



R-10-40  
Meeting 10-12  
June 24, 2010

**AGENDA ITEM #6**

To: Board of Directors  
Open Space Authority

From: Patrick Congdon  
General Manager

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**RECOMMENDATION**

Authorization to enter into Entry and Construction Agreement with Waste Management of California, Inc. for Sierra Vista Preserve Restoration Project and Removal of the Vilas Dam.

**COST/REVENUE**

Final cost of project will be determined after review and comment by the involved regulatory agencies has been completed.

**BACKGROUND**

Since March 2006, the Authority has been working with Waste Management of California, Inc (Waste Management) to restore Sierra Vista Preserve. Waste Management is required to perform off-site mitigation as a condition of the expansion of the Kirby Canyon Recycling and Disposal Facility. Waste Management has received approval from the California Department of Fish and Game and the San Francisco Bay Regional Water Quality Control Board to perform their off-site mitigation on Authority lands.

The Board has been updated on the progress of this restoration project which will restore the historic stream channel and remove the Vilas Dam.

Vilas Dam is considered by California Department of Water Resources to be in poor condition. A slump appeared on the downstream face of the dam in 2008 which has caused concern regarding the stability of the dam. Authority staff has been maintaining the water level at approximately 1/3 capacity under the direction of the California Department of Water Resources – Division of Dam Safety.

Because the dam removal will benefit the Authority and the removal is beyond what is required of Waste Management's mitigation condition, the Authority will fund approximately 1/3 of the total cost of the project. To date biological review, engineering and site survey has been covered entirely by Waste Management.

Waste Management's staff, biological consultant and Authority staff have reviewed documents related to project compliance with the California Environmental Quality Act (CEQA) and

determined it to be Categorical Exempt under CEQA Guideline Section 15333, habitat restoration projects under five acres in size.

Staff recommends authorizing the General Manager to execute an Entry and Construction Agreement with Waste Management and certify that the restoration project is exempt from CEQA pursuant to CEQA Guideline Section 15333.

*Attachment: Resolution 10-24*