



EAST BAY DISCHARGERS AUTHORITY

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A Joint Powers Public Agency

NOTICE: Pursuant to the Governor's Executive Orders N-25-20 and N-29-20, the Regulatory Affairs Committee meeting scheduled below will be accessible via Zoom video conferencing. Members of the public may participate in the meeting through the Zoom platform or phone number below.

- Zoom link: <https://us02web.zoom.us/j/86260440932>
- Telephone dial-in: 1(669) 900-6833, meeting ID #862 6044 0932

ITEM NO. 11

REGULATORY AFFAIRS COMMITTEE AGENDA

Monday, July 12, 2021

8:30 A.M.

**East Bay Dischargers Authority
2651 Grant Avenue, San Lorenzo, CA 94580**

Committee Members: Cutter (Chair); Johnson

RA1. Call to Order

RA2. Roll Call

RA3. Public Forum

RA4. EBDA NPDES Compliance – See Item OM4
(The Committee will review NPDES Permit compliance data.)

RA5. PFAS Update
(The Committee will receive an update on the regional study of per- and polyfluoroalkyl substances.)

RA6. Update on Nature-based Solutions Projects
(The Committee will receive an update summarizing developments on wetland and horizontal levee projects.)

RA7. Motion Authorizing the General Manager to Execute the Restated and Amended Memorandum of Agreement between the San Francisco Bay Restoration Authority, Funding Entity/Entities, and the United States Army Corps of Engineers, San Francisco District
(The Committee will consider the motion.)

RA8. Adjournment

Agenda Explanation
East Bay Dischargers Authority
Regulatory Affairs Committee
July 12, 2021

Any member of the public may address the Committee at the commencement of the meeting on any matter within the jurisdiction of the Committee. This should not relate to any item on the agenda. Each person addressing the Committee should limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Committee on any agenda item should do so at the time the item is considered. Oral comments should be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available and are to be completed prior to speaking.

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at (510) 278-5910 or juanita@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are also posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.

<p>The next Regulatory Affairs Committee meeting is scheduled on Monday, September 20, 2021 at 8:30 a.m.</p>

ITEM NO. RA5 PFAS UPDATE

Recommendation

For the Committee's information only; no action is required.

Background

Per- and polyfluoroalkyl substances made substances (PFAS) are a large group of human-made substances that are very resistant to heat, water, and oil. PFAS have been used extensively in surface coating and protectant formulations; common PFAS-containing products are non-stick cookware, cardboard/paper food packaging, water-resistant clothing, carpets, and fire-fighting foam. All PFAS are persistent in the environment, can accumulate within the human body, and have demonstrated toxicity at relatively low concentrations. PFOA and PFOS, two of the PFAS compounds, were found in the blood of nearly all people tested in several national surveys.

Regulatory efforts to address PFAS have focused on drinking water in order to minimize human ingestion of these chemicals. In Aug 2019, California's Division of Drinking Water (DDW) lowered the drinking water notification levels (NLs) to 6.5 ng/L for PFOS and 5.1 ng/L for PFOA (lowest detection possible at the time). In Feb 2020, DDW also lowered the response levels (RLs) to 10 ng/L for PFOA and 40 ng/L for PFOS. Under AB756 (July 2019), DDW can order public water systems to monitor PFAS, consumers must be notified if NLs/RLs are exceeded, and water sources must be removed from service or blended/ treated if RLs are exceeded (if possible). DDW has requested that public health goals (PHGs) be developed for both PFOA and PFOS, the next step in establishing drinking water maximum contaminant levels (MCLs).

Regulators have also expressed concern about land applied biosolids, including migration of the chemicals into drinking water aquifers and uptake into food.

Discussion

In July 2020, the State Water Resources Control Board issued an investigative order requiring all wastewater treatment plants (WWTPs) to monitor for PFAS in influent, effluent, and biosolids quarterly for one year. The San Francisco Bay Region was exempted from that order in favor of conducting a regional study through the Regional Monitoring Program. In Phase 1 of the study, influent, effluent, and biosolids samples were analyzed at a select number of Bay Area WWTPs, which included Dublin San Ramon Services District, Union Sanitary District, and EBDA's combined outfall. Preliminary results have been provided to study participants, and a call to discuss the results and preliminary conclusions is scheduled for July 13, 2021. Based on the results, San Francisco Estuary Institute (SFEI), which is leading the study in collaboration with the Bay Area Clean Water Agencies (BACWA), will recommend a study plan for Phase 2, which is expected to commence this Fall. In the interim, BACWA will also be working on a set of talking points for wastewater managers and public information professionals to put PFAS results in context and explain the findings in layman's terms.

Agenda Explanation
East Bay Dischargers Authority
Regulatory Affairs Committee
July 12, 2021

In parallel, studies are ongoing nationally to investigate PFAS fate and transport in WWTPs, methods for PFAS treatment/destruction, and the potential impacts of PFAS from biosolids land application. A recent [study](#) conducted by University of Arizona investigated the impact of long-term land application of Class B biosolids on PFAS presence in soils. The study was initiated after Pima County (Tucson) had placed a moratorium on land application in January 2020. The study found that even after decades of land application, the concentration and accumulation of PFAS in soils receiving the biosolids was comparatively low, and significant attenuation of PFAS occurred near the soil surface. These results suggest that the potential for groundwater contamination is relatively small. Following this study, the County has now lifted the moratorium, and land application has recommenced.

ITEM NO. RA6 UPDATE ON NATURE-BASED SOLUTIONS PROJECTS

Recommendation

For the Committee's information only; no action is required.

Background

Wetlands, horizontal levees, and other "Nature-based Solutions" (NBS) have the potential to provide multiple benefits including water quality improvement through reduction of nutrients and contaminants of emerging concern, creation or restoration of habitat, and protection from sea level rise.

Discussion

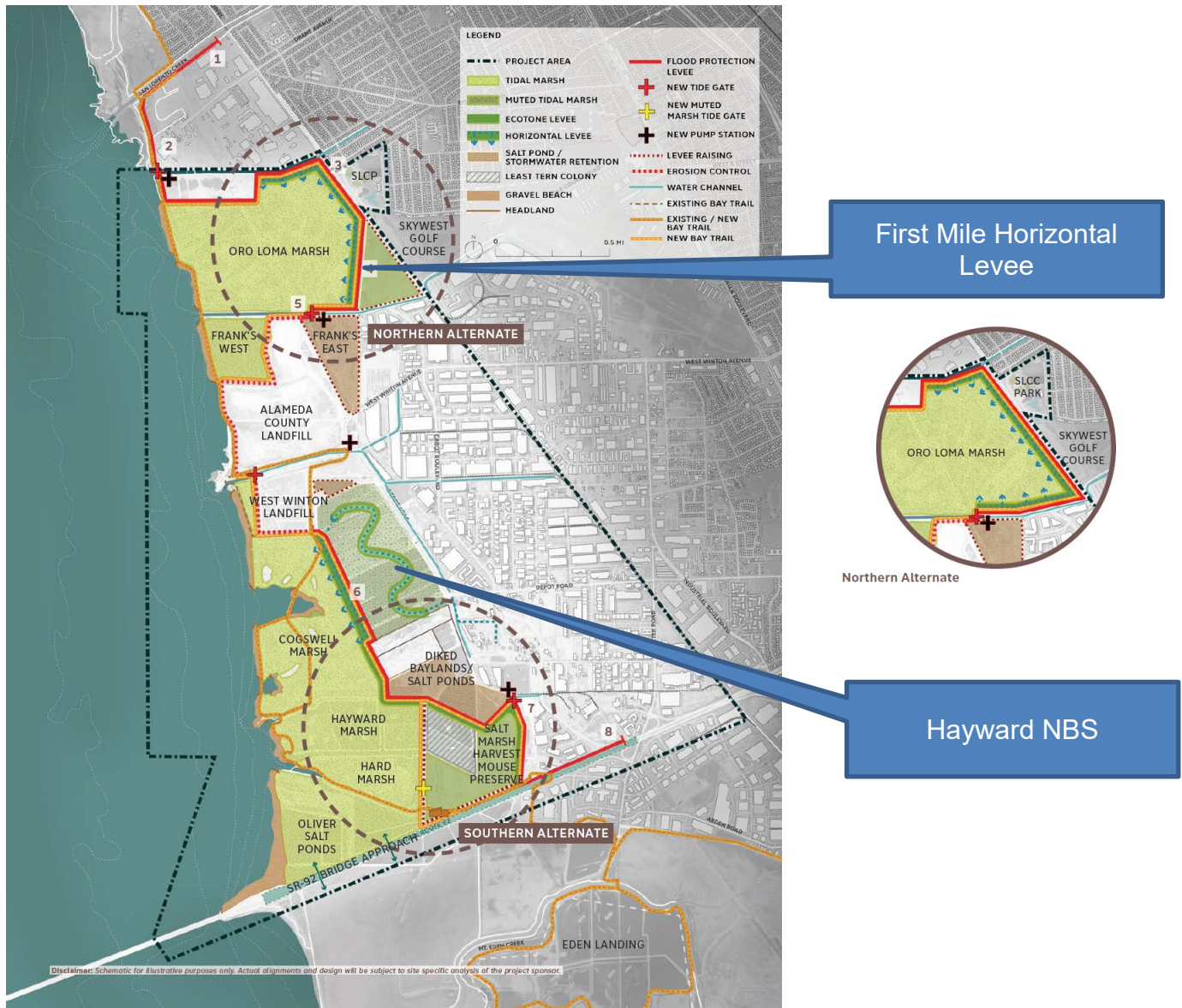
At the July 2021 Commission meeting, the Commission will receive a presentation providing status updates on the projects described below.

HASPA Shoreline Master Plan

The Hayward Area Shoreline Planning Agency (HASPA) recently completed a [Shoreline Master Plan](#) for the area between Highway 92 and Bockman Canal. EBDA staff worked closely with the HASPA team, and the preferred alternative includes projects planned as part of the Transforming Shorelines project described in the next section. Specifically, the Master Plan includes a horizontal levee south of Bockman Canal consistent with the First Mile project, as well as nature-based features at the oxidation ponds in Hayward (see figure below). The HASPA process provided a helpful head start for these two projects, as the HASPA team has consulted with key stakeholders, including staff from multiple regulatory agencies, to inform the proposed solutions. An interactive article on the Hayward Shoreline was featured in the San Francisco Chronicle on July 2 as part of a four-part series on sea level rise planning around the Bay:

<https://www.sfchronicle.com/projects/2021/san-francisco-bay-area-sea-level-rise-2021/hayward>

Agenda Explanation
East Bay Dischargers Authority
Regulatory Affairs Committee
July 12, 2021



Staff is continuing to coordinate with HASPA and its members, City of Hayward, East Bay Regional Park District (EBRPD), and Hayward Area Recreation District (HARD) as implementation of projects identified in the Master Plan proceed. To facilitate implementation, HASPA is looking to expand its membership to other key shoreline stakeholders. In the near-term, formal invitations of membership are expected to be issued to Oro Loma Sanitary District, Alameda County Flood Control and Water Conservation District, and EBDA. EBDA and the other two agencies will be invited to become parties to the HASPA JPA, which will be renegotiated pending its upcoming expiration. The goal is to have a new, expanded JPA in place by July 2022. Representatives from HASPA will present additional details of their proposal to the EBDA Commission with in September 2021.

Transforming Shorelines

The Transforming Shorelines Project, led by San Francisco Estuary Partnership (SFEP) under a grant from EPA, contains a number of components aimed at advancing NBS at wastewater treatment plants (WWTPs). Elements include:

- Establishment and ongoing meetings of the Transforming Shorelines Collaborative, a stakeholder group that will collaborate on challenges and opportunities associated with NBS projects around the Bay, including San Leandro, Hayward, Oro Loma, and others
- Development of a toolkit for NBS at WWTPs
- Continued UC Berkeley research at the Oro Loma Horizontal Levee demonstration project, including study of reverse osmosis (RO) concentrate treatment
- Support for the treatment wetland pilot project at the San Leandro WWTP
- A feasibility study for NBS at the Hayward Ponds
- Design and environmental permitting of the EBDA First Mile horizontal levee project at the Oro Loma Marsh

Status of key projects is as follows:

San Leandro Treatment Wetland

In 2018, San Leandro was a recipient of a \$540k Measure AA grant to develop, design and permit a treatment wetland at an underutilized emergency detention pond. The 6.9-acre pond was originally constructed in the early-1970s and used intermittently over the years for oxidation, sludge storage, and emergency wet weather storage. This project aims to demonstrate a novel strategy for integrating elements of the horizontal levee concept piloted at Oro Loma and shallow open water treatment areas known as unit-cell open water treatment wetlands. The project is currently in the 60% design phase, led by Terraphase, and the City anticipates completing the 100% design and CEQA by early 2022. Designation of a new permanent outfall requires an individual NPDES permit for San Leandro, the application for which is under review by the Regional Water Board and is scheduled for review by the public and Regional Water Board in Spring 2022. In addition, the U.S. Army Corps of Engineers (USACE) has approved San Leandro's Jurisdictional Delineation, and consultation with other resource agencies is ongoing without any major issues.

First Mile Horizontal Levee

In December 2020, the Commission approved a contract with ESA to perform engineering and environmental design services for the two Transforming Shorelines projects that EBDA is leading – the First Mile Project and the Hayward NBS Feasibility Study. All consultant costs are reimbursed through the grant.

ESA has been hard at work gathering data and information to support the First Mile

project, the goal of which is to develop a preliminary design for a horizontal levee project similar to the Oro Loma demonstration, which would be located at the Oro Loma Marsh south of Bockman Canal. Issues that ESA and EBDA staff have been working on, along with EBRPD and SFEP, include land ownership, ongoing obligations in areas previously rehabilitated as mitigation, current and historic habitat, and management of stormwater. This summer, ESA expects to develop several alternative design options.

In the Fall of 2021, the team is planning to bring the design options to the Bay Restoration Regulatory Integration Team ([BRRIT](#)) for pre-application feedback. The BRRIT was established under Measure AA to facilitate coordination among regulatory agencies and streamline the permitting of restoration projects around the Bay. The BRRIT includes dedicated staff representing the following agencies:

- U.S. Army Corps of Engineers (USACE)
- U.S. Fish and Wildlife Service
- NOAA National Marine Fisheries Service
- San Francisco Bay Regional Water Quality Control Board
- California Department of Fish and Wildlife
- San Francisco Bay Conservation and Development Commission

In order to take a project to the BRRIT for permitting, project proponents are required to sign a Memorandum of Agreement (MOA) with the USACE, which provides staff to the BRRIT. A motion to approve the MOA will be considered under Item No. RA7.

Hayward NBS Feasibility Study

The ESA team has also been working on development of concepts for NBS at the Hayward Oxidation Ponds. The goal is to develop a combination of treatment wetlands and horizontal levee that offers protection from sea level rise, reduces nutrients in Hayward's effluent, and allows for continued use of the ponds for wet weather storage. The treatment and storage goals are compatible because under the Nutrients Watershed Permit, the expectation is that only dry season nitrogen loads will be regulated, whereas wet weather storage is needed in the winter.

ESA expects to deliver a memo summarizing project goals, data collected, and preliminary design concepts the week of July 6, 2021, and a call is planned with Hayward staff to review and discuss the following week. EBDA staff and ESA expect to convene an outside Expert Panel to vet the concepts in August.

BACWA Study of Nature-based Solutions for Nutrient Management

As part of the current Nutrients Watershed Permit, which became effective on July 1, 2019, the wastewater agencies around the Bay committed to spending \$500k through BACWA to evaluate opportunities for using NBS to reduce nutrient loads to the Bay while achieving the other benefits related to habitat and climate resilience. This study is intended to be a companion to the regional study of the cost of nutrient reduction through

conventional treatment technology funded by BACWA and developed by HDR under the last permit term. Under the current permit, BACWA is also funding a regional summary of nutrient reductions through water recycling, to complete the menu of options.

BACWA engaged San Francisco Estuary Institute (SFEI) and consultant Ian Wren to implement the Regional Evaluation of Potential Nutrient Discharge Reduction by Natural Systems. To date, a [Scoping and Evaluation Plan](#) for the project was submitted, and a draft Opportunities and Constraints Report has been developed. This report includes a GIS-based evaluation of areas where nature-based solutions may be suitable for achieving multi-benefit solutions for WWTPs and surrounding areas, including nutrient load management, sea level rise adaptation, and habitat enhancement. The project is entering the site-specific evaluation phase, where individual WWTPs are consulted to narrow the opportunities and constraints and develop conceptual alternatives for ~12 facilities. The project will conclude with the development of planning-level designs and cost estimates for preferred alternatives at 3-5 Bay Area WWTPs.

ITEM NO. RA7 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE THE RESTATED AND AMENDED MEMORANDUM OF AGREEMENT BETWEEN THE SAN FRANCISCO BAY RESTORATION AUTHORITY, FUNDING ENTITY/ENTITIES, AND THE UNITED STATES ARMY CORPS OF ENGINEERS, SAN FRANCISCO DISTRICT

Recommendation

Approve a motion authorizing the General Manager to execute the MOA as a Funding Entity.

Background

As discussed under Item No. RA6, the Bay Restoration Regulatory Integration Team ([BRRIT](#)) is an innovative approach designed to streamline and accelerate permitting of restoration projects around the Bay. Staff from multiple regulatory agencies work collaboratively with each other and with project proponents to identify information needs and potential regulatory issues prior to submittal of permit applications, and to improve permit processing timelines.

EBDA was notified on June 29, 2021 that the First Mile Horizontal Levee Project has been added to the BRRIT's priority project list, allowing pre-application consultation to move forward.

Discussion

To take advantage of the BRRIT's services, permit applicants, including EBDA for the First Mile Project, are asked to sign onto a Memorandum of Agreement (MOA) with the U.S. Corps of Engineers (USACE) and the San Francisco Bay Restoration Authority, which oversees Measure AA projects including the BRRIT. Under the MOA, the Restoration Authority provides the funding needed for USACE's staffing of the BRRIT.

USACE entered into the MOA pursuant to Section 214 of the Water Resources Development Act of 2000 (as amended in 2014 and 2016), which allows for USACE to accept funds from public entity permit applicants to expedite the permit review process. Since the Restoration Authority is not a permit applicant, the MOA must also be signed by the public entity permit applicants whose permit applications will be reviewed pursuant to the MOA. Therefore, the Restoration Authority and USACE are requesting that each public entity with a project on the BRRIT's priority project list sign the MOA.

The MOA was first entered into by the Authority and USACE in March 2019 and amended in April 2020 to allow for signature by the permit applicants. In the MOA, which is attached, the permit applicants are referred to as "Funding Entities." The role of the Funding Entities is described in MOA Article I.C., which states:

The Funding Entities enter into this MOA pursuant to their authority to undertake Priority Projects and to accept grant funds from public entities. The Funding

Agenda Explanation
East Bay Dischargers Authority
Regulatory Affairs Committee
July 12, 2021

Entities desire for the Authority to enter into this MOA and disburse funds directly to the Corps in lieu of granting funds to the Funding Entities for subsequent disbursement to the Corp pursuant to multiple, separate agreements.

The MOA does not create any obligations, duties, or burdens for EBDA; it simply allows the Restoration Authority to move funds to the USACE to fund the BRRIT on EBDA's behalf. EBDA can withdraw from the Agreement at any time with 10 days notice.



AGREEMENT NUMBER SFB0010-RA009	AM. NO. 1
TAXPAYERS FEDERAL EMPLOYER IDENTIFICATION NO. 62-1642142	

STANDARD AGREEMENT

(RA 3/2018)

THIS AGREEMENT, made and entered into this 10th day of April, 2020 in the State of California, by and between the San Francisco Bay Restoration Authority, a regional public entity, through its duly appointed

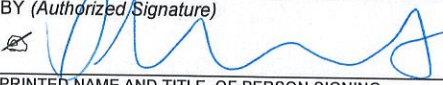
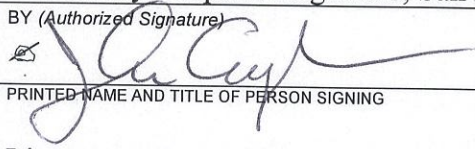
TITLE OF OFFICER ACTING FOR PUBLIC ENTITY Executive Officer	PUBLIC ENTITY San Francisco Bay Restoration Authority	, hereafter called the Authority, and
GRANTEE'S NAME U.S. Army Corps of Engineers, San Francisco District		, hereafter called the Grantee.

The Grantee and the Authority hereby agree as follows:

See attached Restated and Amended Memorandum of Agreement.


(Continued on following pages)

The provisions on the following pages constitute a part of this agreement.
IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

GRANTOR		GRANTEE	
AGENCY San Francisco Bay Restoration Authority		GRANTEE (If other than an individual, state whether a corporation, partnership, etc.) U.S. Army Corps of Engineers, San Francisco District	
BY (Authorized Signature) 		BY (Authorized Signature) 	
PRINTED NAME AND TITLE OF PERSON SIGNING Samuel Schuchat, Executive Officer		PRINTED NAME AND TITLE OF PERSON SIGNING Lieutenant Colonel John D. Cunningham, District Engineer	
ADDRESS & PHONE NUMBER 1515 Clay Street, 10th Floor Oakland, CA 94612		ADDRESS 450 Golden Gate Avenue, 4th Floor, Suite 0134 San Francisco, CA 94102-3406	
	Phone: (510) 286-1015		Phone: (415) 503-6702

AMOUNT ENCUMBERED BY THIS DOCUMENT \$-0-	PROGRAM/CATEGORY (CODE AND TITLE) Measure AA
PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT \$1,006,102.00	WORK ITEM NUMBER 1768
TOTAL AMOUNT ENCUMBERED TO DATE \$1,006,102.00	PROJECT NAME Bay Restoration Regulatory Integration Team

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

PRINTED NAME AND TITLE OF PERSON SIGNING 	SIGNATURE	DATE
<input type="checkbox"/> GRANTEE <input type="checkbox"/> ACCOUNTING <input type="checkbox"/> PROJECT MANAGER <input checked="" type="checkbox"/> AGREEMENT FILE		

RESTATED AND AMENDED
MEMORANDUM OF AGREEMENT
BETWEEN
THE SAN FRANCISCO BAY RESTORATION AUTHORITY,
FUNDING ENTITY/ENTITIES,
AND
THE UNITED STATES ARMY CORPS OF ENGINEERS,
SAN FRANCISCO DISTRICT

This Memorandum of Agreement ("MOA") is entered into between the San Francisco Bay Restoration Authority (hereinafter "Authority"), Funding Entity/Entities, and the United States Army Corps of Engineers, San Francisco District (hereinafter "Corps"), collectively referred to as the "Parties."

RECITALS

WHEREAS, the United States Army Corps of Engineers has regulatory jurisdiction over certain activities occurring in waters of the United States, including wetlands, pursuant to section 404 of the Clean Water Act of 1972 ("CWA"), as amended, and navigable waters of the United States pursuant to section 10 of the Rivers and Harbors Act of 1899 ("RHA"), as amended; and

WHEREAS, section 214 of the Federal Water Resources Development Act ("WRDA") of 2000, 33 U.S.C § 2352, authorizes the Secretary of the Army, after public notice, to accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit application of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army; and

WHEREAS, the Secretary of the Army has delegated the responsibility of carrying out section 214 of the WRDA 2000, as amended, to the Chief of Engineers and his delegated representatives; and

WHEREAS, the Chief of Engineers, by memorandum dated April 18, 2018, SUBJECT: Redelegation of Authority to Accept and Expend Funds Contributed by Non-Federal Public Entities, Public-Utility Companies, Natural Gas Companies, or Railroad Carriers to Expedite the Evaluation of Department of the Army Permit Applications, has authorized the U.S. Army Corps of Engineers to accept and expend funds contributed by non-Federal public entities subject to certain limitations; and

WHEREAS, California Government Code Sections 66700-66706 establishes the Authority as a non-Federal public entity with authority to grant funds for all phases of eligible projects, which are those projects that restore, protect or enhance tidal wetlands, managed ponds, or natural habitats on the shoreline of San Francisco Bay, which projects may include features that provide public access or flood management; and

WHEREAS, on June 1, 2018, the Authority authorized the disbursement of funds to the Corps for purposes of expediting evaluation of permit applications for projects that are eligible for grants from the Authority; and

WHEREAS, the Authority provides funds to the Corps on behalf of a Funding Entity (collectively "Funding Entities") and each Funding Entity is a non-Federal public entity that is seeking permits for a project eligible for Authority grant funds and that desires for the Authority to disburse funds to the Corps directly in lieu of granting funds to each Funding Entity to subsequently disburse to the Corps pursuant to Section 214 of the WRDA 2000. WHEREAS, the Corps has indicated it is not able, without additional resources, to expedite the evaluation of permit applications for projects that the Authority has designated as eligible for Authority grants ("Priority Projects"); and

WHEREAS, the Corps issued an initial public notice dated September 14, 2018, regarding its intent to accept and expend funds contributed by the Authority; and

WHEREAS, the Corps has determined that expenditures of funds received from the Authority on behalf of Funding Entities to expedite evaluation of permit applications submitted by Funding Entities is appropriate; and

WHEREAS, it is understood and acknowledged by all Parties that the Corps' review of Authority's Priority Project list permit applications will be completely impartial and in accordance with all Federal laws and regulations; and

WHEREAS, this Agreement establishes the responsibilities and operating procedures of the Parties with respect to expedited reviews and other activities covered in this Agreement; and

WHEREAS, this Agreement is intended to: (1) enable the Parties to fully consider, address, and protect environmental resources early in the development of proposed actions; (2) avoid conflicts late in project development through close coordination during early planning and development stages; (3) provide sufficient information to the Corps for timely analysis of project effects and to assist the Priority Project permit applicants in developing appropriate mitigation measures; (4) maximize the effective use of limited Corps' staff resources by focusing attention on projects that would benefit aquatic resources; (5) provide a mechanism for expediting project coordination when necessary and feasible; and (6) provide procedures for resolving disputes in this resource partnering effort; and

WHEREAS, the term of this Agreement is based upon the amount of funding available to the Authority and the Corps and Authority anticipate that if additional funding is made available to the Authority, the Agreement will be amended to extend the term; and

NOW, THEREFORE, the Parties hereby agree as follows:

Article I - PURPOSE AND AUTHORITIES

- A. Pursuant to Section 214 of WRDA 2000, as amended, this MOA is entered into by the Parties for the purpose of establishing a mutual framework governing the respective responsibilities of the Parties for the Corps' acceptance and expenditure of funds contributed by the Authority on behalf of Funding Entities to provide expedited and coordinated permit application evaluation-related services for the Authority's list of Priority Projects requiring Corps' approval pursuant to section 404 of the CWA and section 10 of the RHA. This MOA is not intended as the exclusive means of obtaining review of Priority Projects, it is a vehicle by which Priority Projects will obtain expedited and coordinated permit evaluation related services outside of the ordinary Corps standard review process. Priority Projects are defined as the list of projects identified in accordance with Article IV.A.1.
- B. The Authority enters into this MOA pursuant to its authority to grant funds for all phases of projects that restore, protect or enhance tidal wetlands and other wildlife habitat in and surrounding the San Francisco Bay as set forth in Government Code Sections 66700-66706 and pursuant to the June 1, 2018 authorization to disburse funds to the Corps for Priority Projects.
- C. The Funding Entities enter into this MOA pursuant to their authority to undertake Priority Projects and to accept grant funds from public entities. The Funding Entities desire for the Authority to enter into this MOA and disburse funds directly to the Corps in lieu of granting funds to the Funding Entities for subsequent disbursement to the Corp pursuant to multiple, separate agreements.

Article II - SCOPE OF WORK

- A. The Authority will provide funds to the Corps on behalf of Funding Entities (hereinafter "Authority funds") to provide permit application evaluation-related services as more particularly described in Appendix A. The Corps' regulatory program is funded as a congressionally appropriated line item in the annual Federal Budget. Authority funds will be added to the Corps' regulatory budget in accordance with the provisions of section 214 of WRDA 2000, as amended.
- B. The Funding Entity associated with each project will be the applicant and permittee for the project.
- C. The Corps will provide staffing resources dedicated to the permit evaluation-related services as described in Article II.C below.
- D. The Corps will establish a separate internal financial account to track receipt and expenditure of the funds associated with permit evaluation-related services and review of permit applications for Priority Projects. The Corps will assign one member of regulatory personnel ("Project Manager" or other Authority-funded staff) to work full-time on applications for Priority Projects, and additional Corps personnel to work part-time on the coordination described in this agreement. The Corps assigned staff members will charge time and expenses against the account

when they perform permit evaluation-related services for the Authority. The Corps will focus on the work as prioritized by the Authority.

- E. The Corps will expend Authority funds to defray the costs of regulatory staff (including salary, associated benefits, and overhead and travel expenses) to expedite and coordinate the evaluation of Priority Project permit applications. Staff activities will include, but are not limited to, the following: jurisdictional determinations, project site visits, travel, federal register preparation, public notice preparation and distribution, attendance at public hearings, preparation of correspondence, public interest review, preparation and review of environmental documentation, timeline tracking, and meetings with the Authority and resource agencies.
- F. The Corps will not expend Authority funds for costs associated with the review of the project manager's work by supervisors or other persons of the Corps in the decision-making chain of command. However, if a supervisor is performing staff work and not supervisory oversight, funds may be used.
- G. The Corps will not expend Authority funds to defray the costs of activities related to the Corps' enforcement functions, but *may* use Authority funds to defray costs of activities related to assisting Priority Project permit applicants with permit compliance.
- H. In accordance with the Chief of Engineers' memorandum, dated April 18, 2018, Authority funds may not be used to continue activities under this agreement should a lapse of federal appropriations result in shutdown or furlough for the Corps.
- I. If Authority funds are expended in accordance with this agreement and not replenished, any remaining Priority Project permit applications will be handled like those of any permit applicant.

Article III - INTERAGENCY COMMUNICATIONS

To provide for consistent and effective communication between the Corps and the Authority, each will appoint a Principal Representative to serve as its central point of contact on matters relating to this MOA. Additional representatives may also be appointed to serve as points of contact on specific actions or issues. The Corps and the Authority will issue a letter to the other designating the Principal Representative within fifteen (15) days of MOA execution. The Principal Representative for may be changed upon written notification to the other party.

Article IV - RESPONSIBILITIES OF THE PARTIES

- A. The Authority will provide adequate resources to fund Corps staff for the purpose of permit application-related services set forth below, including timely review of

Priority Projects and other identified activities as set forth in the Scope of Work (Appendix A).

B. To facilitate the Corps' reviews and activities, the Authority will:

1. Provide the Corps with the Priority Projects list. The Priority Projects list will be provided at an initial meeting between the Corps and the Authority. The Authority and the Corps will review the list and revise it on an as-needed basis. Changes to the list will be submitted by the Authority to the Corps in writing and will be effective upon receipt thereof.
2. Provide the Corps with the list of other resource and regulatory agencies that are participating in the coordinated review of Priority Projects, which agencies are referred to as the Bay Restoration Regulatory Integration Team ("BRRIT").
3. Encourage Funding Entity applicants to actively engage Corps personnel in early coordination, consultation, scoping, planning, and development of Priority Projects through various means including, but not limited to, meetings, field visits, conference calls, video teleconferencing, and electronic correspondence.
4. Encourage Funding Entity applicants to provide adequate information regarding projects and other specific activities to initiate permit application evaluation. Information required for the Corps to deem a permit application complete thereby allowing initiation of the permit review process can be found in Corps regulations at 33 C.F.R. §§ 325.1 (d), § 325.3(a), General Condition 31 of the Nationwide Permit Program as published in the Federal Register (82 Fed. Reg. 1,860, dated January 6, 2017), and the Corps' Final Nationwide Permit Regional Conditions for Sacramento, San Francisco, and Los Angeles Districts (effective March 18, 2017). Upon request, Authority shall encourage Funding Entity applicants to provide additional information necessary to complete the application and/or pre-construction notification. If additional information, pursuant to 33 C.F.R. § 325.1(e) is requested by the Corps, Authority shall encourage Funding Entity applicants to provide such additional information necessary to ensure the Corps can effectively accomplish the required review.
5. In consultation with the Corps, establish realistic schedules for the Corps' involvement in Priority Projects. Work closely with the Corps to resolve workload conflicts and adjust priorities and schedules in order to make optimal use of available Regulatory Program staff resources. If overlaps or conflicts occur in the schedules for Priority Projects, the Authority will work with the Corps to resolve such overlaps or schedule conflicts.
6. Request meetings in writing to the Corps by mail or email. Meeting requests must provide sufficient lead-time for scheduling. Such requests must include

an agenda that clearly characterizes the purpose of the meeting and what is expected from the Corps' participation. Written materials attached to the request must contain sufficient information to enable the Corps staff to prepare for and actively participate in the meeting.

7. Inform all applicants for Priority Projects that Department of the Army Engineering Form ENG-4346, or Form ENG-6082, and/or a PCN form or letter containing the same information must be used for permit applications.
 8. Inform all Funding Entity applicants that the lack of active engagement in the expedited permit process and/or failure to provide adequate information requested by the Corps may result in the project's removal from the Authority's Priority Projects List.
- C. The Corps shall supplement or reassign its existing Regulatory Program personnel within projected funding levels provided under this MOA. The Corps shall use the Authority funds to defray the costs of salaries and associated benefits and to reimburse travel expenses. Additionally:
1. The Corps shall provide quarterly status updates on permit applications for Priority Projects and promptly notify the Funding Entity applicants on additional information requests arising from consultations with resources agencies requiring Authority response in order to timely process the project permits. The Corps shall strive to meet the performance metrics provided in Appendix B.
 2. The Corps shall provide the Authority an annual report documenting work conducted under this MOA.
 3. At the conclusion of the services under this MOA, the Corps shall provide a final statement of expenditures for the MOA including a summary report of progress made under this MOA to the Authority. This summary report will be submitted no later than sixty (60) days after the MOA expires or is terminated. The summary report will also identify any recommendations for improving consultation and coordination between the Corps and the Authority. To avoid duplicative reporting, the Corps may use the final statement of expenditures and summary report to meet its quarterly progress reporting requirement for the final quarter of the period covered by this MOA.
 4. The Corps shall meet with staff and management representatives from the Authority on a quarterly or other mutually agreed upon schedule to review commitments, to collaborate on issues, to remedy outstanding concerns, to consider revisions to the provisions of this MOA, and to monitor activities under this MOA.

Article V – TERM OF AGREEMENT

- A. This MOA became effective on March 5, 2019, when it was signed by both the Authority and the Corps. The amendments to the MOA will become effective when this amended and restated MOA is signed by both the Authority and the Corps. The Corps shall not receive payment for work performed prior to the effective date of the MOA and before the start date identified in the Authority's notice to proceed. Work performed pursuant to this MOA shall terminate on March 31, 2022; and this MOA shall expire on June 30, 2022. The Parties may amend this MOA or terminate the MOA prior to the expiration date pursuant to Article XII.
- B. The Authority shall send a notice to proceed to the Corps, which notice shall include a start date for the Corps obligations under this MOA and will include the Priority Projects list for the first six-month funding period.
- C. This MOA will become effective as to each Funding Entity upon signing by the Funding Entity. Signing by a Funding Entity will not affect the rights and obligations of any other Party under the MOA.

Article VI – FUNDING

Within thirty (30) days of receipt of an invoice from the Corps, the Authority shall pay the anticipated FY costs expected to be incurred each year following MOA execution date in one lump sum each year, at the level specified in the Corps' budget estimate, which is included as Appendix C to this MOA and incorporated herein by reference. The total not to exceed budget for three years of work is one million, six thousand one hundred and two dollars (\$1,006,102.00). If the term of this agreement is extended, the total not to exceed budget for five years of work is one million, seven hundred fifty thousand, five hundred sixty-one dollars (\$1,750,561.00). Work is expected to be performed from approximately, March 31, 2019 through March 31, 2022; or if this agreement is extended, work will be performed through March 31, 2024.

- A. The Corps shall submit an invoice for full advance payment of the total annual amount. The invoice shall be provided on Corps letterhead, and include (1) the Corps' name and address, (2) Corps' remittance address, if different, (or electronic transfer information) and (3) total amount.

Invoices shall be submitted by the Corps to:

San Francisco Bay Restoration Authority
1515 Clay Street, Suite 1000
Oakland, California 94612-1401
Attention: Amy Hutzell

- B. Revisions agreed to by the Corps and Authority will be incorporated into a revised budget estimate to reflect costs for subsequent years that this MOA remains in effect without necessitating a formal revision or amendment to the MOA. The Corps will carry-over any unobligated funds from year to year, which will be

credited to the Authority or will refund such unobligated funds if this MOA is terminated or expires in accordance with Article XII.

- C. If the Corps' actual costs for providing the agreed upon level of service will exceed the amount of funds available, it will promptly notify the Authority of the amount of funds needed to defray the costs. The Authority will either initiate an increase to the funding amount, or agree to a reduced level of service.
- D. The Corps will provide a quarterly expenditure summary to the Authority.
- E. The Corps will expedite the evaluation of permit applications as specified in this MOA only after funds have been transferred to the Corps. Payments by the Authority are to be made to "F&A Officer" and mailed to:

U. S. Army Corps of Engineers
San Francisco District
450 Golden Gate, 4th Floor
San Francisco, CA 94102-9523
Attention: Theresa Story, Finance & Accounting Officer

Article VII - APPLICABLE LAWS

The applicable statutes, regulations, policies, directives, and procedures of the United States will govern this MOA and all documents and actions pursuant to it. The Corps and Authority shall comply with all relevant law. Expediting of permit applications undertaken by the Corps will be governed by all applicable Corps laws, regulations, policies, and procedures.

Article VIII - DISPUTE RESOLUTION

In the event of a dispute, the Parties agree to use their best efforts to resolve the dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the Parties.

Article IX - PUBLIC INFORMATION

Justification and explanation of the Authority's programs or projects before other agencies, departments, and offices will not be the responsibility of the Corps. The Corps may provide, upon request from the Authority, any assistance necessary to support justification or explanations of activities conducted under this MOA. In general, the Corps is responsible only for public information regarding Corps regulatory activities. The Authority will give the Corps advance notice before making formal, official statements regarding Corps activities funded under this MOA.

Article X - CONFIDENTIAL INFORMATION

Except as required under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 as amended by Pub. Law No. 104-231:

- A. Should the Corps receive a FOIA request regarding information designated as confidential by the Authority, the Corps shall notify the Authority's Principal Representative of such request and forward a copy of the request to the Authority's Principal Representative.

Article XI – MISCELLANEOUS

A. Other Relationships or Obligations

- 1. This MOA will not affect any pre-existing or independent relationships or obligations between the Parties.
- 2. The Corps' participation in this MOA does not imply endorsement of the Priority Projects, nor does it diminish, modify, or otherwise affect Corps statutory or regulatory authorities.
- 3. This MOA, including any documents incorporated by reference or attachments thereto, but excluding the pre-existing relationships or obligations between the Parties referenced in subparagraph A1 above, constitutes the entire agreement between the Parties. All prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein and shall be of no further force or effect.

B. Severability

If any provision of this MOA is determined to be invalid or unenforceable, the remaining provisions will remain in force and unaffected to the fullest extent permitted by law and regulation.

C. Advance Payment for Federal Agreements

As required by OMB Circular A-97, Authority certifies that the services being requested pursuant to this agreement cannot be procured reasonably and expeditiously through ordinary business channels.

Article XII - AMENDMENT, MODIFICATION, AND TERMINATION

- A. This MOA may be modified or amended only by written mutual agreement of the Parties. The Authority and the Corps each has the right to terminate this MOA without cause upon thirty (30) days written notice to the other Parties, or sooner by mutual written agreement, or immediately in the event of a material breach. In the event of termination, the Authority will continue to be responsible for all costs

incurred by the Corps in performing expedited environmental permit review services up to the time of notice.

- B. Each Funding Entity has the right to withdraw from the MOA upon ten (10) days written notice to the Authority and the Corps. Withdrawal by a Funding Entity will not affect any other Party's rights or obligations under the MOA.
- C. Within ninety days (90) days of termination, or expiration of the MOA, the Corps shall conduct an accounting to determine the actual costs of the work. Within sixty (60) days of completion of this accounting, the Corps shall return to the Authority any funds advanced in excess of the actual costs, subject to compliance with the Anti-Deficiency Act, 31 U.S.C. § 1341 *et seq.* Funds may be provided to the Authority either by check or by electronic funds transfer.

Article XIII – NOTICES

All notices required under this Agreement shall be effective only if in writing and sent by mail or email to the following contacts for each party, except that contacts for Funding Entities are identified on Funding Entity signature page:

Authority: Executive Officer
San Francisco Bay Restoration Authority
1515 Clay Street, Suite 1000
Oakland, California 94612-1401

Corps: District Engineer
San Francisco District of the U. S. Army Corps of Engineers
450 Golden Gate Avenue, 4th Floor
San Francisco, CA 94102-9523

With copy to: Regulatory Division Chief
San Francisco District of the U. S. Army Corps of Engineers
450 Golden Gate Avenue, 4th Floor
San Francisco, CA 94102-9523

Article XIV – EXECUTION IN COUNTERPARTS

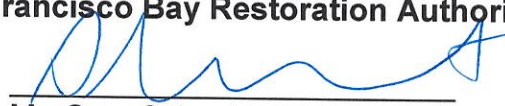
This Agreement may be executed in Counterparts each of which shall be deemed an original but of which together constitute one and the same executed instrument.

[Signature on following page]

IN WITNESS WHEREOF, this Agreement is executed by the San Francisco Bay Restoration Authority acting by and through its authorized officers, and by the U.S. Army Corps of Engineers' San Francisco District, through its authorized officers.

San Francisco Bay Restoration Authority

By:



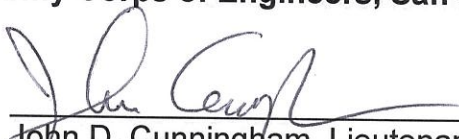
Mr. Sam Schuchat
Executive Officer

3/6/20

Date

U.S. Army Corps of Engineers, San Francisco District

By:



John D. Cunningham, Lieutenant Colonel
San Francisco District Commander
U.S. Army Corps of Engineers

1/16/2020

Date

Funding Entity Signatures are on separate pages

City of San Leandro

By: _____
Signature

Date

Print Name and Title

California Department of Fish and Wildlife

By: Gregg Erickson
Signature
Gregg Erickson, Regional Manager

10/6/2020

Date

Print Name and Title

Santa Clara Valley Water District

By: _____
Signature

Date

Print Name and Title

San Francisquito Creek Joint Powers Authority

By: _____
Signature

Date

Print Name and Title

FUNDING ENTITIES SIGNATURE PAGES

This Agreement is executed by each Funding Entity as follows:

Port of San Francisco

By: [Signature] 10/13/20
Signature Date

Carol Bach, Assist. Deputy Director, Environmental Affairs Mgr.
Print Name and Title

Contra Costa County Flood Control and Water Conservation District

By: _____
Signature Date

Print Name and Title

San Francisco Recreation and Parks Department

By: _____
Signature Date

Print Name and Title

Marin County Parks

By: _____
Signature Date


Print Name and Title

Palo Alto Regional Water Quality Control Plant

By: _____ Date _____
Signature

Print Name and Title

East Bay Regional Park District

By:  _____ Date Jan 11, 2021
Signature

Carol Victor and Interim District Counsel

Print Name and Title

County of Marin Department of Public Works

By: _____ Date _____
Signature

Print Name and Title

State Coastal Conservancy

By: _____ Date _____
Signature

Print Name and Title

Palo Alto Regional Water Quality Control Plant

By: _____ Date _____
Signature

Print Name and Title

East Bay Regional Park District

By: _____ Date _____
Signature

Print Name and Title

County of Marin Department of Public Works

By: Roger Leventhal 10/8/2020
Signature Date
Roger Leventhal, Project Manager

Print Name and Title

State Coastal Conservancy

By: _____ Date _____
Signature

Print Name and Title

FUNDING ENTITIES SIGNATURE PAGES

This Agreement is executed by each Funding Entity as follows:

Port of San Francisco

By: _____
Signature Date

Print Name and Title

Contra Costa County Flood Control and Water Conservation District

By: _____
Signature Date

Print Name and Title

San Francisco Recreation and Parks Department

By: _____
Signature Date

Print Name and Title

Marin County Parks

By:  _____
Signature Date 9/17/2020

Max Korten

Print Name and Title

Palo Alto Regional Water Quality Control Plant

DocuSigned by:
Ed Shikada
By: E2DCA19CCC8D4F8... 11/13/2020
Signature Date

Ed Shikada Ed Shikada, City Manager

Print Name and Title

East Bay Regional Park District

By: _____ Date _____
Signature

Print Name and Title

County of Marin Department of Public Works

By: _____ Date _____
Signature

Print Name and Title

State Coastal Conservancy

By: _____ Date _____
Signature

Print Name and Title

City of San Leandro

By: _____
Signature

Date

Print Name and Title

California Department of Fish and Wildlife

By: _____
Signature

Date

Print Name and Title

Santa Clara Valley Water District

By: _____
Signature

Date

Print Name and Title

San Francisquito Creek Joint Powers Authority

By: Margaret Bruce
Signature

8/31/2020

Date

Margaret Bruce, Executive Director

Print Name and Title

FUNDING ENTITIES SIGNATURE PAGES

This Agreement is executed by each Funding Entity as follows:

Port of San Francisco

By: _____
Signature Date

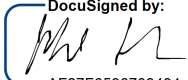
Print Name and Title

Contra Costa County Flood Control and Water Conservation District

By: _____
Signature Date


Print Name and Title

San Francisco Recreation and Parks Department

By:  DocuSigned by:
Signature 10/30/2020
Date

Phil Ginsburg, General Manager

Print Name and Title

Approved as to form
Office of the City Attorney

DCA Manu Pradhan

Marin County Parks

By: _____
Signature Date

Print Name and Title

City of San Leandro

By: _____
Signature

Date

Print Name and Title

California Department of Fish and Wildlife

By: _____
Signature

Date

Print Name and Title

Santa Clara Valley Water District

DocuSigned by:
By: Rick Callender
Signature

10/20/2020

Date

Rick L. Callender, Esq, Chief Executive Officer

Print Name and Title

San Francisquito Creek Joint Powers Authority

By: _____
Signature

Date

Print Name and Title

APPENDIX A SCOPE OF WORK

WORK TASK 1: AGENCY PARTICIPATION

Schedule	The Corps will consult with the Authority in order to prepare a schedule for Priority Project deliverables.
Meetings, conference calls, field reviews	The Corps will participate actively in permit evaluation-related services by attending meetings and field reviews, when requested, and identifying critical issues, key decision points, and potential conflicts as early as possible. Participation includes sharing, when appropriate, the most current regulatory and aquatic resources information.
Responses to requests for information	The Corps will provide timely responses to requests from the Priority Project permit applicants and BRRIT members for information either verbally, via email, or by letter as necessary.
Coordination	The Corps will coordinate with BRRIT members and other federal, state, and local agencies to facilitate early coordination of Priority Projects.
Projected Workload	The Corps will consult with the Authority regarding an adjustment of priorities if the current and/or projected workload for Priority Projects exceeds the Corps' ability to provide the services specified herein or negotiate additional funding in accordance with paragraph VI.C. of the MOA.

WORK TASK 2: PERMIT APPLICATION REVIEWS AND COORDINATION

Jurisdictional Determinations	When requested by Priority Project permit applicants, the BRRIT, or as determined necessary by the Corps, the Corps will conduct site visits and/or review of information provided by the permit applicants. The Corps may request additional information if necessary to aid in the Corps' review of jurisdiction.
Pre-Application Coordination	The Corps will meet with the BRRIT to perform coordinated pre-application review of Priority Projects for which a permit applicant has requested pre-application review. The Corps will participate in up to two pre-application review meetings.
Department of the Army (DA) Permit Application Completeness Review	The Corps will stamp each permit application with the date of receipt and notify the BRRIT members of the date of receipt. The Corps will contact the permit applicant within thirty (30) days of the date of receipt of the application and request additional information if there is any incomplete, missing, or incorrect information necessary for the Corps to deem applications complete.
Issuance of Public Notice	After receipt of each complete DA permit application from a Priority Project permit applicant, the Corps will issue a public notice if necessary pertaining to the activities requiring Corps authorization.
Coordination	Following submittal of a permit application, to the extent necessary, the Corps will perform external coordination duties with the BRRIT and with other Federal, state, and local agencies, as required by Federal regulation and policies, regarding the DA permit evaluation process(es).
Permit Decision	For each project permit application, the Corps will evaluate the permit application when all information provided by the permit applicant is deemed complete. The Corps will provide to the permit applicant a DA permit decision pursuant to Section 404/10, including general and proposed special permit conditions, if any.

Post-permit issuance activities	The Corps will reasonably coordinate with the permit applicants regarding permit modifications, including but not limited to: extensions, review of mitigation monitoring reports, and compliance inspection.
Additional necessary permitting tasks	The Corps will reasonably coordinate with the permit applicant regarding any additional tasks associated with the issuance of permits.

WORK TASK 3: PROJECT MANAGEMENT

Progress Reports	The Corps will provide quarterly progress reports to the Authority documenting all updates regarding the permit evaluation-related services completed during the quarter. For the list of completed actions, the processing time for each permit application will also be included. In addition, these progress reports shall include a summary of the expenditures under this MOA, for the period covered by the progress report and cumulatively for both the current federal fiscal year and for the life of the MOA.
Policy and Management Team	Corps personnel will promote coordination between the Policy Management Team and the BRRIT including coordination for resolution of policy issues, and coordination for processing elevated project decisions.

APPENDIX A-1

Preliminary Authority Priority Projects

The List will be updated/revised in accordance to Article IV.A of the MOA.

AUTHORITY PROJECT NAME	Location Coordinate	Job Number	Corps #	Priority Ranking	Anticipated Construction Year

APPENDIX B

Performance Metrics¹

Objective	Measure
Upon initial receipt of an application for an individual permit or general permit, the Corps will notify the permit applicant (via telephone or email) within 15 calendar days if the application is Federally-complete. If the application is complete, the Corps will notify the participating agencies of the initial date received stamped on the application.	The Corps shall provide such notification within the stated time frame at least 90% of the time.
The Corps will request in writing (via email or letter) specific additional information needed to complete an individual permit or general permit application within thirty (30) calendar days of initial receipt. Once sufficient information is received, the Corps will notify permit applicant (via telephone or email) within fifteen (15) calendar days of the date received stamped on the last piece of information needed to complete the application.	The Corps shall provide such notifications within the stated time frame at least 90% of the time.
Letters of Permission will be processed within sixty (60) calendar days of receiving a Federally-complete application, with the exception of those that require longer periods of time per Corps regulations at 33 CFR section 325.2(d)(3).	The Corps shall meet the stated objective at least 50% of the time.
Standard Individual permits will be processed within one hundred twenty (120) calendar days of receiving a Federally-complete application, with the exception of those that require longer periods of time per Corps regulations at 33 CFR section 325.2(d)(3).	The Corps shall meet the stated objective at least 80% of the time.
General permits, including nationwide permits and regional general permits, will be processed within forty-five (45) calendar days of receiving a Federally-complete application. ²	The Corps shall meet the stated objective at least 80% of the time.

¹ Appendix B Performance Metrics determined by FY19 USACE Regulatory Performance Metrics

² Projects requiring Section 7 and Section 106 consultation will exclude those calendar days during which the project is under consultation with another agency, i.e. time from when the consultation letter is sent until consultation response is received.

Jurisdictional Determinations (JDs), including Approved JDs, will be processed within sixty (60) calendar days of receiving a complete jurisdictional determination request.	The Corps shall meet the stated objective at least 90% of the time.
Endangered Species Act Section 7 consultation initiation request letters and Section 106 consultation initiation request letters will be sent within fifteen (15) days of receiving adequate information from Authority to make a determination of effect and initiate consultation.	The Corps shall meet the stated objective at least 90% of the time.

**APPENDIX C
CORPS BUDGET ESTIMATE**

Regulatory Rate Calculations

	Federal FY19 GS12 Step 1	Federal FY20 GS12 Step 2	Federal FY21 GS12 Step 3	Federal FY22 GS12 Step 4	Federal FY23 GS12 Step 5
Basic Hourly Rate	42.44	43.86	45.27	46.69	48.10
Daily Rate (hourly @ 8 hours)	339.52	350.88	362.16	373.52	384.80
Effective Daily rate (w/benefits at 64%)	556.81	575.44	593.94	612.57	631.07
Overhead (Departmental 45% and District 23.5%)	381.42	394.18	406.85	419.61	432.28
Total Daily Rate (Effective Daily Rate + OH)	938.23	969.62	1000.79	1032.19	1063.36

3-YEAR TOTAL NOT TO EXCEED AMOUNT = \$1,006,102.00

**Dependent on Funding, 5-YEAR TOTAL NOT TO EXCEED AMOUNT =
\$1,750,561.00**

Year 1

FY19 (1 Oct 2018- 30 Sept 2019)			
Labor Costs	Staff Days	Rate	Cost
GS -12 Regulatory Support	218	\$938.23	\$204,534.05
GS-12 Regulatory – part-time	109	\$938.23	\$102,267
In house Support Service (e.g. legal, engineering)	20	\$938.23	\$ 18764.59
Other Direct Costs			
Travel & per Diem (20 days @ \$125 average)	20	\$125.00	\$ 2,500
TOTAL FY 2019			\$328,065.66

YEAR 2

FY 2020 (1 October 2019 -30 Sept 2020)			
Labor Costs	Staff Days	Rate	Cost
GS -12 Regulatory Support	218	\$969.62	\$211,377.55
GS-12 Regulatory – part-time	109	\$969.62	\$105688.80
In house Support Service (e.g. legal, engineering)	20	\$969.62	\$ 19,392.44
Other Direct Costs			
Travel & per Diem (20 days @ \$125 average)	20	\$125.00	\$ 2,500
TOTAL FY 2020			\$338,958.76

YEAR 3

FY 2021 (1 October 2020 -30 Sept 2021)			
Labor Costs	Staff Days	Rate	Cost
GS -12 Regulatory Support	218	\$ 1000.79	\$ 218,172.86
GS-12 Regulatory – part-time	109	\$ 1000.79	\$ 109,086.40
In house Support Service (e.g., legal engineering)	20	\$ 1000.79	\$ 20,015.86
Other Direct Costs			
Travel & per Diem (20 days @ \$125 average)	20	\$125.00	\$ 2,500
TOTAL 2021			\$349,775.15

YEAR 4

FY 2022 (1 October 2021-30 Sept 2022)			
Labor Costs	Staff Days	Rate	Cost
GS-12 Regulatory Support	218	\$ 1032.19	\$ 225,016.37
GS-12 Regulatory – part-time	109	\$ 1032.19	\$112,508.20
In house Direct Cost	20	\$ 1032.19	\$ 20,643.70
Other Direct Costs			
Travel & per Diem (20 days @ \$125 average)	20	\$125.00	\$ 2,500
TOTAL FY 2022			\$360,668.25

YEAR 5

FY 2023 (1 October 2022 -30 Sept 2023)			
Labor Costs	Staff Days	Rate	Cost
GS -12 Regulatory Support	218	\$1063.36	\$231,811.68
GS-12 Regulatory – part-time	109	\$1063.36	\$115,905.80
In house Direct Cost	20	\$1063.36	\$ 21,267.13
Other Direct Costs			
Travel & per Diem (20 days @ \$125 average)	20	\$125.00	\$ 2,500
TOTAL FY 2023			\$371,484.64