

  
Office of General Counsel

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

CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MAIN WASTEWATER TREATMENT PLANT LAND USE MASTER PLAN, MAKING FINDINGS, APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING THE MASTER PLAN

Introduced by Director \_\_\_\_\_ ; Seconded by Director \_\_\_\_\_

WHEREAS, the East Bay Municipal Utility District (District) Main Wastewater Treatment Plant (MWWTP) site in the western portion of the City of Oakland consists of an existing 48-acre site along with a newly-acquired adjacent 15.9-acre property; and

WHEREAS, EBMUD has determined that it is desirable to have a high-level planning tool that will guide development of the existing and newly-acquired property at the MWWTP; and

WHEREAS, EBMUD has developed the MWWTP Master Plan (Master Plan or Project) to guide development of the site and coordinate near-term land uses with potential plans for future expansion to maintain an efficient plant layout and minimize building demolition and facility relocation; and

WHEREAS, the District mailed public notices announcing a public meeting and the Notice of Availability of the Draft EIR on the Master Plan to West Oakland neighborhood groups, as well as regional and local agencies; and

WHEREAS, the Draft EIR on the Master Plan was completed by the District and circulated for review on February 7, 2011 for a 49-day comment period in accordance with CEQA regulations and was made available through the District's website and mailings to responsible agencies, owners and occupants of property contiguous to the project site, and those requesting notification; and

WHEREAS, as part of the District's public information efforts on the Master Plan and near-term projects included within the Master Plan, the District held one public meeting in the City of Oakland during the comment period to receive verbal and written comments from interested parties upon the Master Plan and the Draft EIR; and

WHEREAS, a Final EIR was prepared by the District, which includes responses to the three comments on the Draft EIR received by the District during the public comment and clarifications; and

WHEREAS, the Final EIR was sent to public agencies and transmitted to the Board on June 9, 2011; and

WHEREAS, District staff has prepared a detailed Mitigation Monitoring and Reporting Program (MMRP) attached hereto as Exhibit B and incorporated by this reference into the Resolution; and

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

1. The Final EIR, which includes the Draft EIR, has been presented to the Board of Directors. The Board has reviewed and considered the information contained therein prior to approving the Master Plan, and the Final EIR reflects the Board's judgment and analysis.
2. All proceedings of the environmental review process, including the Draft and Final EIR and all required notices, have been conducted and completed in accordance with CEQA, the CEQA guidelines, and all other applicable laws, regulations, and procedures.
3. The potential environmental impacts of the Master Plan are fully disclosed in the Draft EIR and Final EIR, and the Draft EIR and the Final EIR are adequate for use by the District for approval, design and construction of the Project.
4. The documents and material constituting the record of the proceeding are located at the District's administrative offices, 375 - 11<sup>th</sup> Street, Oakland, CA 94607. The custodian of said records is the Secretary of the District.
5. No substantial change in circumstances has occurred since preparation of the Draft EIR and Final EIR which would require revisions to the Draft EIR and Final EIR due to the discovery or disclosure of new significant impacts not covered in the Draft EIR and Final EIR, and there is no requirement to re-circulate the Draft and Final EIRs.
6. Public consultations conducted prior to completing the Final EIR have been a valuable component of the planning process, and these public efforts, which are described in detail in the EIR, allowed the public to be informed about the Master Plan and the projects contained in the Master Plan and provide input throughout the process.
7. The Board of Directors makes findings and determinations regarding the Master Plan set forth in the Findings, attached hereto as Exhibit A, and incorporated into this Resolution by this reference.
8. The Board of Directors hereby approves, adopts, and imposes the MMRP attached hereto as Exhibit B and incorporated herein by this reference. The

mitigation measures adopted by the Board of Directors are hereby imposed as conditions of the approval of the Master Plan and projects included in the Master Plan.

BE IT FURTHER RESOLVED that the Final EIR is hereby certified as having been completed in compliance with CEQA.

BE IT FURTHER RESOLVED that the Master Plan as described in the Draft and Final EIR is hereby approved.

BE IT FURTHER RESOLVED that the General Manager is hereby directed to take such actions as shall be necessary to implement this determination to move forward with the Master Plan, subject to compliance with all mitigation measures in the MMRP.

BE IT FURTHER RESOLVED that the Secretary of the District is hereby directed to file a Notice of Determination in accordance with the law with the County Clerk of Alameda County and the with the State Clearinghouse.

ADOPTED this 28<sup>th</sup> day of June, 2011 by the following votes.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM AND PROCEDURE:

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

W:\400 GOV-MGMT\410 EBMUD BOARD\410.01 Resolutions\MWWTP Master Plan EIR Reso.doc