CITY OF ALAMEDA RESOLUTION NO. _____

ADOPTING AN ADDENDUM, INCLUDING RELATED MITIGATION MEASURES, TO THE 2014 MITIGATED NEGATIVE DECLARATION FOR THE CITY OF ALAMEDA'S DREDGED MATERIAL MANAGEMENT PROGRAM FOR PW. 07-24-21

WHEREAS, on April 15, 2014, the City Council of the City of Alameda adopted Resolution 14911 adopting an Initial Study (IS) and Mitigated Negative Declaration (MND), the findings therein, and a Mitigation Monitoring and Reporting Program for the City of Alameda's ("City") Dredged Material Management Program (State Clearinghouse No. 2014022059); and

WHEREAS, the City of Alameda's Dredged Material Management Program is overseen by the Dredged Material Management Office (DMMO) Program, which is a joint program of the San Francisco Bay Conservation and Development Commission (BCDC), San Francisco Bay Regional Water Quality Control Board (RWQCB), State Lands Commission (SLC), the San Francisco District United States Army Corps of Engineers (COE) and the United States Environmental Protection Agency (EPA); and

WHEREAS, the Dredged Material Management Program outlines methods used for dredging, approved locations for dredging and appropriate disposal methods of dredged material; and

WHEREAS, the City is the Lead Agency for the Dredged Materials Management Program under the California Environmental Quality Act, Public Resources Code Section 21000 et seq. ("CEQA"); and

WHEREAS, the 2014 IS/MND project proposed removal of approximately 12,000 cubic yards of accumulated sediments from priority areas within Lagoons 1, 2, 3, 4, and 5 that affected the lagoon's water quality, wildlife habitats and the lagoon's ability to function as a stormwater detention facility; and

WHERAS, the 2024 Lagoon 5 dredging and outfall maintenance program described in City Council Staff Report No. 2024-4393 ("2024 Dredging") will remove approximately 400 cubic yards of material within Lagoon 5 around the weir structure and approximately 250 cubic yards of material from the outfall; and

WHEREAS, the target area for the 2024 Dredging was not originally identified as a priority area in the 2014 IS/MND and was not dredged in 2014;

WHEREAS, the City Council's approval of an agreement with Power Engineering Construction to execute the 2024 Dredging, together with the 2014 Dredged Material Management Program of which the 2024 Dredging is an extension, constitutes a "project" as that term is defined in CEQA Guidelines Section 15378 (the "Project"); and

WHEREAS, pursuant to Section 15164 of the CEQA Guidelines, an Addendum to a previously adopted MND may be prepared by a lead agency or a responsible agency if only minor technical changes or additions are necessary and none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent MND have occurred; and

WHEREAS, Area West Environmental, Inc. has prepared a 2024 Addendum to the 2014 IS/MND for the Dredged Material Management Program, which considers any substantial changes to the Project, circumstances, and new information of substantial importance. The 2024 Addendum, a copy of which is on file in the Public Works Department and attached to City Council Staff Report No. 2024-4393, has been prepared pursuant to the provisions of Section 15164 of the CEQA Guidelines in order to determine whether any significant environmental impacts which were not identified in the 2014 IS/MND would result from the proposed 2024 Dredging or whether previously identified significant impacts would be substantially more severe in connection with the proposed Project; and

WHEREAS, as set forth in the findings contained in the 2024 Addendum to the 2014 IS/MND for the Dredged Material Management Program, the 2024 Dredging would not result in significant environmental effects or a substantial increase in the severity of previously identified significant effects due to substantial project changes or a substantial change in circumstances beyond those evaluated in the 2014 IS/MND. Furthermore, new information does not indicate that the Project would have one or more significant effects not discussed in the 2014 IS/MND; that significant effects previously examined would be substantially more severe than shown in the 2014 IS/MND; that mitigation measures or alternatives previously found not to be feasible would in fact be feasible; or that mitigation measures or alternatives which are considerably different from those analyzed in the 2014 IS/MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative; and

WHEREAS, as further set forth in the 2024 Addendum, mitigation measures from the 2014 IS/MND will be adopted and implemented for the 2024 Dredging; and

WHEREAS, on October 2, 2024, the City Council conducted a duly noticed public hearing at which the public was provided an opportunity to comment on the Project, including the proposed 2024 Dredging and the 2024 Addendum to the 2014 IS/MND; and

WHEREAS, the City Council has carefully considered all comments received from the public regarding the 2024 Dredging and 2024 Addendum, as well as the related information provided by City staff regarding environmental review.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alameda as follows:

1. The 2024 Addendum was prepared for the 2024 Dredging in conformance with the requirements of CEQA and the CEQA Guidelines.

2. Based upon the evidence submitted and as demonstrated by the analysis included in the 2024 Addendum, none of the conditions described in Sections 15162 or 15163 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental Environmental Impact Report (EIR) or negative declaration have occurred. Specifically:

    a. There have not been any substantial changes in the Project that require major revisions of the 2014 IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

    b. There have not been any substantial changes with respect to the circumstances under which the Project is undertaken that require major revisions of the 2014 IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

    c. There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2014 IS/MND was adopted, that shows any of the following:

        i. The Project will have one or more significant effects not discussed in the 2014 IS/MND;

        ii. Significant effects previously examined will be substantially more severe than shown in the 2014 IS/MND;

        iii. Mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the proposed Project, but the Project proponent declines to adopt the mitigation measures or alternatives; or

        iv. Mitigation measures or alternatives which are considerably different from those analyzed in the 2014 IS/MND would substantially reduce one or more significant effects on the environment, but the Project proponent declines to adopt the mitigation measures or alternatives.

3. In connection with the proposed Project and City Council's review of the 2024 Addendum to the 2014 IS/MND, the City Council has independently reviewed the 2024 Addendum and has exercised its independent judgment in making the findings and determinations set forth herein.

4. Pursuant to the above findings, the City Council has determined that the 2014 IS/MND, together with the 2024 Addendum, satisfy all the requirements of CEQA and are adequate to serve as the required environmental documentation for the proposed Project and, therefore, hereby adopts the 2024 Addendum to the 2014 IS/MND for the Project, including all mitigation measures set forth therein that are within the City's responsibility and jurisdiction.

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I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 1st day of October 2024, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 2nd day of October 2024.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda