
- *Long Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region – Final Policy Environmental Impact Statement/Programmatic Environmental Impact Report* (LTMS, 1998)
- *Long Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region – Record of Decision* (USEPA and USACE, 1999).

The Long Term Management Strategy EIS/EIR (LTMS, 1998) and Record of Decision (USEPA and USACE, 1999) identified the preferred alternative for long-term management of dredged material disposal to be minimization of dredged material disposal in San Francisco Bay, with increased use of the ocean disposal site and beneficial reuse of dredged material. The goal is to reduce aquatic disposal within San Francisco Bay to 20% of the historical average annual dredging volume and to increase both ocean disposal and beneficial reuse to 40% of the historical average annual dredging volume. Potential beneficial reuses of dredged material are wetland restoration, levee repair and landfill daily cover. Several efforts to increase beneficial reuse of dredged material in the San Francisco Bay area are currently being planned. This document is intended to facilitate those planning efforts by indicating the kinds of information Regional Board staff will typically use in reviewing beneficial reuse projects.

The screening values included in this document are guidelines and may be modified by Regional Board staff on a case-by-case basis. These screening values are not intended as cleanup goals, acceptance

criteria or screening values for other types of projects, although some of the data and reasoning used in this document may be applicable to other types of projects involving potentially contaminated sediments. This document does not provide information on obtaining permits for upland and wetland reuse projects, but typically information regarding the disposal and reuse of dredged material can be obtained from the Dredged Material Management Office (DMMO)¹ or the Regional Board².

The potential routes of exposure to non-human biological receptors considered by the screening guidelines are:

- direct exposure to sediments
- exposure to effluent from sediments during placement of material at reuse site, and
- exposure to leachate after material placement.

These screening guidelines do not address human exposure. While most of the chemical screening values are below levels of concern for human health (e.g., EPA Region IX Preliminary Remediation Goals), some of the constituents can cause adverse impacts to humans with long-term direct contact. If long-term human contact is expected, the screening guidelines presented here may not be appropriate.

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2 Beneficial Reuse Options

Potential beneficial reuses of dredged material were identified in the LTMS EIS/EIR (LTMS, 1998) as habitat development, levee maintenance and rehabilitation, construction fill, and daily cover at existing sanitary landfills. The most common form of habitat development using dredged material is the creation or restoration of tidal wetlands.

Wetland Creation and Restoration

Wetland projects using dredged material from the San Francisco Bay Region usually involve creation or restoration of wetland habitat in areas that have been previously diked and drained. For such projects, the dredged material is used to restore proper elevations for subsided land, cover unsuitable substrate, or to create favorable drainage patterns.

This document makes a distinction between surface and foundation materials (see below).

Wetland Surface Material

Wetland surface material is dredged material placed in the biotic zone during a wetland creation or restoration project. This material is in contact with wetland flora and fauna. Screening guidelines for surface material are intended to be protective of the most sensitive potential biological receptors in a wetland environment that are exposed to sediments, effluent discharge during material placement, and leachate after material placement.

Wetland Foundation Material

Foundation material is dredged material used in a wetland creation or restoration project that is covered by surface material. This material is not in contact with wetland flora and fauna. Foundation material has a potential for biological effects if directly exposed to organisms, so it must be placed in a manner that will isolate it from biological receptors. The maximum depth of biological activity in wetlands is conservatively estimated at three feet, and thus surface material must be at least three feet thick when overlaying foundation material. Project proponents are encouraged to maximize surface material thickness. Considerations for the placement of foundation materials include: depth of the root zone, burrowing depth of fauna, potential for future erosion of the site, and potential mobility of chemicals of concern in the foundation material. Although biological receptors will not be directly exposed to foundation material, leachate from the material may be mobile and reach the biotic zone.

The screening guidelines placed on foundation material are intended to protect biological receptors that may be exposed to effluent discharge during material placement and leachate after placement, and to minimize adverse environmental effects if the foundation material were to become exposed to the surface environment.

Beneficial Reuse at Upland Sites

Upland reuse of dredged material includes levee maintenance, construction fill, and use as daily cover at sanitary landfills. These options often require a rehandling facility prior to final reuse.

Levee Maintenance and Construction Fill

Dredged material, after drying, may be appropriate for use in levee maintenance projects and as fill for construction projects. Usually material used for these purposes will not be in contact with biological receptors. Screening guidelines for these uses are designed to protect biological receptors that may be exposed to effluent discharge during material placement and leachate after placement.

Landfill Daily Cover

Dredged material may be appropriate for use as daily cover at landfills. Title 23, Chapter 15, and Title 27, Chapter 3 of the California Code of Regulations regulate disposal of materials in landfills. The Regional Board issues permits to each landfill; these permits define testing requirements and acceptability criteria for material. The testing and screening guidelines in this document will aid in planning for reuse of material at landfills, but specific requirements of individual landfills must also be consulted.

Rehandling facilities

In many cases, dredged materials taken to upland locations are dried either at the final placement site or a rehandling facility. Other types of treatment, such as mixing with other soils, sediments or cements can be done at a rehandling facility to improve geotechnical or agricultural properties, or to immobilize contaminants.

Rehandling facilities must be authorized by all appropriate regulatory agencies. Authorization from the SFBRWQCB will include requirements and prohibitions on discharges from such facilities to protect aquatic resources.

3 Screening Guidelines for Beneficial Reuse of Dredged Material

There are two basic levels of screening guidelines for beneficial reuse of dredged material: screening guidelines for wetland surface material, and screening guidelines for wetland foundation material.

Dredged material that meets the screening guidelines for wetland surface material is likely to be found suitable for that use as well as for all the other categories of beneficial reuse discussed in this paper.

Dredged material that does not meet the screening guidelines for wetland surface material but does meet the guidelines for wetland foundation material is likely to be found suitable for wetland foundation use, as well as for levee maintenance, construction fill, and landfill daily cover.

The screening guidelines include consideration of sediment and sediment elutriate chemistry, mobility of contaminants, and results of acute toxicity bioassays for sediments and sediment elutriate. Each of these considerations is discussed below.

Sediment Chemistry

Screening values for sediment chemistry are based on ambient levels of contaminants in San Francisco Bay sediments and on sediment concentrations of contaminants that are predicted to cause biological effects. The ambient concentrations for San Francisco Bay sediments were statistically derived from data collected by the Regional Monitoring Program for Trace Substances (San Francisco Estuary Institute, 1999) and the Bay Protection and Toxic Substances Cleanup Program Reference Study (State Water Resources Control Board, 1998), and are listed in Table 2. Several databases have been developed in order to predict the levels of sediment chemistry that have a high or low probability of causing adverse biological effects. Long et al. (1995) used the extensive sediment chemistry and toxicity database of the National Oceanographic and Atmospheric Administration (NOAA) to determine levels of sediment chemistry below which biological effects are unlikely (Effects Range-Low or ER-L) and levels above which biological effects are likely (Effects Range-Median or ER-M). The Florida Department of Environmental Protection (FDEP, 1994) has also developed sediment chemistry values below which biological effects are unlikely (Threshold Effects Levels or TELs) and above which biological effects are likely (Probable Effects Levels or PELs). Table 3 lists these biological effects-based numbers.

For wetland surface material, screening values for sediment chemistry are based primarily on ambient sediment chemistry levels (SFBRWQCB, 1998) for San Francisco Bay. The ambient values are chosen for the upper screening value for Wetland Surface Reuse for two reasons. First, ambient values for San

San Francisco Bay are generally less than ER-L values and so are unlikely to cause adverse biological effects. Where San Francisco Bay ambient values exceed ER-Ls (for nickel and chromium) these values have not been found to be associated with adverse biological effects during local testing of dredged sediments. Second, since any restored tidal wetland will eventually take on the characteristics of the ambient sediments in nearby areas of the open bay, efforts to restore the wetland with sediments that are "cleaner" than ambient conditions, may be a waste of resources.

For wetland foundation material, screening values for sediment chemistry are based on levels of chemicals that are believed to be protective of biological receptors. The values where biological effects are likely are the upper screening levels for Wetland Foundation Reuse, with the ER-Ms (where available) taking precedence over the PELs, since the NOAA values were derived using data from the San Francisco Bay area. The sediment screening values for Wetland Foundation Reuse are based on ER-Ms in most cases, except that PEL values are used for chemicals with no published ER-M value. Sediments with these chemical characteristics would be unlikely to adversely impact organisms of San Francisco Bay, if the foundation material were inadvertently uncovered.

Table 4 summarizes the screening guidelines for sediment chemistry for wetland surface and foundation materials.

Acute Toxicity of Sediments

The acute toxicity screening guideline for benthic bioassays for wetland cover material is no significant toxicity. Benthic tests are interpreted following the guidelines in Public Notice 01-01. For benthic bioassays, mortality in a test sediment that is statistically significant and 10 percentage points greater (20 percentage points for amphipods) than that in the reference is considered to be indicative of acute toxicity.

There are no screening guidelines for acute toxicity in benthic bioassays for wetland foundation material because this material is not expected to be in contact with biological receptors.

Contaminant Mobility

There are no screening levels for contaminant mobility for wetland surface material, because this material will be in direct contact with biological receptors. If levels of contaminants are at or below ambient levels for the Bay, and sediments do not cause toxicity, then mobility of contaminants is not of concern.

The screening levels for wetland foundation material are based on local Water Quality Objectives found in the Basin Plan (SFBRWQCB, 1995, or current edition). While this material is not expected to be in direct contact with biological receptors, levels of contaminants in effluent discharged during material placement, in leachate produced after material placement (as described in Section 4, measured with the modified Waste Extraction Test, using deionized water or disposal site water as the extractant) must be below levels of concern. When chemicals are shown to be potentially mobile, placement of the dredged material in a subsurface environment may not be suitable depending on the water quality objectives for the receiving water. This will ensure that any chemical constituents mobilized at the disposal site will only be at concentrations below levels of concern.

Elutriate Chemistry and Toxicity

If dewatering will occur at the beneficial reuse site as part of material placement, discharged water must meet screening guidelines for both chemistry and toxicity. The screening guidelines for discharged water chemistry are the Water Quality Objectives listed in the current version of the Basin Plan. The screening guideline for toxicity is no significant toxicity. For the elutriate bioassay, this is met when the survival of organisms in effluent has a median value of not less than 90%, and a 90th percentile value of not less than 70% survival.

Suitability determinations - Wetland Surface Reuse

Dredged materials that meet the screening guidelines described above for wetland surface reuse are likely to be found suitable for this use, as well as for all the other uses described in this paper, subject, of course, to any project-specific limitations.

Suitability determinations - Wetland Foundation Reuse

Dredged materials with statistically significant toxicity in one or more bioassays, may be found suitable for Wetland Foundation Reuse if the material passes the screens for sediment chemistry and contaminant mobility. Reuse of such materials will be limited (by reuse site permitting) to locations that are designed to eliminate the threat of exposure. A wetland restoration design should include at least three feet of material suitable for Wetland Surface Reuse (or equivalent safeguards) and placement of the material in a location that is not threatened by erosion.

Suitability determinations - Other reuses

Material that is suitable for Wetland Foundation Reuse would be suitable for upland reuses where the

leaching characteristics are not more aggressive than those modeled with the leachability test used and where direct human contact with the material has been evaluated or eliminated. While most of the chemical screening values for Wetland Foundation Reuse are below levels of concern for human health (e.g. EPA Region IX Preliminary Remediation Goals, or PRGs), some of the constituents have ambient concentrations greater than residential PRGs (e.g. arsenic). While this human health exposure is not an issue for sediments placed in wetlands or dispersed in the waters of the Bay, it could be an issue if the sediments are used where humans will have continual contact (e.g. residential property or recreational property). Placement of dredged material in other environments shall be addressed on a site specific basis.

Citrate WET test results need to be screened with soluble threshold limit concentrations (STLC) or other landfill-specific criteria.

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4 Testing Guidelines

In order to facilitate the beneficial reuse of dredged material as much as possible, in accordance with the goals of the LTMS, we have tried to develop a sediment evaluation framework similar to those in place for sediments proposed for ocean and in-Bay disposal. This similarity in testing guidelines should enable project applicants testing sediments for in-Bay or ocean disposal to also generate information necessary to evaluate beneficial reuse as a disposal option without excessive additional testing costs. Dredging project proponents are encouraged to coordinate sediment testing to allow for evaluation of sediments for beneficial reuse options in addition to evaluation for aquatic disposal options, unless beneficial reuse options have been determined to be unavailable or impracticable.

In preparing and implementing sediment sampling plans, project proponents should refer to Public Notices 01-01 and 99-4 for more specific guidance on sampling, analysis and reporting than is contained in this document. Project proponents may also wish to refer to the ITM and the Green Book (USACE/USEPA, 1991) for background information on sediment evaluation frameworks.

The testing guidelines below (summarized in Figure 1) should provide sufficient information to make general suitability determinations for beneficial reuse options, but Regional Board staff may consider other testing programs. For some beneficial reuse projects different or additional testing may be required because of site-specific conditions or concerns.

Wetland Surface Material

As described in Section 3, the screening guidelines for upland surface material are based on sediment chemistry and toxicity, and, in the event of effluent discharge, on effluent chemistry and toxicity. Testing programs intending to evaluate sediments for this use should provide information sufficient to evaluate these characteristics.

Sediment chemistry analyses should include the analytes listed in Table 5. For further information on appropriate methods, detection limits, and QA/QC procedures, see the guidance provided in Public Notice 01-01.

Sediment toxicity assessment may be performed with two 10-day acute toxicity bioassays, using appropriate sensitive organisms representing three benthic life history stages (filter-feeding, burrowing, and deposit feeding). Testing protocol and QA/QC procedures should follow those outlined in Public Notice 01-01.

If placement of the dredged material at the reuse site will include the discharge of effluent from the placement site, the testing program must provide information to characterize sediment elutriate chemistry and toxicity. Elutriate chemistry may be characterized by measuring the analytes listed in Table 5 for sediment elutriate, using appropriate methods, detection limits, and QA/QC procedures. The biological tests for elutriate toxicity testing recommended in Public Notice 01-01 (including protocols and QA/QC procedures) may be used to characterize effluent toxicity.

Wetland Foundation Material

Screening guidelines for wetland foundation material are based on sediment chemistry and leaching characteristics of the sediments. The testing program for sediments proposed for this disposal option should provide sufficient information to evaluate these characteristics.

Evaluation of sediment chemistry as described above in the section on wetland surface material should provide sufficient information to evaluate this characteristic.

Evaluation of the leaching characteristics of proposed dredged sediments may be performed using a modified Waste Extraction Test (WET), as defined in the Title 23 of the California Code of Regulations, using either de-ionized water or water from the proposed reuse site for the extraction.

If water is to be discharged from the beneficial reuse site during material placement, the chemistry and toxicity of sediment elutriate should be evaluated. See the discussion under “Wetland Surface Material,” above, for suggested methods.

Tiered Testing

In order for dredged material to be found suitable for use in a particular beneficial reuse project, compliance with the screening guidelines above should be demonstrated. In many cases, it may be appropriate to approach sediment characterization in a tiered fashion, similar to that promulgated in the federal guidance for evaluating material suitability for in-Bay and ocean disposal. A tiered testing framework is intended to match the level of testing to the degree of uncertainty about the potential environmental impacts of reuse of dredged material in a particular environment. Project proponents may propose a tiered approach to sediment evaluation in sediment Sampling and Analysis Plans. The steps for testing shown in Figure 1, for example, may be the basis of a tiered testing framework.

Use of Previously Collected Data

Data from previous sampling events and site history will be considered when suitability determinations

are made. These data should be made available to the regulatory agencies, preferably included in the sediment Sampling and Analysis Plan. If sufficient data from previous testing exist to make a suitability determination, further testing may not be required, or a modified testing protocol may be recommended. This is analogous to a “Tier I” exclusion from testing used in some instances for in-Bay and ocean disposal suitability determinations.

Reference Sediments for Benthic Bioassays

Evaluation of acute toxicity bioassays requires comparison of results with results from bioassays run using reference sediment. The reference sediment must have similar physical characteristics as the dredged material, i.e. particle size distribution, organic carbon content and salinity. In-bay disposal has usually required the use of a reference from the Alcatraz “Environs” stations. These sediments are coarse grained, whereas much of the dredged material from the San Francisco Bay is fine grained. As part of the BPTCP, fine-grained reference sediments were investigated (SWRCB, 1998). These reference sediments are more typical of the physical parameters of the majority of dredged material in San Francisco Bay. Based on these studies, two fine-grained reference sites are recommended as sources of reference sediments for biological testing of fine-grained dredged material for beneficial reuse environments. Locations and physical and chemical properties of the fine-grained reference sites are presented in Table 6.

Design of Sampling Plan and Reporting Guidelines

Public Notice 01-01 provides important guidance on sampling program design, including issues such as sample locations, compositing, and frequency. Public Notice 99-4 provides guidance to dredging project proponents on Sampling and Analysis Plans and on reporting test results. Project proponents proposing beneficial reuse of dredged material should consult both these documents when designing a sediment sampling program.

Sampling and Analysis Plans for sediment testing should be submitted to the DMMO for approval prior to commencing sediment sampling. Results reports should also be submitted to the DMMO. The DMMO will make recommendations to the respective member agencies regarding the suitability of the sediments for the proposed placement environment(s), according to the current Memorandum of Understanding signed by the DMMO member agencies.

As with any data acquisition activity, setting data quality objectives prior to dredged material sampling and testing is critical to a successful project.

The recommended minimum number of sediment samples for dredging projects is presented in Table 7, which is based on Public Notice 01-01. The number of samples collected is based on the volume of each dredging project. Sampling frequency may differ on a site-specific basis, and the rationale for deviation should be clearly stated in the SAP.

A successful dredging and beneficial reuse project requires good documentation. The minimum documentation will include:

- a SAP following DMMO guidance, including appropriate QA/QC protocols (Public Notice 99-4);
- a report of dredged materials testing results following DMMO guidance (Public Notice 99-4); and
- a post-dredging report (which should include the location where the dredged material was reused or disposed and documentation of any restrictions on the use of the material or monitoring requirements).

Disclaimer: The above screening values are used as guidelines only. The weight of evidence of all data may result in different interpretation of the results in case specific projects. This document is for planning uses and the determination of general suitability of dredged material for beneficial reuse. The permits needed to reuse or dispose of dredged material in beneficial reuse projects will be based on site-specific conditions.

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Tables

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Table 1: Summary of Recommended Testing and Screening Guidelines

Beneficial reuse environment	Potential routes of exposure for non-human biological receptors	Recommended chemistry test	Recommended bioassays	Recommended leachate chemistry	Screening guidelines for: 1) chemistry 2) toxicity 3) leachate chemistry
<i>Wetland surface</i>	Direct exposure to sediments	Sediment chemistry for analytes in Table 5	Two benthic species covering three life history stages, see PN 01-01 DMMO “Guidelines for Implementing the Inland Testing Manual in the San Francisco Region”	None	1) ambient or ER-L concentrations for sediment, WQOs for effluent elutriate 2) no significant toxicity 3) not applicable
<i>Wetland foundation, levees, and construction fill</i>	Potential but unlikely direct exposure to sediments On-site exposure to leachate after placement	Sediment chemistry for analytes in Table 5	None	Modified WET	1) ER-M or PEL 2) not applicable 3) Basin Plan WQO’s
<i>Landfill daily cover</i>	No exposure	Testing and acceptability criteria specific to each landfill; contact individual landfills for requirements.			
<i>Any project involving discharges from dewatering dredged material</i>	Receiving waters exposed to effluent discharge during placement	Elutriate chemistry for analytes in Table 5	One species sediment elutriate bioassay	Not Applicable	1) Basin Plan WQO’s 2) no significant toxicity 3) not applicable

Table 2: Ambient Concentrations of Analytes in San Francisco Bay Sediments (Page 1 of 2)

Analyte	S.F. Estuary Sediment Ambient Concentrations	
	<40 % fines	<100 % fines
METALS (mg/kg)		
Arsenic	13.5	15.3
Cadmium	0.25	0.33
Chromium	91.4	112
Copper	31.7	68.1
Lead	20.3	43.2
Mercury	0.25	0.43
Nickel	92.9	112
Selenium	0.59	0.64
Silver	0.31	0.58
Zinc	97.8	158
PESTICIDES AND PCBs (µg/kg)		
Aldrin	0.42	1.1
Chlordane	0.18	0.44
Chlordanes, total	0.42	1.1
Dieldrin	0.18	0.44
Endrin	0.31	0.78
HCH, total	0.31	0.78
DDTS, total of 6 isomers	2.8	7
PCBs, total	5.9	14.8
PCBs, total (SFEI 40 list)	8.6	21.6

Table 2: Ambient Concentrations of Analytes in San Francisco Bay Sediments (Page 2 of 2)

Analyte	S.F. Estuary Sediment Ambient Concentrations	
	<40 % fines	<100 % fines
<i>POLYCYCLIC AROMATIC HYDROCARBONS (µg/kg)</i>		
PAHs, total	211	3390
High molecular weight PAHs, total	256	3060
Low molecular weight PAHs, total	37.9	434
1-Methylnaphthalene	6.8	12.1
1-Methylphenanthrene	4.5	31.7
2,3,5-Trimethylnaphthalene	3.3	9.8
2,6-Dimethylnaphthalene	5	12.1
2-Methylnaphthalene	9.4	19.4
2-Methylphenanthrene	11.3	26.6
Acenaphthene	2.2	31.7
Acenaphthylene	11.3	26.6
Anthracene	9.3	88
Benz(a)anthracene	15.9	244
Benzo(a)pyrene	18.1	412
Benzo(b)fluoranthene	32.1	371
Benzo(e)pyrene	17.3	294
Benzo(g,h,i)perylene	22.9	310
Benzo(k)fluoranthene	29.2	258
Biphenyl	6.5	12.9
Chrysene	19.4	289
Dibenz(a,h)anthracene	3	32.7
Fluoranthene	78.7	514
Fluorene	4	25.3
Indeno(1,2,3-c,d)pyrene	19	382
Naphthalene	8.8	55.8
Perylene	24	145
Phenanthrene	17.8	237
Pyrene	64.6	665

Table 3: Selected Biological Effects-Based Concentrations of Analytes in Sediments
(Page 1 of 2)

ANALYTE	ER-L 1995	ER-M 1995	TEL	PEL
<i>METALS (mg/kg)</i>				
Arsenic	8.2	70	7.24	41.6
Cadmium	1.2	9.60	0.676	4.21
Chromium, total	81	370	52.3	160
Copper	34	270	18.7	108
Lead	46.7	218	30.2	112
Mercury	0.15	0.71	0.13	0.696
Nickel	20.9	51.6	15.9	42.8
Selenium				
Silver	1	3.7	0.733	1.77
Zinc	150	410	124	271
<i>PESTICIDES AND PCBs (µg/kg)</i>				
Aldrin				
Chlordane			2.26	4.79
Chlordanes, total				
Dieldrin			0.715	4.3
Endrin				
Heptachlor				
Hexachlorocyclohexane-delta				
Hexachlorocyclohexane-gamma (Lindane)			0.32	0.99
HCB, total				
Methoxychlor				
Mirex				
Toxaphene				
p,p'-DDD (or DDD ?)			1.22	7.81
p,p'-DDE (or DDE ?)	2.20	27	2.07	374
p,p'-DDT (or DDT ?)			1.19	4.77
DDTS, total of 6 isomers	1.58	46.1	3.89	51.7
PCBs, total	22.7	180	21.6	189
PCBs, total (SFEI 40 list)				

Table 3: Selected Biological Effects-Based Concentrations of Analytes in Sediments
(Page 2 of 2)

ANALYTE	ER-L 1995	ER-M 1995	TEL	PEL
<i>ACID/BASE NEUTRALS (µg/kg)</i>				
Bis(2-ethylhexyl) phthalate			182	2,647
Dibenzofuran				
Di-n-butyl phthalate				
Hexachlorobenzene (HCB)				
Phthalates, total				
<i>POLYCYCLIC AROMATIC HYDROCARBONS (µg/kg)</i>				
PAHs, total	4,022	44,792	1,684	16,770
High molecular weight PAHs, total	1,700	9,600	655	6,676
Low molecular weight PAHs, total	552	3,160	312	1,442
1-Methylnaphthalene				
1-Methylphenanthrene				
2,3,5-Trimethylnaphthalene				
2,6-Dimethylnaphthalene				
2-Methylnaphthalene	70	670	20.2	201
2-Methylphenanthrene				
3-Methylphenanthrene				
Acenaphthene	16	500	6.71	88.9
Acenaphthylene	44	640	5.87	128
Anthracene	85.3	1,100	46.90	245
Benz(a)anthracene	261	1,600	74.8	693
Benzo(a)pyrene	430	1,600	88.8	763
Benzo(b)fluoranthene				
Benzo(g,h,i)perylene				
Benzo(k)fluoranthene				
Biphenyl				
Chrysene	384	2,800	107.8	846
Dibenz(a,h)anthracene	63.4	260	6.22	135
Fluoranthene	600	5,100	113	1494
Fluorene	19	540	21.2	144
Indeno(1,2,3-c,d)pyrene				
Naphthalene	160	2,100	34.6	391
Perylene				
Phenanthrene	240	1,500	86.7	543.5
Pyrene	665	2,600	153	1,398

Table 4: Recommended Sediment Chemistry Screening Guidelines for Beneficial Reuse of Dredged Material

ANALY Table 4: Recommended Sediment Chemistry Screening Guidelines for Beneficial Reuse of Dredged	Wetland Surface Material		Wetland Foundation Material	
	TE	Concentration	Decision Basis	Concentration
METALS (mg/kg)				
Arsenic	15.3	Ambient Values	70	ER-M
Cadmium	0.33	Ambient Values	9.6	ER-M
Chromium	112	Ambient Values	370	ER-M
Copper	68.1	Ambient Values	270	ER-M
Lead	43.2	Ambient Values	218	ER-M
Mercury	0.43	Ambient Values	0.7	ER-M
Nickel	112	Ambient Values	120	
Selenium	0.64	Ambient Values		
Silver	0.58	Ambient Values	3.7	ER-M
Zinc	158	Ambient Values	410	ER-M
ORGANOCHLORINE PESTICIDES/PCBS (µg/kg)				
DDTS, sum	7.0	Ambient Values	46.1	ER-M
Chlordanes, sum	2.3	TEL	4.8	PEL
Dieldrin	0.72	TEL	4.3	PEL
Hexachlorocyclohexane, sum	0.78	Ambient Values		
Hexachlorobenzene	0.485	Ambient Values		
PCBs, sum	22.7	ER-L	180	ER-M
POLYCYCLIC AROMATIC HYDROCARBONS (µg/kg)				
PAHs, total	3,390	Ambient Values	44,792	ER-M
Low molecular weight PAHs, sum	434	Ambient Values	3,160	ER-M
High molecular weight PAHs, sum	3,060	Ambient Values	9,600	ER-M
1-Methylnaphthalene	12.1	Ambient Values		
1-Methylphenanthrene	31.7	Ambient Values		
2,3,5-Trimethylnaphthalene	9.8	Ambient Values		
2,6-Dimethylnaphthalene	12.1	Ambient Values		
2-Methylnaphthalene	19.4	Ambient Values	670	ER-M
Acenaphthene	26.0	Ambient Values	500	ER-M
Acenaphthylene	88.0	Ambient Values	640	ER-M
Anthracene	88.0	Ambient Values	1,100	ER-M
Benzo(a)anthracene	412	Ambient Values	1,600	ER-M
Benzo(a)pyrene	371	Ambient Values	1,600	ER-M
Benzo(c)pyrene	294	Ambient Values		
Benzo(b)fluoranthene	371	Ambient Values		
Benzo(g,h,i)perylene	310	Ambient Values		
Benzo(k)fluoranthene	258	Ambient Values		
Biphenyl	12.9	Ambient Values		
Chrysene	289	Ambient Values	2,800	ER-M
Dibenz(a,h)anthracene	32.7	Ambient Values	260	ER-M
Fluoranthene	514	Ambient Values	5,100	ER-M
Fluorene	25.3	Ambient Values	540	ER-M
Indeno(1,2,3-c,d)pyrene	382	Ambient Values		
Naphthalene	55.8	Ambient Values	2,100	ER-M
Perylene	145	Ambient Values		
Phenanthrene	237	Ambient Values	1,500	ER-M
Pyrene	665	Ambient Values	2,600	ER-M

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Table 5: Routine Parameters and Target Analytes for Evaluation of Dredged Material (Page 1 of 3)

Parameter	Target Reporting Limit (dry wt)
<i>Conventional Parameters</i>	
Grain size (%)	0.1
Total organic carbon [TOC] (%)	0.1
Total solids [TS] (%)	0.1
<i>Metals (mg/kg)</i>	
Arsenic	0.1
Cadmium	0.1
Chromium	0.1
Copper	0.1
Lead	0.1
Mercury	0.02
Nickel	0.1
Selenium	0.1
Silver	0.1
Zinc	1
<i>Organic Compounds (mg/kg)</i>	
PAH Compounds	0.02 each
PCB Arochlors	0.02 each
Pesticides	0.002 each
Butyltins	0.01 each

Table 5: Routine Parameters and Target Analytes for Evaluation of Dredged Material (Page 2 of 3)

Parameter	Target Reporting Limit ¹
Butyltins ($\mu\text{g}/\text{kg}$)	
Monobutyltin	10
Dibutyltin	10
Tributyltin	10
Tetrabutyltin	10
Total Butyltins	NA
PCBs ($\mu\text{g}/\text{kg}$)	
Aroclor 1242	20
Aroclor 1248	20
Aroclor 1254	20
Aroclor 1260	20
Total Aroclors	NA
Pesticides ($\mu\text{g}/\text{kg}$)	
Aldrin	2
α -BHC	2
β -BHC	2
δ -BHC	2
γ -BHC (Lindane)	2
Chlordane	2
2,4'-DDD	2
4,4'-DDD	2
2,4'-DDE	2
4,4'-DDE	2
2,4'-DDT	2
4,4'-DDT	2
Total DDT	NA
Dieldrin	2
Endosulfan I	2
Endosulfan II	2
Endosulfan sulfate	2
Endrin	2
Endrin aldehyde	2
Heptachlor	2
Heptachlor epoxide	2
Toxaphene	20

Table 5: Routine Parameters and Target Analytes for Evaluation of Dredged Material (Page 3 of 3)

Parameter	Target Reporting Limit ¹
PAHs ($\mu\text{g}/\text{kg}$)	
1-Methylnaphthalene	20
1-Methylphenanthrene	20
2,3,5-Trimethylnaphthalene	20
2,6-Dimethylnaphthalene	20
2-Methylnaphthalene	20
2-Methylphenanthrene	20
3-Methylphenanthrene	20
Acenaphthene	20
Acenaphthylene	20
Anthracene	20
Benz(a)anthracene	20
Benzo(a)pyrene	20
Benzo(b)fluoranthene	20
Benzo(e)pyrene	20
Benzo(g,h,i)perylene	20
Benzo(k)fluoranthene	20
Biphenyl	20
Chrysene	20
Dibenz(a,h)anthracene	20
Fluoranthene	20
Fluorene	20
Indeno(1,2,3-c,d)pyrene	20
Naphthalene	20
Perylene	20
Phenanthrene	20
Pyrene	20
Low molecular weight PAHs, sum	NA
High molecular weight PAHs, sum	NA
PAHs, total	NA

1) Reported in a dry weight basis

Table 6: Reference Sediment Sample Locations, Parameters, and Chemistry (Page 1 of 2)

PARAMETERS	San Pablo Bay/Carquinez Reference Sites		
	Paradise Cove	Tubbs Island	Island #1
Latitude	37°53'95"N	38°06'87"N	38°06'72"N
Longitude	122°27'86"W	122°25'16"W	122°19'71"W
CONVENTIONAL PARAMETERS			
Total Organic Carbon (ppm)	1.12	1.38	0.98
Percent Fines	92.9	99.4	99
METALS (mg/kg)			
Arsenic	11.5	10.3	13.4
Cadmium	0.23	0.24	0.25
Chromium	217	208	192
Copper	51.8	65.8	50.2
Lead	24.4	30.2	23.9
Mercury	0.304	0.35	0.274
Nickel	102.4	129	89
Selenium	0.22	0.199	0.17
Silver	0.304	0.29	0.244
Zinc	146	178	145
ORGANOCHLORINE PESTICIDES/PCBs (µg/kg)			
DDTS, sum	6.7	6.42	38.9
Chlordanes, sum	1.8	ND	ND
Dieldrin	ND	ND	ND
Hexachlorocyclohexane, sum	ND	ND	ND
PCBs, sum of Arochlors	12.1	6.85	3.25
POLYCYCLIC AROMATIC HYDROCARBONS (µg/kg)			
PAHs, total	4280	1477	1101
Low molecular weight PAHs, sum	287	169	113
High molecular weight PAHs, total	3995	1308	968
1-Methylnaphthalene	9.4	6.81	6.35
1-Methylphenanthrene	15.8	10.7	8.66
2,3,5-Trimethylnaphthalene	ND	ND	ND
2,6-Dimethylnaphthalene	ND	ND	ND
2-Methylnaphthalene	17.3	13	11.2
2-Methylphenanthrene	NA	NA	NA
3-Methylphenanthrene	NA	NA	NA
Acenaphthene	10.6	5.2	5.1
Acenaphthylene	20	5.99	5.7
Anthracene	36.2	17.2	12.4
Benz(a)anthracene	220	54	53.4
Benzo(a)pyrene	480	168	138

Table 6: Reference Sediment Sample Locations, Parameters, and Chemistry (Page 2 of 2)

PARAMETERS	San Pablo Bay/Carquinez Reference Sites		
	Paradise Cove	Tubbs Island	Island #1
POLYCYCLIC AROMATIC HYDROCARBONS ($\mu\text{g}/\text{kg}$) – cont'd			
Benzo(b)fluoranthene	617	148	122
Benzo(g,h,i)perylene	379	138	120
Benzo(k)fluoranthene	253	54.5	45.7
Biphenyl	11.5	8.55	6.98
Chrysene	236	51.7	53.2
Dibenz(a,h)anthracene	83.1	20.8	19
Fluoranthene	352	154	154
Fluorene	12.7	8.04	6.1
Indeno(1,2,3-c,d)pyrene	394	142	118
Naphthalene	35.6	21.4	20.1
Perylene	139	94.9	73.7
Phenanthrene	115	68.6	63.1
Pyrene	544	194	182

Table 7: Recommended Sampling Frequency for Evaluation of Dredged Material

Dredge Volume (cubic yards)	Total Number of Samples	Number of Samples per Composite	Total Number of Tests
5,000-20,000	4	4	1
20,000-100,000	8	4	2
100,000-200,000	12	4	3
200,000-300,000	16	4	4
300,000-400,000	20	4	5
400,000-500,000	24	4	6

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Figures

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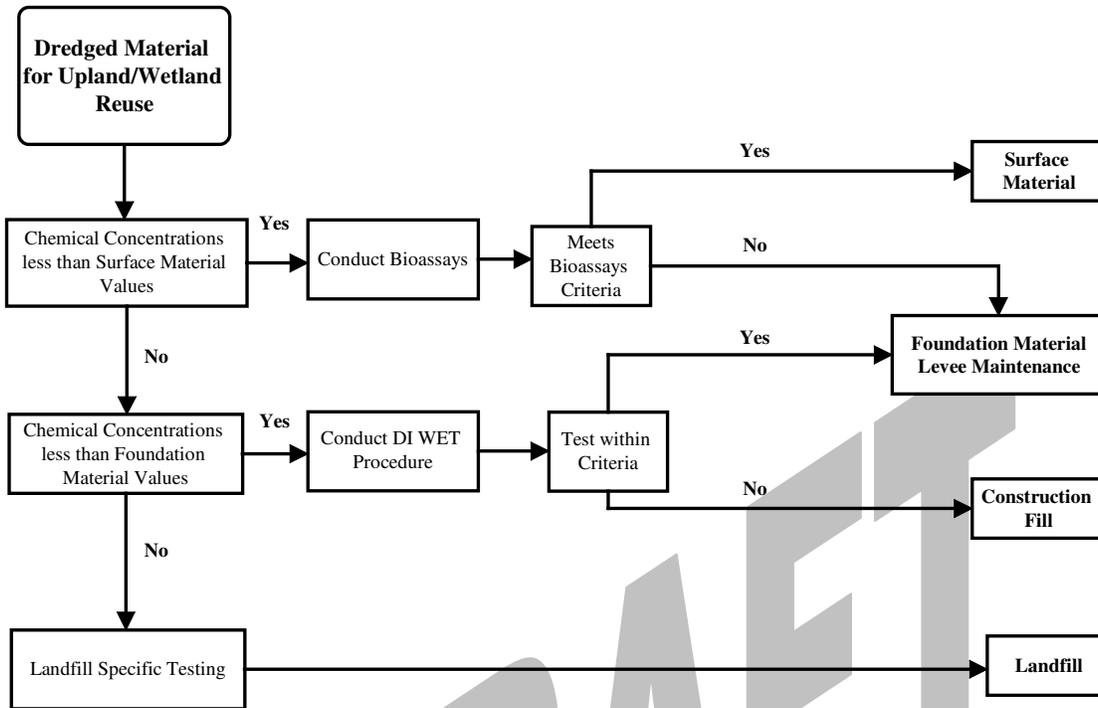


Figure 1. Recommended Testing Protocols for Wetland/Upland Dredged Material Disposal in the San Francisco Bay Region



Historic Resource Evaluation for the West Bay Sanitary District Levee Project



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1 Introduction

The West Bay Sanitary District (District) owns and operates a Flow Equalization Facility (FEF) on approximately 20 acres of land adjacent to the San Francisco Bay in Menlo Park, California. The FEF consists of four basins, an operations building, and materials storage warehouse. There are buildings and structures on the site from the former waste water treatment facility that once operated on the site. The District uses the FEF to temporarily hold surges of untreated sewage generated during wet weather conditions when the regional wastewater treatment plant is at capacity. Once the surge has passed through the treatment plant, the sewage held at the FEF is then pumped to the treatment plant. Basins 1 and 2 are used for flow equalization and Basins 3 and 4 are used for emergency storage.

The FEF is currently located in a Federal Emergency Management Agency (FEMA) flood zone. Therefore, the District is proposing to improve the site and bring it out of the FEMA flood zone. MIG, Inc. (MIG) prepared an administrative draft Constraints Analysis in October 2017 to the District. The analysis noted the presence of two features, an administration/operations building (referred to throughout this report as an Operations Building), and levees surrounding the site, that were potentially eligible for the California Register of Historical Resources (CRHR). These features could be impacted by the project. Projects that may cause a substantial adverse change in the significance of a historic resource in, or eligible for listing in, the CRHR would constitute as a significant impact to the environment, as defined by California Environmental Quality Act (CEQA) Guideline Section 21084.1. This Historic Resource Evaluation (HRE) was prepared to evaluate the eligibility of the potential resources, and the impact on the potential resources if either were found to be eligible for the CRHR, prior to proceeding with the project.

2 Project Location

The FEF (also referred to as the project site) is located at the northern terminus of Marsh Road in the City of Menlo Park, California, on the edge of San Francisco Bay (Assessor Parcel Number (APN) 055-400-010). It can be accessed by the Bayfront Expressway (Highway 84), located approximately 0.6 mile to the south, or U.S. Highway 101 located approximately 0.8 mile to the south (*Figure 1: Project Location*).

3 Project Setting

Land uses surrounding FEF consist of the Bedwell-Bayfront Park which is a 160-acre closed landfill now used for public open space which contains grassy slopes with numerous trails. The FEF is directly north of Bedwell-Bayfront Park. The tidally-influenced Flood Slough, which flows to Westpoint Slough and San Francisco Bay, borders the site to the west. A channel between Westpoint Slough and Ravenswood Slough borders the site to the north. Directly to the north of the channel is Greco Island, part of the Don Edwards San Francisco Bay Wildlife Refuge (*Figure 2: Project Site and Vicinity*).

The FEF site is approximately 20 acres in size and includes four water storage basins that occupy most the site. Basins 1 and 2 are used for flow equalization and Basins 3 and 4 are used for emergency storage. In addition to the previously mentioned Operations Building there is a materials storage, and water treatment facility associated with former operations as a water treatment plant for the City that is present on the site. The levees surround the storage basins and separate them from each other and from the adjacent San Francisco Bay.

4 Scope of Study and Personnel

4.1 Scope of Study

The scope of HRE includes evaluation of facilities at the FEF supported by a California Historic Resource Inventory System (CHRIS) records search to a distance of one-half mile radius surrounding the site.

Additional research to support the HRE includes investigation into the general project area as well as the historic background and history of the South Bay and the solar salt industry of the Bay Area. The HRE identifies any historic resources within the project site and determines if the proposed project could have a significant impact to historic resources under CEQA and to suggest appropriate mitigation measures if necessary.

4.2 Personnel

This HRE was researched and written by MIG historian and archaeologist Robert Templar, MA. Mr. Templar meets the Secretary of the Interior's Standards for History and Archaeology.

Quality Control and assistance was provided by Christopher Purtell, MA, RFP. Mr. Purtell is a Registered Professional Archaeologist and meets the Secretary of the Interior's Standards for History and Archaeology.

Professional resumes for Mr. Templar and Mr. Purtell can be found in Appendix A: Professional Resumes.

5 Historic Background

5.1 Prehistoric

Settlement in the Bay Area is likely to date from around 8,000 BC onwards. At the time, the shores around the San Francisco Bay would have been a collection of tidal and inter-tidal bay, channels marshlands, and sloughs. The project area would have, in all likelihood, been tidally influenced salt march at this time. It would not be until western colonization that the topology of the bay area would start to significantly change.

Prior to western settlement of the Bay Area, salt was among the resources that native peoples would have harvested from the area. Using existing shallow pools that crystalized in the summer months¹ lead to the creation and small-scale management of salt ponds by the native Ohlone. Some tribal groups produced their own salt by leaving twigs in these briny pools, on which the salt would crystallize and could be harvested; others collected and burned marsh plants to produce salty ashes that were then added to food.²

5.2 Historic

With European exploration and settlement came the exploitation of San Francisco Bay and its tidal areas. Tidal areas were managed through the construction of levees, dikes, tidal gates, and placement of fill. Industries relating to water exploitation sprang up around the bay, including fishing, construction of ports, development of a shipbuilding industry, and salt production.

Following in the traditions of the Ohlone, European settlers started exploiting the Bay for salt production after their arrival in the area. By the early 19th century, Mission San Jose was producing enough salt to be exporting it to Europe.

In 1850 the federally regulated Arkansas Swamp Lands Act was enacted, this enabled states, to reclaim land from swampland with the use of drainage or levees and allowed individuals who made those lands profitable to buy back the land from the state.³ After the implementation of the Arkansas Act, large swathes of the marshlands surrounding San Francisco Bay were bought up to utilize for salt production.

Solar salt production as a major industry began soon after the enactment of the Arkansas Act in the Eden Landing area, which is situated on the opposite side of the bay from the project site in modern day Union

¹ Johnck, Ellen Joslin, 2008.

² Watt and Johnck, 2014

³ California State Lands Commission, 2015: http://www.slc.ca.gov/Info/Swamp_Overflow.html

City, and expanded around the southern end of San Francisco Bay by the turn of the century. Levees were constructed to create artificial concentrating and crystalizing ponds as part of the salt production by a variety of companies and individuals. Evidence of the small-scale nineteenth century salt operations in the Eden Landing Unit has been largely covered over or destroyed by later industrial development.⁴ By the mid-20th century, solar salt production was at its peak. It was considered the most important source of salt in California at the time.⁵

Salt pond development in the region around the project area did not begin until 1910 after the merger of C.E Whitney Company, the Staffer Chemical Company and the Dumbarton Land & Improvement Company, forming the Leslie Salt Company. What are now the Ravenswood ponds were bought by the Leslie Salt Company, and were used to create the initial brine stage of salt production. The levees that surround the project site today appears to have been created and used for this purpose towards the end of the significance of the Ravenswood Salt Pond District. The date of creation of the levees is unknown; records of the original construction of the levees do not seem to exist. However, historic maps in 1937 do not show any levees in the area, and a historic map from 1943 shows that there were levees surrounding the project area at that time (*Figure 3: Historic Maps*). This indicate a construction date of between 1937 and 1943. A further map dated 1953 shows the network of salt ponds in the project area (*Figure 4: Salt Ponds of the South Bay*). The ponds surrounding the project area (immediately to the south and east, as well as to the west across Flood Slough), as well as the area that is now the project site is shown to be part of the Ravenswood Salt Pond District. Now recognized as a historic landscape by CHRIS, the Ravenswood Salt Ponds District is small portion of the original unit. It is now is formed of 7 ponds encompassing 1,854 acres.

5.3 20th Century

As salt production in the area continued, by the 1940s, sewage dumping was noted as a major problem in San Francisco Bay in the same areas as salt was being produced. On January 1, 1947, the State Board of Health stopped issued permits allowing the dumping of untreated sewage into the Bay. Many of the Bay Area towns and cities were unable to initially comply with this order and continued dumping untreated sewage without a permit until they were able to construct the necessary facilities to comply with this requirement. A newspaper article from 1947 (*Appendix B: Achieved Historic Newspaper Articles*) documents that Menlo Park Sanitary District (MPSD) was actively investigating building a sewage treatment facility in order to be able to discharge treated sewage.

The MPSD had known of the sewage contamination problem and had suggested internally the need for a treatment plant as early as 1933. In 1942 the MPSD, on the advice of the State Department of Public Health, bought 20 acres of land on Westpoint Slough (the current project site) from the Leslie Salt Company where raw sewage was then being discharged into.⁶ World War II delayed any plans the MPSD had to construct a treatment plant. Plans were drawn up in 1950 by the lead engineer, Lawrence H Cook (plans included in Appendix C: Historic Site Plans). May 1951 heralded the start of construction of the wastewater treatment plant, and it was completed and functional by October 1952, a decade after the initial land purchase. This is commemorated on the Operations Building with the inclusion of a plaque on the side of the building dated 1952 showing the names of the board of trustees, engineers, superintendent and contractor of the MPSD (*Figure 5: Operations Building Plaque*).

The site continued to be used as a sewage treatment facility as the land to the south of it was bought up in 1957 by San Mateo County, on behalf on the local refuse disposal district to be filled in and become the Menlo Park Municipal Dump (*Appendix B*). An incinerator was also installed there the following year.

⁴ Speulda-Drews & Valentine, 2007

⁵ Ver Planck, 1957

⁶ Menlo Park Historic Association, 1995.

Basins were constructed on the site around the mid-1960s to act as additional storage of wastewater. These were kept in place by interior levees, seemingly of the same construction as the outer levees of the site. It seems likely, although not certain, that based on observational evidence from the pedestrian survey and in the professional opinion of MIG archaeologist, Mr. Templar, that these levees are more the result of earth being removed from around them, than being built-up themselves, and as such are not strictly speaking levees, but earthen banks from soil left in situ.

As time progressed more of the land to the south of the site, enclosed by original levees, as shown in historical photography (*Figure 6: Historic Aerial Photographs*), was filled in and used to extend the dump. As the State enacted regulations to manage dumps and waste disposal sites, the original dump transitioned into an actively managed landfill. A progression of historical aerial photos shows the land being filled in over time.

5.4 Modern

The landfill was closed and capped in 1984. Currently landfill gas is syphoned from the remains of the landfilled material using a network of pipes; the methane gained from this procedure is burned at a nearby facility to produce electricity. The surface of the landfill was landscaped and opened as the Bedwell Bayfront Park, and is currently used for many recreational activities⁷.

The use of the project site as a wastewater treatment facility continued until around 1980 when the formation of the South Bayside Systems Authority (SBSA) resulted in the redirection of waste water elsewhere within its system.⁸ Plans to decommission the facility were envisaged as early as 1975 (*Appendix B*). Two of the existing basins still are in use as part of the Flow Equalization Facility (FEF) acting as wet weather storage of waste water.

6 Regulatory Framework

6.1 Federal

National Historic Preservation Act

National Register Bulletin *How to Apply the National Register Criteria for Evaluation* states: Preserving historic properties as important reflections of our American heritage became a national policy through passage of the Antiquities Act of 1906, the Historic Sites Act of 1935, and the National Historic Preservation Act of 1966, as amended. The National Historic Preservation Act of 1966 authorized the Secretary to expand this recognition to properties of local and State significance in American history, architecture, archaeology, engineering, and culture, and are worthy of preservation. The National Register of Historic Places (NRHP) is the official list of the recognized properties, and is maintained and expanded by the National Park Service on behalf of the Secretary of the Interior.

Section 106

If a project is subject to federal jurisdiction and the project is an undertaking as defined at 36 CFR §800.16(y) with the potential to cause effects on historic properties (36CFR §800.3(a)), Section 106 of the National Historic Preservation Act of 1966, as amended, must be addressed to take into account the effect of the undertaking on any district, site, building, structure, or object included in or eligible for inclusion in the National Register.

⁷ City of Menlo Park, 2017

⁸ West Bay Sanitary District, 2011

National Register of Historic Places

A historic property is any district, site, building, structure, or object listed in or eligible for listing in the National Register at the local, state, or national level (36 CFR §800.16(1)(1); National Park Service 1997b: Appendix VII:3). The criteria for determining a resource's eligibility for National Register listing are defined at 36 CFR §60.4. The evaluation of a resource's eligibility for listing in the National Register takes into account the property's age, period of significance, historic context, significance, and integrity.

Secretary of the Interior's Standards

The requirements have been previously published in the Code of Federal Regulations, 36 CFR Part 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities on historic and archaeological properties and sites.

6.2 State

California Public Resources Code (PRC)

The PRC establishes the California Register of Historic Resources (CRHR). A resource may be listed on the CRHR if it meets any of the NRHP criteria or any of the following:

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- (2) Is associated with the lives of persons important in our past.
- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

California Code of Regulations

Pursuant to CCR, a historical resource is a resource listed in, or eligible for listing in, the CRHR. In addition, resources included in a local register of historic resources or identified as significant in a local survey conducted in accordance with state guidelines are also considered historic resources under CEQA, unless a preponderance of the facts demonstrates otherwise. Per CCR, the fact that a resource is not listed in or determined eligible for listing in the CRHR or is not included in a local register or survey shall not preclude a Lead Agency, as defined by CCR, from determining that the resource may be a historic resource as defined in California Public Resources Code (PRC) Section 5024.1.

California Historical Building Code

The California Historical Building Code (CHBC) is intended to save California's architectural heritage by recognizing the unique construction issues inherent in maintaining and adaptively reusing historic buildings. The CHBC provides alternative building regulations for permitting repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use, or continued use of a "qualified historical building or structure."

7 Methodology

7.1 Records Searches

Prior to the preparation of the Constraints Analysis, the California Historic Resource Inventory System (CHRIS) was searched through the Northwest Information Center (NWIC) for known historic and archaeological resources within the project area and within a one-half mile radius of the site.

MIG conducted a search of both the CRHR or the NRHP for listed historic properties and sites; The City of Menlo Park does not have a local historic register to search.

7.2 Historic Archival Research

To identify historic resources and to conduct research into the eligibility of potential resources on the project site, the following sources were utilized:

- San Mateo County Records
- Menlo Park City Records
- West Bay Sanitary District
- Menlo Park Historical Association
- Archived Newspapers
- Historic Maps
- Historic Literature

7.3 Pedestrian Survey of Historic Features

On December 19, 2017, MIG Archaeologist (Mr. Robert Templar, MA) visited the project site to conduct a pedestrian survey of the project area. Buildings and the surrounding site, including the levees, were examined and photographed as a record of the visit and to highlight salient details to aid in the evaluation (*Appendix C: Site Photographs*).

8 Results of Research

8.1 Records Searches

The CHRIS search was returned on August 29, 2017. A single resource was identified in this search: CHRIS resource reference 41-002351. The resource is the Ravenswood Salt Ponds District, a collection of former solar evaporation salt production ponds. It is situated directly adjacent to the eastern boundary of Bedwell Bayfront Park and is listed as a historical landscape by CHRIS.

The search of the CRHR and NRHP found no resources within the project area.

8.2 Historic Archival Research

Using the sources listed above, information was obtained on the project site and its surroundings in general terms in the prehistoric and Spanish historic periods, and specifically throughout the 20th century, the period of active change in the project site and surrounding area. A variety of newspapers, periodicals, historic records and research were consulted to produce a detailed historic background based on contemporary sources, and later academic work. The results of this research are summarized in the Historic Background section, above.

8.3 Pedestrian Survey of Historic Features

The project site can be categorized as an industrial location, still in use, although some of the features such as the digester buildings, pump housing and concrete sump pools are left derelict. The Operations Building is in use as a general storage room. The aluminum walled warehouse is used for bulk storage. There is general industrial detritus on the edge of the levees and inside the retention pools. This is primarily comprised of concrete chunks, piping and metal sheeting, and a bicycle. The edges of the levees facing the sloughs have assorted modern detritus on the banks in the form of discarded bottles, cans, balls, general plastics, etc. The levees are rutted, and have gravel placed for grip in patches, but are generally in good repair.

9 Description of Potential Resources

9.1 Levees

The levees surrounding the project site and the equalization basins are typical of levees in the Bay Area. Constructed as earthen banks, the levees are approximately 30 feet wide at their base, between 5 and 6 feet high, and 10 feet wide at the top of the bank. The top of the banks are leveled off and are generally maintained. Fresh gravel is in evidence in some areas. Shallow wheel ruts were observed across most of the length of the levees. There is little visual distinction between exterior levees (those to the north and west of the site, separating the site from the surrounding slough and channel), and the interior levees (those separating the existing ponds on the site from each other). However, the exterior levees are known to have existed since the mid-1940s. The construction date is unclear on the interior levees (i. e: the construction date of the ponds), but they appear to exist on historic photos from 1968 (*Figure 6*), although do not appear to exist in sources prior to that. The interior levees are more likely to be the result of earth removal from around them, as opposed to being constructed in their own right. As these levees are either older than 50 years, or within months of being 50 years old at the time of this report, these will also be considered in the historic analysis of this combined feature. The exterior levees are known to have existed as part of the salt pond industry surrounding the southern half of San Francisco Bay. Historic maps place their construction somewhere between 1937 and 1943. Further sources show them as part of the greater Ravenswood Salt Pond District, when it encompassed a larger portion of land.

9.2 Operations Building

This building once functioned as the administration and control building for the wastewater treatment plant that formerly operated on the site. Completed in 1952 this building is relatively typical of its type: a mid-century industrial building lacking in specific design elements. The building has some features of both the brutalism and international style of architecture⁹ without being typical of either style. It is a two-story building with a larger ground floor. The building has slab sides and recessed windows. The windows are a mix of non-opening, awning opening, and slide opening. The windows mostly appear to be of original construction. The roof is flat, and two level, due to the larger ground floor. To the rear of the building there is a vertically rolling garage-style door, and at the front there are two vertically rolling doors with windows at the top. The entire building is painted in a dark brown with red tint. The front of the building bears the carved or molded relief “MENLO PARK SANITARY DISTRICT SEWAGE TREATMENT PLANT OPERATIONS BUILDING”. The relief is also painted in white. Photographs of the Operations Building are included in *Appendix C*. The current physical exterior design of the building matches the depiction on the 1950 original plans (*Appendix D: Historic Site Plans*).

9.3 Other Structures on the Site.

In addition to the levees and the Operations Building, there are a number of other structures on the site. These include:

- 2 digester buildings,
- small concrete former pump station building,
- small concrete chlorination building,
- an aluminum walled warehouse, and
- concrete sumps.

The digester buildings, pump control building, chlorination building, and concrete sumps are all associated with the original construction of the sewage treatment facility and were all finished in 1952. All were included in the original 1950 plan schematic (*Appendix D*). There is no architectural

⁹ Whiffen, 1996

construction style to speak of, as all the structures are highly functional concrete structures all associated with the processing of sewage and wastewater. There are no design elements that can be noted. The pump station building and the chlorination building are both derelict and in a bad state of disrepair, with obvious signs of pigeon infestation and weather damage to their interior. The basement level of the pump station is flooded to the ceiling and is inaccessible.

The aluminum warehouse was not an original part of the facility. Historic imagery places it as being constructed between 1960 and 1968. As with the other structures, it is a functional storage structure, with no distinctive architectural style. Photographs of these buildings can be seen in *Appendix C*.

10 Resource Evaluation

10.1 Levees

The evaluation of the levees within the project site has to include the wider historic significance of their creation, as the levees surrounding the project site were created as part of the much larger solar salt industry in combination with many thousands of acres more of salt ponds and the levees that bound them.

There are also the interior levees surrounding the basins. These will also be evaluated as potential historic resources due to their age, although they have a different historical significance to the exterior levees, as these were never part of the salt industry.

The levees surrounding and within the site were considered potentially eligible for the CRHR in the administrative draft Constraints Analysis due to their age, but were not otherwise analyzed. This HRE has assembled sufficient data to be able to make an eligibility analysis for the levees.

Prior to the historic evaluation of the levees, the examination of text from a handbook on the evaluation of water conveyance systems in California is helpful in the ultimate determination of historic eligibility for historic registers. Although it does not provide official guidelines, it offers advice on following the National and California criteria for inclusion on the respective historic registers:

“Water conveyance systems that appear to meet the National Register criteria must also retain integrity, which is the ability of a property to convey its significance. To retain historic integrity, a system must possess at least several, and usually most, of the seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. The property’s essential physical features, important elements that were present during the historic period, must be present and visible.

To address integrity, the appearance of the water system and its setting during its period of significance must be known and the following questions should be asked: Does the system follow the alignment of its period of significance? Have the significant elements of design, materials, and workmanship been retained? Does the setting still evoke the important qualities of the water system? And does the property retain the feeling and associations needed to convey its significance? For water conveyance systems or features within a system that may be eligible under Criterion D, an evaluation will normally focus on whether the property retains the potential to yield important information. That consideration will usually focus on location, design, and materials, although it is possible that other elements of integrity may sometimes apply.

As with other types of historic properties, the fundamental test of the integrity of a water conveyance system consists of the relationship between its current appearance and its appearance during the period of significance. Integrity will not be lost as the result of modifications that were undertaken during the system’s period of significance, and modifications made within that time may actually contribute to the importance of the

property. Subsequent repairs or modifications may have greater effects on the system's integrity than abandonment and deterioration of the system. An abandoned system that has deteriorated in place can retain integrity despite erosion or sedimentation, while systems that continue in use may have lost integrity because they have been substantially modified in the course of maintenance and repairs.”

There have been two major historic evaluations of levees in close proximity to the project site which should be considered before making a determination of these levees. The Ravenswood Salt Pond District, and the Foster City levee system. The Foster City evaluation determined that the levees met criteria 1 and 3 of the CRHR based on its significance as an important feat of engineering, being among the first of its kind and indistinguishable from the levees it is constructed on. The evaluation for the Ravenswood Salt Pond District showed that it was ineligible for inclusion on the NRHP due to having lost its integral connection to the salt industry. It is included on the CRHR as a historic district.

The interior levees, were created in the late 1960s as part of the waste water treatment plant operations to separate and were never connected with the solar salt industry. Their significance in the historic background of California is far more minimal. They have no connection with important events or people in California's history, do not embody distinctive characteristics of a period style or region, are not the work of a master and are unlikely to yield important information of history or prehistory.

The exterior levees, created as a part of the larger Ravenswood Salt Pond District by the Leslie Salt Company, represent a part of the greater solar salt industry; an important part of California's history. The industry was a big part of the local and wider California significance during the first half of the 20th century. This would be enough to consider the levees eligible for the CRHR under Criterion A. However, the levees in their present state are very much distanced from the solar salt industry. The site's interior is not water or salt marsh and bears little resemblance to the original state of the site, in its period of significance and does not have a significant relationship between its current appearance and its appearance during its period of significance. Thus, due to the lack of historical integrity, the levees do not meet criterion A of the CRHR.

They are not associated with the lives of any known significant persons. Although associated loosely with the Leslie Salt Company, the individual levees are not specifically associated with any person within the company. As such, the levees do not meet criterion B.

As functional levees created for the solar salt industry, there are no distinctive characteristics, identifiable architectural style or distinctive identifiable method of construction that can be commented upon. As such it does not meet criterion C.

As criterion D is generally reserved for archaeological sites that have the potential to reveal additional important information about history or prehistory, it is not likely that the levees would yield additional important information beyond which is already known and so does not meet criterion D of the CRHR.

As the building does not fulfil any of the criteria to be included on the CRHR, it is considered ineligible for inclusion. DPR 523 forms are included in *Appendix E: DPR 523 Forms*, supporting this conclusion.

10.2 Operations Building

The building, completed in 1952 was considered potentially eligible for the CRHR in the administrative draft Constraints Analysis due to its age, but was not otherwise analyzed. This HRE has assembled sufficient data in order to be able to make an eligibility analysis for the building.

Although the water industry of California is an important part of its history, the Operations Building for the MPSD and the wastewater treatment plant in general is not explicitly connected with important events in California's history. It was not the first or most important of the Bay Area's treatment plants, nor was it a significant milestone in local history. As such, the building does not meet Criterion A of the CRHR.

The people involved with the construction of the building are known and listed on a plaque on the front of the building (*Figure 4*). None of the individuals listed are known outside of their roles within the MPSD and have no significance within California's history. There are no known existing historical resources that they are associated with. Thus, the building does not meet criterion B of the CRHR.

The Operations Building, as already noted in the description above, is a functional mid-century industrial building with elements of both the international and brutalist architectural styles. However, the building is not distinctive of either of those styles and is not an outstanding architectural example of mid-century industrial design. It cannot be considered to embody the distinctive characteristics of a type, period or method of construction. The architect is unknown, but it is unlikely that a master architect would be designing such a structure. It can be stated that the building does not possess a high artistic value and so, with these elements taken into account, the building does not fulfil criterion C of the CRHR.

As criterion D is generally reserved for archaeological sites that have the potential to reveal additional important information about history or prehistory, it can be stated that the building will not yield additional important information beyond which is already known and so does not meet criterion D of the CRHR.

As the building does not fulfil any of the criteria to be included on the CRHR, it is considered ineligible for inclusion. DPR 523 forms are included in *Appendix E*, supporting this conclusion.

10.3 Other Structures on the Site.

The other structures on site can be considered ancillary buildings to the Operations Building and thus the same conclusions can be drawn from its analysis in terms of criteria A, B & D. In terms of criterion C, the buildings do not have a distinctive architectural style, and do not possess artistic value, so do not meet criterion C. These buildings cannot be considered eligible for inclusion on the CRHR. DPR 523 forms are included in *Appendix E* supporting this conclusion.

11 Conclusion

After historic evaluation, this report can confirm that there are no historic resources on the project site. None of the structures, including buildings and the levees meet the criteria for inclusion on the CRHR and, by extension, the NRHP. Although it is within local authority to include buildings and structures on a historic register that are otherwise not eligible for national or state registers, the City of Menlo Park does not keep a local historic register.

As there are no historic resources found to be present on the site, implementation of the proposed project would have no impact to historic resources under CEQA. This HRE also acts to support any future CEQA or NEPA project in determining that there are no historic resources present on the site to be affected by future projects.

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Figures



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Source: ESRI 2014; USGS Online 2014; MIG 2017

★ Project Site Location

Figure 1 Project Location

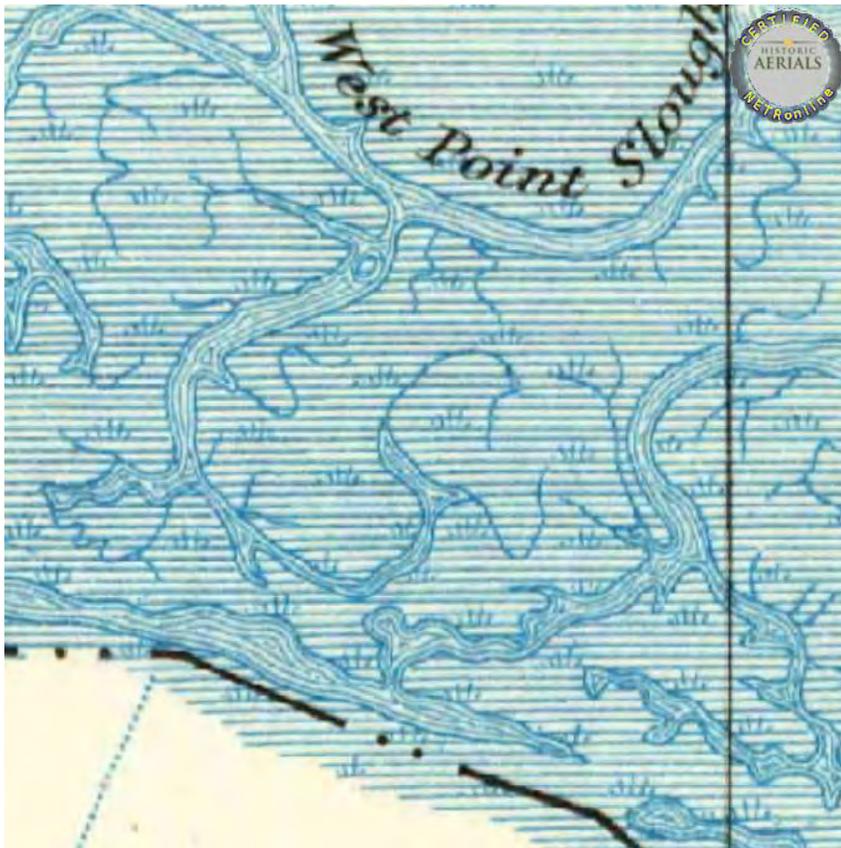




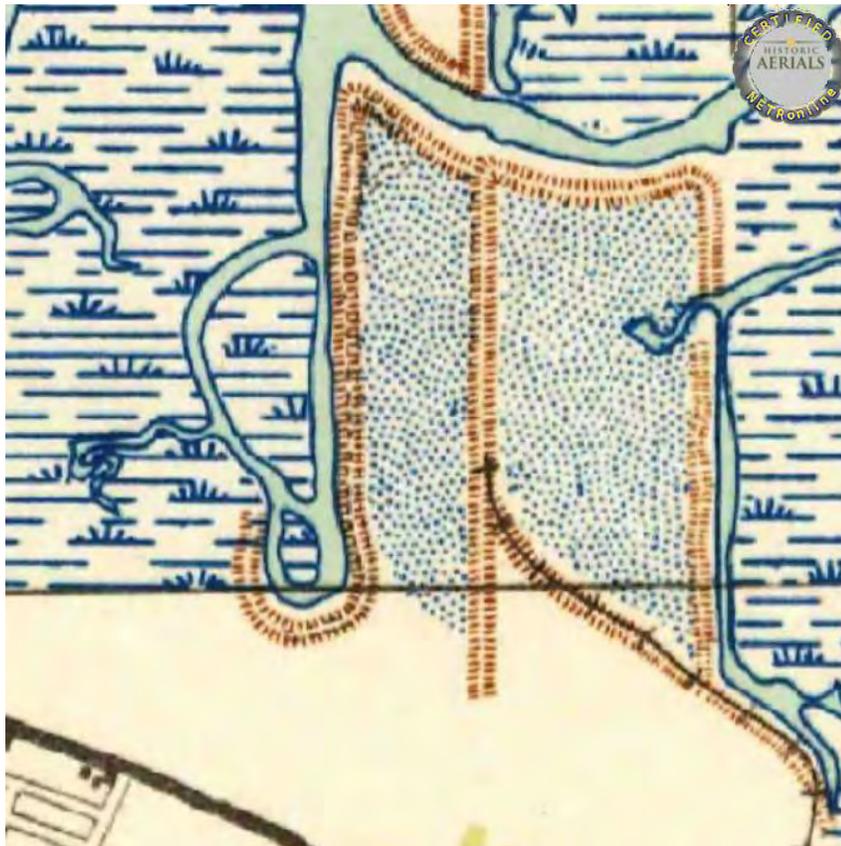
 Project Site

Figure 2 Project Site and Vicinity





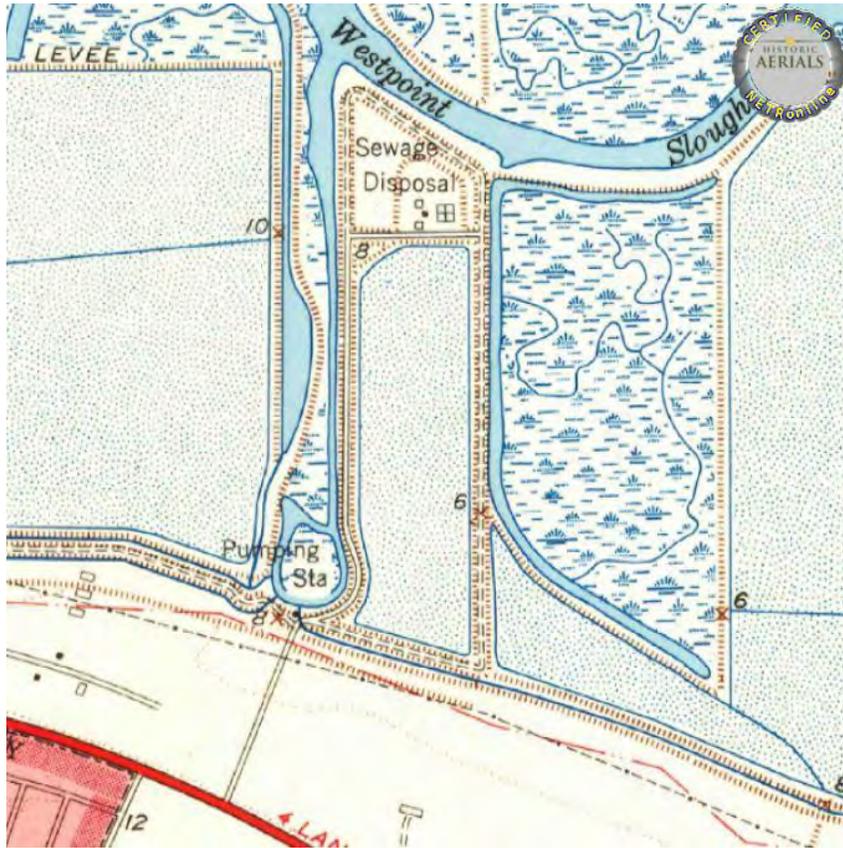
1937 Topo Map



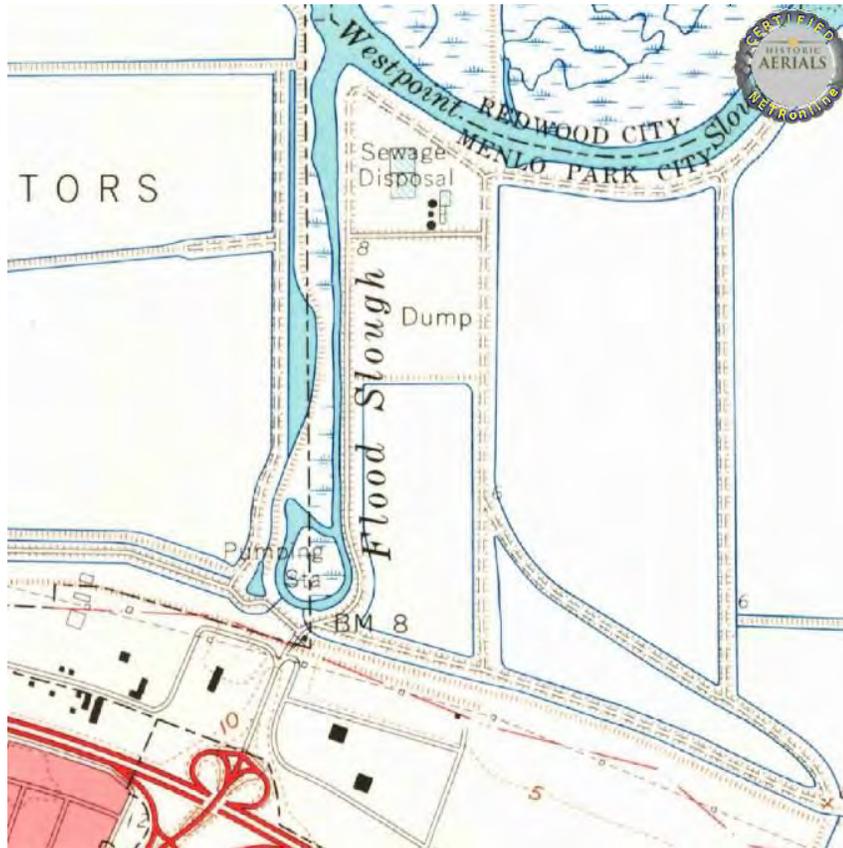
1943 Topo Map

Figure 3a Historic Maps

Historic Resource Evaluation for the Menlo Park EQ Basin Project

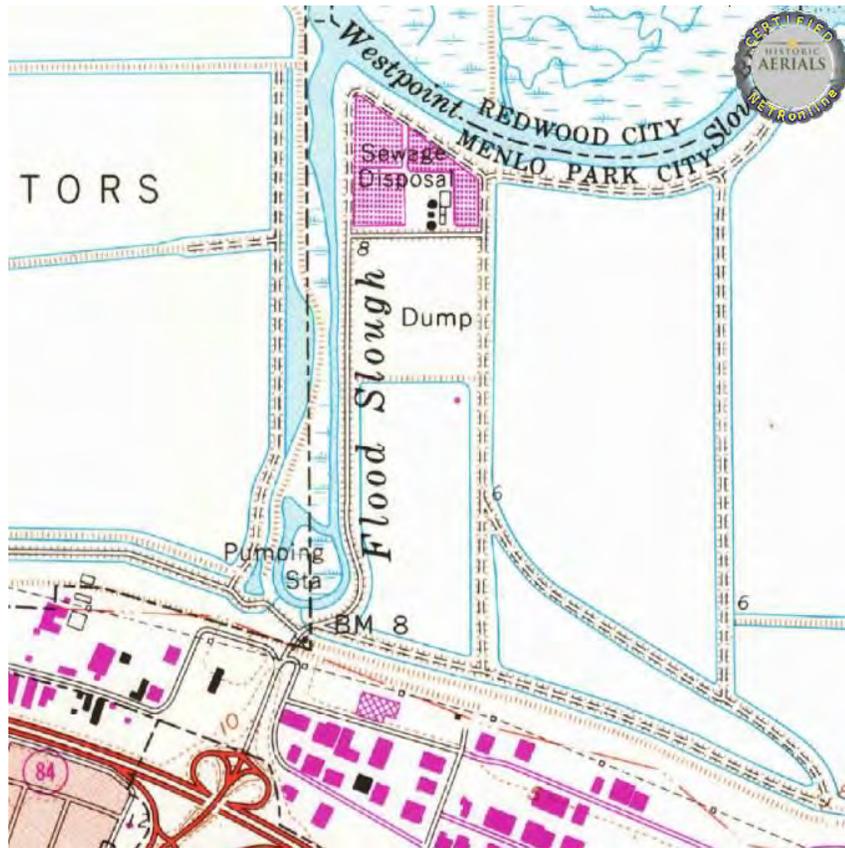


1955 Topo Map



1965 Topo Map

Figure 3b Historic Maps



1974 Topo Map

Figure 3c Historic Maps

Historic Resource Evaluation for the Menlo Park EQ Basin Project

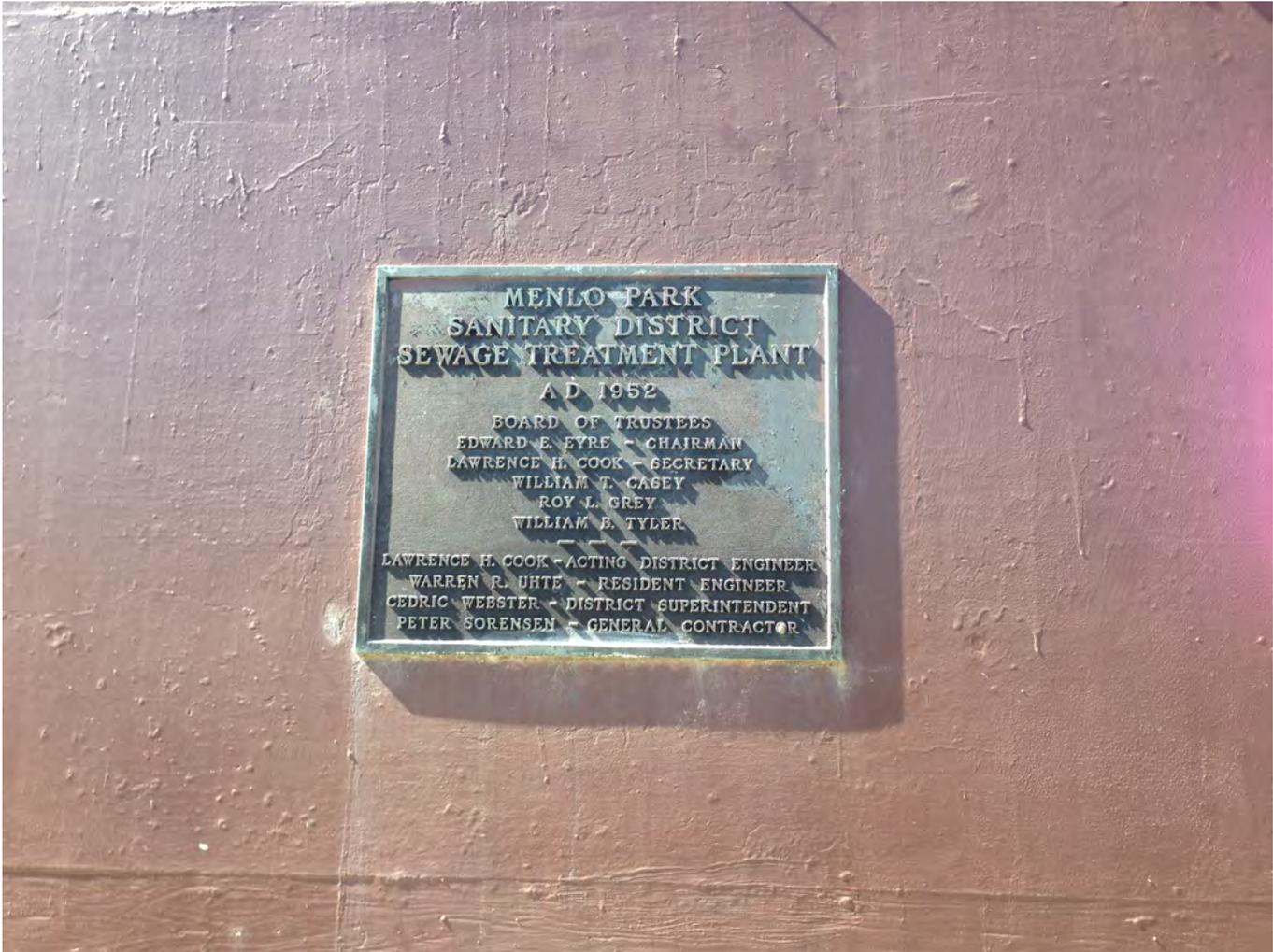
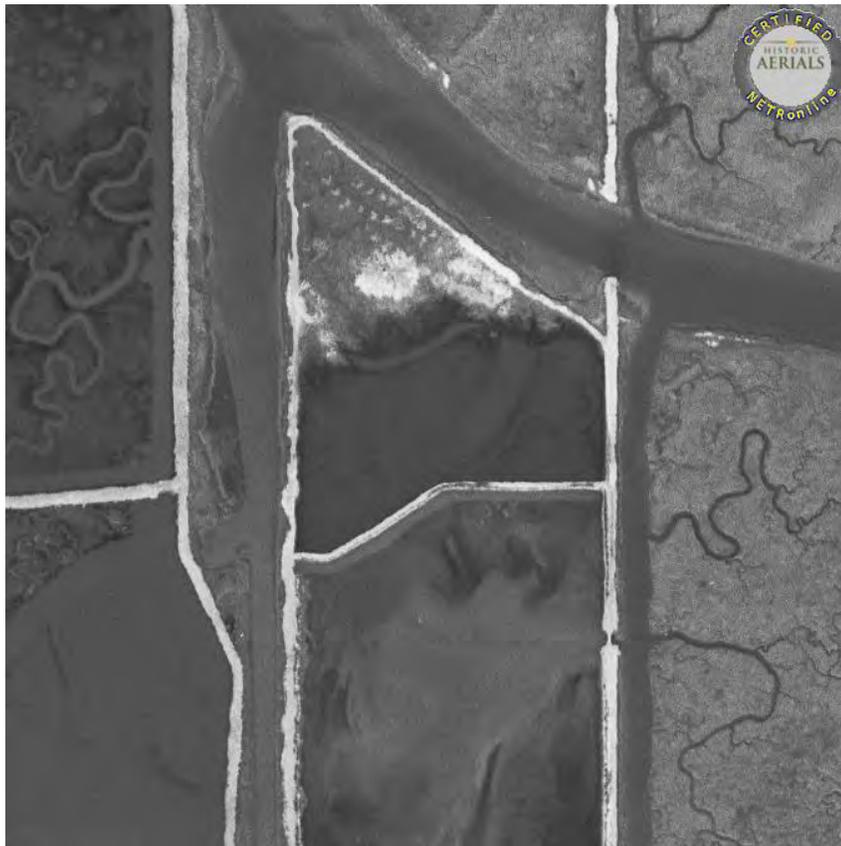


Figure 5 Operations Building Plaque

Historic Resource Evaluation for the Menlo Park EQ Basin Project



1946 Aerial Photography



1948 Aerial Photography

Figure 6a Historic Aerial Photographs

Historic Resource Evaluation for the Menlo Park EQ Basin Project



1958 Aerial Photography



1960 Aerial Photography

Figure 6b Historic Aerial Photographs

Historic Resource Evaluation for the Menlo Park EQ Basin Project



1968 Aerial Photography



1980 Aerial Photography

Figure 6c Historic Aerial Photographs

Historic Resource Evaluation for the Menlo Park EQ Basin Project



1987 Aerial Photography

Figure 6d Historic Aerial Photographs

Historic Resource Evaluation for the Menlo Park EQ Basin Project



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Appendix A: Professional Resumes



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Robert Templar, M.A.

ARCHAEOLOGIST / CEQA ANALYST / GIS ANALYST

AREAS OF EXPERTISE

Cultural Resource Management / GIS / CEQA / NEPA
Environmental Analysis / Field Survey / Historic Research

QUALIFICATIONS

Robert Templar is an archaeologist and historian with eight years of professional experience. His skills include preparing historic reports to CEQA and NEPA standards, archaeological survey, historic research, GIS, excavation, construction monitoring, laboratory analysis, artefact identification and conservation.

He writes phase 1 archaeological reports, post excavation reports, section 106 reports, and cultural and tribal cultural sections of CEQA documents. He also regularly advises clients on AB52 consultation, conducts historic research with state and national historic inventories and liaises with Native American representatives.

Mr. Templar has worked extensively with professional archaeological units and has a wide range of experience with prehistoric and historic archaeology. He has conducted numerous research projects for clients and has brought many projects to conclusion under time and budget.

On site, Mr. Templar has excellent knowledge and experience of archaeological survey techniques and three-dimensional plotting of artefacts and remains during excavation. He has also been responsible for creating Harris matrices for complex site stratigraphy, in addition to creating detailed site maps using GIS and CAD software. Mr. Templar has also been responsible for taking and processing soil samples for artifact recovery, seed and insect analysis, and processing cremation burials. He is well versed in artifact recovery, correct storage practices and conservation techniques, as well as preparation of artefacts to a museum standard.

Robert conducts and arranges construction monitoring activities, supervises subcontractor field archaeologists and liaises with lead agencies and contractors.

Mr. Templar's training and background meet the Secretary of the Interior's Professional Qualifications Standards for Historic Archaeology and History

EDUCATION

- Masters Degree, Medieval and Early Modern History, University of Kent, Canterbury, UK (2011)
- Bachelor's Honors Degree, Classical and Archaeological Studies, University of Kent, Canterbury, UK (2008)

RELEVANT EXPERIENCE

- Archaeologist, Bear Gulch Upper Diversion Project, Archaeological Monitoring, *Woodside, California*
- Archaeologist and Historian, Rosefield Village Housing Project - Section 106 Consultation, *Alameda, California*
- Archaeologist and Historian, Palo Alto Parks Master Plan IS/MND, *Palo Alto, California*
- Archaeologist and Historian, Menlo Park Small High School Project EIR, *Menlo Park, California*
- Archaeologist, Cultural Resources Assessment Report, for Summit Shasta Schools, San Mateo County, California
- Archaeological Training Provider, Ericsson Google Fiber Project for Ericsson, Santa Clara County, California.
- Project Archaeologist, Jefferson Drive High School Project, for Sequoia Union High School District, San Mateo County, California
- Archaeologist, GIS Analyst, CalWater MPS Station 6, for Town of Hillsborough, San Mateo County, California
- Archaeologist and GIS Analyst, Skylonda Fire Station Replacement Project for the City of San Mateo, San Mateo County, California
- Archaeologist, Historian, and GIS Analyst, Coyote Point Recreation Area Project, for the Department of Parks and Recreation, San Mateo County, California
- Archaeologist, Phase III Full Excavation, Sudbury Housing Project, for Tesco's PLC, Sudbury, United Kingdom*
- Archaeologist, Archaeological Monitoring and Report Production, Beckton CHiP Power Station Construction Project for the National Grid, London, United Kingdom*
- Field and Survey Archaeologist, Phase III Full Excavation, Cheesemans Green Housing Project, for Ashford Borough Council, United Kingdom*

*Work completed prior to joining MIG

Christopher W. Purtell, RPA

SENIOR ARCHAEOLOGIST

Christopher Purtell is an archaeologist and archaeological project manager with over ten years of professional experience. He is well-versed in project management, environmental compliance, subcontracting, archaeological survey, excavation, monitoring, data recovery, laboratory analysis, and in the development of mitigation and treatment plans.

Mr. Purtell has successfully coordinated cultural resource projects, mitigation measures, and recommendations pursuant to the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), and Sections 106 and 110 of the National Historic Preservation Act (NHPA). Mr. Purtell has worked with a variety of lead and regulatory agencies, including Los Angeles County, Riverside County, San Bernardino County, Ventura County, Orange County, Kern County, Inyo County, Bureau of Land Management, and the Bureau of Indian Affairs, among others. Mr. Purtell is a Registered Professional Archaeologist (RPA) and his training and background meet the U.S. Secretary of the Interior's Professional Qualifications Standards as a Principle Investigator and Field Director for prehistoric and historic archaeology.

His project management duties have included profit and loss responsibilities, budget management, scope preparation, project task administration, Native American scoping/consultation, subcontractor evaluation and procurement, coordination with lead agencies, clients, and project result meetings with the public and stakeholders both in public and in private forms. His experience also includes cultural resources staff management, review and oversight of cultural surveys results and site recordation to include GIS management and databases, preparation of technical reports and overseeing the quality control assurance of all deliverables.

AFFILIATIONS

- Register of Professional Archaeologist (ID No. 990027)
- Society for American Archaeology (SAA)
- Society for California Archaeology (SCA)

EDUCATION

- Master of Arts, Anthropology, California State University Fullerton, Fullerton, CA
- Bachelor of Arts, Anthropology/Archaeology, Minor in Geography, California State University Dominguez Hills, Carson, CA

RELEVANT EXPERIENCE

- Senior Archaeologist and Project Manager, Section 106 Evaluation Assessment for the Lytle Creek Ranch South Residential Commercial Development-City of Rialto, San Bernardino County
- Senior Archaeologist and Program Manager, Phase I Cultural Resources Assessment of the Proposed Autodromo California Project-Agua Caliente Band Cahuilla Indians, Riverside County
- Senior Archaeologist and Project Manager, Cultural Resources Assessment for the Proposed North San Diego County Recycled Water Project-San Diego County
- Senior Archaeologist and Project Manager, Cultural Resources and Biological Resources Services for the Landside Transportation Program at Los Angeles International Airport (LAX)-City of Los Angeles, Los Angeles County
- Senior Archaeologist and Project Manager, Cultural and Paleontological Resources Assessment New Model Colony (NMC) Storm Drains-Ontario, San Bernardino County
- Senior Archaeologist and Project Manager, Archaeological Survey Report California Street Off-Ramp Project-City of Ventura, Ventura County
- Project Manager and Senior Cultural Resources Coordinator, Runway Safety Area Improvement to Runway 6L-24R Project-Los Angeles International Airport, Los Angeles County
- Archaeological Resource Coordinator, Owens Lake PM10 Planning Area Demonstration of Attainment State Implementation Plan-Inyo County
- Archaeological Resource Coordinator, Catalina Renewable Energy Project-Kern County

Appendix B: Achieved Historic Newspaper Articles



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New Sewage Disposal Plans Should Get Encouragement

Readers of local news columns have no doubt noticed recently that various cities and sanitary districts of the county, not yet provided with sanitary sewage disposal plants, have busied themselves with the planning of such plants.

San Mateo and Burlingame have long been operating sewage disposal plants and Redwood City has both planned and financed such a facility.

The new activity, which presages an end to the time-honored custom of dumping raw sewage into the bay, or the ocean, is being carried forward jointly by San Carlos and Belmont, South San Francisco and San Bruno. Menlo Park's sanitary district is also exploring plans for its own sewage plant while Daly City is making similar plans.

All of this comes about because the state board of health last March set January 1, of this year, as a deadline after which no more permits to dump sewage into public areas would be allowed. Notice of the deadline was given to all the cities and, somewhat belatedly, to the sanitary districts.

It is interesting to note the widespread response of the cities and sanitary districts to this policy of the state board, despite the fact that they are well aware that the state board has no effective means of enforcing its ultimatum.

There will be considerable public expense attached to the building of all the proposed new sewage disposal facilities, with some preliminary estimates showing that a total cost of well over a million dollars is entailed for the various projects.

In most cases bond issues will be submitted to meet expenses and this will raise an interesting question.

Suppose the voters of any one of these cities or districts should refuse to authorize the expense of a modern sewage plant; what will happen then?

In view of the fact that the state board has no "teeth" in its resolution to stamp out the practice of dumping raw sewage, only public consciousness can be brought to bear on any community dodging the cost of a sewage plant.

It is proper that public attention should be directed to this situation before bond issues are submitted. Whatever moral suasion can be brought to bear upon it will be well worth while.

It is generally conceded that dumping raw sewage into the bay is bad practice and it most certainly offends the canons of good taste even where it is not attended by outright danger to the public health. The citizens of those communities which have already abandoned, or are about to abandon, this practice will do well to encourage their neighbors to take similar action. The growth of the county will create genuine dangers if its sewage problems are not competently dealt with in advance of the time when a solution must be forced.

Sewage in Bay Banned by State

Four San Mateo county sewage districts have been ordered to cease discharging raw domestic sewage into the bay or risk legal action said a notice issued today by the state board of public health.

The four districts are Belle Haven Sewer Maintenance district, Brisbane Sewer Maintenance district, Menlo Park Sanitary district, North Palo Alto Sanitary district.

The board said more than a year has elapsed since January 1, 1947, deadline of a ruling which ordered a change in sewage disposal and that satisfactory progress had not been noted at the four places.

Sewage Discharge Banned

Clipped By:



rtemplar

Wed, Nov 29, 2017

South County District Will Sign \$1,035,000 Dump Deal

REDWOOD CITY — Chairman James E. Price of the south county Garbage and Refuse Disposal district was authorized today to sign a \$1,035,000 contract with Disco corporation for operation of the district's disposal site east of Redwood City.

A resolution adopted by the board authorizes the contract to be signed on or before February 10 on condition that Disco files a \$100,000 performance bond within 30 days, guaranteed by a \$5000 certified check. It was also agreed that the district will furnish the

disposal site to the contractor within 120 days.

Disco offered to operate a smokeless incinerator and a fill and cover dump site for \$51,750 a year on a 20-year contract.

The county plans to buy the site for the district and lease it back.

James Parmelee, district counsel, ruled that C. D. Allen's contract with the district as engineer is valid. There was some question about his position because he is not a civil engineer, but Parmelee said there is a civil engineer in Allen's engineering firm.

Dump Deal

Clipped By:



rtemplar

Wed, Nov 29, 2017

To Buy Dump

2. Authorized County Manager E. R. Stallings to arrange fund transfers and draw up contracts for the purchase of a 15-acre disposal site for the south county garbage and refuse disposal district. The dump will be located east of Bayshore highway opposite Marsh road south of Redwood City. The county will buy the property and make it available to the district on a lease-purchase arrangement. The district will repay the purchase price and 5 per cent interest over a 10-year period.

Buy Dump

Clipped By:



rtemplar

Wed, Nov 29, 2017

South County Dumps Closing

REDWOOD CITY—Notices informing the public that the county dump on Bay road, East Palo Alto, and the Redwood City dump on Harbor boulevard are to be closed permanently February 15 will be posted at the two locations early next month by the South San Mateo County Garbage and Refuse Disposal district.

Directional signs will be posted telling how to reach the new incinerator which is scheduled to go into operation February 15. The incinerator site can be reached only via Harbor boulevard and the east Bayshore frontage road at present. It will be accessible via the Marsh road overpass also when that structure is completed early this spring.

A special meeting has been scheduled by district directors for January 30 to approve a recommended change in hours during which refuse may be dumped at the incinerator.

Present regulations designate that dumping will be allowed only in the afternoons seven days a week. At the recommendation of Dean Haug, assistant county manager, directors will change regulations to allow dumping all day long on Saturdays and Sundays.

Incinerator operational

Clipped By:



rtemplar

Wed, Nov 29, 2017

22—San Mateo THE TIMES Wednesday, Oct. 29, 1975

South County Sewage Agency Plan Authorized

REPLATE

Authorized

A joint powers agreement provide one sewer system County cities until the year 2000. Target date for completion of the major project, whose planning was begun some eight years ago, is 1985.

The new authority will be headed by a director, and will have between 23 and 27 employees, some of whom now work at individual municipal plants.

Each of the different cities will have a representative on a board of directors. Each will be paid \$50 per meeting, but will not receive more than \$600 a year, according to Allen.

He said the new system will meet the requirements of all interested agencies, including the Bay Area Water Pollution Control District and even the Sierra Club.

Areas such as Woodside and Portola Valley, which will not be part of the system at first, would be required to pay 100 per cent of their share of the costs if they join later, Allen said.

Councilman Joseph Judge questioned, for example, how the unincorporated Emerald Hills area, which is an "unincorporated pocket" surrounded by incorporated areas, will be provided for.

Allen reported that the Board of Supervisors has instructed County Engineer S. H. Cantwell Jr. to negotiate a contract for the area.

Under plans, an existing Menlo Park plant will be used to pump sewage through a new force main to the existing Redwood City plant, which in turn will pump it through a new force main to a new San Carlos sewage plant.

The authority will construct a new plant at Redwood Shores, which will pump treated sewage to the deep water end of a Bay outfall line.

Belmont will use its plant to pump to the new plant.

The grant monies mandate that the new system be required to pump 23 1/2 million gallons of treated sewage into the Bay per day.

In line with the new sewage system, the council introduced a new ordinance setting up regulations for industrial waste water facilities. As local industries have not had a chance to examine the new law, which is based on a similar one in the East Bay and a model state ordinance, Allen said special copies have been provided for Ermac, the Lenkurt Corp. and the Peninsula Manufacturers Association.

The ordinance will prohibit the dumping of any effluent that will create "strong or offensive odors" or create air pollution, or which will have a detrimental environmental impact.

It also outlawe the dumping of any radioactive wastes, and sets the limits of arsenic, cadmium, copper, cyanide, lead mercury, nickel, silver, chromium or zinc that may be dumped.

Dumping permits are required, and the director can require monitoring facilities if he deems it necessary. Violations of the ordinance are \$500 fines or six months jail terms for each day the violations continue.

San Carlos' share of the project will be paid from receipts of a sewer service charge of between \$1.76 to \$2.80 a month, which has been effect since last July.

Business Audit Voted in San Bruno

The San Bruno City Council Monday night voted to establish permanent business audit procedure that if

In past years, the city has not audited businesses, but recently conducted a random audit of 26 businesses, and

\$30,115.82 in uncollected revenues owed the city.

Of that amount, Minford said, almost \$21,000 has been

that the city's business license ordinance be modified to make penalty provisions identical to penalties

cost the city \$2,500 plus staff time and mailing costs.

Based on the number of errors identified in the audit

Clipped By:



rtemplar
Mon, Jan 8, 2018

Appendix C: Site Photographs



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View north along western exterior levee, showing Flood Slough.



View east from western exterior levee, showing EQ basin.



View north-east from northern exterior levee, showing Westpoint Slough channel



View north-east along northern levee



View south along western interior levee between EQ basins



View south along eastern interior levee showing EQ basin and filled EQ basin



Front view of Operations Building looking west, showing both digester buildings on either side



Rear view of Operations Building looking east, showing split level



Interior view of Operations Building, lower level



Interior view of Operations Building, upper level



View north west of digester building



View north from lower roof of Operations Building showing northern digester building



View looking down onto roof of southern digester building



View north-west of aluminum warehouse



View south-west of aluminum warehouse



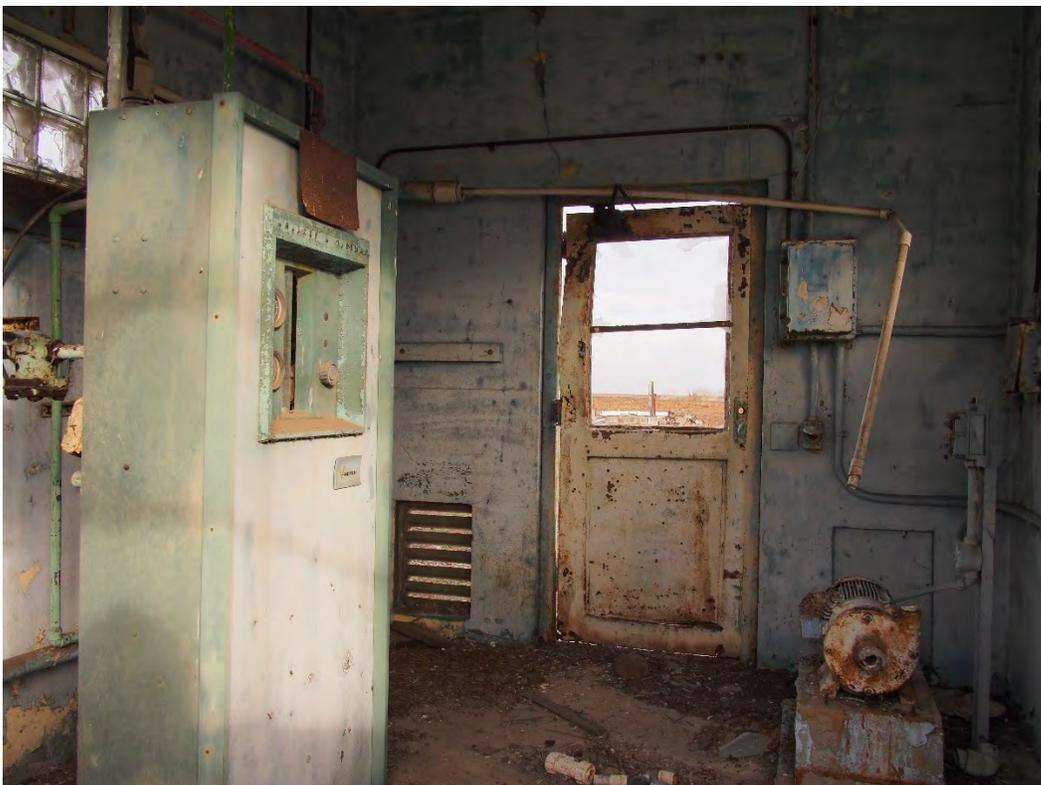
View east of pump station building



Interior view of pump station building



View north-west of chlorination building



Interior view of chlorination building



View south-east of sump structure, showing pump station and chlorination buildings in background



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Appendix D: Historic Site Plans



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MENLO PARK SANITARY DISTRICT
SAN MATEO COUNTY
CALIFORNIA

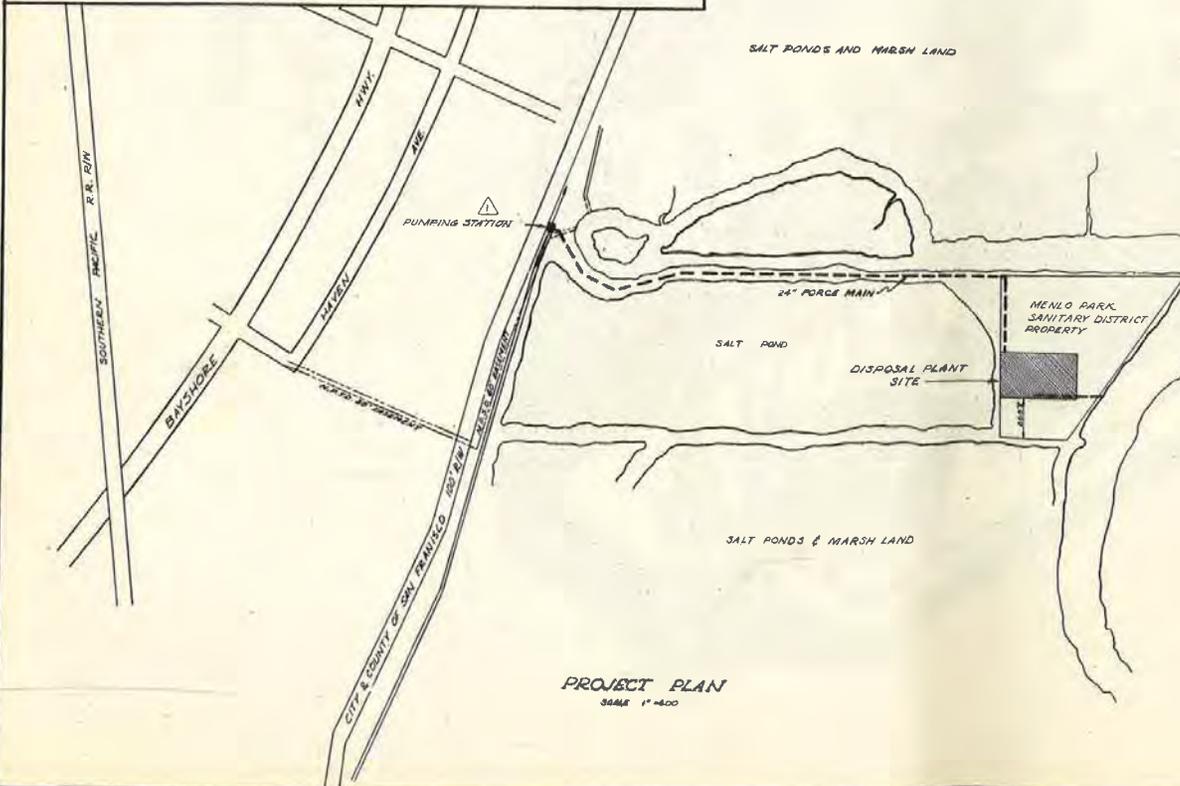
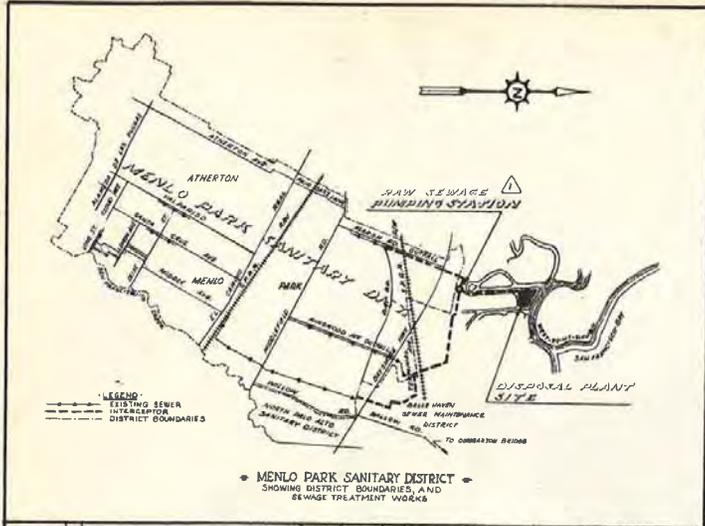
CONSTRUCTION OF NEW SEWAGE TREATMENT PLANT
CONTRACT No. 5

CONTRACT DRAWINGS

FOR
SEWAGE PUMPING STATION
FORCE MAIN
AND
SEWAGE TREATMENT PLANT

LAWRENCE H. COOK, Reg. C. E. No. 5434
Acting District Engineer

MARCH, 1951

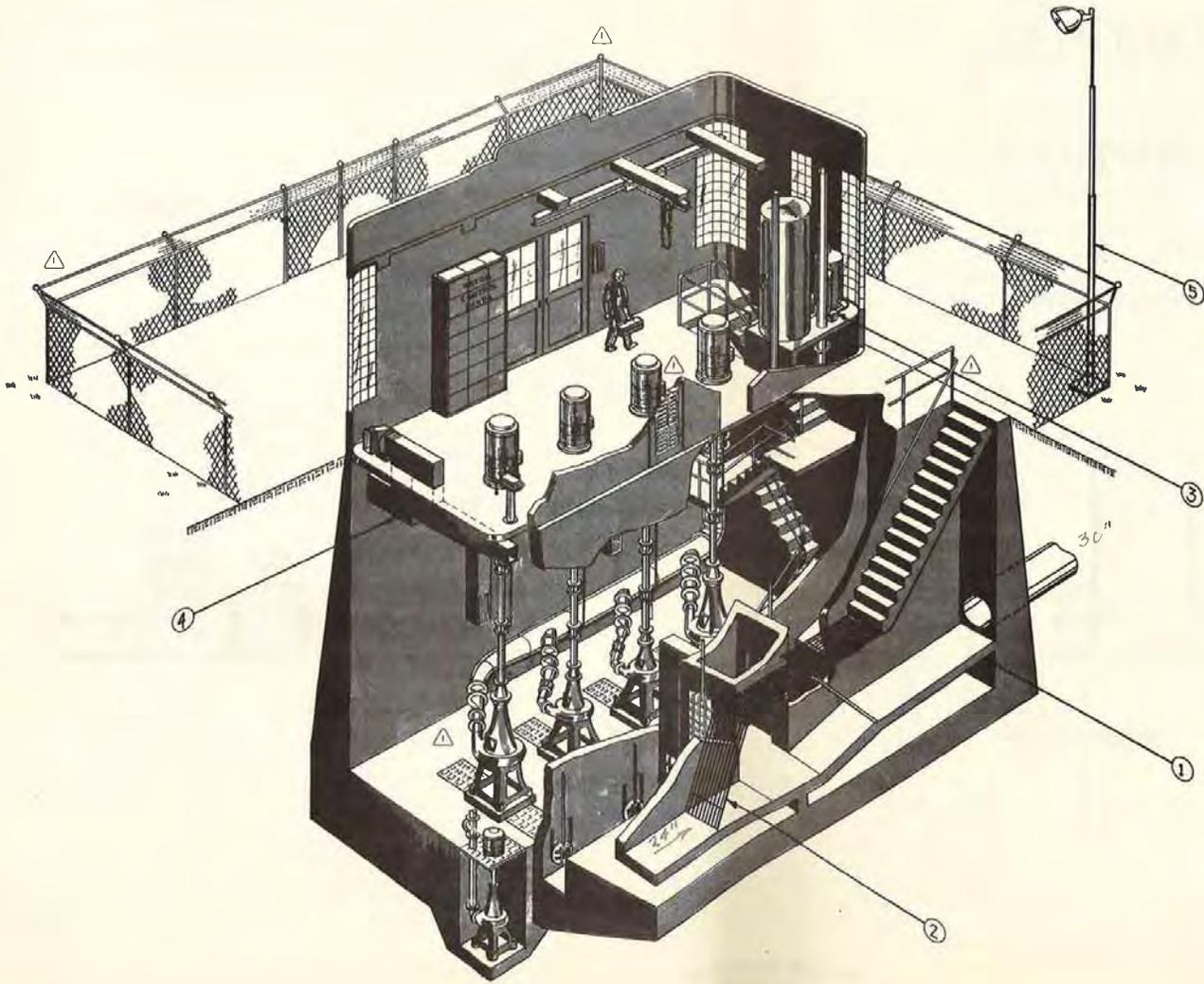


DRAWING		SCHEDULE	
NEW SEWAGE TREATMENT WORKS PROJECT PLAN & SCHEDULE	2000	PLAN	2043
CUTAWAY VIEW	2001	SECTIONS	2044
ARCHITECTURAL - ELEVATIONS	2002	DETAILS	2045
ARCHITECTURAL - DETAILS	2003	SLUDGE REMOVAL SYSTEM	2046
PLANS & PLOT PLAN	2004	ELEVATIONS, DOOR & WINDOW SCHEDULES	2047
TRANSVERSE SECTION & DETAILS	2005	FLOOR & ROOF PLANS	2048
LONGITUDINAL SECTION & DETAILS	2006	INTERIOR ELEVATIONS & DETAILS	2049
SUMP AND INLET CHANNEL SECTIONS	2007	FOUNDATION & GRAIND FLOOR PLANS	2050
MISCELLANEOUS DETAILS	2008	UPPER FLOOR & ROOF FRAMING PLANS	2051
PLAN & LONGITUDINAL SECTION	2009	LONGITUDINAL SECTION	2052
PLAN AND TRANSVERSE SECTION	2010	TRANSVERSE SECTION & DETAILS	2053
BAR RIGGS AND PUMP FLOAT CONTROL	2011	DIGESTER CONTROL ROOM SECTION	2054
WATER PRESSURE SYSTEM	2012	PLUMBING	2055
DRAINAGE SYSTEM	2013	HEATING AND VENTILATING	2056
VENTILATION SYSTEM	2014	DIGESTION SYSTEM PLANS & SECTIONS	2057
PUMPING CONTROLS - ELEMENTARY DIAGRAM	2015	DIGESTER & DIGESTER CONTROL RM. SECTIONS	2058
1 LINE & SCHEMATIC DIAGRAMS	2016	SLUDGE GAS SYSTEM	2059
POWER CONDUIT LAYOUT	2017	PLAN, ELEVATION & SECTIONS	2060
LIGHTING PLAN	2018	MISCELLANEOUS DETAILS	2061
FLOOD LIGHT & DETAILS	2019	BYPASS - OUTFALL PLOT & PROFILE	2062
FORCE MAIN PLOT & PROFILE	2020	SLUDGE BEDS - PLAN & SECTIONS	2063
FORCE MAIN PLOT & PROFILE	2021	CHLORINATION UNIT - PLAN, SECTIONS & ELEVATIONS	2064
FORCE MAIN MISC. DETAILS	2022	WATER RESERVOIR - PLANS AND SECTIONS	2065
GENERAL VIEW	2023	MISCELLANEOUS STRUCTURES	2066
FLOW DIAGRAM	2024	STRUCTURAL - MISCELLANEOUS DETAILS	2067
PILE PLAN No. 1	2025	POWER & CONTROL CONDUIT PANELS	2068
PILE PLAN No. 2	2026	POWER PANEL A	2069
GENERAL LOCATION OF SELECTED MATERIAL	2027	POWER PANEL B	2070
OUTSIDE PIPING - WATER LINES - SEWERS - GAS - CONNECTING PIPES	2028	LIGHTING	2071
OUTSIDE PIPING - DRAIN - CHEMICAL AND SLUDGE LINES	2029	INLET WORKS CONDUIT & DETAILS	2072
CHANNEL PLAN & ELEVATION	2030	SUMP ELEVATION SCREENS, BARGE SCHEMATIC & SUMP CONTROL WIRING DIAGRAMS	2073
OPERATING FLOOR AND FOUNDATION PLANS	2031	PRETREATMENT TANKS, CONDUIT LAYOUT	2074
SECTIONS	2032	PRETREATMENT TANKS, AERATION, SOLID COLLECTION & PRETREATMENT AERATIONS WIRING DIAGRAMS	2075
MECHANICAL - PLAN AND ELEVATION	2033	SEDIMENTATION TANKS CONDUIT	2076
MECHANICAL - SECTIONS AND DETAIL	2034	SEDIMENTATION TANKS SCUMMERS	2077
STRUCTURAL - PLAN, ELEVATION & SECTION	2035	SEDIMENTATION TANKS SCUMMERS AND AIR SOLIDIFIED FLUDES	2078
STRUCTURAL - SECTIONS & DETAILS	2036	OPERATION BUILDING	2079
MECHANICAL - PLAN AND ELEVATION	2037	CONTROL HOUSE ELECTRICAL AND MISCELLANEOUS DETAILS	2080
MECHANICAL - Baffle and WEIR PLATES	2038	MISCELLANEOUS DETAILS	2081
PLAN	2039	SLUDGE GAS CIRCULATING - HOT WATER AND WELL POND	2082
SECTIONS	2040	DETAILS	2083
SECTIONS	2041	SLUDGE AND WATER SYSTEM PUMPS WIRING DIAGRAMS	2084
SECTIONS	2042		

1 - DATUM - (SEWAGE PROJECT BASE) = USC & GS DATUM (1948 RELEVELING) - 100. FT.

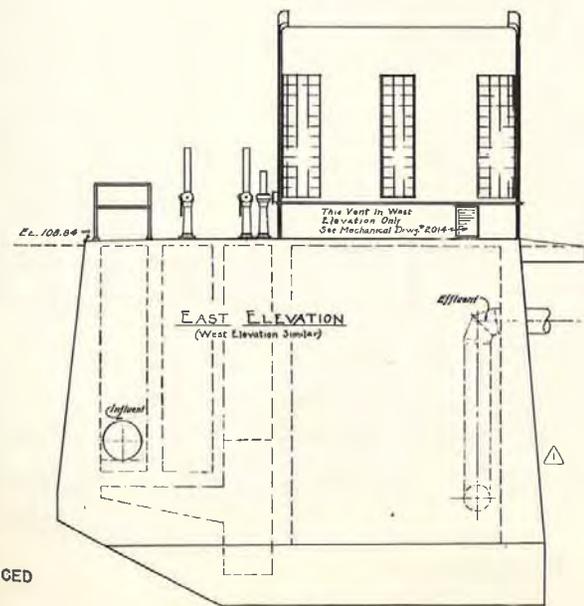
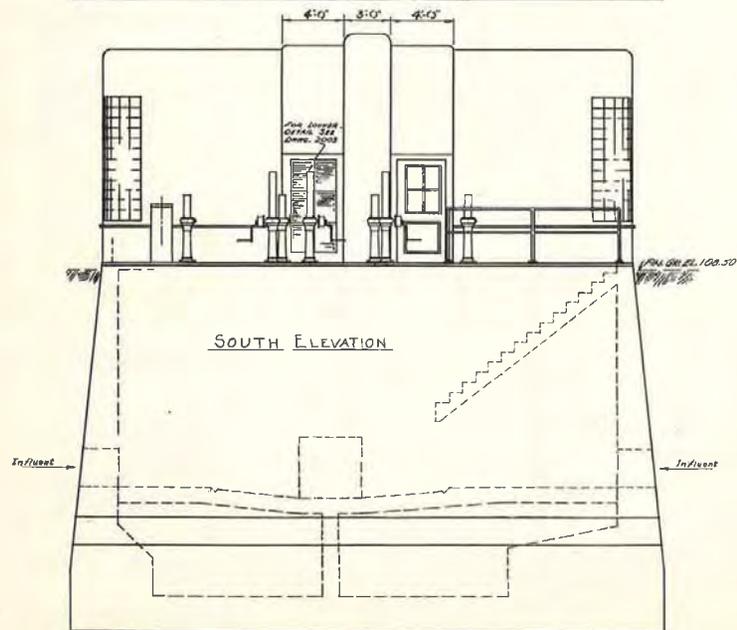
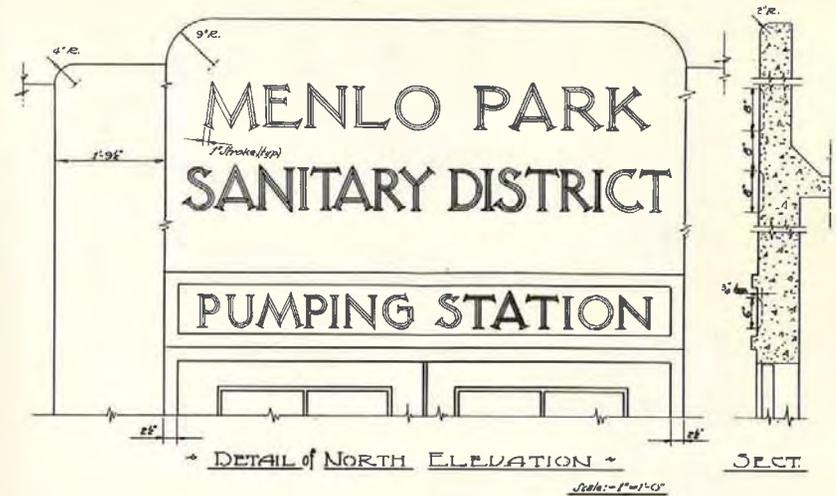
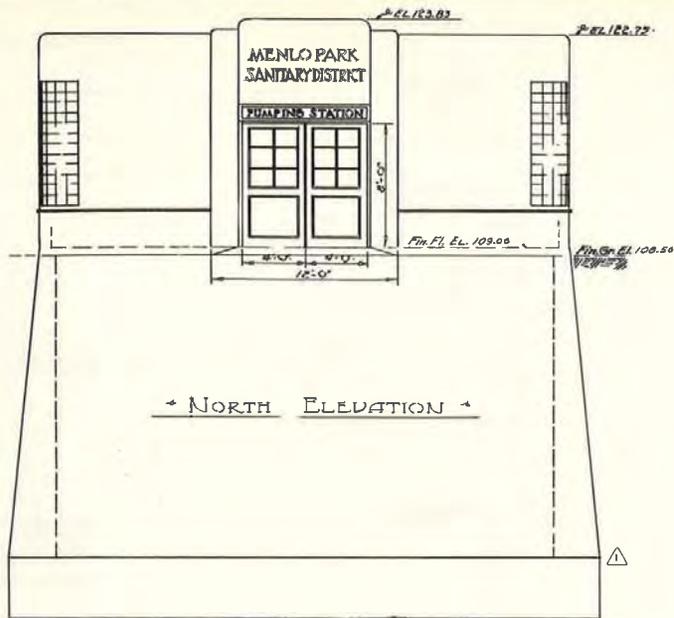
REVISED 2/25/01	DRAWN F.S.S.	CK'D APV. [Signature]
MENLO PARK SANITARY DISTRICT		
NEW TREATMENT WORKS PROJECT PLAN DRAWING SCHEDULE		
LAWRENCE H. COOK		REG. C. E.
ACTING DISTRICT ENGINEER		
DATE DRAWN	CK'D	APV. SCALE
1000	F.S.S.	M.C.K. 1/4" = 1"
	NOTED	2000

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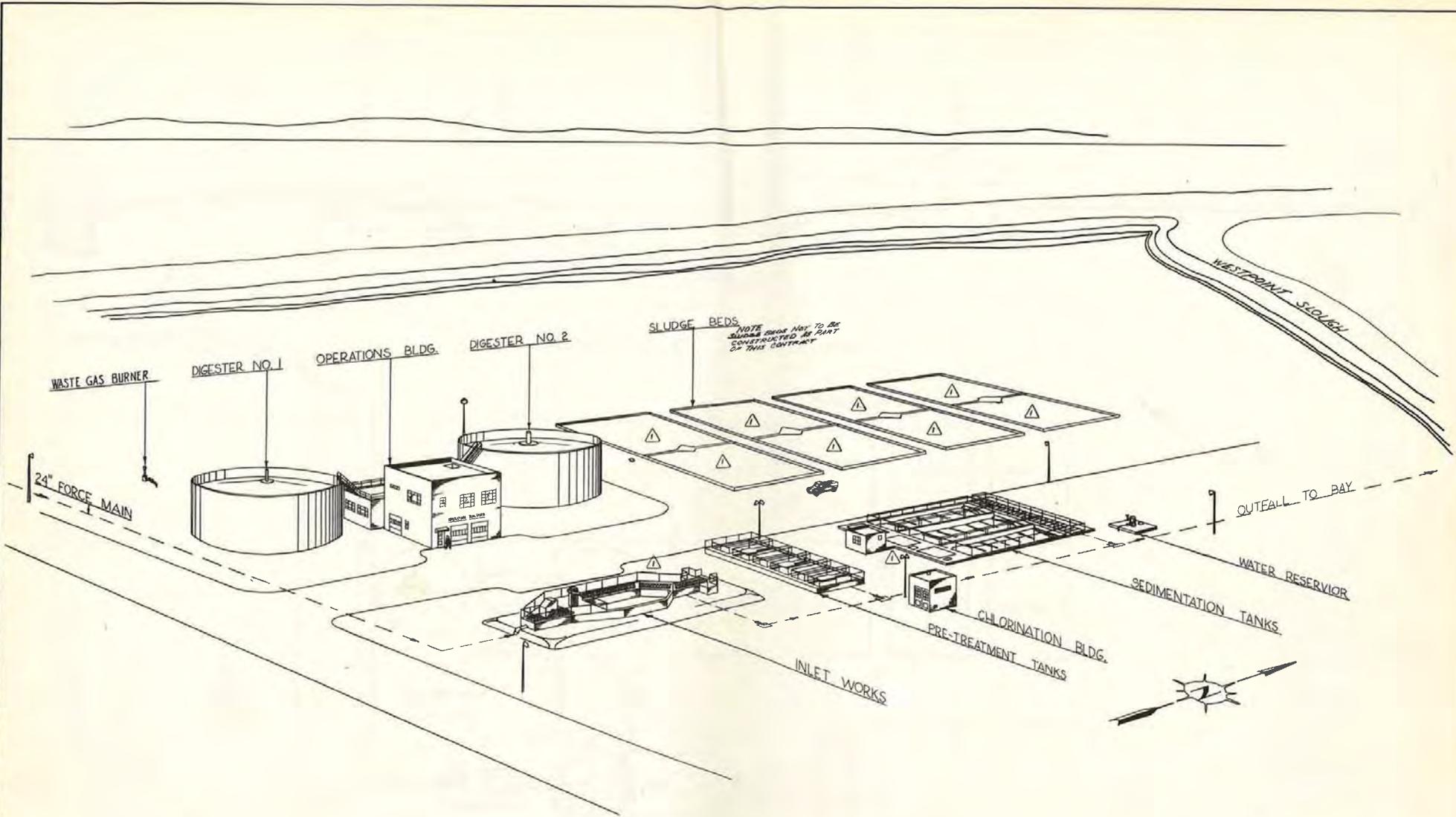
NO.	PUMPING STATION PRINT REF.	PRINT NO
ARCHITECTURAL		
	ELEVATIONS	2002
	DETAILS	2003
STRUCTURAL		
	PLANS & PLOT PLAN	2004
	TRANSVERSE SECTION & DETAILS	2006
	LONGITUDINAL SECTION & DETAILS	2006
1	SUMP & INLET CHANNEL SECTIONS	2007
	MISCELLANEOUS DETAILS	2008
MECHANICAL		
	PLAN & LONGITUDINAL SECTION	2009
	PLAN & TRANSVERSE SECTION	2010
2	BAR RACKS & PUMP FLOAT CONTROL	2011
3	WATER PRESSURE SYSTEM	2012
	DRAINAGE SYSTEM	2013
4	VENTILATION SYSTEM	2014
ELECTRICAL		
	PUMPING CONTROLS-ELEMENTARY DIAG.	2015
	LINE & SCHEMATIC DIAGRAMS	2016
	POWER CONDUIT LAYOUT	2017
	LIGHTING PLAN	2018
5	FLOOD LIGHTS & DETAILS	2019

△	REVISED 2-5-51	DRAWN HLG	CK'D PHL	APP. PHL
MENLO PARK SANITARY DISTRICT				
PUMPING STATION				
CUT-AWAY VIEW				
LAWRENCE H. COOK			REG. C. E.	
ACTING DISTRICT ENGINEER				
DATE	DRAWN	CK'D	APP.	SCALE
11-30-34	RECAM	CHS	PHL	NONE
				2001

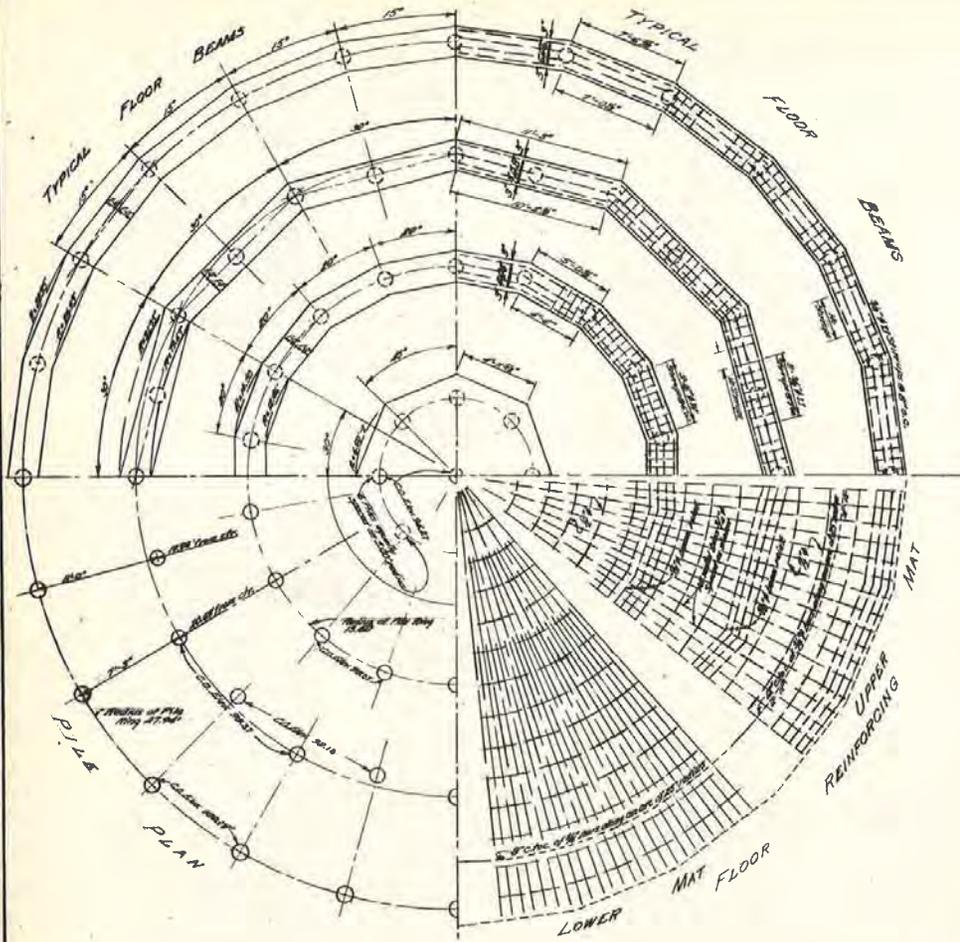


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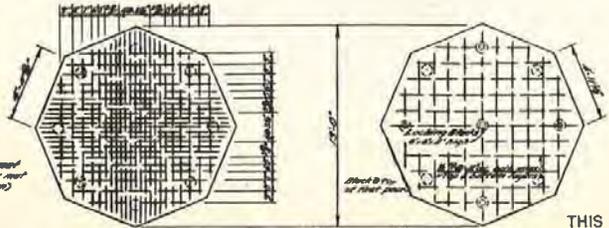
△	REVISED 2-5-51	DRAWN	CKD	APV.
		MSB	RSB	LHC
MENLO PARK SANITARY DISTRICT				
PUMPING STATION				
ARCHITECTURAL ELEVATIONS				
LAWRENCE H. COOK			REG. C. E.	
ACTING DISTRICT ENGINEER				
DATE	DRAWN	CKD.	APV.	SCALE
11/13/01	RSB	RSB	LHC	8'-11'-0"
				2002



△	REVISED 2-951	Drawn	CK'D	APV
		1.5.5	2/15	2/18
MENLO PARK SANITARY DISTRICT				
TREATMENT PLANT				
GENERAL VIEW				
LAWRENCE H. COOK ACTING DISTRICT ENGINEER				REG. C. E.
DATE	DRAWN	CK'D	APV	SCALE
2-4-50	R.B. Camp	M.C.K.	LLB	NONE
				2023

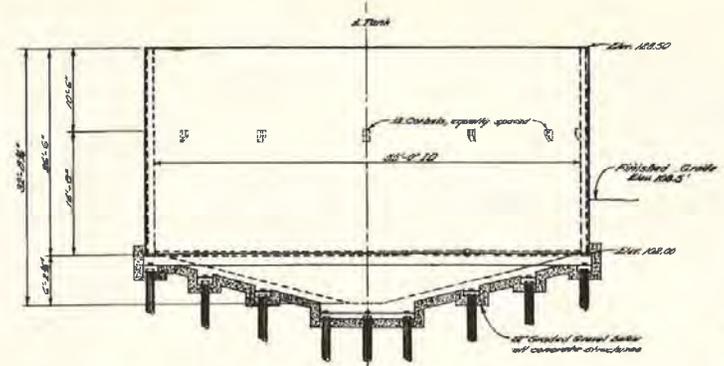


PLAN OF FLOOR REINFORCING
Scale 1/8" = 1'-0"



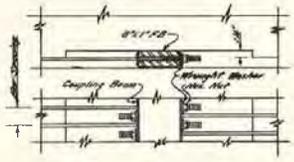
LOCATION OF LOCKING BLOCKS
Scale 1/8" = 1'-0"

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TO HALF SIZE

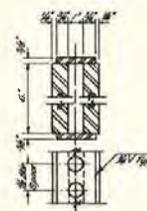


ELEVATION
Scale 1/8" = 1'-0"

Note:
No. 2 bars shall have
3/8" Am. Std. Rolled T-rod.

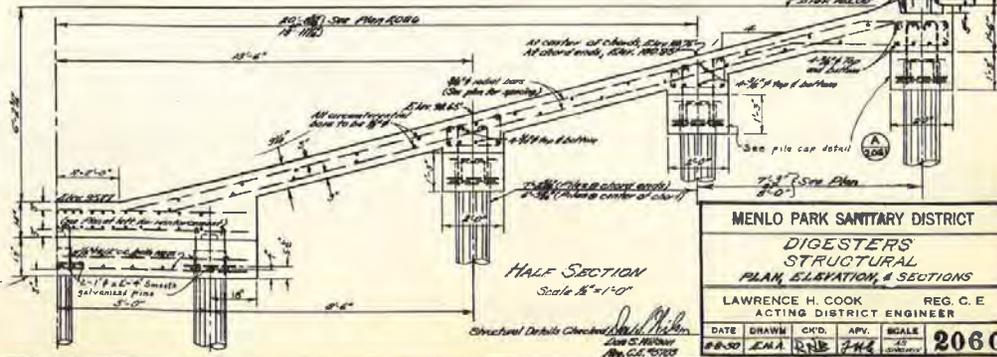


BAR COUPLING DETAIL
Scale 1" = 1'-0"



COUPLING BEAM DETAIL
Scale 3" = 1'-0"

Fill lower half of joint with
1:3 cement mortar. Coat
with 1 part metallic water-
proofing compound, 2 parts
cement and 3 parts sand.



HALF SECTION
Scale 1/2" = 1'-0"

MENLO PARK SANITARY DISTRICT
DIGESTERS
STRUCTURAL
PLAN, ELEVATION, & SECTIONS
LAWRENCE H. COOK REG. C. E.
ACTING DISTRICT ENGINEER

DATE	DRAWN	CHK'D.	APP.	SCALE
8-8-50	E.M.A.	R.H.E.	L.H.C.	25 FOOTING

2060



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Appendix E: DPR 523 Forms



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WEST BAY SANITARY DISTRICT AGENDA ITEM 9

To: *Board of Directors*

From: *Phil Scott, District Manager*

Subject: *Consider Authorizing the District Manager to Execute a Cost Sharing Agreement with the Town of Atherton for the Relocation of Sewer Main in the Town Center Area Along Dinkelspeil Lane*

Background

In the Summer of 2017 the District learned of the Town of Atherton's plan to rebuild the Town Center including re-routing of the roadways in the Town Center area.

The District has existing sewer mains along Dinkelspeil Lane; Ashfield Road, and the road/parking area between Ashfield Road and Fair Oaks Lane that will be affected by the new Town Center plans. The current road/parking area will be replaced with the Police Department Secure Yard, and other surface improvements.

The District's 10-year CIP plan had identified these sewer mains for rehabilitation or replacement in the next 3 years.

Analysis

The acceleration of the District's CIP project to replace the sewer main in the area of the Town Center would eliminate the potential additional costs of construction due to the surface improvements and disruption to the new Town Center. As a result of DM discussions with the District Board and District staff discussions with Town staff, the Town and District feel that for public convenience, safety, and to minimize the public disruption, it would be in the public's best interest to conduct both projects simultaneously. Therefore, the District and Town concluded that the District will pay for construction costs and the Town will pay for soft costs – engineering and public utility easement acquisition. The proposed new main will be relocated toward the south side of the Town campus and will be further away from PD, Town Chambers and the Library within a new paved easement. It is estimated that approximately 1,500 feet of sewer main would be realigned/replaced and construction costs are estimated to be approximately \$500,000 to \$750,000.

District Legal Counsel has prepared an agreement between the Town and the District that would document the proposal that the District will pay for construction costs up to \$750,000 and the Town will pay for soft costs – engineering and public utility easement acquisition. The agreement has a provision for the District to approve the final bid amount for the construction of the sewer main.

The Town of Atherton anticipates considering approval of the agreement at the Town Council meeting of February 21, 2018.

Fiscal Impact

This project was anticipated in the 10-year Capital Improvement Project forecast, but was not budgeted in this year's CIP. Funds for this project would be allocated from the Capital Asset Fund.

Recommendation

The District Manager recommends the District Board approve authorizing the District Manager to execute a Cost Sharing Agreement with the Town of Atherton, not-to-exceed \$750,000 for the relocation of the sewer main in the Town Center area along Dinkelspeil Lane.

Attachments:

Agreement Between the West Bay Sanitary District and Town of Atherton for the Atherton Civic Center Project and Exhibits.

RESOLUTION NO. _____ (2018)

Resolution Authorizing District Manager to Execute a Cost Sharing Agreement with the Town of Atherton Relating to Sewer Main Work Within the Atherton Town Center Project

WHEREAS, the Town of Atherton (Town) will be undertaking a construction project to replace several of its buildings and relocate the utilities and make other improvements known as the “Atherton Town Center Project,” (hereinafter the “Town Project”);

WHEREAS, District planned to undertake a project to replace the sewer main (“Sewer Main Work”) located on or about the site of the Town Project as part of the District’s capital improvement plan; and

WHEREAS, the Town and District agree that for public convenience, safety, and to minimize public disruption, it would be in the public’s best interest to include the Sewer Main Work into the Town Project, such that the sewer main will be replaced and relocated from the current sewer line into a new public utility easement (PUE) to accommodate the Town Project; and

WHEREAS, the Town and District agree to a cost-sharing arrangement relating to the Sewer Main Work, whereby Town will pay the costs for the design and construction documents and perform the construction work, and the District will reimburse Town for the costs of construction for the Sewer Main Work, per the terms of the attached agreement.

NOW, THEREFORE, BE IT RESOLVED that the District Board of the West Bay Sanitary District, County of San Mateo, State of California, does hereby authorize the District Manager to Execute a Cost Sharing Agreement with the Town of Atherton Relating to Sewer Main Work Within the Atherton Town Center Project.

PASSED AND ADOPTED by the District Board of the West Bay Sanitary District at a regular meeting thereof held on 14th day of February, 2018, by the following votes:

Ayes:

Noes:

Absent:

Abstain:

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

AGREEMENT
BETWEEN THE WEST BAY SANITARY DISTRICT
AND TOWN OF ATHERTON
FOR THE ATHERTON TOWN CENTER PROJECT

This Agreement, entered into this day of ____, _____2018 by and between the West Bay Sanitary District, a public agency of the State of California (hereinafter "District") and the Town of Atherton, a Municipal Corporation of the State of California, (hereinafter "Town") (District and Town are hereinafter referred to collectively as the "Parties");

WITNESSETH:

WHEREAS, the Town will be undertaking a construction project to replace several of its buildings and relocate the utilities and make other improvements known as the "Atherton Town Center Project," (hereinafter the "Town Project");

WHEREAS, the proposed Town Project will contain a New City Hall Building that will contain Council Chambers, Administration offices, Post Office, Police Department and Community Development offices. There will also be a new Library built and renovated Historic Town Hall Chambers building. The existing Corporation Yard maintenance shed building will be renovated by the Town as a separate project;

WHEREAS, The Town Project will be located at 80 Fair Oaks Lane, Atherton CA, 94027, generally bordered on the north by Fair Oaks Lane, on the east by Caltrain railroad tracks, on the south by Maple Avenue and on the west by Ashfield Road and private properties;

WHEREAS, District planned to undertake a project to replace the sewer main ("Sewer Main Work") located on or about the site of the Town Project as part of the District's capital improvement plan;

WHEREAS, the Town and District agree that for public convenience, safety, and to minimize public disruption, it would be in the public's best interest to include the Sewer Main Work into the Town Project, such that the sewer main will be replaced and relocated from the current sewer line into a new public utility easement (PUE) to accommodate the Town Project;

WHEREAS, the new PUE will be located partially alongside the Caltrain right-of-way and is shown as Area 5B in Exhibit "A" attached hereto, and as more particularly described and set forth in the plans and specifications to be prepared by Sherwood Design Engineers, which are also incorporated by reference as though set forth in full herein;

WHEREAS, the Town and District agree to a cost-sharing arrangement relating to the Sewer Main Work, whereby Town will pay the costs for the design and construction documents and perform the construction work. Town will include the Sewer Main Work as an item for bid in the Town Project, which will be encompassed into the overall Town Project. District will reimburse Town for the costs of construction for the Sewer Main Work, which will consist of abandoning the existing sewer and replacing and relocating the sewer main with 8” C-900 PVC pipe, and replacing the manholes and appurtenances (per District specifications) as shown in Exhibit A. Replacement work will include the portion of 4” sewer laterals within the PUE to serve the Town Center buildings, including conforming property line cleanouts at the edge of the PUE.

NOW, THEREFORE, IT IS HEREBY AGREED by the Parties hereto, as follows:

1. **Recitals Incorporated.** The above recitals are true and correct, and are hereby incorporated in and made a part of this Agreement as fully as if set forth verbatim herein.

2. **Town’s Responsibilities.** Town agrees to assume responsibility for the following relating to the Sewer Main Work:
 - a) Payment of Costs for Design and Plans. Town agrees to pay for the costs and expenses associated with the preparation of the design and construction documents related to the Sewer Main Work, and for all costs and expenses associated with the recordation of the PUE. All preliminary and final design and construction documents are subject to the prior approval by the Town and the District. No changes to the design will be made without the Town’s and District’s prior written consent.

 - b) Bid Award. The Town will award the contract to the lowest responsible bidder for the complete construction project, including said sewer improvements. The Town agrees to notify District of the successful bidder awarded the construction contract.

 - c) Easement and Recordation. Town agrees to facilitate, obtain, provide, and record the easement(s) necessary for the District to access and maintain the new sewer line at the Town Project site, which will be part of the new PUE. Town will obtain information on existing easements relating to the sewer main from District, as needed, as part of this process.

 - d) Management of Construction Work. Town will be responsible for all aspects of construction relating to the Sewer Main Work, as part of managing the Town Project overall, including, but not limited to, contracting, permitting, environmental review, construction, notifying the public of the Town Project; facilitating and implementing traffic control measures in and near the Project area in the interest of the public. The Town shall require its contractor(s) to ensure that the Town Project area is maintained in a safe and secure

condition reasonably acceptable to the Town at all times during construction, including during work stoppage due to a dispute or other causes.

3. **District's Payment of Construction Costs.** District agrees to reimburse Town for the material and labor costs associated with the construction of the Sewer Main Work . The estimated cost for the District's Sewer Main work is Seven Hundred Fifty Thousand dollars and no cents (\$750,000.00). It is understood that the sum to be reimbursed to the Town shall be determined from actual bid costs for the work. The cost for the work will be based on a Bid Proposal approved by the District. It is agreed that the Town shall transmit to District the invoice for the actual amount of work completed by the contractor and the value thereof for payment. Upon receipt of the invoice, District agrees to reimburse the Town within ten (10) working days for the work completed.
4. **District Approval Needed.** Upon completion of construction of the Town Project (or specific to the Sewer Main Work) but prior to final acceptance by the Town, Town shall notify District of such completion. District shall have the right to inspect and approve the design and construction of the Sewer Main Work performed as part of the Town Project.
5. **Change Orders.** No change orders for District's portion of the work will be added without District's written consent.
6. **Exclude Work.** District shall have the option to exclude work specified herein from the Town's contract. If District elects to exercise said option, District shall notify the Town in writing within ten (10) working days from notification by the Town of the cost, as bid for District's portion of the work.
7. **Maintenance.** It is understood and the Parties agree that upon completion of the Sewer Main Work specified under this Agreement, and mutual acceptance by the Parties hereto, maintenance responsibilities for the sewer line installed under this Agreement shall vest in the District.
8. **Conditions for Town's Contractors/Subcontractors.**
 - a) Town shall require all consultants, contractors and subcontractors performing work relating to the Town Project to carry adequate insurance including professional liability insurance for all design professionals, commercial general liability insurance with contractual liability coverage, and workers' compensation insurance in accordance with applicable law and consistent with the District's requirements. All policies of insurance required for the Town Project shall name West Bay Sanitary District and Town, and their respective officials, officers, and employees as additional insureds. Town shall submit the insurance requirements for all contracts for the Town Project to District for administrative review and approval prior to issuing any

request for proposals or bids, or prior to an award if no formal procurement procedure is undertaken. District review and approval of insurance requirements shall be completed within a reasonable time not to exceed fifteen (15) days from receipt. Such contractors and subcontractors are to provide valid certificates of insurance and the required endorsements prior to commencing any work.

- b) Town shall require all consultants, contractors and subcontractors performing work relating to the Town Project, in a form that is approved by the District, to defend and indemnify West Bay Sanitary District, Town, and their respective officials, officers, and employees from and against any claims, demands, liability, and costs, including attorney's fees, arising from their work to the fullest extent allowed by applicable law.
9. **Town's Indemnity.** The Town shall hold harmless, defend, and indemnify the District, its officials, officers, and employees from and against any and all claims, liabilities, losses, damages, and expenses (including attorney's fees and litigation costs) of every nature arising out of or in connection with the acts or omissions of the Town, its officials, officers, and employees relating to the Town's obligations under this Agreement and/or the Town Project (including the Sewer Main Work), except to the extent such claims, liability, losses, damages and expenses are caused by the active or sole negligence or willful misconduct of the District.
 10. **District's Indemnity.** The District shall hold harmless, defend, and indemnify the Town, its officials, officers, and employees from and against any and all claims, liabilities, losses, damages, and expenses (including attorney's fees and litigation costs) of every nature arising out of or in connection with the acts or omissions of the District, its officials, officers, and employees relating to the District's obligations under this Agreement, except to the extent such claims, liability, losses, damages and expenses are caused by the active or sole negligence or willful misconduct of the Town, its officials, officers, and employees.
 11. **Exhibits Incorporated by Reference.** All exhibits referenced in this Agreement are incorporated herein as integral parts of this Agreement and shall be considered reiterated herein as fully as if such provisions had been set forth verbatim in this Agreement.
 12. **Entire Agreement.** The Parties acknowledge that no representations or inducements have been made other than those expressed herein; that this Agreement supersedes any and all prior written or oral agreements pertaining to the matters herein expressed; and that this Agreement constitutes the entire agreement between them.

13. **Construction.** The Parties acknowledges that they have reviewed this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.
14. **Modification.** The terms of this Agreement may be modified in whole or in part only by a written instrument signed by Town and the District. Any oral agreement to modify this Agreement shall be void and of no force and effect.
15. **Captions.** The captions and headings of the Paragraphs of this Agreement are for convenience only and may not be used to interpret or define the provisions of this Agreement.
16. **No Waiver.** No waiver of a breach of any of the covenants or promises of this Agreement shall be construed as a waiver of any succeeding breach of the same or other covenant or promise.
17. **Severability.** In the event that any provision or clause of this Agreement conflicts with any applicable law, the other provisions of this Agreement shall be given effect as fully as possible without the conflicting provision, and to this end the provisions of this Agreement are declared to be severable.
18. **Successors and Assigns.** The covenants and agreements contained in this Agreement and the obligations created hereunder shall inure to the benefit of and be binding on the District, Town and their respective successors and assigns.
19. **Governing Law and Forum.** The validity, construction and effect of this Agreement shall be governed by the laws of the State of California, and the parties hereby consent to the exclusive jurisdiction of the courts of the state of California for resolution of any dispute arising hereunder.
20. **Notices.** Any and all notices permitted or required to be given hereunder shall be deemed duly given and effective (1) upon actual delivery, if delivery is by hand; or (2) five days after delivery into the United States mail if delivery is by postage paid registered or certified (return receipt requested) mail. Each such notice shall be sent to the parties at the address respectively indicated below or to any other address as the respective parties may designate from time to time in writing.

FOR TOWN: Town of Atherton
 91 Ashfield Road
 Atherton, CA 94027
 Attn: George Rodericks, City Manager
 Phone: 650-752-0532

FOR DISTRICT: WEST BAY SANITARY DISTRICT
500 Laurel Street
Menlo Park, California 94025
Attn: Phil Scott, District Manager
Phone: 650-321-0384

21. **Attorneys' Fees.** If either party to this Agreement is required to initiate or defend or is made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition, to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorneys' fees. Attorneys' fees shall include attorneys' fees on any appeal, and in addition a party entitled to attorneys' fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery, and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable if such action is prosecuted to judgment.
22. **Copies.** A photostatic or other reproduction of this document shall be as effective, valid and conclusive as the original.
23. **Counterparts.** This Agreement may be executed in counterparts, which, together, shall constitute one and the same instrument. Electronic, facsimile and scanned pdf signatures shall be accepted as an original.
24. **Effective Date.** This Agreement shall be effective upon the date of the last party affixing his/her signature.

[remainder of page intentionally blank]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers on the day and year first above written.

"TOWN"

TOWN OF ATHERTON

By: _____
George Rodericks, City Manager

APPROVED AS TO FORM:

William B. Conners, City Attorney

"DISTRICT"

WEST BAY SANITARY DISTRICT

By: _____
Phil Scott, District Manager

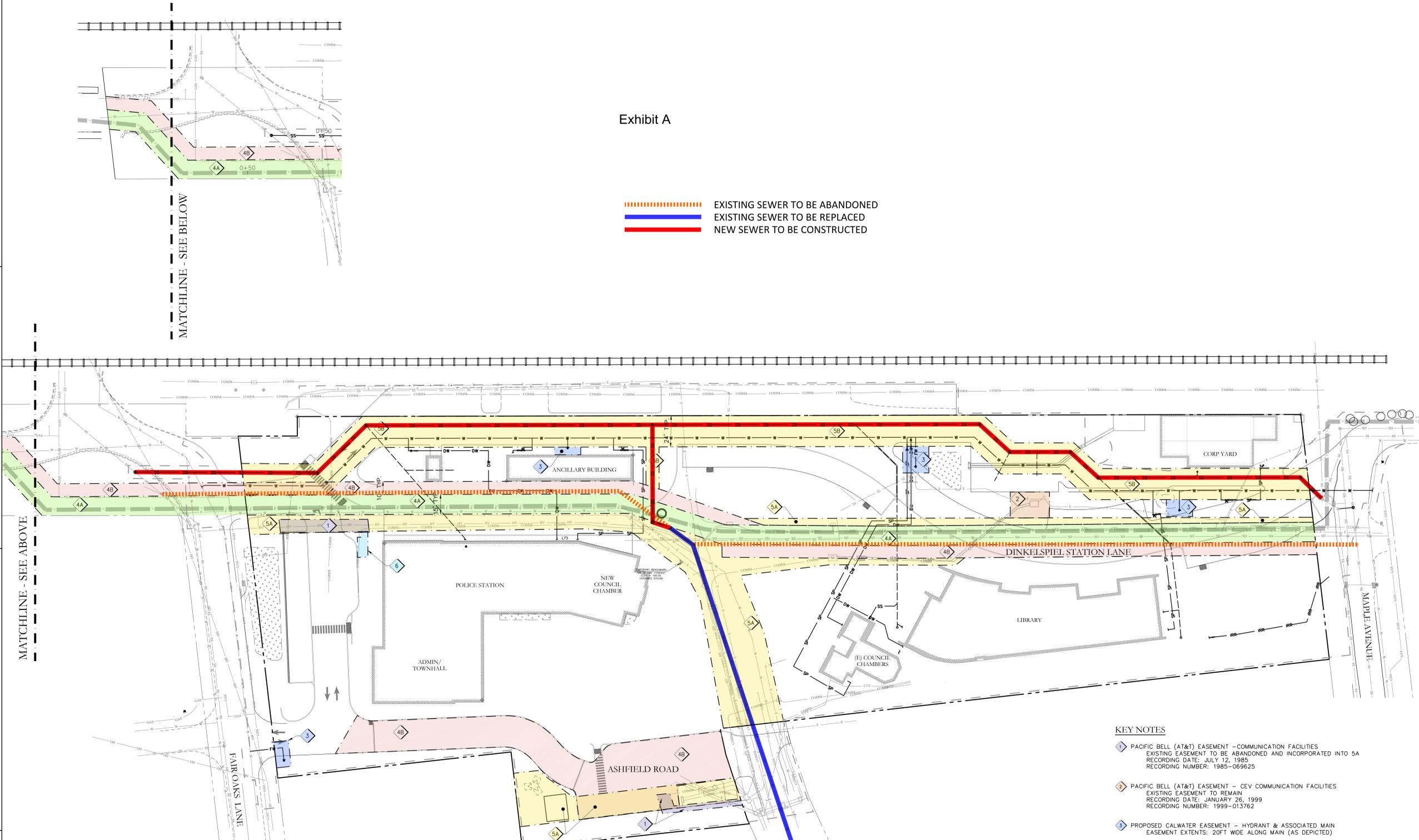
APPROVED AS TO FORM:

Tony Condotti, District Counsel



Exhibit A

- EXISTING SEWER TO BE ABANDONED
- EXISTING SEWER TO BE REPLACED
- NEW SEWER TO BE CONSTRUCTED



BASIS OF BEARING

THE BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, CCS83, ZONE 3, EPOCH 2011.00 IN ACCORDANCE WITH THE CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 8601-8619. SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING NGS STATIONS:

ID	NORTHING	EASTING
P178	2022294.246	6030397.824
P221	1949129.261	6096808.666
P222	2022694.765	6102643.240

BENCHMARK STATEMENT

ELEVATIONS ARE BASED ON AN ASSUMED DATUM PROVIDED BY MACLEOD AND ASSOCIATES

BENCHMARK TOP OF HYDRANT = 100.00 FT

LEGEND

	EXISTING	PROPOSED
SANITARY SEWER MAIN (WEST BAY SANITARY)	SS	SS
STORM DRAIN	SD	SD
COMMUNICATIONS CONDUIT (AT&T)	COMM	COMM
ELECTRICAL LOW VOLTAGE (PG&E)	E	E
ELECTRICAL HIGH VOLTAGE (PG&E)	HV	HV
IRRIGATION WATER SERVICE	IRR	IRR
CABLE TV	CTV	CTV
STREET LIGHT	SL	SL
SIGNAL LINE	SG	SG
GAS (PG&E)	GAS	GAS
OVERHEAD ELECTRICAL (PG&E)	OH	OH
FIRE WATER HYDRANT SERVICE	FW	FW
FIRE SPRINKLER SERVICE	SP	SP
PUBLIC WATER MAIN (CALWATER)	W	W
DOMESTIC WATER SERVICE	DW	DW
SFPUC WATER MAIN		
COOLING SYSTEM PIPING		
UTILITIES WITH LOW COVER TO BE ENCASED WITH CONTROLLED DENSITY FILL		
SANITARY SEWER MANHOLE		
WATER LINE VALVE		
BACKFLOW PREVENTION (BFP)		
PROPERTY LINE		
LIMIT OF WORK		

KEY NOTES

- 1 PACIFIC BELL (AT&T) EASEMENT - COMMUNICATION FACILITIES EXISTING EASEMENT TO BE ABANDONED AND INCORPORATED INTO SA RECORDING DATE: JULY 12, 1985 RECORDING NUMBER: 1985-069625
- 2 PACIFIC BELL (AT&T) EASEMENT - CEV COMMUNICATION FACILITIES EXISTING EASEMENT TO REMAIN RECORDING DATE: JANUARY 26, 1999 RECORDING NUMBER: 1999-013762
- 3 PROPOSED CALWATER EASEMENT - HYDRANT & ASSOCIATED MAIN EASEMENT EXTENTS: 20FT WIDE ALONG MAIN (AS DEPICTED)
- 4 PROPOSED SFPUC EASEMENT - (E) 36" WATER MAIN EASEMENT EXTENTS: 15FT WIDE ALONG MAIN
- 4B PROPOSED SFPUC EASEMENT - (E) 36" WATER MAIN LAYDOWN & ACCESS EASEMENT EXTENTS: 10FT ADJACENT TO 15FT EASEMENT
- 5A PROPOSED PUBLIC UTILITY EASEMENT - INTENDED TO PROVIDE ACCESS TO (E) UTILITIES WITHIN CURRENT ROAD RIGHT-OF-WAY EASEMENT EXTENTS: AS DEPICTED, SEE PARCEL MAP, NOT YET FILED.
- 5B PROPOSED PUBLIC UTILITY EASEMENT - INTENDED FOR NEW SANITARY AND SEWER MAINS ACCESS AND MAINTENANCE FOR (E) UNDERGROUND UTILITIES AND INFRASTRUCTURE. EASEMENT EXTENTS: AS DEPICTED, SEE PARCEL MAP, NOT YET FILED.
- 6 PROPOSED PG&E UTILITY EASEMENT - INTENDED FOR NEW CONDUIT AND J-BOX EASEMENT EXTENTS: AS DEPICTED, SEE PARCEL MAP, NOT YET FILED.

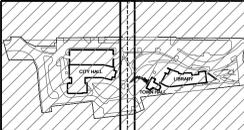
NOTES

1. EASEMENT PLAN INTENDED TO ILLUSTRATE (E) AND (P) EASEMENTS AND ASSOCIATED RELATIONSHIPS BETWEEN PROJECT FEATURES. IT SHOULD NOT BE USED TO DETERMINE ANY PROPERTY BOUNDARIES OR EASEMENT LOCATIONS DURING.
2. SEE PARCEL MAP, NOT YET FILED, FOR ALL EASEMENT AND PROPERTY LINE RELATED INFORMATION, DEFINITIONS, SIZES, LOCATIONS, ETC.

ATHERTON CIVIC CENTER

91 Ashfield Rd, Atherton, CA 94027

KEY PLAN



PROJECT NO.: 15007.00
DATE: 10/31/2017
SCALE: 1"=30'
SHEET TITLE:

EASEMENT PLAN

P:\2015\14_91_Atherton\CD\CD-010 EASEMENT PLAN.dwg (10/31/2017 3:10:07 PM) ARCH (L) (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100) (101) (102) (103) (104) (105) (106) (107) (108) (109) (110) (111) (112) (113) (114) (115) (116) (117) (118) (119) (120) (121) (122) (123) (124) (125) (126) (127) (128) (129) (130) (131) (132) (133) (134) (135) (136) (137) (138) (139) (140) (141) (142) (143) (144) (145) (146) (147) (148) (149) (150) (151) (152) (153) (154) (155) (156) (157) (158) (159) (160) (161) (162) (163) (164) (165) (166) (167) (168) (169) (170) 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WEST BAY SANITARY DISTRICT AGENDA ITEM 10

To: *Board of Directors*

From: *Phil Scott, District Manager*

Subject: *Consider Approval of Procedures for Swearing In of Board Members and Installation of Officers*

Background

In recent years the District has appointed Board members when vacancies occurred and in the subsequent election those Board Members were installed as elected by virtue of no contest (uncontested elections).

Due to the lack of contest the ceremony and formality of swearing in the elected Board Members has become very informal as well as the Installation of Officers each year as Board Members are appointed Officer posts and Committee assignments.

In the past the District has presented Board Members with their official Certification of Election certificates and had them sign the Oath of Office form which is counter-signed by the Secretary of the Board (see attached).

Analysis

A recent article in the California Special Districts Association “e-News” explains that Government Code section 53051 requires Districts to update their Statement of Facts document, a document that is required to be up-to-date and on file with both the Secretary of State and the County Clerk. The form contains various fields of information to be completed, including the name of the agency; the official mailing address of the agency; the name and residence or business address of each member of the governing body of the agency; and the name, title, and residence or business address of the secretary of the board and the president. If any changes occur, an updated form must be filed within 10 days with both the Secretary of State and the County Clerk.

Pursuant to direction provided by the Board in December 2017, the District Manager and District Counsel has put together a formal procedure for Swearing in of duly elected Board Members as well as the Installation of Officers. This procedure is not only to recognize elected Board Members and Officers of the Board but to formalize and document the changes to the Board and to ensure on an annual basis that the

Statements of Fact forms are updated and filed with the Secretary of State and the County Clerk.

The procedure includes elements such as; the timing of the Swearing-In Ceremony; the appointment of Officers; the presentation of Certificates of Election; and dignitaries, if any, that should be present or perform the Swearing-In of Board Members. If approved by the Board the District Manager will incorporate the procedure in the “General Rules of Office For the District Board”, which includes the Code of Ethics and Conduct. The General Rules and Code of Ethics and Conduct are required to be reviewed by the Board bi-annually and revised if found necessary. The District Manager will bring the revised General Rules to the Board for review and consideration at a future Board meeting.

Fiscal Impact

There should be no fiscal impact as a result of creating such a policy.

Recommendation

The District Manager recommends the Board approve the attached Procedures for Swearing In of Board Members and Installation of Officers and direct the District Manager to incorporate into the General Rules of the Board and present to the Board for review and consideration at a future Board meeting.

**Procedure for: Swearing in of Board Members and Appointment of Officers
(and related filings)**

(A) Swearing in Procedure for Board Members.

New Board Members shall be sworn in at the first District Board Meeting in January following the election. The swearing in shall be performed by District Legal Counsel or other as determined by the Board. At this meeting, the new Board Members shall be presented with Certificates of Election and shall sign the Oath of Office form provided by the District.

The date the Board Member is sworn in shall constitute the assuming office date of the Board Member.

The District Counsel shall attend the swearing in, as well as any other dignitary the Board decides to invite such as a County Supervisor or Judge.

(B) Appointment of Officers.

The District Board shall nominate and appoint Board Officers in the month of December. At the first District Board Meeting in January the newly appointed Board Officers shall be sworn in. The date of assuming office for Board Officers shall be the date the Officer is sworn in or otherwise authorized to serve in the position.

(C) Form 700 Disclosures.

Pursuant to California Government Code Section 87202, new District Board Members and Officers must file within thirty (30) days after the assuming office date, a Form 700 Assuming Office Statement reporting any investments, interests in real property, and business positions held on the date the Board Member assumed office. In addition, income received during the 12 months prior to the assuming office date is reportable.

Each year, existing District Board Members must file an annual statement reporting any investments, interests in real property, business positions held, and income received during the period covered by the statement. Generally, the period covered by the statement is January 1 through December 31 of the previous year. The District Board Member shall file the annual statement by April 1, in compliance with the San Mateo County deadline.

When leaving office, District Board Members must file a leaving office statement for the period of January 1 of the current year through the date the Board Member stopped performing the duties of the position.

(D) District Statement of Facts.

Pursuant to California Government Code Section 53051, the District must maintain a statement of the following facts (hereinafter referred to as "Statement of Facts"):

1. The full, legal name of the District.
2. The official mailing address of the District Board.
3. The name and residence or business address of each District Board Member.
4. The name, title, and residence or business address of the president and secretary of the District Board.

Within 10 days after any installation of new officers, or swearing in of board members, or any other changes to the Statement of Facts, the District's Office Manager shall file with the Secretary of State and with the San Mateo County Clerk an amended Statement of Facts, on the Statement of Facts form prescribed by the Secretary of State.

**WEST BAY SANITARY DISTRICT
GENERAL RULES OF OFFICE
FOR THE
DISTRICT BOARD**

Revision Date: 2/13/2013

Reviewed Date: 8/10/2016

GENERAL RULES OF OFFICE FOR THE DISTRICT BOARD

1. Code of Ethics and Conduct

A. Purpose. The Board of Directors of the West Bay Sanitary District has adopted the following set of principles of ethics and conduct as an expression of policy to guide the Board in its decision-making. As a statement of policies and guiding principles, this Code of Ethics and Conduct is meant to outline some of the legal and ethical obligations of Board Members, but shall not supersede existing laws and regulations.

B. Board Member Duties and Obligations. Each Board Member has the following duties:

1. To represent and work for the common good of the District and its citizens.
2. To provide fair and equal treatment for all persons and matters coming before the Board.
3. To faithfully perform all duties of their elected office, including:
 - a) understanding the roles and responsibilities of the Board position; and
 - b) becoming thoroughly knowledgeable about items of business before voting or developing a conclusion or recommendation; and
 - c) attending regular meetings.
4. To listen courteously and attentively to all public discussions and avoid interrupting other speakers, except as may be permitted by established Rules of Order.
5. To refrain from abusive conduct, personal charges or verbal attacks upon the character, motives, ethics or morals of other members of the District Board, District Employees, or members of the public.
6. All Board meeting shall be properly noticed and agendized in accordance with the Brown Act, and individual Board Members shall conduct themselves in accordance with the requirements thereof.

7. Confidential information shall not be disclosed by individual Board Members without the prior consent of a majority of the Board. Confidential information includes, but is not limited to the following: (1) documents which are exempted from disclosure under the Public Record Act (Govt. Code section 6250, et seq.); (2) information received in closed session; and (3) communications from legal counsel which are protected by attorney-client and attorney work-product privileges.
8. To scrupulously adhere to all pertinent laws and regulations governing conflicts of interest.
9. To refrain from accepting gifts, favors, or promises of future benefits which might compromise or tend to impair independent judgment or action.

C. Disciplinary Action

The Board of Directors may exercise any and all available legal remedies if it determines that a Board Member has violated any provision of state law governing conflicts of interest or self-interested contracts including, if applicable, referring the matter to appropriate prosecutorial authorities. The Board of Directors may further exercise all available legal remedies including, but not limited to, seeking injunctive relief, to prevent any violation of this Code respecting confidentiality and privilege. And the Board may publicly censure or reprimand any Board Member who violates any provision of this Code. Ultimate responsibility for complying with the Code rests with the individual Board Members.

2. Conflicts of Interest

The following is a brief summary of relevant portions of state law affecting service on the Board of Directors:

- A. **Interests in Contracts:** Members of the District Board and other public officers may not make any contract with the District in which they have a financial interest. Such contracts are void. (Government Code 1090, et seq.)
- B. **Discounted or Free Transportation Passes:** Office holders in California are strictly prohibited from accepting free passes or discounts from transportation companies. Violation of this prohibition is punishable by forfeiture of office. (California State Constitution)
- C. **The Political Reform Act:** The Political Reform Act (Government Code 81000, et seq.) forbids a public Board Member from participating in or attempting to influence those governmental decisions or actions in which he or she has a “financial interest” which could be materially affected by the decision. The Act defines the kinds of interests, (which includes interests owned by spouses, dependent children and agents, and certain businesses and trusts) which might cause a conflict and requires public Board Members to disqualify themselves from decisions which could affect those interests.

The Fair Political Practices Commission (FPPC) enforces the Political Reform Act.

3. Statement of Economic Interest

As established in Government Code 87200, Board Members must file Statements of Economic Interest upon assumption of office, on an annual basis, and when leaving office. The proper forms are supplied by the District. Members must disclose all investments, business positions, sources of income, and interests in real property which could be materially affected by the decisions made by their commission. The completed statements are kept on file by the District and are available for public inspection. Since the law permits the Fair Political Practices Commission to impose a penalty for failure to disclose in a timely manner, elected Board Members should be certain the statements are complete and filed on time.

4. Relations with District Staff

The District staff works under the direction of the District Manager. While the Board as a whole may direct the District Manager, individual Board Members shall not provide such direction or to become involved in the administrative or operational concerns of the District departments. However, the staff will be happy to answer questions and provide whatever assistance they can when authorized to do so by the District Manager.

It is expected that a mutually respectful and professional relationship will be maintained between the staff personnel and the Board Members. In the event that a conflict does arise, the problem should be brought to the attention of the District Manager, and if it is not satisfactorily resolved, brought to the attention of the President of the Board.

5. Officers and Committees

It shall be the policy of the District Board to elect officers of the Board during the month of December depending on ranges of Board Member terms. A Board Member must have served at least one year in office to qualify for service as an Officer.

A. Board Officers: The Board shall hold annual elections at its last December meeting for President and Secretary. The terms of office for President and Secretary shall be one year, commencing on the first day of January and end on the thirty-first day of December.

B. President Duties: The President shall serve as the presiding officer and chair all meetings of the Board, shall collaborate with the District Manager to establish the agenda for regular and special meeting, shall sign all documents on behalf of the Board and District that may be required, and shall have the same right and responsibilities as other Directors to participate in and vote at board meetings. The President shall appoint a Board Member to serve as Treasurer, and shall have the authority to establish and specify the duties and responsibilities of all advisory committees, and appoint Directors who will serve thereon for the upcoming year provided, however, that the Board, by majority vote, may modify such committees or appointments. All committees appointed by the President shall serve in an advisory capacity only, and shall report directly to the Board of Directors.

C. Secretary Duties: The Secretary shall countersign all documents on behalf of the Board and District that may be required, and shall serve as the President pro tem in case of the absence or inability of the President to act. In case of the absence or inability of the Secretary to act on behalf of the District, or in event that the Secretary

is serving as President pro tem, the Board shall choose a Secretary pro tem to act on his or her behalf.

- D. Treasurer Duties:** The Treasurer shall be appointed by the President, and shall participate in discussions regarding District investments and audits. The Treasurer shall be bonded and, in event of the unavailability of the President or Secretary, may sign official documents on behalf of the District. The Treasurer may provide reports on financial matters in regular or special Board meetings.

6. Orientation for New Members

Shortly after election, a general orientation will be provided by the District Manager and staff. This orientation is intended to acquaint newly elected Board Members with the District goals, the responsibilities of the appointment, and current issues before the body and meeting schedules.

7. Resignation

If a Board member resigns from office before the end of his or her term, the member should write a letter announcing the resignation and specifying the effective date thereof, and deliver it to the District Manager, who will forward copies to the District Board.

8. Benefits/Insurance/Immunity

Board Members are covered by Workers' Compensation and, in the event of an accident while serving in an official capacity, the member will be required to file an accident report. Members are also covered under the District's general liability insurance policy for actions taken in the course and scope of their duties. The Tort Claims Act also limits individual liability and in most situations immunizes Board Members from legal liability for actions taken in exercising discretion, or in exercising duties of their positions.

9. Travel and Expense Reimbursement

A. PURPOSE. The purpose of this policy is to provide guidance to Board Members and other District officials on the use and expenditure of District resources and to establish a written policy for reimbursement of necessary expenses by Board Members. This section shall also apply to Regular District employees for the purposes of Travel and Expense Reimbursement.

B. In addition:

1. This policy satisfies the requirements of Government Code sections 53232.2 and 53233.3.
2. This policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources.
3. This policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws.

4. This policy also applies to any charges made to a District credit card, cash advances or other line of credit.

C. AUTHORIZED EXPENSES. District funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized District business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses:

1. Communicating with representatives of local, regional, state and national government on District business or adopted policy positions;
2. Attending educational seminars designed to improve officials' skill and information levels;
3. Participating in regional, state and national organizations whose activities affect the District's interests;
4. Recognizing service to the District (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Attending District events; and
6. All other expenditures require prior approval by the Board of Directors.

D. Examples of personal expenses that the District will not reimburse include, but are not limited to:

1. The personal portion of any trip;
2. Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children- or pet-related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf-related expenses), or other cultural events; and
5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and

E. Any questions regarding the propriety of a particular type of expense should be resolved before the expense is incurred.

F. To conserve District resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the District will be limited to the costs that fall within the guidelines, unless special circumstances are shown and a majority of the Board of Directors approves reimbursement of the expense in advance of the event or occasion resulting in the expense.

G. Whenever possible, registration and travel arrangements shall be coordinated through the District Manager's Office.

H. Transportation. The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates

must be used when available. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see <http://www.irs.gov/>). Bridge and road tolls are reimbursable.

- I. Lodging.** Lodging expenses will be reimbursed or paid for when travel on official District business reasonably requires an overnight stay.
 - 1. Conferences/Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, then comparable lodging may be used, subject to subsection 2, below.
 - 2. Other Lodging. Travelers must request government rates, when available. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the median retail price for lodging for that area listed on websites like <http://www.priceline.com/> or an equivalent service shall be considered reasonable and hence reimbursable.
- J. Meals.** Each meal expenditure must comply with the limits and reporting requirements of local, state and federal laws. Meal expenses will be reimbursed at the Internal Revenue Service rates for reimbursement of meals as established in Publication 463, or any successor publication.
- K. Telephone/Fax/Cellular.** Officials will be reimbursed for actual telephone and fax expenses incurred on District business. Telephone bills should identify which calls were made on District business. For cellular calls when the official has a particular number of minutes included in the official's plan, the official can identify the percentage of calls made on public business.
- L. Other.** Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed. Expenses for which District officials receive reimbursement from another agency are not reimbursable.
- M. Expense Report Content and Submission Deadline.** All cash advance expenditures and expense reimbursement requests must be submitted on an expense report form provided by the District, which must document that the expense in question meets the requirements of this policy, with copies of receipts documenting each expense. Such forms and supporting documentation are public records subject to disclosure under the Public Records Act. Expense reports should be submitted within 30 days of an expense being incurred.
- N. Audits of Expense Reports.** All expenses are subject to verification that they comply with this policy.
- O. Reports to Board.** At the following Board meeting, a report shall be presented on meetings attended at District expense. If multiple officials attended, a joint report may be made.
- P. Compliance with Laws.** District officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

Q. Violation of this Policy. Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

1. Loss of reimbursement privileges;
2. A demand for restitution to the District;
3. The District's reporting the expenses as income to the official to state and federal tax authorities;
4. Civil penalties of up to \$1,000 per day and three times the value of the resources used; and
5. Prosecution for misuse of public resources.

10. Authority of Board Members

Individual members of the Board are not authorized to expend public funds, enter into agreements or contracts, employ staff, sign documents on behalf of the District, or bind the District in any way. This authority can only be granted by motion or resolution of the District Board.

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WEST BAY SANITARY DISTRICT AGENDA ITEM 11

To: *Board of Directors*

From: *Phil Scott, District Manager*

Subject: *Consideration of Establishing March 14, 2018 as the Date of Public Hearing to Consider a General Regulation Amending the Code of General Regulations for Board Member Compensation*

Background

Per Government Code the compensation that may be paid to a Board Member for each day's attendance at meetings may be increased annually by five percent. Since the last increase was in February 2016, the Board could elect to increase 5% for each year to the present. This means the Board may increase its compensation from \$207.27 per meeting to \$228.51 per meeting ($\$207.27 + 5\% \text{ Yr1} = \217.63 , plus $5\% \text{ Yr 2} = \$228.51$).

Analysis

The District's Board fees are in the mid-range of special districts in the State. The financial health of the District is such that a small increase in Directors fee expenses would have negligible effect on the budget and increased Director fees may enhance the Board's efforts to find successor Board members.

Should the Board determine to approve this increase, a Public Hearing will be scheduled for March 14, 2018, at which time the Board may adopt the attached Regulation.

Fiscal Impact

A 5% increase per year since 2016, in Board of Director fees would have minor impact on the budget especially since the increase is effective for only a partial budget cycle.

Recommendation

The District Manager recommends establishing March 14, 2018 as the date of public hearing to consider General Regulation amending the Code of General Regulations for Board Member compensation.

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WEST BAY SANITARY DISTRICT AGENDA ITEM 12

To: Board of Directors

From: Phil Scott, District Manager

Subject: Discussion and Direction on Recycled Water Projects – Sharon Heights and Bayfront, Including Project Status

A discussion will be held on the Recycled Water Projects – Sharon Heights and Bayfront Facility and other events related to the recycled water project including financing, RFP negotiations, design/build issues and grant applications. The Board will have opportunity to provide direction to staff and legal counsel.

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:

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.

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**WEST BAY SANITARY DISTRICT
AGENDA ITEM 13**

To: Board of Directors

From: Phil Scott, District Manager

Subject: Report & Discussion on South Bayside Waste Management Authority (SBWMA) and Negotiations for Restated Franchise Agreement

The District's representative to South Bayside Waste Management Authority (SBWMA), Director Fran Dehn, will report on the regular meeting on January 25, 2018 as well as any pertinent items regarding SBWMA business.



BOARD OF DIRECTORS
THURSDAY, January 25, 2018 at 2:00 p.m.

San Carlos Library, Conference Room A/B
 610 Elm Street, San Carlos, CA 94070

AGENDA

Member Jay Benton representing Hillsborough
 will be attending via phone from:
 50 Orange Court, Hillsborough, CA 94010

1. Roll Call

2. Public Comment

Persons wishing to address the Board on matters NOT on the posted agenda may do so. Each speaker is limited to two minutes. If there are more than five individuals wishing to speak during public comment, the Chair will draw five speaker cards from those submitted to speak during this time. The balance of the Public Comment speakers will be called upon at the end of the Board Meeting. If the item you are speaking on is not listed on the agenda, please be advised that the Board may briefly respond to statements made or questions posed as allowed under The Brown Act (Government Code Section 54954.2). The Board's general policy is to refer items to staff for attention, or have a matter placed on a future Board agenda for a more comprehensive action or report and formal public discussion and input at that time.

3. Adjourn to Closed Session – Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator Agency Designated Representative: Joe La Mariana Unrepresented Employees: Finance Manager

THE REGULAR PORTION OF THE MEETING IS ANTICIPATED TO BEGIN AT 2:15PM

4. Roll Call (Public Session)

5. Additional Public Comment

6. Executive Director's Report

p. 5

7. Approval of Consent Calendar

Consent Calendar item(s) are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Board, staff or public request specific items be removed for separate action. *Items removed from the Consent Calendar will be moved to the end of the agenda for separate discussion.*

- A. Approval of Minutes from the November 16, 2017 Board of Directors Meeting **ACTION p. 11**
- B. Resolution Approving 2018 Merit Pool for Unrepresented Employees **ACTION p. 21**
- C. Resolution Accepting the FY1617 Annual Financial Audit Statements **ACTION p. 25**
- D. Resolution Approving Investment Policy **ACTION p. 95**
- E. Approval of Quarterly Investment Report **ACTION p. 111**

8. Administration and Finance

- A. Election of 2018 Board Chair and Vice Chair **ACTION p. 119**
- B. Resolution Approving FY1718 Mid-Year Budget Adjustments **ACTION p. 121**
- C. Resolution Approving 3-Year Contract with R3 Consulting Group for the Annual Financial and Operational Audits **ACTION p. 133**
- D. Resolution Approving the formation and members of the Public Education and Outreach Subcommittee **ACTION p. 149**

9. Collection and Recycling Program Support and Compliance

No Items

MEMBER AGENCIES

10. Shoreway Operations and Contract Management

- A. Resolution Approving Proposed Battery Collection Modifications Work Plan
- B. Shoreway Operations Update

ACTION p. 155
p. 167

11. Informational Items Only (no action required)

- A. Check Register Details for November and December 2017
- B. 2018 Finance and Rate Setting Calendar
- C. Potential Future Board Agenda Items

p. 173
p. 193
p. 195

12. Board Member Comments

13. Adjourn

MEMBER AGENCIES

ATHERTON * BELMONT * BURLINGAME * EAST PALO ALTO * FOSTER CITY * HILLSBOROUGH * MENLO PARK * REDWOOD CITY
* SAN CARLOS * SAN MATEO * COUNTY OF SAN MATEO * WEST BAY SANITARY DISTRICT

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**WEST BAY SANITARY DISTRICT
AGENDA ITEM 14**

To: Board of Directors

From: Phil Scott, District Manager

**Subject: Report & Discussion on Silicon Valley Clean Water (SVCW) and
Discussion on SVCW CIP Program and Financing**

The District's representative to Silicon Valley Clean Water (SVCW), George Otte, will report on any pertinent items regarding SVCW.

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**WEST BAY SANITARY DISTRICT
AGENDA ITEM 16**

To: Board of Directors

From: Phil Scott, District Manager

Subject: Consideration to Approve the Resolution Establishing the Personnel Policies – Dress Code

Background

The Personnel Policies were last amended September 13, 2017, to include a Dress Code policy.

Though the Union was provided a review and some of their comments were incorporated, related to the Dress Code, after adoption of the revised Personnel Policies by the Board the Union objected and claimed the Dress Code policy constituted a work condition and were entitled to negotiate the terms of the Dress Code policy.

The District Manager with guidance from Legal Counsel, negotiated terms and revised the Dress Code to provide language regarding tattoos that would be acceptable to both parties.

Analysis

Attached is a strikeout version of the Personnel Policies that recommend the revision of a dress code policy.

As prescribed in the MOU, the Teamsters Local 350 was given a copy of the revised Dress Code policy for the required 10 day period for review and subsequently agreed to the language in the attached Personnel Policies.

Fiscal Impact

None

Recommendation

The District Manager recommends the District Board discuss the proposed revision to the Personnel Policies and direct the District Manager to incorporate any changes as a result of the discussion into the Personnel Policies and approve the resolution establishing the Personnel Policies.

Attached: Strike out version of the Proposed Personnel Policies 2017

RESOLUTION NO. _____ (2018)

RESOLUTION ESTABLISHING PERSONNEL POLICIES

WHEREAS, the Board of Directors approved the District's Personnel Policies by Resolution 1429 (2001) adopted on March 26, 2001, and further amended the District's Personnel Policies by; Resolution 1528 (2003), by Resolution 1576 (2005), by Resolution 1577 (2005), by Resolution 1611 (2007), and by Resolution 1625 (2007); and established the Personnel Policies on August 17, 2011 by Resolution 1775 (2011); and established the Personnel Policies on September 26, 2012 by Resolution 1822 (2012); and established the Personnel Policies on June 28, 2017 by Resolution 2035 (2017); and established by Resolution 2053 (2017) on September 13, 2017; and

WHEREAS, the Board of Directors has determined that the Personnel Policies should be further amended and re-established; and

WHEREAS, draft of the proposed updated Personnel Policies has been distributed to Local 350 and the District's unrepresented employees at least 10 days before the date of formal adoption of this Resolution, and comments and certain further proposed revisions have been received.

NOW THEREFORE be it resolved, that the Personnel Policies dated February 14, 2018, incorporated herein by reference are hereby adopted as the personnel policies of the West Bay Sanitary District. The District Manager is hereby authorized and directed to distribute a copy thereof to all District employees.

BE IT FURTHER RESOLVED that Resolutions 1429 (2001), 1528 (2003), 1576 (2005), 1577 (2005), 1611 (2007), 1625 (2007), 1775 (2011), 1882 (2012) and 2035 (2017) and 2053 (2017), are hereby rescinded.

Passed and adopted by the District Board of the West Bay Sanitary District at a special meeting thereof held on the 14th day of February 14, 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



PERSONNEL POLICIES
RESOLUTION 2053 (2017)

Adopted by the District Board, September 13, 2017

West Bay Sanitary District Personnel Policies

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SECTION A: GENERAL POLICIES

A.1: Equal Opportunity Employment and Prohibition of Harassment Policy

A.1 (A): Purpose

The purpose of this policy is to confirm that the West Bay Sanitary District (the “District”) is an equal opportunity employer, and is committed to maintaining a work environment free from unlawful discrimination and/or harassment for all its current and prospective employees, as well as, persons providing services pursuant to a contract. “Persons providing services pursuant to a contract” means a person who meets the following criteria: (1) the person has the right to control performance of the contract for services and discretion as to the manner of performance; (2) the person is customarily engaged in an independently established business; and (3) the person has control over the time and place the work is performed, supplies the tools and instruments used in the work, and performs work that requires a particular skill not ordinarily used in the course of the employer’s work.

This Policy:

- Defines discrimination and harassment under this policy;
- Confirms the District’s commitment to prohibit and prevent unlawful discrimination and harassment in employment; and
- Provides a complaint and investigation procedure to resolve complaints of alleged discrimination or harassment in violation of law or this Policy.

A.1 (B): Policy

It is the policy of the West Bay Sanitary District to provide all current and prospective employees, as well as, persons providing services pursuant to a contract, with equal opportunity in employment without discrimination on the basis of: age (40 and older), genetic information, marital status, medical condition, mental or physical disability, national origin and ancestry including language use, pregnancy, race and color, religion, sex or gender identity or gender expression, sexual orientation and veteran status., (except when: the distinguishing personal factor or characteristic is a bonafide occupational qualification,) or any other basis protected by law. This non-discrimination policy pertains to all aspects of employment with the District or the application for employment with the District, including, but not limited to, recruitment, selection, placement, assignment, training, transfer, promotion, evaluation, discipline, termination, compensation, and benefits. This policy also applies at all District locations, work sites, District-sponsored social or other events, as well as, activities at which the employee represents the District.

The District’s non-discrimination/non-harassment policy prohibits any form of unlawful conduct and the District shall take aggressive steps to prevent discrimination from

occurring in the workplace. When such harassment or discrimination is reported, investigated and confirmed in the workplace, the District will take aggressive, prompt and fair measures to eradicate the misconduct. To this end, the District upon confirming the existence of discrimination or harassment prohibited by this Policy, shall take disciplinary action against those responsible for the discrimination or harassment up to and including termination.

In order to implement a non-discriminatory/non-harassment policy of the type hereby promulgated, it is essential that all persons who witness or experience discrimination or harassment of the type prohibited by this Policy report the discrimination or harassment in order to facilitate early, effective and impartial investigation and intervention by the District. Accordingly, any retaliation against a person filing a discrimination/harassment complaint, reporting discrimination/harassment which he or she has witnessed, or assisting in a discrimination/harassment investigation, is strictly prohibited. Employees found to have participated in retaliatory action in contravention of this Policy shall be subject to disciplinary action up to and including termination.

A.1 (C): Definitions

I. Discrimination

“Discrimination” as used in this Policy is defined to include, but is not limited to:

1. Basing an employment decision as to a job applicant or employee (e.g., decision to hire, promote, transfer, terminate, etc.) on one’s protected status is defined to include:
 - a. Age
 - b. Genetic information
 - c. Marital status
 - d. Medical condition
 - e. Mental or physical disability
 - f. National origin and ancestry, including language use
 - g. Pregnancy
 - h. Race and color
 - i. Religion
 - j. Sex (or gender identity or gender expression)
 - k. Sexual orientation
 - l. Veteran status
2. Treating an applicant or employee differently with regard to any aspect of employment because of his or her protected status;
3. Engaging in harassment, as more specifically defined below;
4. Taking adverse employment action (i.e. demotion, transfer, discipline, termination) against an employee based on the employee opposing discrimination in the workplace, assisting, supporting, or associating with a

member of a protected group who complains about discrimination, or assisting in an investigation of discrimination.

II. Harassment

“Harassment” as used in this Policy is defined to include, but is not limited to:

1. Speech, such as epithets, derogatory comments or slurs, and lewd propositioning on the basis of NEW: age (40 and older), genetic information, marital status, medical condition, mental or physical disability, national origin and ancestry including language use, pregnancy, race and color, religion, sex or gender identity or gender expression, sexual orientation and veteran status. Prohibited speech may include inappropriate sex-oriented comments on appearance, including dress or physical features, or race-oriented stories and jokes.
2. Physical acts, such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement when directed at an individual on the protected bases listed in the Policy. Prohibited physical acts include, pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.
3. Visual images or graphical content such as derogatory posters, cartoons, or drawings related to the protected categories listed in the Policy (e.g., race, sex, religion, etc.)
4. Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct unreasonably interferes with an individual’s work performance or creates an intimidating, hostile, or offensive working environment.

A.1 (D): Independent Contractors

Contracts with the District, which contain an equal opportunity employment/non-discrimination clause, shall also include language requiring those contractors to be responsible for insuring that effective policies and procedures concerning the prevention of harassment exist in their companies.

A.1 (E): Appeal of Determination

Any employee who files a complaint of discrimination or harassment, or is charged with acting in violation of these policies may appeal the determination of the District Manager or the President of the District Board to the District Board. Such appeal shall be conducted in accordance with Section C.5 (C) Appeal of Determination.

A.2: Discrimination/Harassment Complaint Procedure

Complaints or reports of harassment or discrimination should be directed to the employee's immediate supervisor, any supervisor or manager within or outside of the employee's department, the District Manager or the President of the District Board as soon as possible after the incident-giving rise to the complaint. Complaints may be presented orally or in writing. The District requests that written complaints be signed by the complainant as anonymous written complaints may prevent the District from a full and thorough investigation. The District will assign a qualified and impartial investigator to investigate the complaint, interview involved parties and compile a written report for the District to use in deciding needed actions.

At the conclusion of the investigation, the investigator shall report his/her findings in writing to the District Manager, the President of the District Board or their designees. The District Manager, the members of the District Board or their designees will make the final determination regarding the complaint, and what corrective action, including discipline, if any, is appropriate. The complainant and alleged perpetrator and/or harasser will be notified of the District Manager's, or the President of the District Board or their designees' determination, and depending on the circumstances and interests involved, the results of the investigation.

A.3: Injury Prevention Program

It is the District's goal to have a safe and healthful workplace. To that purpose we have implemented the Injury Prevention Program that is outlined in a separate document. A copy of the District's Injury Prevention Program is kept by the District's Safety Director and is available for inspection and/or copying by the District's employees during normal business hours.

The District will do everything within its control to assure a safe environment, and will comply with federal, state and local safety regulations. Employees are expected to obey safety rules, follow established safe work practices, and to exercise caution in all their work activities. Employees under the influence of any medication, prescribed or otherwise, which may affect their ability to work safely, shall not report for work. Failure to comply with these safety rules will result in disciplinary action up to and including discharge.

All employees are expected to immediately report any unsafe conditions to their immediate supervisor or the District Manager. Working together, we can succeed in having a safe and healthful workplace from which we all will benefit.

A.4: Personnel File

The District will maintain an official personnel file for each employee. Employee's shall inform the Administration Department of any changes in personal information, such as home address, home telephone number, number of dependents for tax withholding purposes, and person(s) to notify in case of an emergency.

A.5: Confidentiality of Personnel Records

Except as provided in Section **A.6**, information contained in an employee's personnel file will be disclosed only to persons with a need to know and to outside third parties only pursuant to a proper legal request. Responses to credit or employment references will be limited to verification of name, position, title, dates of employment and salary range, unless the employee authorizes otherwise in writing. The home address and phone number of an employee will not be released except on the written authorization of the employee or due to reporting requirements of law enforcement or other regulatory agencies.

A.6: Reference Checks

Reference checks regarding current or former employees must be directed to the District Manager. Unless the current or former employee signs an authorization and release regarding the disclosure of specific further information, the only information that will be disclosed is the employee's current or final job title, dates of employment, and current or final rate of pay.

A.7: Access to Personnel File

An employee, upon request to the District Manager may, during normal business hours, inspect his/her official personnel file. The District shall monitor the employee's inspection of his/her personnel file to ensure that nothing is removed, destroyed or altered. Employee requests for photocopies of any personnel files materials to which the employee is entitled will be directed to the District Manager.

A.8: Disposition of District Property

The District Manager may place certain items of District property for sale as the Board finds the items are no longer necessary for District purposes and allow employees, or others, to submit bids thereon provided, however, that employees shall not be entitled to any preference or advantage in purchasing such items. Such property shall be posted for sale with a reasonable minimum bid, as determined in the District's discretion. Payment in full shall be made at the time of sale.

SECTION B: EMPLOYMENT PRACTICES

B.1: Status of Employees

B.1 (A) Initial Employment Period

All regular full-time and part-time employees are on an initial employment period during the first year (12 months) in any position, or as otherwise specified in a memorandum of understanding between the District and the affected bargaining unit.

During the first six months of the initial employment period, employees will accrue paid vacation and sick leave benefits but are prohibited from using this paid time until six months of the initial employment period is completed.

Note: Represented employees follow MOU guidelines concerning Probationary Periods.

B.1 (B): Employment at Will

All unrepresented employees of the District are, during the entire course of their employment, and both during and after any initial employment period, at-will employees. This means that either the employee or the District, through the District Manager, can terminate the employment relationship at will, at any time, with or without cause and with or without advance notice. This arrangement is called "employment at-will" and no employee or representative of the District, other than the District Board, has the authority to alter this policy, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy. The President of the District Board or the District Manager can do so only in a written agreement that is approved by the Board of Directors and signed by both the President of the District Board and the specific employee. However, at-will employment does not allow for any employment actions toward an employee that may be discriminatory or otherwise compromise basic employment rights under state and federal law.

B.1 (C): Constructive Resignation

Any employee who is absent from work for a period of five consecutive working days without approval of the District Manager shall be considered to have resigned his/her employment with the District. The District will communicate its understanding of the employee's resignation in writing to the affected employee. The District Manager may reinstate an employee if, in the District Manager's judgment, the employee provides a satisfactory explanation for the unauthorized absence.

B.1 (D): Part-Time Appointments

The workweek and workday of an employee holding a position under part-time appointment ("part-time employee") will be specified by the District Manager and will be any period of time less than 40 hours per workweek. Part time employees do not accrue vacation, or receive paid holidays. Part-time employees will accrue sick leave per Healthy Workplaces/Healthy Families Act 2014 (see section D.13.B-1). Part-time employees will not be eligible for retirement program, health insurance, dental insurance, life insurance and accidental death and dismemberment insurance, unless otherwise required by these plans.

B.1 (E): Temporary Appointments

Employees may be appointed on a temporary basis to perform work that will last a short period of time, not to exceed 6 consecutive months within one fiscal year. Temporary employees will not accrue vacation or receive paid holidays ; nor will they receive any

other benefits specified in this Manual, except as may be required by law. Temporary employees will accrue sick leave per state law (see section D.13.B-1).

B.1 (F): Funded Appointments

Whenever funding is made available to the District by another public entity or agency for a particular program project, the District may use such funding to appoint employees. Funded appointments shall receive no benefits except as specified by the terms and conditions governing the particular program or project so funded, and shall end upon expiration or the term of such particular program or project, or upon the termination of funding therefore, or upon termination of the employee pursuant to Section **B.1 (B)**, whichever occurs sooner.

B.1 (G): Contract Appointments

The District Manager may employ any person by written agreement for specialized duties such as Department Heads or external consultants. These contract employment agreements are subject to the terms and conditions of the particular contract agreement. The written agreement will specify all terms and conditions of the employment relationship, and, unless expressly incorporated by reference, these Personnel Policies will be inapplicable, with the exception of the District's policies prohibiting discrimination and harassment as set forth in Section A.1 (C) and A.2, which are applicable to all contract appointments, and are to be made an express term of the agreement. District Counsel shall approve the agreement for contract employment.

B.2: Classification of Positions

Employees' exempt or non-exempt status is determined in compliance with federal law. Such laws describe the criteria for jobs to be classified as either non-exempt, requiring the payment of overtime, or exempt from overtime payment. The employee's eligibility or ineligibility for paid overtime is indicated in the job description/classification for the position the employee occupies under the designation of FLSA status "Exempt" or "Non-exempt." The job description is provided to the employee at initial District employment.

B.3: Recruitment, Selection and Promotion

The District Manager will establish and implement recruitment, selection, and promotion procedures for the District. These procedures may vary depending on the position or positions to be filled and the needs of the District.

In additional support of policy section B.14 "Nepotism" No employee will in any way participate or attempt to influence decisions about any personnel matter, which may directly affect the selection, appointment, promotion, termination, or other employment decision regarding a "close relative." For the purpose of this policy, a "close relative" is defined as husband, wife, mother, father, son, daughter, sister, brother, nephew, niece, mother or father in-law, brother or sister in-law, grandchild, grand parent or step-relatives.

B.4: Additional Assignments, Transfers

Employees may on occasion be required to perform duties, which are not listed in their position descriptions. In addition, employees may be assigned to perform work in an office or department of the District in which they do not normally work.

B.5: Abolition of Positions and Reductions in Force

In its sole discretion, the District may decide to abolish one or more positions, restructure its workforce or reduce its workforce. Factors, which the District may use in abolishing positions and/or selecting employees for layoff, include, but are not limited to, accomplishment of the District's objectives, budgetary constraints, operational requirements, employee work performance, and length of service.

B.6: Workweek

The regular workweek for full-time employees will consist of 40 hours per week. Workweeks and workdays may be scheduled for the convenience and efficient operation of the District without regard to calendar days or calendar weeks.

B.7: Paydays

All employees of the District generally are paid regular wages on a bi-weekly basis (every other Friday) for work performed during the previous bi-weekly period. If a regular pay day falls on a holiday, employees will be paid on the preceding workday.

B.8: Advancement of Wages

Employees, whose approved vacation or holiday absence will incorporate the pay day Friday, may request their regular paycheck prior to the authorized absence. The District Board must specifically approve all other requests for advancement of wages.

B.9: Hours of Work

The District is normally open for business Monday—Friday, between the hours of 8:00 a.m. and 4:30 p.m.

Supervisors will assign individual work schedules for employees they supervise. Employees are generally required to work an 8-hour day. All employees are expected to be at their desk, work stations, or work locations, at the start of their scheduled shifts, ready to perform their work.

Non-exempt employees are allowed a mid-day meal period of at least 1/2 hour at a time as may be assigned by the supervisor. Employees are allowed 15-minute rest periods for every 4 hours of work or major portion thereof. Your supervisor will schedule your meal and rest periods.

B.9. 1. “9/80” Work Schedule Authorization

A regular employee whose regular shift schedule consists of forty (40) hours of work, Monday through Friday between 7AM and 7PM, inclusive, may, in lieu of such schedule, be authorized to work a schedule consisting of nine-days, eighty (80) hours per two week work cycle (“9/80 schedule”) if, in the District Manager’s judgment, such schedule would best serve the District’s interests.

B.9.1(a). “9/80” Work Schedule Defined

The 9/80 work schedule consists of fourteen day repeating work periods, each period consisting of nine (9) work days, eight of which consist of nine (9) hours of regularly scheduled work and one of which consists of eight (8) hours of regularly scheduled work. In the half of the fourteen (14) day work cycle in which the employee is scheduled to work the eight (8) hour day the employee will also work four (4) nine (9) hour days. In the other half of the fourteen (14) day work period the employee will work four (4) nine (9) hour days.

B.9.1(b). Calculating Overtime/Designation of FLSA Work Week

For purposes of determining overtime eligibility for an employee on the 9/80 schedule, the FLSA and contract overtime work week are designated to begin at the midpoint of the regularly scheduled eight (8) hour day and end at the midpoint of the next regularly scheduled eight (8) hour day to ensure that each half of the fourteen day work cycle contains forty (40) regularly scheduled hours of work. For non-exempt employees on the 9/80 schedule, only authorized work performed in excess of the regularly scheduled work day or forty-hour designated work week will be compensable at the overtime rate of one and one-half the employee’s regular rate of pay.

B.9.1(c). Holidays on 9/80 Work Schedule

Eligible employees on a 9/80 schedule will continue to receive eight (8) hours of holiday pay (or credit in the case of floating holidays) as though they remained on a traditional five day, eight hour per day work schedule, and must use an hour of vacation or compensatory leave on scheduled nine (9) hour days. [Example: if a holiday falls on what would otherwise be a nine (9) hour workday and the employee performs no work, the employee will be paid eight (8) hours of holiday pay. However, the employee will be required to use either one (1) hour of vacation, floating holiday, or compensatory leave to cover the ninth (9th) hour.

B.9.1(d). Other Leave Days Affected by 9/80 Day Off

If the employee on a 9/80 work schedule uses authorized vacation leave, sick leave, or compensatory time off, the employee must use the number of hours which corresponds with the number of hours the employee is scheduled to work on that day, less any hours actually worked on that day. [Example: If the employee is absent due to the employee’s illness for the entirety of a scheduled 9-hour work day, he or she will be charged nine (9) hours of sick leave (or other leave if sick leave is exhausted). If the employee is

absent due to the employee's illness for the entirety of a scheduled eight (8) hour work day, the employee's sick leave account (or other leave account if sick leave is exhausted) will be charged eight (8) hours.]

B.9.1(e). Vacation and Sick Leave Accrual

The employee on a 9/80 schedule will continue to accrue vacation leave and sick leave as though the employee were on a five day, eight hour per day work schedule.

B.10: Reporting of Absences and Illnesses

Employees must make every effort to notify their supervisor as early as possible prior to an anticipated absence or illness. Employees should telephone their supervisor, or the District Manager, no later than the regularly scheduled start time for the employee's work shift of the day the employee needs to be absent, unless it is impossible to do so due to the emergency nature of the absence or illness. Employees must provide a reason and the probable duration of the absence.

B.11: Compensation Schedule: Adjustments in Compensation

B.11 (A): Compensation Schedule

The rate of pay for each position with the District is established by resolution of the District Board. Such rate may consist of a range or rates of pay for each position, or a single rate of pay, as the District Board determines in its sole discretion.

B.11 (B): Adjustments in Compensation

The District may, in its sole discretion, grant salary increases to full-time and part-time unrepresented employees. Regular full-time and part-time unrepresented employees are not eligible for salary increases until after the satisfactory completion of their Initial employment periods. Adjustments in compensation for represented employees shall be made in accordance with the terms of the memorandum of understanding between the District and the affected bargaining unit.

B.11 (C): Performance Merit Pay program

The District may grant an annual performance merit payment to any unrepresented employee or bargaining unit member, at its discretion. The District will determine, from time to time, the funds available, if any, for such merit payments and the criteria and performance levels required to qualify for such merit payments. The merit payments will be based on team performance and payments will be uniform.

B.12: Overtime; Compensatory Time Off; Administrative Leave

B.12 (A): Overtime

Overtime compensation is paid to non-exempt employees for time worked in (1) excess of eight hours in one workday; (2) any work in excess of 40 hours in any one work week; and (3) the first eight hours worked on the seventh consecutive day of work in a work week. Overtime will normally be paid in the pay period immediately following the pay period during which the overtime work is performed. Overtime compensation is calculated at one and one-half times the employee's regular rate of pay.

It is the policy of the District to discourage overtime work. In his/her sole discretion, the District Manager may require any employee to perform overtime work. All overtime work will be subject to the prior approval of the Manager, except when such work is required in an emergency to prevent loss of life, injury or damage to person or property, or to ensure the proper operation of the District's facilities.

B.12 (B): Call-Backs

Non-exempt employees called back to work will be entitled to overtime compensation for such call-back time (excluding time spent going to and from work) if the call-back time causes the employee more than 8 hours of work in any work day or 40 hours in any work week. Employees called back to work for emergency services will be entitled to be compensated for a minimum of two hours of work for the call-back regardless of the actual length of time the call-back services require.

Initial call-back time commences when the employee writes his or her arrival time on his/her call worksheet. If the employee receives any additional calls for emergency service during the first hour of a call-back, those calls will be considered part of the initial call-back, and no additional minimum compensated time shall be triggered. However, if the employee receives a second call for emergency service after the first hour of a call-back, that service call will be considered to be a new call-back and the minimum 2-hour compensated time will again be triggered. If another call, or calls, comes in within the first hour of the new call-back, that service call will be considered to be part of the second 2-hour minimum.

Service that can be deferred until the following day will be accomplished the following day during normal working hours and no overtime will be allowed. If the following day falls on a weekend or holiday, the deferred service will be considered to be a normal call-back and the 2-hour minimum will apply.

At the employee's option, he/she may receive compensatory time off as compensation for call-back time in accordance with subsection **B.12 (C)** below.

B.12 (C): Compensatory Time Off for Non-Exempt Employees

Instead of receiving overtime pay, non-exempt employees may, at their option, receive compensatory time off as compensation for overtime worked. Compensatory time off will accrue at the rate of one and one-half hours off for each hour of overtime worked, subject to the two-hour minimum for call-back time described in subsection **B.12 (B)**.

The employee must agree in writing to receive compensatory time for which the compensatory time off is requested. No employee may accrue more than eighty (80) hours of compensatory time off at any point during employment. An employee must obtain supervisory approval before using compensatory time off.

B. 12 (D): Time Sheets

All employees are to record their hours worked and approved time-off on a timesheet for each pay period. Any time off absence request sheets pertaining to the specific period of the month should be attached and noted on the timesheet by the employee. The timesheet is to be signed by the employee and his or her supervisor and forwarded to the Accountant for processing.

In the event that an employee is absent from work due to illness or injury at the end of a pay period, a timesheet and absence request form shall be turned into the Accountant as soon as possible upon return to work. In the instance of a planned vacation or leave of absence that will extend beyond the end of a pay period, a signed timesheet shall be submitted to the Accountant in advance.

B.13: Continuous Service with the District

For initial, regular, and part-time employees in all classifications, length of continuous service with the District will be used as the basis for determining eligibility for benefits such as sick leave and vacation time.

Continuous service with the District will start with the date of initial employment and will continue until one of the following occurs:

- a. An employee is discharged;
- b. An employee voluntarily terminates his/her employment; or,
- c. An employee is laid off.

Continuity of an employee's service will not be broken by absence for the following reasons, and his/her length of service will accrue for the period of such absence:

- i. Absence by reason of industrial disability;
- ii. Authorized absence without pay for less than thirty (30) days in a calendar year;
- iii. Absence governed by applicable state and/or federal laws;

- iv. Pregnancy disability leave governed by 2Cal. Code Regs. § 7291.11(c).

B.14: Nepotism

The District has the sole discretion to decline to hire relatives of employees where actual or potential problems may arise regarding supervision, security, safety or morale, or where potential conflicts of interest exist. "Relatives" include: spouse, registered domestic partner, mother, father, son, daughter, sister, brother, nephew, niece, mother or father in-law, brother or sister in-law, grandchild, grand parent or step-relatives.

If two employees marry or become related, and the actual or potential problems described above exist, only one of the employees will be permitted to stay with the District unless changes can be made to eliminate the problems. The decision as to which relative will remain with the District must be made by the two employees within 30 calendar days of notification by the District. [If the employees do not decide, the District can a) discharge both; b) the District can decide who to discharge; or c) the employee to be discharged can be determined by lot.

B.15: District Vehicle Use and Cost Reimbursement

B.15 (A): District Vehicle Use

This policy applies to employees who drive District vehicles, including to and from work.

A.1: During working hours, trips for personal purposes will be avoided. Occasionally, stopping at a store en route to a business destination, or going to a restaurant (within close proximity of your work location) for lunch is permitted. While going to or from work, occasionally stopping to buy deminimus items such as non-alcoholic beverage, medications, etc., is also permitted.

A.2: Other than the foregoing uses, District vehicles will not be used for any other personal purposes without prior written approval. This means that weekend or after-hours trips to the store (regardless of how close to home), trips back to the office to retrieve forgotten personal items, or any other non-business usage will not be permitted.

A.3: District vehicles will not be used to transport any non-district personnel unless in the course of business such as transporting consultants to a work site or tour of the facilities. Non-District personnel such as family, friends and other persons not in the course of District business shall not be transported in District vehicles for the convenience of those persons or the employee.

A.4: Employees taking District vehicles home for after hour response must be within 45 minutes of the District boundaries while on standby. Failure to respond to any calls within the 45 minutes may result in loss of the vehicle use privilege, expulsion from the standby program, and/or disciplinary measures.

B.15 (B): District Vehicle Cost Reimbursement

When an employee is authorized to use his/her personal vehicle in the performance of District work, he/she will be reimbursed for the cost of said use on the basis of total miles driven and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of said usage.

Use of personal vehicles will not be authorized for the performance of District work, if a suitable District vehicle is available and safely operational.

Every attempt will be made to coordinate work so that District vehicles are available and operational for the performance of said work.

An employee must submit to the District proof of adequate insurance covering collision, personal injury and property damage before any employee can use a personal vehicle in the performance of District work. In the event of a claim against an employee related to use of a personal vehicle to conduct District business, the employee's insurance shall be primary; the District's insurance shall be secondary.

B.16: Performance Evaluations

The District Manager, or his/her designated representative, will conduct periodic written performance evaluations of employees.

Written performance evaluations will be on forms prescribed by the District Manager. Written performance evaluations will include, in addition to other information, recognition of effective performance and identification of areas needing improvement.

Each performance evaluation will be signed by the evaluator and will be discussed with the employee.

SECTION C: Standards of Conduct

C.1: Electronic Communication and Data Use

C.1 (A) Telephones

Employees will refrain from making or receiving personal phone calls while on duty except in emergency conditions. Personal phone calls may be made or received during work breaks or during the employee's lunch period. Such calls should be kept to a minimum to avoid tying up the District's phone lines. Personal long distance calls (outside the local area code) should be made on the employee's personal phone.

C.1 (B) Computers/Email/Internet

The purpose of this policy is to establish standards for employees' use of District computers, software and communications equipment, including electronic mail and Internet access.

1. Email Usage.

- (a) District's local area network interconnects computers within adjacent offices and floors. The District network is also linked to computers throughout the world via internet. Email may be sent and received over the District network as well as outside computer networks. Email is an important method of distributing information among employees, business contacts and the public. Employees are responsible for checking their incoming email frequently, reading its contents and responding in a timely manner. All email messages received at or sent from District computers or through the District server system are property of the District and are not private.
- (b) Email messages may constitute "public records" and accordingly, unless exempt under the provisions of the California Public Records Act, may be subject to disclosure in response to a public records request. Emails may also be subpoenaed as evidence in litigation. The District reserves the right to access and disclose for any lawful purpose all messages sent over its computer network and email system. Messages transmitted over the District email system should be those involved in District business activities for the accomplishment of business related tasks or any communication directly related to District business, administration or practices. Incidental and occasional personal use of the email system is permitted during break, lunch periods or on personal time only; however, such messages should not interfere or conflict with assigned duties, and they are subject to the access and disclosure statements set forth in this policy.
- (c) Employees are responsible for the content of all text, audio or images that they place or send over the District computer network and email system. Messages with fraudulent, harassing, obscene, vulgar or sexually suggestive content are prohibited. Messages with derogatory or inflammatory remarks related to a person's membership in any protected class as defined in policy section A.1 (C), II, are prohibited. Abusive, profane or offensive language will not be used in messages. Users will not attempt to obscure the origin of any message.

2. Internet Usage. Access to the Internet may be provided for employees to research and to use available information resources in performing business related tasks. Incidental personal use of the Internet should be kept at a minimum, should only occur during break, lunch periods, or on personal time only and should not interfere or conflict with assigned duties. Because the District's electronic address must be used to gain access to the Internet, employees are assumed to be representatives of the District while they are using the Internet.

Therefore, each employee who uses the Internet is responsible for protecting and enhancing the District's public image, and must use the Internet in a productive manner. As representatives of the District, employees are responsible for using the Internet in an effective, ethical, and lawful manner.

3. Unacceptable Use of the Internet. Employees shall not use District computers to access the Internet for personal entertainment or for the purpose of soliciting non-District business. Any unlawful or inappropriate use of the Internet is prohibited. While it is not possible to provide a complete list, the unlawful or inappropriate uses of the Internet include but are not limited to the following purposes:
 - Harassment and discrimination
 - Offensive and defamatory conduct
 - Viewing or downloading sexual or sexually-suggestive material
 - Gambling
 - Infringement of trademark, copyrights or licensing stipulations
 - Unauthorized access to others' software or data (i.e. hacking)
 - Expression of personal opinions or views which may be construed as being those of the District
 - Solicitation of personal business
 - All of the limitations noted in the preceding section relating to the use of the District network and email system.
 - Personal Financial Gain

4. Software. To prevent computer viruses from being transmitted through the computer systems, downloading or installation of any software (i.e. computer programs) shall be coordinated with and approved by the District in advance. All software introduced to individual employee workstation computers and/or those linked to the network must be installed and used in accordance with the copyright provisions of the software owner. Employees obtaining access to copyrighted software and material must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except where expressly allowed by the copyright law or with written permission from the copyright owner. Users must not knowingly disable auto patching services configured on District's computers.

5. Security. All messages created, sent, or retrieved over the Internet or District network and Email system are the property of the District and may shall be considered public records. Transmittal or exchange of personal and confidential information should not be conducted using District computers. Deletion of personal email or Internet files from work station computers may does not delete those files from backup files which are routinely stored. .*See comment above re: archiving email records. Communications including text and images may be reviewed by the District management and may be disclosed to law enforcement authorities, litigants or other third parties without prior consent of the sender or receiver. Employees should also understand that personal passwords are not an assurance of confidentiality.

- (a) Protection from data loss. Individuals with responsibility for district data and mission-critical operations must ensure that appropriate backups of software and data are maintained. Departmental administrators are responsible for assuring that staff members are trained to back up to the District network server.
 - (b) Use of Central District Storage. WBSD provides resources to electronically store and maintain district data. Storage of personal information not related to district business must be limited to incidental and minimal use, and must not interfere in any way with the storage and maintenance of district data. Employees should consult with their manager to determine if they are using district storage resources appropriately.
 - (c) Protection against degradation of operation. Users should avoid unnecessary printing, storage of unnecessary files, or unnecessary execution of programs that degrade system performance. Employee should consult with their administrator to determine appropriate definitions for unnecessary printing, storage, or program execution.
 - (d) Unauthorized Browsing. Because confidential, critical, or important district data or information, intellectual property, or research information may be located in a user's account or computer (workstation, laptop, etc.), browsing, alteration or access of email messages or stored files in another user's account or on another user's computer or removable storage device (disks, USB drives, etc.) is prohibited, even when such files are not password protected, unless specifically authorized by the user. This prohibition does not affect authorized access by a network administrator, computer support technician, or departmental manager where such access is within the scope of that individual's job duties.
6. Responsibility of Account Owners. The owner of an account on multi-user systems, a computer assigned to multiple users, or an ID on a network, is responsible for all activity performed under the account or ID. Each person must use his/her own account (user ID) and not use, or alter an entry so as to appear to use, any other account (user ID). The password to an account must be kept confidential, must not be released to any other party or included in any documentation and must not be included in any unprotected communication software automatic login script. In the few instances where special circumstances or system requirements mandate that multiple users access the same account, extreme care must be used to protect the security of the account and its access password.
7. Violations. All employees who use District computers and information systems resources are responsible for complying with this policy. Violation of this policy may result in disciplinary action, up to and including termination of employment.

C.2: Discipline

Employees may be subject to discipline, up to and including termination, for offenses including, but not limited to, the following:

- a. Unsatisfactory work performance
- b. Habitual/excessive absence or tardiness
- c. Abuse of sick leave
- d. Being purposely wasteful of material, property, or working time
- e. Misconduct on the job or misconduct off the job which adversely affects the District
- f. Insubordination, including refusal to perform work assignments
- g. Failure to abide by rules, including safety rules, of the District
- h. Failure to abide by these Personnel Policies
- i. Falsification or forgery of employment application or other District records, books, or documents
- j. Violation of the District's policies against discrimination and harassment, provided in sections **A.1** and **A.2**
- k. Theft, fraud, or other dishonest conduct
- l. Violation of the District's policy on time recording, provided in Section **B.12 (E)**
- m. Violation of the District's policy on alcohol and drug abuse, provided in Section **C.4**
- n. Violation of the District's policy on smoking, provided in Section **C.3**
- o. Violation of the District's policy on solicitation or acceptance of gratuities, provided in Section **C.7**
- p. Violation of the District's policy on outside employment, provided in Section **C.6**
- q. Failure to report immediately to a supervisor any accidents or injuries on the job
- r. Absence from work without permission from the employee's supervisor
- s. Misusing, damaging, or destroying any property of the District or of any employee
- t. Removing any District property or property of other employees from the District's premises without proper authorization
- u. Disclosing, or otherwise misusing, the District's confidential information

- v. Accepting personal remuneration from customers, agencies, or member of the public for matters involving the District
- w. Driving without a license when one is required per employee job description
- x. Knowingly obtaining unauthorized salary increases, or unapproved salary or overtime payments
- y. Violation of State or Federal rules or regulations
- z. Violation of internal accounting controls, rules or regulations
- aa. Improper use of building keys and access codes, including:
 1. Divulging access codes to anyone or loan or duplicate a key to District buildings.
 2. Allow anyone to use their individual computer password either by telling them the password or permitting use of the computer while logged on with that password.
 3. Establish password-protected programs, documents or files on District computers without the approval of the District Board.

The above list is merely a guide to be used by employees to determine the types of conduct that are prohibited. It is not meant to be an exhaustive list, nor is it meant to affect or alter the existence of the District's at-will employment policy. In other words, by listing the types of conduct that will result in discipline, including possible termination, it is not to be implied that the grounds for termination are limited to those grounds specified herein, and it is not to be implied that termination must be for "cause".

C.3: Smoking

The District recognizes the health risks of smoking and, in particular, the hazards posed to employees by second-hand smoke. Smoking is prohibited inside or near entrances to District buildings, within District vehicles, and where prohibited by local ordinance.

C.4: Alcohol and Drug Abuse

Drug and alcohol use is highly detrimental to the work place and to the efficiency and productivity the District requires. The use of drugs or alcohol, or being under their influence, jeopardizes the welfare and safety of our employees and the public.

Employee compliance with the following provisions of the District's workplace drug and alcohol policy is a condition of employment. In addition, employees in positions classified as "safety-sensitive" in accordance with Department of Transportation regulations shall be subject to the District's Substance Abuse Policy.

- a. The manufacture, possession, distribution, or purchase of an illegal drug or alcohol, or being under the influence of an illegal drug or alcohol, while

on duty, by any employee while in a District facility, while performing District business, or while operating a vehicle owned or leased by the District, is strictly prohibited.

- b. Using or being under the influence of any legally obtained drug while performing District business or while in a District facility or vehicle is prohibited to the extent that such use or influence affects job safety or efficiency.
- c. "Under the influence" is defined as any measurable amount of drugs or alcohol present in any employee.
- d. Employees who are under the influence of any medication, prescribed or otherwise, which may affect their work performance, are required to advise their supervisor of the potential effects of the medication.
- e. Violation of this policy will result in disciplinary action, up to, and including termination. "

C.4 (A): Alcohol and Drug Testing

In accordance with Department of Transportation Regulations, all employees in designated "safety-sensitive" positions are subject to drug and alcohol testing in accordance with the District's Substance Abuse Policy.

C.5: Disciplinary Action Procedures

C.5 (A): Pre-Implementation Procedure

Before implementing a suspension, demotion or discharge with respect to unrepresented regular full-time and part-time employees, the District Manager shall provide to such employees:

- 1. Written notice of the decision;
- 2. The effective date of the decision;
- 3. An opportunity to respond orally or in writing within five business days after receipt of the written communication from the District to implement the personnel action. It is the responsibility of the employee to request a meeting with the District Manager or to provide a written response to the District Manager within the five day period.

Represented employees shall be subject to disciplinary action in accordance with the applicable memorandum of understanding between the District and the affected bargaining unit.

C.5 (B): Hearing Procedure – Disciplinary Action Appeals

Employees may appeal disciplinary action as follows:

- (1) Employees who have completed their probationary period and are faced with disciplinary action which affect an employee financially such as unpaid suspension, involuntary demotion, or employment termination shall be provided with a notice of the proposed action before the termination or other discipline becomes effective. The notice will inform the employee of his or her right to an informal hearing before the Board, either orally or in writing, before the discipline becomes effective. The District may place an employee on paid administrative leave pending the hearing if the District determines that such leave is necessary to protect the District or public safety. If the employee requests a hearing, the Board shall conduct a hearing to determine whether there are reasonable grounds to believe the charges are true and whether the charges support the proposed action. The decision of the Board is final.
- (2) Judicial review of any decision of the District is governed by California Code of Civil Procedure Section 1094.06. Pursuant to Section 1094.06 (b), a petition for Writ of Mandate seeking such review must be filed not later than the 90th day after the decision becomes final.

C.5 (C): Hearing Procedure – Appeal of Determination Related to Discrimination/Harassment Investigation

Any employee, regardless of tenure, who has filed a complaint of discrimination or harassment, and who is dissatisfied with the initial conclusion of the investigation and resulting determination may appeal the determination the full District Board. The full Board has the discretion to review the appeal, conduct a hearing, and take such action, as it deems appropriate. The decision of the Board is final.

C.6: Outside Employment

No District employee will be permitted to accept employment in addition to or outside of District service if:

- a. The additional or outside employment leads to a conflict, potential conflict or the appearance of a conflict of interest for said employee; or,
- b. The nature of the additional or outside employment is such that it will interfere with his/her ability to safely and competently perform job functions; or,
- c. The duties to be performed in the additional or outside employment are in conflict with the duties involved in District service.

An employee who does have additional or outside employment will not be permitted to use District records, materials, equipment, facilities or other District resources in connection with said outside employment.

An employee has an obligation to notify the District Manager in writing regarding acceptance of outside employment within two business days.

Employees will not attempt to solicit outside employment relating to District activities from District constituents.

C.7: Gratuities

A District employee will not solicit nor accept any gift to the employee or other employees, NEW: from the community, vendors, contactors or other parties whether in the form of money, gifts, services or special considerations that are offered because the District employs the employee. Solicitation or acceptance of these items will result in disciplinary action up to and including discharge. Gratuities that are received despite employee best efforts to refuse the gifts shall be reported to the District Manager for return to the donor or other actions consistent with this policy.

C.8: Dress Code Policy

C.8: Dress Code Policy

Purpose:

The purpose of this policy is to set professional guidelines regarding dress and appearance on the job and to provide clarity and ensure fair treatment. District business requires District employees to treat rate payers and customers with respect and to promote and enhance a professional image. Our goal in dealing with business professionals, homeowners and other government agencies is to be taken seriously and maintain their respect.

Section 1. **General Rule.** Employees' personal appearance and hygiene are important to Employees, the District and the public. Employees are expected to maintain appropriate professional personal appearance and be clean and well-groomed. Employees should always dress in a manner befitting the job, with due consideration to the business needs of the District, other Employees, the public and safety. All manners of dress must comply with safety requirements.

Section 2. **Clothing Requirements.** An Employee's clothing should always be in keeping with customary, professionally acceptable attire for the workplace/office and meeting with customers, clients, and the public. Hard Hats worn in the field must be issued by the District and meet safety requirements. Soft hats in the field must not interfere with safety requirements and must either be issued by the District or, if a personal hat, must display no logo/graphics. Hats worn in the office must comply with professional business standards. Personnel working in the field must wear appropriate safety clothing and apparel provided by the District when on duty. Clothing that is not allowed to be worn by Employees while working includes, but is not limited to, the following:

- tattered jeans or shorts;
- shirts or other articles of clothing with language or graphics that are vulgar, sexually explicit, or may otherwise be offensive;
- attire that is revealing or provocative;
- flip-flops or any type of loose footwear;
- sweat suits;
- see-through blouses or shirts;
- sports bras, halter tops, or similar attire;
- tank tops;
- clothing that allows bare midriffs;

Section 3. **Jewelry/Tattoos/Piercings.** Jewelry must be kept to a minimum. Tattoos and body piercings must not be visible in the office or business workplace. For field personnel interacting with the public or business professionals, tattoos must be hidden from view to the maximum extent practicable. If field conditions necessitate removal of clothing for reasonable comfort and safety, exposure of tattoos can be allowed during these events. However; tattoos with language or graphics that are vulgar, sexually explicit, or may otherwise be offensive shall not be exposed. Ear piercing consistent with professional and business workplace is allowed. Ear lobe plugs, gauges and tunnels are not allowed during business hours.

Section 4. **Hair Style.** Hair style must be professional for an office environment and/or safe work place.

Section 5. **Accommodation.** In the event that the above policy causes religious concerns or concerns based upon any other legally protected class, please contact the Human Resources Department to discuss potential appropriate religious accommodation.

SECTION D: Benefits

D.1: General Information

The District provides a number of insurance, vacation, sick and holiday leave programs to encourage a healthy work environment and protect its employees, both current and retired.

All employees are encouraged to avail themselves of the vacation and holiday leave provided by the District in the year in which the leave is accrued.

D.2: Accrued Leave Defined

For the purposes of this section, accrued leave is defined as Vacation, Holiday and Sick leave. Neither Administrative Leave nor “Banked” Compensatory Time is accrued leave. While every effort will be made to accommodate an employee’s leave request, the District reserves the right to deny any leave request.

D.3: Eligibility For Benefits

An employee’s eligibility for the various insurance programs offered by the District is dependent upon the employee’s employment status. Generally, all full-time, regular employees of the District are eligible for the various programs described in this section. Part time employees do not accrue vacation, sick leave or receive paid holidays. Part-time employees will not be eligible for retirement benefits, health insurance, dental insurance, life insurance and accidental death and dismemberment insurance, unless otherwise required by these plans.

D.4: Vacation

D.4 (A): General Provisions

1. During the first six months of the initial employment period, employees will accrue paid vacation and sick leave benefits but are prohibited from using this paid time until the first six months of the initial employment period is completed.
2. Employees do not accrue vacation leave while on short-term or long-term disability leave, unless otherwise required by law.
3. Employees will not accrue more than two times the number of annual vacation hours specified in Section D.4 (B) unless approved in advance by the District Manager. Any approved exception shall have a one year limit. No employee shall receive an exception to the vacation accrual more than once in a three year period. For unrepresented employees, excess accrued vacation shall be paid to the employee monthly in lieu of accrual.
4. An employee whose employment with the District terminates will be paid for any accrued vacation time at his or her final rate of pay.
5. Part-time employees do not accrue vacation leave.

D.4 (B): Rates of Accrual

Full-time District employees accrue paid vacation leave at the following rates:

VACATION HOURS ACCRUED PER YEAR	YEARS OF EMPLOYMENT	
	Non-Exempt Employees	Exempt Employees
80	1st through 5th	
120	6th through 10th	1st through 5th
160	11th through 25th	6th through 15th
240	26th and above	16th and above

D.5: Paid Holidays

D.5 (A): General Provisions

1. Full-time employees receive eight (8) hours off with pay for each of the holidays listed in **D.5 (B)** below. Part-time employees do not receive paid holidays.
2. If a holiday falls on a Saturday, the preceding Friday generally will be observed as the holiday. If a holiday falls on a Sunday, the following Monday generally will be observed as a holiday.
3. If an employee is on an authorized paid leave on the date when a holiday is observed, the holiday will be paid as holiday leave and not charged against the employee’s authorized paid leave.
4. Non-exempt employees who work on any of the holidays listed in **D.5 (B)** below other than Thanksgiving Day, Christmas Day or New Year’s Day will be paid their regular eight hour holiday pay, plus, one and one-half times their regular hourly rate for each hour worked. Employees assigned to work a holiday are not eligible for Call-Back pay until the regular eight-hour shift (8:00 a.m. to 4:30 p.m.) has been completed.
5. Non-exempt employees who work on Christmas Day, Thanksgiving Day or New Year’s Day will be paid their regular eight hour holiday pay, plus, two times their regular hourly rate for each hour worked. Employees assigned to work a holiday are not eligible for Call-Back pay until the regular eight-hour shift (8:00 a.m. to 4:30 p.m.) has been completed.

D.5 (B): Holidays

The following days will be recognized as paid holidays:

New Year’s Day

Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

D.6: Floating Holidays

Full-time employees receive five (5) days designated as floating holidays on January 1st. Part-time employees do not receive floating holidays. Employees may accrue up to a maximum of ten days accrued floating holidays. Each January 1st, employees who have accrued more than the maximum shall be paid the number of excess days/hours at their current hourly rate.

Employees must receive prior approval from their supervisor before using floating holidays. Floating holidays will be scheduled in accordance with the District's work needs.

D.7: Educational Assistance

Regular full-time employees of the District are encouraged to pursue educational opportunities which are related to their present work, or which will prepare them for potential advancement opportunities within the District.

The District has the sole discretion in determining whether to reimburse employees for courses. The District may elect to reimburse courses of study based on the following guidelines:

1. Qualified classroom education and non-classroom education (e.g., e-learning, distance learning) are reimbursable under this policy.
2. To be eligible for reimbursement of course costs, the employee must receive advance written approval for the class(es) from the District Manager. Requests for reimbursement must be submitted in writing.
3. A class may be eligible for reimbursement pursuant to this policy if the District Manager determines at his or her discretion that the class is:
Related to the employee's present work assignment or that it will prepare him/her for future foreseeable opportunities within the District. The District Manager will determine that the class provider is an accredited or otherwise qualified provider of the educational training classes. Such classes may be taken individually and need not be directed toward a degree or certificate.

4. The District may reimburse up to the entire costs of tuition and required class materials if the employee received a grade of A or B for the class(s). Reimbursement eligibility for classes which do not grant traditional letter grades are subject to District Manager review and approval.
5. The District may reimburse for up to one-half (1/2) of the cost of tuition and required class materials if the employee received a grade of C, or pass for the class(s).
6. No reimbursement to employees who fail or receive a grade below C for the class(s).
7. The total amount of reimbursement, which will be paid to an employee, is limited to \$2,000.00 in any calendar year and may be subject to reduction or withdrawal at any time based on District budgetary requirements. FLSA Exempt Employees (Management) may be eligible to exceed the \$2,000 limit in any calendar year if enrolled in a program of post-secondary education courses designed to result in obtaining an advanced degree in a work related field such as; public administration, business administration, engineering, etc., and have entered into a "Student Loan Agreement" with the District approved by the District Manager.
8. Upon completion of the class(s), the employee is responsible for sending copies of the grade slip(s) and expense receipt(s) to the District Manager.
9. The employee will be notified of final approval, or the reasons for disapproval, of his/her request for reimbursement.

D.8: Medical, Dental, Long Term Disability, Life and Accidental Death and Dismemberment Insurance

The District provides a variety of insurance plans, which are briefly described below, to eligible employees.

D.8 (A): Medical, Dental and Vision

The District pays the minimum coverage required by law toward active employees' medical insurance coverage, as adjusted from time to time. In addition, the District will offer an IRC Section 125 Cafeteria Plan to its eligible employees to assist in the costs of medical, dental and vision monthly premiums based on the level of the employee's medical plan enrollment. See the following table below:

<u>Enrollment Level</u>	<u>Effective 1/1/17</u>	<u>Effective 1/1/18</u>	<u>Effective 1/1/19</u>
Not Enrolled*	\$200.00	\$200.00	\$200.00
Employee Only	\$1,050.00	\$1,075.00	\$1,100.00

Two-Party	\$2,050.00	\$2,125.00	\$2,200.00
Three or more	\$2,300.00	\$2,450.00	\$2,600.00

Note: Any non-enrolled employee as of July 1, 2012 will continue to receive payment amount in effect prior to 1/1/13.

Flexible Spending Account plan: Effective January 1, 2013 the District will modify the existing cafeteria plan or adopt a separate Flexible Spending Account plan, as it determines best serves the Districts administrative requirements, to permit members of the bargaining unit to use pre-tax dollars to pay for qualified dependent care expenses and qualified uninsured medical expenses. Limits for each type of account will be subject to applicable state and federal law.

Medical insurance coverage and plans are provided to eligible employees through the Public Employees' Retirement System ("PERS"). Medical premiums are subject to change each calendar year on January 1st and remain in effect for 1 calendar year.

Dental and Vision coverage is also provided to eligible employees. Information regarding dental and vision coverage may be obtained from the Administration Department.

All monies used for actual insurance premiums shall be pre-tax dollars. If an employee does not use the entire allotment, the employee will receive the unused portion as additional pay subject to taxes and reporting on the employee's W-2 forms. If an employee's premiums for medical, dental and vision insurance coverage exceeds their monthly amount of the Cafeteria Plan, the overage will be withheld from the employee's paycheck.

Eligibility for medical, dental and vision coverage begins for all eligible employees on the first of the month following date of hire. If the date of hire falls on the first of the month, dental and vision coverage is effective on the date of hire.

D.8 (B): Long Term Care

Long term (nursing home and assisted living) care plans are not currently available through CalPERS. However, should CalPERS allow enrollment in the future, eligible employees may enroll with premiums paid through payroll deductions to CalPERS.

D.8 (C): Long Term Disability Insurance

Long-term disability insurance is available to eligible employees. Long-term disability benefits become effective on the ninety-first day of disability. The monthly benefit is an amount equal to 66-2/3% of base monthly salary not to exceed a maximum monthly benefit of \$7,000, subject to the terms, conditions and limitations of such particular program or insurance policy.

Long-term disability may be coordinated with any other disability benefits received by the employee. The maximum monthly benefit shall not exceed the amount the

employee was earning when the disability started. The District pays the premium for the employee; the total amount is reported as income on the employee's W-2 form.

D.8 (D): Short Term Disability Insurance

Short-term disability insurance is available to eligible employees. The District funds the program. An employee who is unable to work due to injury or illness for more than thirty days is eligible to receive full base salary from the thirty-first day of disability to the ninetieth day of disability.

D.8 (E): Life and Accidental Death and Dismemberment Insurance

The District pays for premiums on life and accidental death and dismemberment policies. Full-time and part-time employees are eligible for this coverage on the first of the month following date of hire. Coverage equals 1.5 times the employee's annual base salary, subject to a maximum of \$300,000, subject to the terms, conditions and limitations of such particular program or insurance policy.

The tables below summarize benefits schedules detailed in this policy;

Disability Leave Benefit Schedule

Leave Period	Leave Type	Who pays	Amount of Employee Benefit
1-30 days	Sick leave, Vacation, Floating Holiday	Employee paid leave bank	100% pay
31-90 days	STD	District paid	100% pay
91+ days	LTD	District paid	66.67% pay

Disability Leave—Other Benefit Continuation

Period	Health	Life	Dental	Vision	Paid time Accrual (sick leave, vacation, holidays)
1-30 days	Continued; usual cost split (Employer-employee)	Continued; District paid	Continued; usual cost split	Continued; usual cost split	Accruals continue
31-90 days	Continued; usual cost split	Continued; District paid	Continued; usual cost split	Continued; usual cost split	No accruals
91+ days	Employee paid after 2 nd month after	Continued; premium waived	Employee paid	Employee paid	No accruals

	91 st day				
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D.9: PERS Retirement Plan

The West Bay Sanitary District is a participant in PERS, which is administered by the State of California. PERS is the District’s primary retirement program.

D.9 (A) Pension Formula

1. For employees hired before July 1, 2012, the District will continue to contract with the California Public Employee Retirement System (CalPERS) to provide such employees with benefits under the “2.5% at age 55” pension formula. The District may continue to apply the 2.5% at age 55 pension formula to employees hired on or after July 1, 2012 until a new pension formula is implemented for new hires as set forth in paragraph 2 immediately below.
2. For employees hired on or after July 1, 2012, the District will contract with CalPERS to provide such employees with the “2% at age 60” pension formula. The District will implement the 2% at 60 formula effective July 1, 2012 except that it may implement that formula at later effective date to the extent the District deems such delay necessary to ensure conformity with law and the needs of efficient administration.
3. For purposes of the pension formulas under paragraphs 1 and 2 above final compensation will be determined as provided under Government Code §20037 (The retirement formula is 2.5% at 55 based on an average of the final 3 years of employment compensation or any consecutive 36 months during the member’s employment that the base pay, including other reportable compensation, is at the highest average; and is subject to the terms, conditions, and limitations of the PERS program.).

D.9 (B): Pension Contributions

1. Effective July 1, 2015 employees will commence paying 5% of the CalPERS employee contribution (currently 8% of earnable compensation as defined by law) in addition to those contributions required of employees as provided by paragraph 6 immediately below.
2. Effective July 1, 2016 employees will commence paying 6% of the CalPERS employee contribution (currently 8% of earnable compensation as defined by law) in addition to those contributions required of employees as provided by paragraph 6 immediately below.
3. Effective July 1, 2017 employees will commence paying 7% of the CalPERS employee contribution (currently 8% of earnable compensation as defined by law) in addition to those contributions required of employees as provided by paragraph 6 immediately below.
4. Effective July 1, 2018 employees will commence paying 8% of the CalPERS employee contribution (currently 8% of earnable compensation as defined by

law) in addition to those contributions required of employees as provided by paragraph 6 immediately below.

5. The District will pay 9.081% of earnable compensation, as defined by law, toward the required CalPERS employer contribution in addition to those contributions required of the District as provided by paragraph 5 below.
6. In addition to those contributions required of the District under paragraph 4 above, the District shall contribute any required additional CalPERS employer contribution in excess of 9.081% of earnable compensation, as defined by law, up to an additional two percent (2%) of earnable compensation (i.e. a total of 11.081%), Any further increases shall be shared equally by employees and the District. Increased employee contributions will be paid either by payroll deduction or, if such deduction is prohibited by law, by a reasonably determined equivalent cost offset against the wage schedule.

If the required employer contribution then falls below 11.081% the funds that would have been dedicated to pay up to the previously mentioned 2% increase would be allocated to a retirement stabilization fund to be used to offset future retirement contribution increases.

The District does not participate in the Federal Social Security system. However, all employees hired after January 1, 1987 are required to participate in the Medicare insurance system. The District makes a deduction from each employee's pay check for the Medicare contribution.

D.10: PERS Survivor Benefit Plan

The District contracts with the Public Employee Retirement System to provide Survivor Benefits to dependents of employees who die before retirement. The benefit is provided at no cost to the employee. The survivor benefit provides a monthly taxable allowance which is payable in addition to any other pre-retirement death benefit paid by CalPERS.

The number of survivors determines the monthly allowance. Additional information on this benefit may be obtained from the District Administration Offices.

D.11: Employee Assistance Program

The Employee Assistance Program (EAP) is a benefit provided at the District's expense to all employees of the District. The program is designed to provide assessment, referral and counseling in a confidential and professional environment.

Use of the program is limited to three appointments during the period January 1 through June 30 and three appointments during the period July 1 through December 31 in each calendar year.

An Employee Assistance Counselor may recommend referral to other health care providers and will discuss with each employee the coverage for such services afforded under the employee's individual health care plan. The employee is solely responsible for

any costs incurred as the result of such referrals and should consult with their health care provider to determine the coverage available to themselves or family members.

All services provided by the Employee Assistance Program are strictly confidential and will not be disclosed to the District. Subject to the appointment limitations stated above, the EAP is available to both the employee and their eligible dependents (spouse/ registered domestic partner or dependent children.)

D.11 (A): District Referral

The District Manager may, at his sole discretion, refer an employee to the Employee Assistance Program. The employee shall be encouraged to sign a release to notify the District that the appointment was made and kept. No other information shall be disclosed to the District without the employees' written consent.

D.12: Deferred Compensation

Employees may participate in any deferred compensation plan offered by the District. Employees may designate the amount of pre-tax dollars to be deducted from their paychecks. The IRS establishes the maximum contribution and the amount is subject to a possible increase each year.

The District will provide matching contributions for unrepresented employees at a one (1) to three quarters (0.75) ratio to a maximum of 2% of salary. I.E. If an employee contributes 2.667% of their salary to a 457 Deferred Compensation plan the District will contribute 2% of salary equivalent to the employee's 457 Deferred Compensation plan.

D.13: Leaves of Absence

D.13 (A): Absence Request Form

Employees must use the District's standard Absence Request Form to request time off for any of the following types of absences:

- a. Vacation Leave
- b. Floating Holiday Leave
- c. Compensatory Time Leave
- d. Sick Leave
- e. Medical Leave
- f. Pregnancy Leave
- g. Jury/Witness Leave
- h. Bereavement Leave
- i. Leave Without Pay
- j. Military Leave

Scheduling of leave-vacation, floating holiday or compensatory time leave- may be done up to one year in advance. After a scheduled leave is approved, the District will make every effort to honor that request. However, should the needs of the District later require the services of the employee during the period of approved leave, the District

may need to cancel or reschedule all, or a portion, of the previously approved leave. Medical and pregnancy leave requests are governed under sections D.13 (B) (2) and D.13 (B) (1) below.

Employees are to fill out the Absence Request Form as completely as possible, and sign it. In the case of sick leave, the employee must indicate if the absence is for a doctor's appointment, dentist appointment, or an illness; and whether it is for the employee, or an immediate family member. Absence Request Forms are to be submitted to the employee's supervisor at least one week before the requested leave, except in cases of emergency or other unanticipated absences. In these instances, the forms must be submitted at the earliest possible opportunity. Absence Request Forms for sick leave due to illness are to be submitted to the employee's supervisor during the first workday upon returning to work.

D.13 (B): Leaves of Absence

D.13 (B)(1): Sick Leave

1. Sick leave may be used only in the event of an illness, dentist or doctor appointment or non-industrial injury of the employee, or of the employee's family member (child, parent, spouse or registered domestic partner, grandparent, grandchild, or sibling.) Up to one-half of the employee's annual sick leave accrual may be used to care for a sick or injured family member, or for a dentist or doctor appointments of the family member (per Healthy Workplaces/Healthy Families Act of 2014 – Paid Sick Leave).
2. As a condition of approval of sick leave for any employee, the District may require verification of the reason for which the sick leave is requested. After an employee has used sick leave, the District may request verification of the reason for the taken sick leave. Use or attempted use of sick leave when an employee is not entitled to use sick leave will result in disciplinary action up to and including discharge.
3. In order to apply for sick leave use, an employee shall notify the appropriate immediate supervisor prior to the beginning of the employee's work day whenever possible and in no case later than one (1) hour after the time established as the beginning of the employee's work day, unless the employer determines that the employee's duties require more restrictive reporting. Failure to do so without good reason shall result in that day of absence being treated as leave of absence without pay and may lead to disciplinary action.
4. An employee may use his/her accrued vacation or floating holiday leave for sick leave when his/her sick leave is depleted.
5. If the employee is absent on sick leave for more than one (1) day, the employee will keep the immediate supervisor informed as to the date the employee expects to return to work.

D.13 (B)(1)(i): Accrual

Full-time employees will accrue sick leave at the rate of one day (8 hours) per elapsed month of service. Employees do not accrue sick leave when they are on short-term or long-term disability leave. Employees hired before July 1, 2012 may accumulate unused sick leave without limit. Employees hired on or after July 1, 2012 may not accumulate in excess of four hundred eighty (480) hours. If such employee's accumulated sick leave balance reaches that amount, he or she will no longer accrue sick leave until his or her balance falls below four hundred eighty (480) 480 hours.

Effective July 1, 2012 accumulated unused sick leave is not compensable upon termination and ceases to exist at that time.

Temporary, Part-Time, or seasonal employees who work more than thirty (30) days in a year, will accrue sick leave at the rate of one hour (1 hour) per thirty (30) hours worked beginning the first date of employment or July 1, 2015, whichever is later per State law. A Temporary, Part-Time, or seasonal employee's use of sick leave will be limited to 24 hours or three days during a calendar year (per Healthy Workplaces/Healthy Families Act of 2014 – Paid Sick Leave). Temporary, Part-Time, or seasonal employees will be limited to total accrued paid sick leave of no more than 48 hours or six days.

Employees hired on or before June 30, 2012 may within sixty (60) days after the date the WBSD-IBT MOU is adopted by the District Board, elect to cash out any sick leave in their balance in excess of four hundred eighty (480) hours as of June 30, 2012 or the date the WBSD-IBT MOU takes effect, whichever is later, applying the following two step formula:

1. Employee's straight time base hourly wage rate as of July 1, 2012 multiplied by the number of hours in excess of four hundred eight (480) = N1.
2. $N1 \times 0.75$ (75%) = gross payment amount.

In accordance with the foregoing formula, the District will pay the eligible employee who elects such cash out a one-time lump sum payment equal to the seventy-five percent (75%) of the value of the excess accumulation, calculated at the employee's base straight time hourly wage rate as of July 1, 2012. Hours cashed out as provided in this paragraph are rendered null and void by such payment and will be removed from the employee's balance. The District will make such payment within thirty (30) days after the close of the sixty (60) day election period set out above.

Pursuant to California Government Code Section 20965, the District will report to CalPERS the balance of any remaining accrued but unused sick leave for an employee whose effective date of retirement is within four months of separation from employment with the District for purposes of calculating the employee's years of service credit.

D.13 (B)(2): Medical Leave

Any regular or part time employee who, for medical reason, is temporarily unable to work may request in writing a medical leave of absence. The District Manager will evaluate the request based on the circumstances involved, the anticipated duration of the leave, and the needs of the District. Such period will not exceed six (6) months.

A medical leave of absence is unpaid except that an employee who is granted a medical leave of absence must utilize any accrued sick leave and thereafter, accrued vacation or holiday leave, during the period of his/her sick leave. The employee also may be eligible for the District's short-term and long-term disability plans, as well as any disability retirement benefits under PERS. Any portion of a leave that occurs after all sick, holiday, vacation, short term and long term disability benefits have been exhausted will be without pay.

Health insurance benefits ordinarily provided by the District, and for which the employee is otherwise eligible, will be continued during the period of short term disability until the last day of the second month, following the 91st day of disability. The cost of dependent coverage normally borne by the employee will remain the sole responsibility of the employee. The employee should make arrangements with the office to pay for the costs of such coverage before the leave begins.

Life/Accidental Death/Dismemberment Insurance for which the employee is otherwise eligible, will be continued during the period of disability up to a maximum of Ninety [90] days. The carrier waives premiums for these benefits when the employee's disability exceeds 90 days.

Dental and vision insurance benefits ordinarily provided by the District, and for which the employee is otherwise eligible, will be continued during the period of disability until the last day of the month in which the 91st day of disability occurs.

Sick, holiday and vacation leave will not accrue while an employee is on a disability leave in excess of thirty (30) days.

An employee who requires a leave of absence for medical reasons must make a request to the District Manager in writing explaining the need for such a leave. The employee must provide at least 30 days advance notice before the date the leave will begin if the need for the leave is foreseeable. If the employee learns of the need for a leave less than 30 days before the date the leave must begin, the employee must provide as much advance notice as practicable. The notice must specify that a need for a medical leave exists, the date such leave will begin, and the expected duration of the disability. The notice must be accompanied by a medical certification from a health care provider that verifies the existence of the medical condition, the anticipated duration of the leave, and the dates the leave is expected to begin and end. An employee who requests such a leave may be required to provide additional medical certification from time to time thereafter in order to provide updated information regarding the employee's condition. Before returning to work from a medical leave of absence, an employee must

provide a written verification from the employee's health care provider that indicates that he/she is fit to return to work and articulates specific restrictions regarding employee physical capabilities.

Although the District is unable to guarantee reinstatement, an employee who returns to work within twelve (12) months of commencement of the leave of absence with a release to full duties will be returned to his/her former position, if available, provided that a written medical statement verifying ability to perform the physical requirements of the job is presented. If such position is not available, the employee will be offered another position for which the employee is qualified, if one is available. Such an employee will be credited with all service on paid leave status prior to the commencement of his/her disability, but not for the leave without pay.

Requests for extensions of a leave of absence will be considered if they are received by the District Manager in writing before the expiration of the approved leave, are supported by proof of continued medical need as supported by a certification by a health care provider, and request extensions that do not cause the total period of absence to exceed six months. An employee who fails to report for work immediately following the expiration of an approved leave will be deemed to have voluntarily resigned.

D.13 (B)(3): Modified Duty Policy

A. Purpose. The purpose of the District's Modified Duty Policy is to encourage and motivate employees to return to work as quickly as possible while recuperating from both work-related and non-work related illnesses or injuries. Coordination between medical personnel and the District can often lead to modified duty which, if properly evaluated and monitored, may speed the employee's recovery while minimizing disruptions to the District's operations/administration that may otherwise occur when employees are absent due to work-related injuries or illness.

B. Procedure.

1. The District will require that the injured employee's physician complete a "Modified Duty Status" form upon the initial doctor's visit and upon each subsequent follow-up visit. This form will provide the District with a guide to determine whether a modified duty assignment is appropriate.

2. It will be the responsibility of the employee to secure the completed "Modified Duty Status" form and to keep his or her supervisor informed as to the time and date of his or her next scheduled doctor's visit.

3. The District will endeavor to accommodate employees and provide work that will fit within the constraints specified by the physician. If a limitation or constraint is unclear or ambiguous, the District will err on the side of employee health and safety regarding assignment of specific duties. Employees will not work overtime while on Modified Duty.

4. Employees on modified duty status must keep all scheduled medical appointments, and must be re-evaluated as to their modified duty status at least once per month.

5. Participation in the modified duty program is conditional upon the employee's continued medical progress toward recovery and return to regular duties. In the event the employee reaches a stationary condition a medical determination will be made as to whether the employee can return to his or her former position or whether alternative employment opportunities may be considered. As the modified duty program is intended as an interim measure, there will be a review of progress toward return to regular duties no later than six months after the employee enters the program.

6. If, at the 6 month review a determination is made that permanent accommodation will be required, the District will engage in an iterative process with the employee regarding the feasibility of reasonable permanent accommodations. The District will make the final decision as to what, if any, reasonable accommodation will be provided.

D.13 (B)(4): Pregnancy-Related Leave

D.13 (B)(4)(i): Eligibility and Leave Purposes

An employee who is disabled due to pregnancy, childbirth, or a related medical condition is eligible to receive the same benefits as defined in Section **D.13 (B)(2): Medical Leave** except that an employee may request additional leave to extend the total time off to a period not to exceed four months.

An employee is "disabled" if, in the opinion of her health care provider, she is unable, due to pregnancy, to work at all or is unable to perform any one or more of the essential functions of her job or to perform these functions without undue risk to herself, the successful completion of her pregnancy, or to other persons.

Employees who are not eligible for Short or Long-Term Disability payments may use any accrued sick, holiday or vacation leave during the period from the last day of the end of the four-month pregnancy leave, if no accrued leave is available, the leave shall be unpaid.

D.13 (B)(4)(ii): Duration of Leave

The duration of the pregnancy disability leave will be determined and verified by her health care provider, and may extend up to four months.

Leave may be taken intermittently or on a reduced work schedule if the employee's health care provider determines that it is medically advisable for the employee to take such leave. Intermittent leave may also be taken for prenatal care appointments and for morning sickness.

D.13 (B)(4)(iii): Transfer/Accommodations

If an employee requests intermittent leave or reduced schedule leave that is foreseeable based on planned medical treatment, the employee may be transferred to an alternative position for the duration of the leave (unless the employee's health care provider disapproves for medical reasons).

In addition, an employee may request a transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties. Such a request must be based on the certification of the health care provider that the transfer is medically advisable and will be granted if the transfer can be reasonably accommodated.

In addition, an employee may request a reasonable accommodation, with the advice of her health care provider when the accommodation is needed due to pregnancy, childbirth or related medical conditions.

D.13 (B)(4)(iv): Use Of Accrued Paid Leave

The District's short-term and long-term disability programs cover pregnancy disability leave. See Section **D.13(B)(2): Medical Leave**. Employees may use accrued sick, vacation and holiday leave during otherwise unpaid portions of pregnancy leave, at their option.

D.13 (B)(4)(v): Certifications

An employee requesting pregnancy disability leave must obtain certification from her health care provider of her pregnancy disability and/or the medical advisability for a transfer.

As a condition of an employee's return from pregnancy disability leave, the employee must provide a certification from her health care provider verifying that she is able to return to work.

D.13 (B)(4)(vi): Benefits And Seniority

Employees taking a pregnancy disability leave are eligible for employer-provided health insurance and applicable employee benefit plans to the same extent as that benefit is provided for employees taking other types of medical leave as defined in **D.13 (B)(2): Medical Leave**. Employees may choose to continue other benefits at their expense.

D.13 (B)(5): Family Care and Medical Leave

D.13 (B)(5)(i): Family Medical Leave Act and California Family Rights Act

Employees are eligible for unpaid leave pursuant to the federal Family Medical Leave Act and the California Family Rights Act as the result of the District being a political subdivision of the State of California and a public agency regardless of the number of employees under FMLA.

The Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) allow an employee to take a unpaid leave for the birth of a child for purposes of bonding, for placement of a child in the employee's family for adoption or foster care, for the "serious health condition" of the employee's child, parent, spouse or registered domestic partner, and for the employee's own serious health condition.

Leave under the FMLA and CFRA may total up to 12 workweeks in a 12-month period (Calendar Year). It does **not** need to be taken in one continuous period of time.

"Serious health condition" means illness, injury (including on-the-job injuries), impairment, or physical or mental condition of the employee or a child, parent spouse or registered domestic partner of the employee that involves either:

- In-patient care (i.e., an overnight stay) in a hospital, hospice, or residential health care facility; or
- Continuing treatment or supervision by a health care provider

To be eligible for FMLA/CFRA leave, an employee must be either a full-time or part-time employee working in California, have more than 12 months (52 weeks) of service with the employer, and have worked at least 1,250 hours in the 12-month period before the date the leave begins.

The District is not required to pay an employee during a FMLA/CFRA leave except when an eligible employee elects, or the District requires, the employee to use any accrued vacation time or other accumulated paid leave other than accrued sick leave.

However, if the FMLA/CFRA leave is for the employee's own serious health condition, the employee may elect or the District may require the employee to use any accrued vacation time or other accumulated paid leave, including any accrued sick leave. Additionally, the employee may elect to use accrued sick leave for any other reason mutually agreed to by the District.

The District will continue to provide Cafeteria Plan Benefits during an employee's FMLA/CFRA leave. This obligation commences on the date leave first begins. The obligation continues for the duration of the leave(s), up to a maximum of 12 work weeks in a 12-month period.

During the period of FMLA/CFRA leave, the employee is entitled to accrual of seniority and to participate in employee benefit plans, including life, short-term or long-term disability or accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to any other leave granted by the District for any reason other than FMLA/CFRA leave.

At the end of an employee's period(s) of pregnancy disability leave, an employee may request a FMLA/CFRA leave of up to 12 workweeks for reason of birth of her child if the child has been born by this date. There is no requirement that either the employee or

child have a serious health condition nor is there a requirement that the employee no longer be disabled by her pregnancy, childbirth, or related medical condition before taking FMLA/CFRA leave for reason of birth of her child.

The basic minimum duration of a FMLA/CFRA leave is two weeks when the leave is taken for the birth, adoption, or foster care placement of a child. However, the District shall grant a request for leave of less than two weeks duration on any two occasions within one year of the qualifying event. In addition, leave taken for the birth, adoption, or foster care placement of a child must be completed within **one year** of the qualifying event.

Where FMLA/CFRA leave is taken for the serious health condition of a parent, child, spouse or registered domestic partner or for the serious health condition of the employee, leave may be taken intermittently or on a reduced-work schedule when medically necessary, as determined by the health care provider of the person with the serious health condition.

D.13 (B)(6): Workers' Compensation Leave

D.13 (B)(6)(i): Eligibility

An employee who in the performance of his or her District job duties incurs a job related injury or illness that qualifies the employee for Workers' Compensation temporary disability benefits (i.e. a "compensable claim") will be placed on Workers' Compensation leave. FMLA and CFRA entitlements will run simultaneously with such leave. An employee who is injured or suffers an illness on the job must report the injury or illness immediately to his or her supervisor. If another employee learns of the injury or illness and that the injured or ill employee is unable to report the condition, the other employee shall immediately report the illness or injury to his or her supervisor.

D.13 (B)(6)(ii): Certification

The method and requirements for verification of the basis for the Workers' Compensation leave shall be as allowed or required pursuant to the State of California's Workers' Compensation laws. Medical certification that the employee is released and able to return to work and perform the essential tasks of his or her regular position without limitation or with limitations that the District can reasonably accommodate pursuant to the District's Modified Duty Policy (D.13(B)(3)) is required before the employee will be permitted to return.

D.13 (B)(6)(iii): Duration

The employee will be retained on work-related medical leave status until one of the following circumstances occurs:

1. The employee is released to work with no restrictions;

2. The employee is released to work with some restrictions, and work is offered by the District, which is consistent with those restrictions;
3. Medical evidence establishes that the employee is permanently unable to return to usual duties; or
4. The employee informs the District of the intent not to return to work (either by directly communicating this intent to the District or by actions inconsistent with intent to return, such as moving out of the area or accepting other employment).

An employee returning to work must provide the District with reasonable advance notice of release to return. The employee must also provide a health care provider's statement indicating fitness to perform the former duties. An employee returning to work will be returned to the former position, if available. If such position is not available, the employee will be offered another position for which the employee is qualified, if one is available.

D.13 (B)(6)(iv): Benefits

Employees sustaining a job-related injury or illness may be entitled to a combination of benefits from any accumulated paid leave, the District's workers' compensation carrier, and the District's short-term and long-term disability plans. These benefits, if any, will be paid in accordance with the provisions of the benefit's respective plans. In no event will the benefits received by the employee exceed his/her regular rate of pay as of the date of the job-related injury or illness.

Benefits such as vacation and sick leave will not accrue while on a workers' compensation leave. Medical insurance premiums while on leave will be treated in the same manner as with other medical leaves of absence.

D.13 (B)(6)(v): Use of Accrued Leave

Vacation, holiday and sick leave benefits, which the employee uses during the leave, will be coordinated with workers' compensation benefits; such that the total amount received by the employee will not exceed his/her regular wages.

D.13 (B)(7): Bereavement Leave

If an employee's immediate family member (child, parent, spouse, or registered domestic partner) dies, the employee will be granted up to three (3) days of paid funeral leave to arrange for and attend the funeral or memorial service. The District Manager may also approve the employee's use of accumulated compensatory time off, vacation or holiday time to attend to estate related matters.

D.13 (B)(8): Jury and Witness Duty

An employee summoned for jury or witness duty must immediately notify the District Manager, and provide him/her a copy of the documentation verifying the duty. While serving on a jury or as a witness, the employee will be given a paid leave of absence for the duration of the duty. The District will continue paying for benefits, vacation and sick leave will continue to accrue. The employee must return to work each day upon dismissal from duty to complete his/her remaining normal workday, if feasible.

D.13 (B)(9): Military Leave

The rights of an employee who is a member of the U.S. Armed Forces called to perform required military duty, including but not limited to compensation, benefits, seniority, and rights of return, shall be governed by applicable state and federal law.

D.13(C): Miscellaneous Leaves

Employees may occasionally need time off to address certain matters that are regulated by law. The District will comply with its legal obligations to provide employees time off, where necessary, to perform military duty or fulfill other commitments. Time off that is provided under this policy will ordinarily be unpaid except where the law requires that the time be paid.

SECTION E: Amendments

These personnel policies may be amended at any time by the District Board, with or without advance notice to employees, subject to any obligation to meet and confer with any recognized bargaining unit. Employees will be provided a copy of any amendments.