

RESOLUTION NO. 21-002

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT
FINDING THE PERMIT APPROVALS ASSOCIATED WITH THE COYOTE
HILLS: WELL REPLACEMENT PROJECT TO BE EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, effective January 1, 2010, the Alameda County Water District Groundwater Protection Act (“ACWD Groundwater Protection Act”) was added as Article 9.3 (commencing with Section 31142.20) to Chapter 1 of Part 5 of Division 12 of the California Water Code to provide a regional approach of regulating subsurface activities for the protection of groundwater within the cities of Fremont, Newark, and Union City;

WHEREAS, prior to the enactment of the ACWD Groundwater Protection Act, the District regulated wells, exploratory holes, and other excavations pursuant to authority delegated to the District by the Well Ordinances adopted in 1973 by the cities of Fremont, Newark, and Union City;

WHEREAS, the District may adopt, by ordinance, regulations deemed necessary or proper to carry out the ACWD Groundwater Protection Act;

WHEREAS, the District adopted Ordinance No. 2010-01 titled, “An Ordinance of the Alameda County Water District to Regulate Wells, Exploratory Holes, and other Excavation within the Cities of Fremont, Newark, and Union City” on December 9, 2010;

WHEREAS, Ordinance No. 2010-01 requires all persons performing any work regulated by the ordinance to obtain a permit issued by the District prior to the start of such work and must comply with all the conditions set forth in the ordinance, required by law, or established by the permit;

WHEREAS, the District also has “Standards for the Construction, Use, Operation, Maintenance, Repair, Inactivation, or Destruction of Wells, Exploratory Holes, Other Excavations, and Appurtenances” which were approved by the General Manager;

WHEREAS, the East Bay Regional Park District’s Coyote Hills: Well Replacement Project (Project) proposes to destroy an existing water well and install a replacement water well similar in

size, design, and capacity; and,

WHEREAS, the East Bay Regional Park District filed a Notice of Exemption for the Coyote Hills Well Replacement Project on December 17, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Alameda County Water District as follows:

1. The Board finds on the basis of the whole record that the permit approvals associated with the Coyote Hills: Well Replacement Project are exempt from the California Environmental Quality Act because the Project falls within the following exemption:

Categorical Exemption Class 2 – Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. (CEQA Regulation Section 15302(c))

2. The Board authorizes the General Manager or designee to file a Notice of Exemption for the Project with the Alameda County Clerk’s Office.

PASSED AND ADOPTED this 14th day of January 2021, by the following vote:

AYES: Directors Weed, Gunther, Huang, Sethy, and Akbari

NOES: None

ABSENT: None

/s/ AZIZ AKBARI
Aziz Akbari, President
Board of Directors
Alameda County Water District

ATTEST:

APPROVED AS TO FORM:

/s/ ANDREW WARREN
Andrew Warren, Assistant District Secretary
Alameda County Water District
(Seal)

/s/ PATRICK T. MIYAKI
Patrick T. Miyaki, General Counsel
Alameda County Water District

CERTIFICATE

I, the undersigned District Secretary of ALAMEDA COUNTY WATER DISTRICT, do hereby certify that the foregoing is a full, true and correct copy of a Resolution of the Board of Directors of ALAMEDA COUNTY WATER DISTRICT, a political subdivision, which said Resolution was duly adopted at a special meeting of said Board held on January 14, 2021, that a copy of said Resolution was forthwith duly entered in the minutes of said meeting of said Board, and that the same is in full force and effect.

Dated: January 20, 2021



Gina Markou, District Secretary
Alameda County Water District