

Bolinas Community Public Utility District

A Regular Meeting Of The Board Of Directors

August 16, 2023 270 Elm Road, Bolinas

1. Call to Order.

7:31 p.m.

2. Roll.

Directors Alexander Green, Godino, McElroy, Siedman and Walker present; director Siedman presiding.

3. Community Expression.

None.

4. Manager's Report and Project Updates.

- *Update on the Status of the BCPUD's Water Supply.*

The district has received 0.25 inches of rain since the start of the rain year on July 1st. Between July 18 and August 15, 2023, water production averaged 87,150 gallons per day (GPD), and water consumption averaged 87,290 GPD (approximately 149 GPD per connection). With regard to water in storage, both reservoirs are just below full. The district continues to supply water to the community exclusively from the Arroyo Hondo Creek; creek flows remain high and the district is in much better shape at this time of year than it has been in any of the last three years. The most recent quarterly consumption data indicates water consumption on the mid-Mesa was up as compared to the last two years, but still quite low compared to historic data.

- *Update on the BCPUD's Groundwater Wells Project.*

The district continues to await a final Funding Agreement from the California Department of Water Resources for this project; in the meantime, progress has been made on the coastal permit applications. The field work for the biological site assessments was performed last week and staff expects to submit the coastal permit applications this fall.

- *Update on the BCPUD's Tank Site Pipeline Replacement Project.*

Staff reported the project contract was awarded to Piazza Construction on August 10th and the project has been registered with the Department of Industrial Relations; the required contract documents are expected back from Piazza in the next two weeks. Staff noted there is an item later on the agenda for the Board to approve an amended version of BCPUD Resolution 710 to clearly reference the CEQA exemption finding in the title of the original resolution. Staff anticipates issuing the Notice to Proceed on or about October 6th, with project completion expected by December 15th.

- *Operations Update.*

Staff said the operations crew has been assessing the booster pump line, which is the section of the distribution system west of the Woodrat Water Treatment Plant on Mesa Road that serves four customers. Unfortunately, a portion of this pipeline is of poor quality (thin-walled plastic). Staff plans to prioritize this particular section of piping for replacement on the next update of the district's Capital Improvement Plan. Staff is pleased to report the leak sensor system shift operator Evan Kahn installed a few months ago once again pre-emptively detected a leak on the filters at the treatment plant and sent a text alert to the crew, who were able to respond immediately, thereby preventing a large water loss. Staff reported a number of post-repair paving jobs were completed in the last few weeks, including repair sites on Wharf Road, the intersection of Queen and Cherry, as well as on Grove Road. On the sewer side of operations, four remaining sewer lateral repairs are scheduled to be installed this month. With regard to the Lead Service Line Inventory, the operations staff completed the first round of inventorying in the field and moved to the data entry phase. The deadline for all the water lines to be inventoried and documented is October 2024. Staff credited the assistance of intern Nick Marcotte and said he has been very helpful to the crew during this project.

Staff directed the Board's attention to the follow-up inspection report concerning the district's East Tank. Dana Gaya previously performed the one-year inspection of the East Tank (following the completion of the rehabilitation project) which identified several coating issues to be addressed. The coating subcontractor performed the recoating work needed and, per the latest inspection report, the tanks look good with the exception of an issue with the ladder and "mil scale". The new ladder was not abrasively blasted prior to coating when it was installed as part of the original project, so the

district's engineer recommends this be addressed when the West Tank rehabilitation project is project is underway -- the ladder can be removed and blasted at that time, then re-coated and reinstalled.

The County has launched its new "Operational Area Partner Training and Coordination Meetings" which will be held on the third Wednesday morning of every month; today's meeting included information on emergency management preparedness, planning, response, mitigation and recovery. Steve Marcotte from the Bolinas Fire Protection District and staff attended the meeting, which was well attended by representatives of multiple agencies throughout the County. The implementation of these meetings dovetails with the work staff is doing to update the district's Emergency Response Plan, as well as with the district's participation in the 2023 update of the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan.

Staff is scheduled to meet later this week with representatives of the Stinson Beach County Water District, Inverness Public Utility District, and Muir Beach Community Services District to discuss collaborating on a grant application to the National Oceanic and Atmospheric Administration ("NOAA") for regional coastal resiliency planning. NOAA has a grant program specific to coastal communities and climate resilience. NOAA will select 20-25 applications to receive \$500,000 - \$2 million each, to be spent over three to five years. A "Letter of Intent" is due on August 21st, so the districts will need to work quickly to complete and submit it on time.

The district has been approved by FEMA for reimbursement of overtime and equipment costs relating to the January 2023 winter storm event; at this time, the district is still waiting for National Park Service approval to conduct the debris removal work on the Arroyo Hondo access road.

Staff continues to work with the informal committee of local residents -- Aenor Sawyer, Melinda Griffith and Steve Matson -- on plans for an interim Bolinas Post Office at Mesa Park. The committee has been meeting regularly with the USPS architects to ensure the plan meets the USPS functional requirements. The committee is working on the coastal development and use permit applications for the interim facility at this time, with the goal of submitting the applications to the County for review in the next week or so. Staff emphasized this will be a temporary facility pending the availability of a permanent site, which could possibly include space in the to-be rebuilt BCPUD office building.

- *BCPUD Work Plan and Timeline for Enhanced Groundwater Monitoring and Sewer Treatment Plant Facility Upgrades for Submittal to the Regional Water Quality Control Board.*

Staff reminded the Board that the San Francisco Bay Regional Water Quality Control Board ("Regional Board") previously notified the district it intends to transition the district's sewer treatment facility to a new operating permit; the Regional Board has requested the BCPUD undertake enhanced groundwater monitoring in the spray disposal fields and conduct a feasibility study to determine the facility improvements needed for the district to comply with the new permit. The Regional Board included these requirements in a letter issued in late July in which it also approved the district's request to allow six properties on Canyon Road to connect to the sewer system. In a meeting to discuss that letter, Regional Board staff suggested the BCPUD prepare a proposed work plan and timeline for the enhanced groundwater monitoring and sewer treatment plant facility upgrades for the Regional Board's consideration. If approved, this work plan and timeline will be included in a separate letter to be issued by the Regional Board and the district will be required to comply with the various deadlines and deliverables.

Staff said Regional Board staff understand the financial challenges the enhanced groundwater monitoring and treatment plant upgrade efforts will pose for the BCPUD and are receptive to a timeline that allows the BCPUD to spread the costs out over upcoming fiscal years. Staff worked with the district's consulting wastewater engineer, Kathryn Gies, to prepare a work plan and timeline to submit to the Regional Board, a copy of which is in the Board materials. The BCPUD proposes during the first two years (2024-2025) to complete an enhanced groundwater monitoring well installation work plan and install the new wells. During the next three years (2026, 2027, 2028), the district will undertake a sewer treatment facility upgrade feasibility analysis to address the Regional Board's requirements (1) to be able to operate in compliance with the new permit during 50-year rain events, (2) to evaluate the potential to accommodate new connections, and (3) to include a climate change impacts analysis. Thereafter, the district will implement the upgrades identified in the plan over the following five years (2029-2033). The financial impact is expected to be at least \$30,000 per year for the first two years (2024 and 2025), then \$75,000 per year during 2026, 2026 and 2027; after this, the costs are unknown but estimated to be between \$3 and \$8 million.

In response to questions from director McElroy, Kathryn Gies clarified that the first two years of \$30,000 per year represent the engineering costs needed for her firm to perform the field and report work necessary to support an enhanced groundwater monitoring plan and for additional groundwater monitoring wells to be installed. In response to a question from director Alexander Green, Kathryn Gies said upgrades will be needed for the system to be able to operate during 50-year rain events; her analysis confirms the district's system has capacity to accommodate current flows and up to 10-year rain events (approximately 50 inches of rain). However, the district is not permitted to discharge wastewater from its ponds between November and April, so the system has to have sufficient capacity

to accommodate and hold current flows plus 50-year rainfall during that time period (approximately 74 inches of rain). The district will need to evaluate expanding storage, installing some sort of cover over the ponds, or providing a higher level of treatment such as disinfection, which would enable the district to discharge year-round. Finally, Kathryn said the Regional Board would like the district to determine whether/how many additional connections could be accommodated if the system is upgraded, as well as conduct a climate change impacts analysis.

K. McElroy/K. Walker all in favor to approve the draft work plan and timeline for enhanced groundwater monitoring and sewer treatment plant facility upgrades for submittal to the Regional Water Quality Control Board.

- *Agreement with California Rural Water Association/Specialized Utility Services Program – CPO Services.*

Staff negotiated an agreement with the California Rural Water Association (“CRWA”)’s Specialized Utility Services Program (“SUSP”) to provide a certified (Grade 5) Chief Plant Operator (“CPO”) for the district’s Wastewater Treatment Plant pending the completion of Stew Oakander’s certification process. The cost will be \$3000 per month; the CPO will be on-site one day per week and available 24/7 for emergency response. Staff requested that the Board ratify the agreement, which staff has executed with CWRA to ensure the contract CPO is timely in place.

G. Godino/ A. Alexander Green all in favor to ratify the agreement between the BCUD and the California Rural Water Association’s Specialized Utility Services Program for Chief Plant Operator Wastewater Services.

- *Information Technology Proposal: Telemetry Telecommunication (Kris Backenstose, Maximum ITSM).*

The district is in the process of migrating its telephone services off of AT&T due to the steep fees charged for landline service. When reliable broadband internet service became available on the Bolinas Mesa, the district converted its office building to a voice-over-internet phone system. The Wharf Road Lift Station and Woodrat Water Treatment Plant – both of which have critical alarm systems that must be able to operate reliably on a 24/7 basis – as well as the sewer lab building remain on AT&T at this time. The district’s IT specialist, Kris Backenstose with Maximum ITSM submitted a proposal to convert those phone lines to an alternative system at an installation cost of approximately \$3,000, with monthly monitoring costs thereafter of approximately \$100 per month. Kris Backenstose explained his proposal includes the installation of cellular convertor boxes known as “PIABs”, which means a “POTS Inside A Box”, where POTS means “plain old telephone system”. He explained these convertor boxes are widely used for elevator alarms, commercial fire panels and burglar alarms – all of which historically relied on landlines. Kris proposes to include a monitoring system at each location to send out periodic signals to a third-party entity such as Bay Alarm to confirm the analog signal is working. In this manner, if the signaling stops for any reason, the monitoring entity immediately will alert the BCPUD. Kris said he has installed hundreds of PIAB systems throughout the Bay Area and the biggest hurdle usually is ensuring sufficient cell signal at the particular location. Kris conducted a survey in Bolinas which confirmed the cell signal at the water treatment plant and lift station are adequate. That said, he recommends redundancy via the internet service at the water treatment plant (Muir Beach LAN) and lift station (Horizon Cable). In response to concerns expressed by directors Alexander Green and McElroy about the reliability of cellular service on busy weekends, Kris said he will survey the sites again under those conditions. Director Godino said she would like the district to operate for at least two months on the new system to ensure it will work as intended before terminating the AT&T service. In response to questions from director McElroy, Kris explained that the PIAB units will be plugged into a wall AC outlet, which charges a battery; if the power runs out, the unit can run on the battery for several days without power.

A. Alexander Green/G. Godino all in favor to approve the Information Technology Proposal submitted Kris Backenstose for Telemetry Telecommunication at the Woodrat Water Treatment Plant and Wharf Road Lift Station.

- *BCPUD’s Submissions as a Participating Jurisdiction to the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan Update.*

Staff directed the Board’s attention to the meeting materials which include the district’s submissions to the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan Update relating to the district’s critical assets and infrastructure. The County will assemble the jurisdictional profiles submitted by all of the participating cities, towns and districts into a County-wide plan over the next few weeks; there likely will be revisions and additions as the overall plan is put together and it is anticipated the plan will be between 400 and 1,000 pages in length. Once the County finalizes the plan, it will be submitted to the California Office of Emergency Services (“CalOES”) and Federal Emergency Management Agency (“FEMA”) for review and approval. The Board will need to approve the plan as a participating jurisdiction by no later than the December 2023 regular meeting.

- *BCPUD's Pedestrian/Bicycle Path Project: Proposal for Engineering and Design Services from BKF Engineers.*

Staff proposed the Board authorize the engineering and design work for the path hard-surfacing project to proceed at this time, noting if uncertainties remain about potential projects in the eucalyptus grove when this work is completed, the district can seek bids to hard-surface specific segments of the path outside of the grove to make use of the grant funds. (Staff noted a prior analysis by BKF Engineers determined the district likely does not have sufficient funding to hard-surface the entire path in any event.) Director Godino said she would like the engineering to get underway; she noted the effort to improve the path has taken years and, while the questions relating to trees in the grove are waiting to be answered, the district can start this phase of the path project. In response to a question from director Walker, staff said the engineering proposal covers the design of the entire path, not just segments, but the district can elect to install the improvements in segments. Don Smith said that while the grant term has been extended to 2028, it is important to get the project underway and the engineering and design is a critical next step. Director Alexander Green expressed concern that the Board might be “putting the cart before the horse” due to the uncertainties about pending tree projects and questioned whether the district should expend funds on a bike path project at this time. Director Walker observed that at least 50% of the path is outside of the grove; she said it makes sense to her to obtain the engineering and design of the entire path route and implement the resulting improvements as/when appropriate. Director McElroy said he previously thought the district should pause this project, but he believes the path is a vital part of Bolinas and is used a lot, so he supports proceeding with the engineering and design work. After brief additional discussion, director Siedman directed staff to include an item on the September 20, 2023 regular meeting agenda for the Board to vote on the BKF Engineers’ proposal. Director Alexander Green asked about the source of funds to pay for the work. Don Smith explained the total amount of funding available is approximately \$450,000 (mostly grant funds; 20% of that amount -- \$90,000 – consists of local matching funds, including \$45,000 committed by the BCPUD).

The Board reviewed correspondence sent and received since the last regular meeting, including an email from Zero Waste Marin, which is seeking a special district representative for a local task force related to the implementation of SB 1383 and applications are due on September 8, 2023. In addition, staff directed the Board’s attention to a letter from CalPERS informing member agencies it earned a 5.8% return on investments last year, which was an improvement over the prior year but below the discount rate of 6.8%. CalPERS also has provided information on its Pension Rate Stabilization Program, where agencies can set aside funds separate from their regular CalPERS contributions to fund future pension liabilities and contribution rate increases.

- *Alliance of Coastal Marin Villages.*

Nothing to report.

5. BCPUD Right-of-Way Permit Application: *Request to install underground transmission lines of effluent, potable water and electricity in the Cedar Road Right-of-Way at Poplar (164 Poplar Road) AND clarification that Section 7 of Resolution 173 does not prohibit the requested encroachment. (J. Bryant).*

John Bryant seeks permission per Ordinance 30 to encroach in the Cedar right-of-way and install piping for effluent (septic), potable water and electric service for a planned accessory dwelling unit (“ADU”). Director Siedman noted the Board has approved the installation of septic and electrical lines in the rights-of-way, but the request to install a water line must be analyzed in light of Section 7 of Resolution 173. Director Siedman said there are two conflicting points of view: the language of Section 7 of Resolution 173 states that water lines cannot be run across a road or right-of-way to serve another parcel, but the County has advised the BCPUD that property owners are legally permitted to merge lots across a road or right-of-way and, in that instance, an ADU can be built on lots across that road or right-of-way as a permissible secondary use. Therefore, director Siedman asked, in cases where the former property lines essentially no longer exist (because the parcels have been merged), does Section 7 of Resolution 173 still apply?

Jack McClellan said he would like to be assured any installation of water lines across a road will not interfere with the implementation of drainage work. John Bryant said his pipelines would be installed well below the depth of any drainage ditch. Jack McClellan said he has no other problem with the request, noting that since the County will merge lots across a road or right-of-way, this request is the same as someone seeking to install such lines within a single property on the same side of the street. John Bryant referenced staff’s memo to the Board in the meeting materials which explains when the Board amended Section 7 of Resolution 173 in 2001 it expressly did *not* adopt language extending the prohibition of water lines to adjacent properties owned by the same customer. Director Siedman said the Board has long-presumed if a lot was on the other side of a road or street from another property, it must be a separate parcel (and therefore a water line cannot be extended to it under Section 7 of Resolution 173), but now that the Board is aware of the County policy to allow mergers across a road or right-of-way, this changes that presumption.

Director McElroy agreed that since the County regards Mr. Bryant's property as a single parcel, Section 7 of Resolution 173 is not applicable as that section prohibits the extension of water lines across a road or right-of-way *to serve an adjacent parcel*, which is not the case here; he said he is inclined to approve the request. Director Walker asked if Mr. Bryant's property currently is subject to a limited water use permit; director Siedman said when Mr. Bryant applies for a building permit to construct the ADU, that will trigger the district's limited water use permit process. Annie O'Connor of the Bolinas Community Land Trust ("BCLT") confirmed this project is part of the BCLT's pilot septic program and as a part of that program, a limited water use permit is required. Director Alexander Green said he agrees with director McElroy's comments, but questioned what might happen if John Bryant (or another similarly situated property owner) seeks to unmerge his lots in the future? Director McElroy said he has the same question about consequences if the lots are unmerged in the future. John Bryant said unmerging would require a subdivision of the property and, if he did that, he would be illegally providing water to a separate property and the Board could take action to enforce Section 7 of Resolution 173, as it has done in the past.

Genie McNaughton said when she first came to town she was advised that at least 10,000 square feet of property (100 x 100 feet) is necessary to accommodate a functioning septic system. She noted John Bryant's main property appears to be at least that big and inquired why the ADU needs to be built across the street. Director Siedman said this is not within the Board's jurisdiction as land use issues are the County's responsibility. Jennie Pfeiffer said since the responsibility for maintenance of the roads is on the homeowners adjacent to those roads, should the people living on the roads have input on permit requests like this? Director Siedman said the issue of road maintenance is separate from the encroachment request before the Board; he noted that district staff evaluated John Bryant's request carefully to ensure there are no impacts on district infrastructure.

Caitlyn Bryhn Lacey said she wants to be sure the Board considers possible unintended consequences of approving this request, which she characterized as a change in BCPUD policy. Approving this request means someone can build in another person's backyard, she said. She also has a broader concern about the impact on the price of vacant lots; she is aware of community members unable to purchase adjacent lots due to speculative real estate practices. One way to mitigate these concerns, she said, would be for the Board to require the applicant to obtain the building permit for his proposed development before the right-of-way encroachment is approved (because the County will require that the properties be merged as a condition of issuing the building permit). Don Smith said state housing law allows property owners to build one ADU on their property should they seek to do so; he said this law was enacted to address the housing crisis and the building of ADUs is an important part of that effort. Also, he said he was told when he merged his lots that they cannot be unmerged, so he thinks the concern about that potential consequence is misplaced. John Bryant said while he appreciates the comment earlier about building the ADU near his house rather than across the street, he wants whoever lives in the ADU to have the same privacy he enjoys. Genie McNaughton said she understands that state wants more ADUs to be built, but it is important to look at any and all environmental constraints.

Annie O'Connor commended the Board on its careful deliberation and emphasized that John Bryant and Pete Smith (next agenda item) are participants in the BCLT's pilot septic program and are proceeding with their projects in accordance with all applicable permitting requirements. Annie said there are many failing and substandard septic systems in Bolinas that present a public health risk to the community and a double standard seems to come up when people are trying to legalize septic systems or existing ADUs – the purpose here is to ensure working septic systems and she commends those coming forward to do the right thing, which is not an easy or comfortable thing to do. Jack McClellan disputed the assertion that there are many failing systems on the Mesa. Director Godino said given the County's policy to allow mergers across a road or right-of-way, she agrees that Section 7 of Resolution 173 does not apply to John Bryant's request. Directors Alexander Green and Walker concurred. Director McElroy also concurred and reiterated that when a building permit issues for the ADU, the property owner will need to apply for a limited water use permit from the district.

K. McElroy/A. Alexander Green all in favor to approve the installation of effluent, potable water and electricity lines in the Cedar Road right-of-way at 164 Poplar Road, subject to the district's standard permit terms and conditions.

6. BCPUD Right-of-Way Permit Application: *Request to install underground transmission lines of effluent, potable water and electricity in the Cedar Road Right-of-Way at Elm (169 Elm Road) AND clarification above re: Res. 173. (P. Smith).*

A. Alexander Green/K. Walker all in favor to approve the installation of effluent, potable water and electricity lines in the Cedar Road right-of-way at 169 Elm Road, subject to the district's standard permit terms and conditions.

7. Potential Projects Relating to Removal or Safety Pruning of Eucalyptus and Other Trees on BCPUD Lands:

- a. Eucalyptus and Monterey Cypress Tree Failure Analysis and Risk Assessment – BCPUD Lands at 270 Elm Road, 290 Mesa Road and Eucalyptus Grove (*Ray Moritz, Urban Forestry Associates*).**
- b. Proposed Removal of 65 - 100 30-inch Diameter Eucalyptus Trees (with Rootballs) from Grove on BCPUD Lands for Use in Connection with a Salmon Habitat Restoration Project (*Marin Water*).**
- c. Proposed Removal of the Stand of Eucalyptus Trees in “Zone 5” (Portions of BCPUD Lands and Private Properties on North side of Mesa Road): *Request for BCPUD Endorsement of Zone 5 Full Tree Removal on BCPUD Lands (Bolinus Eucalyptus Project)*.**

Director Siedman suggested a proponent for each of the agenda sub-items address the Board and explain what they would like the Board to do; he invited Jon Cozzi to go first. Jon said he is speaking on behalf of the Bolinas Eucalyptus Project (“BEP”); the BEP proposes to remove the stand of eucalyptus trees in Zone 5 covering twelve acres on the north and south sides of Mesa Road, 7.6 acres of which is BCPUD land, to be followed by a “state of the science” habitat conversion of the entire area and seeks the Board’s formal endorsement of the project. Jon said the Zone 5 trees “took a beating” in the recent winter storms with blow-downs of trees resulting in road closures and, in one case, injury to two residents. The BEP engaged H.R. Harvey, ecological consultants, to work with Judith Lowry to design a native habitat conversion plan. Jon emphasized the importance of Mesa Road as an evacuation route; he said he knows people love the trees and the monarchs, and the BEP will do everything it can to work with the community to optimize other nearby areas with large numbers of monarchs. Director Siedman asked Jon to clarify whether the BEP is seeking to remove all of the trees in Zone 5. Jon said yes; the BEP’s licensed forester advised it would be a mistake to leave an “island of trees” for monarch habitat as those trees then would be vulnerable to wind.

Director Siedman asked Ray Moritz of Urban Forestry Associates to speak next. Ray said he prepared a risk assessment for the district; he assessed three sites, including the trees adjacent to the County roads in Zone 5. Risk assessment of trees is a complicated process that involves an analysis of the biomechanics of trees, Ray said. He said his assessment does not take a position on whether stand conversion is attractive, doable or affordable; he said he has no argument with conversion to native forest or other vegetation. Director Siedman referenced the BEP proposal to remove all of the trees in Zone 5 and asked if Mr. Moritz has a specific recommendation one way or other concerning that specific proposal; Mr. Moritz said he does not.

Director Siedman next referenced the Marin Water Salmon Habitat Restoration Project and staff said no one is present on behalf of Marin Water tonight. Staff said Marin Water’s approach to the project may be changing; the district will continue to evaluate it and pursue the biological assessment in the meantime. Director Siedman asked Ray Moritz if he has read any materials from Marin Water about this project; Ray said he has not. Jon Cozzi said he thinks it is a wonderful project and he would love to see eucalyptus logs and rootballs installed in Lagunitas Creek to help the salmon; he said it is his understanding the trees would be harvested from the top end of Zone 5, where there would be less effect on surrounding trees and logistically is the best portion of Zone 5 from which to harvest.

Director Siedman invited public comment. Ole Schell asked Jon Cozzi if it is the BEP’s position that only 1% of the monarchs documented in Bolinas were in the BCPUD grove. Jon responded that the Xerces numbers from 1997 through this last winter indicate that 1.3% of the monarchs counted in Bolinas were in the grove. Ole asked if Jon is citing an aggregate of monarch numbers over that time period and Jon said he is. Ole said that in 2002, 2,000 monarchs were counted in Bolinas – they initially were documented at the Kale site (1,000) and at Wayne Poulson’s (1,000). (He explained monarchs need a southern facing “bowl” of trees that offer protection from the wind and noted many such sites in Bolinas, including the Kale and Poulson sites, have been degraded for various reasons; as a result, the monarchs go there but the sites don’t hold them.) Xerces thought all of the 2,000 monarchs initially documented in Bolinas had left, but it was discovered that 400 of them were in the BCPUD grove. Ole described the historic decline in monarchs on the West Coast; in recent years, he said, there has been a slight improvement to the numbers and Bolinas is now the northern most overwintering site in the state. Ole said it would be a mistake to use the aggregate number of monarchs between 1997 and today from an analytical perspective – he urged consideration of the current numbers, which indicate that 20% of the monarchs counted in Bolinas in 2022 were in the BCPUD grove. Ole said he would like the Board not to rush to judgment; new trees cannot be created overnight and a long-term management plan to create overwintering sites for the monarchs should be developed. In response to a question from director Siedman whether he opposes the removal of all of the Zone 5 trees, Ole said that, while it is a difficult situation, he opposes the full removal and would like to take a pause before anything irreversible is done. He noted in the 1980s there were millions of monarchs in Bolinas and 30 overwintering sites, but most of those sites do not exist anymore. Ole said there are many factors to explain this – pesticides, development, habitat loss, global warming – and noted all insect species are in decline, not just monarchs. Ole said Elias Rose is a friend of his and he also is very sympathetic to where Jon Cozzi is coming from, but the aggregate monarch numbers do not represent current circumstances. Jon Cozzi said he appreciates Ole’s comments, but noted there were many years when thousands of monarchs were counted at other sites in Bolinas and none in the

BCPUD grove; he asserted if the trees in the BCPUD grove were removed, the monarchs would figure out where to go.

Genie McNaughton said it is her understanding monarchs do not need eucalyptus trees to roost in; they can survive in other species of groves of trees. She also noted there are a lot of native plants on the BCPUD land and she urged Jon and Ole to collaborate on the removal of dangerous trees but also the installation of appropriate planting. Dale Polisar said he would like to speak on behalf of those who love the eucalyptus grove; he said he has great respect for Jon Cozzi and the BEP group and this is a hard decision. But if the grove is removed, it is gone forever, and he asked the Board to take it slow and seek some sort of compromise. Dale said the scope of trees proposed for removal is very significant; to grind the stumps of these trees and then install a habitat conversion plan would be very expensive and he fears the community would live for years with a “land of stumps”. Dale acknowledged the concerns about public safety, but said people risk their lives every day by driving on the freeway, and safety involves a balancing of risks. He acknowledged a tree from the grove fell across Mesa Road this past winter causing injury, but said trees fell across roads all over the area during the winter storms (including Bear Valley and Golden Gate Park) and no one is talking about cutting all of the other trees down in those locations. Dale said the trees in the grove provide carbon sequestration benefits and a valuable wind break; there could be tremendous erosion of the hillside if the trees are removed. Finally, he said the grove historically has provided habitat for the monarchs. He urged the Board to take its time and seek a compromise; he said removal of some trees is advisable for public safety, but not the full removal BEP proposes.

David Ainley referenced data posted on the Xerces Society website documenting the numbers of monarchs counted in Bolinas and in the BCPUD grove over the years; since 2015, he said, the average contribution of this grove to the Bolinas population of monarchs was 1.3% (and there were no monarchs in the grove during the prior 10 years). The forester reports commissioned by the BEP indicate the grove is dangerous, he said. When monarch numbers decline in one of the Bolinas sites, the numbers increase in others, he said, and he cited past research concerning groves in Monterey where researchers found monarchs move between groves. Janine Aroyan said she agrees with everyone – the trees provide a wind break and a beautiful area to walk through, but they also pose a danger. She supports the Zone 5 removal and also the salmon habitat restoration project removal and urged the Board to support both eucalyptus removal projects.

Emma Pelton introduced herself as a conservation biologist with the Xerces Society focused on Western Monarchs. She said she appreciates all of the thoughtful comments and concerns expressed about public safety and fire risk and she empathizes with these concerns. Emma said Xerces is working with California Department Fish & Wildlife on groves in similar circumstances elsewhere in the state to help address fire risk and also protect monarchs. She said there are many projects underway, but there is no single recipe for success; society is at a nexus with dwindling monarch populations and eucalyptus groves that typically are not in great shape, she said, so a compromise is being sought between reduction of fire risk and habitat preservation. Emma noted the 400 monarchs observed in 2022 in the BCPUD grove place it in the top 25% of all sites in the state last year; this grove is a significant overwintering site, she said, and monarchs have been returning here since at least the mid-1990s. She acknowledged in some years no monarchs have been documented there, but the grove remains an important part of the complex of sites in Bolinas. Finally, per the Marin County Local Coastal Program, Emma said this grove is designated as an Environmentally Sensitive Habitat Area, or “ESHA”, because it is documented monarch habitat. She said it is difficult to argue that removing the entire stand of trees is necessary to reduce public safety risk, but removal of specific trees and limbs could be an area of common ground, as well as the development of a long-term plan for the site.

Annie O’Connor said she is compelled to note that Annabelle Scott and Elias Rose are present at the meeting. She spoke of the call she received from Annabelle the night the tree fell onto their truck during the storm; she said Annabelle and Elias’s lives remain impacted and there is fear in the community now driving through this grove. Annie urged everyone to remember there are two people listening to this debate without being acknowledged. Ilka Hartmann said as hard as it is, everyone agrees the big trees along Mesa Road should be removed; no one wants to experience another event such as happened to Annabelle and Elias, she said. Ilka said she does not mean to disrespect their experience in any way, but she also wants to acknowledge the historic presence of the eucalyptus in the Bolinas community. She said she understands the potential fire danger posed by eucalyptus, but the marine environment in Bolinas is much different/moister than in Oakland, for example. Ilka urged the community to acknowledge there will be a denuded, windy, empty area when the trees are removed and she asked the Board to postpone a vote to allow more discussion and not tear apart the community.

Howard Dillon said the BEP is not advocating for the removal of all eucalyptus in Bolinas, only those in Zone 5. He asserted a fire could be started by a single branch falling on a power line across Mesa Road and he noted the BEP obtained the signatures of 500 residents in Bolinas in support of its project. He said PG&E plans to remove seven trees per year in Zone 5, but hasn’t removed any in the last two years. He acknowledged the importance of the butterflies, but said the Xerces data is incomplete and fails to account for butterflies in areas not adjacent to communities and he emphasized the BEP plans to convert the Zone 5 habitat after the trees are removed. Howard noted the importance

of a safe route out of town and said the private property owners on the north side of Mesa Road have agreed to the project and urged the BCPUD to do so, as well. Jack McClellan said he agrees with Howard and said the monarchs are a “red herring”; they are adaptable and will overwinter somewhere else, he said. He urged the Board not to be swayed by the “Eucalyptus Cult”; he said their concerns are vastly outweighed by the fire risks posed by the trees.

Mia Monroe said she is a volunteer with the Xerces Society and has monitored monarchs in Bolinas for decades. She remembers the legendary numbers of monarchs in Bolinas and has watched as the groves in town have declined in ability to hold monarchs; she hopes everyone can work together to welcome monarchs back and find common ground regarding the BCPUD grove. Mia works for the National Park Service and said she understands the concerns about the hazards of eucalyptus – the trees present a unique conundrum for those who value monarchs and the refuge provided to them by the coastal groves. In the last few years, the decline of monarchs has been particularly acute in Marin, she said. Then, this past winter, some monarchs returned and sought refuge in the BCPUD grove; she acknowledged the numbers are small and is hopeful the numbers will grow. She offered to walk the grove and share information with anyone interested; she urged the community to work together and thanked the Board for welcoming her to speak tonight.

Ray Moritz, referencing his earlier comments, said he does not oppose habitat conversion, but this does not mean he agrees with the reasoning of the BEP or its consultants with regard to fire risk. He said there are ways to manage the BCPUD grove to reduce the risk of a crowning fire, noting a lot was done in 2011 by thinning the grove and managing the understory and debris; this greatly reduces if not completely abates the risk of a crowning fire. With regard to the prospect of a branch falling on a power line and causing a catastrophic fire, he said this suggestion does not reflect fire science. Ray said he has worked on fires all over California, Oregon and Mexico, including most of the major fires in California, and Bolinas is not comparable to the sites where there has been significant loss of life and property due to fires. Ray said he was involved in a study that evaluated the entirety of Bolinas and the most troubling fuel in Bolinas in terms of evacuation and survivability during a fire is coastal scrub; he urged people to pay attention to things other than this one grove in Bolinas from a fire risk perspective and to understand that vegetation can be managed to reduce fire hazards.

Jonna Alexander Green said the BEP seeks the endorsement of the BCPUD Board; this is about public safety, she said, and no half-measure is possible to ensure public safety. Ralph Camiccia commented that the Marin Water salmon habitat restoration project could really benefit the community from a cost perspective. Director Siedman noted whatever the Board decides, any project to remove eucalyptus trees in the grove will require permits from the County and supporting reports to justify those permits. He asked the other Board members for their views on next steps. Director Alexander Green said professionals engaged by the BEP have opined the grove is in poor health and he believes trying to maintain the trees would be very expensive; he said safety is the top priority for him. He said he believes monarchs are an important species, but not more important than other species; he said it is important to better understand why monarchs are declining and he is troubled by the imprecise process of identifying their habitat and identifying ESHAs. Why isn't it the case, he asked, that the 20% of monarchs in Bolinas last year that were in the BCPUD grove would find another place to go if the Zone 5 trees were removed? He noted California is 800-900 miles long and there are many places along the coastline where monarchs are not counted, so there is uncertainty about their numbers. He acknowledged the trees are majestic but they pose dangers and there could be beauty in a habitat conversion project. Finally, he acknowledged the dedicated work of the BEP and thanked the group for these efforts; he said he is ready to vote to endorse BEP project.

Director Walker said she has listened to all of the discussion and understands the safety concerns. She suggested a working group be formed to dedicate a day or more to develop a plan for the grove that the entire community can agree upon. Director McElroy said he has been considering the possible unintended consequences of removing all of the trees – including potential loss of monarch habitat, loss of an important wind break, loss of root systems that lower the groundwater table, and other unknowns – versus the consequences of not removing the Zone 5 trees – including fire danger and emergency egress impacts. Like director Alexander Green, he can envision property transforming over the years to be a gift for future generations; he said he appreciates the work of the BEP and supports the removal of the Zone 5 trees. Director Godino said the prospect of having both routes off the Mesa blocked by fallen trees “cannot happen” again as it did this winter when trees blocked Terrace Avenue and Mesa Road. She said Zone 5 may not look great until “long after we are dead” if the trees are removed, but it will become wonderful as the new habitat grows in. As for the monarch habitat, director Godino said she presumes this will be central to the County permit process, along with any determination regarding an ESHA – she said the permit process is where the scientific decisions will be made, not this meeting. Director Godino said while she would love more consensus, she is prepared to endorse the BEP project.

Dale Polisar referenced Jack McClellan's use of the term “cult” to describe those concerned about the trees and monarchs and reminded the Board that decades ago, when there were discussions about the grove, hundreds of community members opposed to its removal. He acknowledged times have changed and speculated if a town vote were held today, the BEP proposal may prevail. That said, Dale is concerned many people are unaware the Board might make a decision about the grove tonight and

asked if there could be a larger town meeting first. Director Siedman said the Board meetings are publicly noticed and anyone interested has the ability to attend in-person or on Zoom, so it is not fair to those present and participating to defer decisions just because more people could have attended. Director Siedman acknowledged the past debates about the eucalyptus grove engendered passionate disagreement in town. He said he is inclined to agree with those who are advocating for efforts to bring people together to find consensus so that when a permit application is made to the County, everyone is on board with it and it reflects all points of view. Ole Schell expressed support for that approach. Annabelle Scott said there is no more time; the trees have to go, she said, one fell on her truck and it cannot happen to anyone else. She said she does not believe that others' spiritual connections to the trees or the monarchs are laughable or should be discounted, but residents should be able to drive downtown to the store. The trees are dangerous and they must go, she said. Ole Schell suggested the starting point might be to remove the trees adjacent to Mesa Road. Jon Cozzi said it was not a road side tree that fell on Annabelle and Elias' truck; he said most of the trees in the grove are 100-130 feet tall and that is the buffer zone that must be addressed. He said one of the forestry reports warns specifically against leaving an island of trees as they will be vulnerable to blow down; Jon said there is no compromise about leaving remnant trees in Zone 5.

Following a brief additional discussion, director McElroy recognized the controversial nature of the project and he urged those opposing the removal of the trees to work to create new habitat and protect monarch habitat elsewhere in Bolinas. Director Walker concurred, she said she supports the removal of the Zone 5 trees for safety reasons but wants community consensus, if possible, on the conversion of the habitat. Ole Schell noted that it takes decades for new trees to grow to create new habitat. Director Siedman referenced sub items (a), (b) and (c) on this agenda item, with sub-item (c) only requiring Board action.

K. McElroy/A. Alexander Green all in favor to approve the request from the Bolinas Eucalyptus Project for the Board to endorse the removal of the Zone 5 trees from BCPUD lands.

8. BCPUD Response to the 2022-23 Marin County Civil Grand Jury Report: *Build More ADU's – An Rx for Increasing Marin's Housing Supply. (Responses Required from the BCPUD to Findings No. 7 and Recommendations No. 4).*

Director Siedman said the district is required to respond to Finding No. 7 and Recommendation No. 4 in the Marin County Civil Grand Jury Report concerning building more ADUs. Staff referred the Board to a draft letter in the Board meeting materials which reflects the district's proposed response. Briefly stated, the district agrees with Finding No. 7, which states that connection fees related to constructing accessory dwelling units can be burdensome and are a disincentive to building them, but the district would not agree to implement Recommendation 4, which would involve conducting a feasibility assessment about waiving or significantly lowering impact and connection fees for units smaller than 750 square feet, because the BCPUD does not impose any such fees, so the recommendation is unwarranted.

A.Alexander Green/G. Godino all in favor to approve the draft response to the Marin County Civil Grand Jury regarding Finding No. 7 and Recommendation No. 4.

9. Amendment to BCPUD Resolution 710: Approving Form of Contract Documents for the Water Tank Site Pipeline Replacement Project and Awarding a Contract for the Project the Lowest Responsible Qualified Bidder, Subject to Certain Conditions, and Finding that the Project is Categorically Exempt Under the California Environmental Quality Act ("CEQA"), Section 15301(b), Class 1 (repair and maintenance of an existing facility).

K. Walker/A. Alexander Green all in favor to amend resolution 710 to add the following language into the title of the document: "and Finding that the Project is Categorically Exempt Under the California Environmental Quality Act ("CEQA"), Section 15301(b), Class 1 (repair and maintenance of an existing facility)".

10. BCPUD Resolution 714: Cites Board of Directors' Choices for Determining Fiscal Year 2023-24 Appropriations Limit.

K. McElroy/G. Godino all in favor to approve BCPUD Resolution 714, citing the Board of Directors' choices for determining the district's fiscal year 2023-24 appropriations limit.

11. BCPUD Resolution 715: States District's Appropriations Limit for Fiscal Year 2023-24.

A.Alexander Green/K. McElroy all in favor to approve BCPUD Resolution 715, stating the district's appropriations limit for fiscal year 2023-24

12. Update from the Ad Hoc Committee re: BCPUD Building at 270 Elm Road, Bolinas.

Staff reported that the geotechnical borings were drilled on July 28th and the County's Environmental Health Services Department inspector was on site to inspect the work. Staff continues

to work on clarifying the title to the property, which is in the name of the Bolinas Beach Public Utility District, a predecessor in interest.

13. Volunteer Committee Reports:

- *Resident Permit Parking Plan Committee:* Nothing to report.
- *Resource Recovery:* Nothing to report.
- *Land Stewardship Committee:* Nothing to report.

14. Other Business.

a. Board Committee Reports.

- *Finance:* Staff is preparing for the audit of the district's FY 2022-23 financial statements and has a year-end meeting with the district's bookkeeper and CPA on August 30th.
- *Legal:* Nothing to report.
- *Mesa Septic, Flood Control and Roads:* Jack McClellan said certain ditches on Poplar are in disrepair and two culverts are filled with debris; he asked whether anything would be done if he complains to the BCPUD. Staff said the district will respond immediately to maintenance requests like this and has equipment specific for this purpose. Staff urged Mr. McClellan to call the office with his maintenance request.
- *Water and Sewer Operations:* Nothing to report.
- *Personnel: Administrative Assistant Request to Increase Hours Worked from 36 to 40 per Week.* Staff reported that the district's Administrative Assistant, Belle Wood, has requested an increase in her working hours from 36 hours per week to 40 hours per week. Directors Siedman and Godino expressed support for the request.

K. Walker/G. Godino all in favor to increase the district's Administrative Assistant's hours from 36 hours per week to 40 hours per week.

b. Minutes of: the May 17, 2023 Regular Board meeting; the May 31, 2023 Special Board meeting; the June 21, 2023 Regular Board meeting; the July 19, 2023 Regular Board meeting; the July 27, 2023 Special Board meeting.

K. McElroy/A. Alexander Green all in favor to approve the minutes of the May 17, 2023 Regular Board Meeting.

Due to the press of district business, staff was not able to complete the minutes of the other meetings but will make every effort to do so by the next regular meeting.

c. Warrants.

A.Alexander Green/G. Godino all in favor to approve the warrant list.

d. Scheduling of Next Meeting(s):

September 20, 2023 at 7:30 p.m.

15. Adjournment.

11:41 p.m.