



# NOTICE OF EXEMPTION

TO: Contra Costa County  
Clerk-Recorder's Office  
555 Escobar Street  
Martinez, CA 94553

FROM: (LEAD AGENCY)  
East Bay Municipal Utility District  
Office of the Secretary - (510) 287-0404  
375 Eleventh Street, MS 806  
Oakland, CA 94607-4240

RECEIVED  
FEB 24 2025

- Lead Agency is the Project Applicant
- Lead Agency is Public Agency Approving Project
- Lead Agency is Carrying Out Project

Office of the Secretary

## PROJECT INFORMATION

- TITLE:** Tomato Stand Culvert Replacement Project
- LOCATION:** (City, County, and specific location)  
The project is located on East Bay Municipal Utility District-owned watershed lands in unincorporated Contra Costa County (see attached Figure 1 in Attachment A) in Pinole Creek, a tributary to San Pablo Bay Reservoir.  
Latitude: 37°58'11.65N, Longitude: 122°12'57.13W.
- DESCRIPTION:**  
The project will replace an existing 6-foot diameter, approximately 30-foot long, corrugated metal culvert creek crossing with a 16-foot wide, 50-foot span prefabricated steel bridge on concrete footings (see Attachment A) to improve fish passage and restore natural channel processes, reduce erosion and improve water quality in Pinole Creek.

## EXEMPTION FINDING (Check one)

This project is exempt from CEQA because:

2025-00045

- Activity is not a project
- Activity is Ministerial (Sec.21080(b)(1); Guideline 15268)
- Activity is a Declared Emergency (Sec.21080(b)(3); Guideline 15269(a))
- Activity is an Emergency Project (Sec.21080(b)(4); Guideline 15269(b)(c))
- Activity is Categorically Exempt Under Guideline 15333
- Activity is Statutorily Exempt Under Guideline \_\_\_\_\_
- Reasons why project is exempt:  
Under Section 15333, small habitat restoration projects, including culvert replacement, are categorically exempt.

**FILED**

February 20, 2025  
KRISTIN B. CONNELLY  
CLERK-RECORDER

By

J. Cano  
Deputy Clerk

## INITIATING UNIT: APPROVAL

<u>1/31/2025</u>	<u>Chien Wang</u>	<u>Bert Mulchaey</u>
1. DATE PREPARED	2. PREPARED BY (Initial)	3. REVIEWED BY (Unit Supv. Initial)
<u>Michelle Workman</u>		
4. RECOMMENDED BY (Division/Section Manager)		
<u>Bert Mulchaey</u>	<u>57</u>	<u>Supervising Fisheries &amp; Wildlife Biologist</u>
5. CONTACT PERSON	MAIL SLOT #	TITLE
		<u>510-287-2038</u>
		PHONE

## NOTICE OF EXEMPTION APPROVED FOR FILING WITH THE COUNTY CLERK

<u>01/31/2025</u>	<u></u>
DATE	DEPARTMENT DIRECTOR
<u>02/14/2025</u>	<u></u>
DATE FORWARDED TO COUNTY CLERK	SECRETARY OF THE DISTRICT

**EAST BAY MUNICIPAL UTILITY DISTRICT  
TOMATO STAND CULVERT REPLACEMENT PROJECT**

**Summary**

The Tomato Stand Fish Passage Project (Project) will replace a perched and undersized corrugated metal culvert (6-foot diameter by 30-foot long) creek crossing with a 16-foot wide, 50-foot span prefabricated steel bridge on concrete footings to improve fish passage at the site for steelhead and resident rainbow trout. The Project is located on Pinole Creek, a tributary to San Pablo Bay, on East Bay Municipal Utility District (EBMUD) watershed lands.

**Location**

The Tomato Stand Culvert is located east of the city of Pinole in Contra Costa County (Figure 1). The culvert is within the EBMUD-protected Pinole Valley watershed which encompasses approximately 3,300 acres. The culvert is on the main stem of Pinole Creek approximately 5.5 miles upstream of the creek confluence with San Pablo Bay. The coordinates of the Project are 37°58'11.65N, 122°12'57.13W.

**Purpose**

The Project purpose is to replace the existing culvert with a channel-spanning bridge to improve fish passage and fish access to spawning and rearing habitat in the upper reaches of Pinole Creek. The Tomato Stand Culvert is the last remaining culvert on Pinole Creek that restricts access for *Oncorhynchus mykiss* (rainbow trout) to spawning and rearing habitat upstream (Figure 1). The culvert is a partial barrier to migrating adult steelhead and a total barrier to *O. mykiss* juvenile rainbow trout upstream migration. The Project will provide upstream and downstream movement for juvenile *O. mykiss* when completed. No other man-made barriers to fish passage need to be addressed in the watershed to provide access to suitable habitat. Several small fish passage impediments exist upstream and downstream, but all are passable to migrating steelhead under typical spawning season flows (EBMUD, 2010). The culvert allows fish passage under higher flows, but drought conditions exacerbate and impede fish passage due to lack of depth in the culvert and an increase in the leap height required to enter the culvert at the downstream end.

**Project Details**

The Project would occur during the dry season and would last approximately five weeks. Pre-Project fish surveys and electrofishing would be implemented to translocate fish from the Project site if the channel is wetted at the time of construction. If required, once the site is cleared by biologists, a temporary coffer dam and plastic pipeline would be installed to convey any water out of the Project site in a passive dewatering system. No temporary fish passage structure is proposed due to the short construction window for the channel.

Once the site is dewatered, excavation of the existing culvert would begin using an excavator or backhoe. The existing culvert would be removed, and approximately 50 linear feet of creek channel would be excavated to match the active channel width upstream of the Project site. Large boulders and cobbles (small rocks) will be placed in the channel to form a channel bed that is functional for fish passage. The channel banks upstream and downstream of the bridge site would be graded to stable slopes and

reinforced with wildlife species safe erosion control fabric, and rock rip-rap would be installed to protect the bridge buttresses.

The bridge concrete footings would be framed and poured onsite in the existing roadway approximately 12 to 15 feet outside of the active channel. The prefabricated bridge would be brought to the site via flatbed truck and placed on the bridge footings using a construction crane from the roadway. The bridge would be fastened to the bridge supports, and the approaches to the bridge would be graded to conform to the bridge deck and rocked for all weather access.

**Permits**

All work will be on EBMUD watershed lands. Appropriate permits from the State Water Board, California Department of Fish and Wildlife and the Army Corps of Engineers will be obtained through the streamlined process for small habitat restoration projects.

**Schedule and Work Hours**

The construction is anticipated to start in August 2025 and would take approximately five weeks to complete. Construction activities would be limited to the daytime weekday hours (7:00 a.m. to 4:00 p.m.). Construction would occur during the dry season of the year to ensure erosion control measures can be implemented before high flow events occur at the Project site.

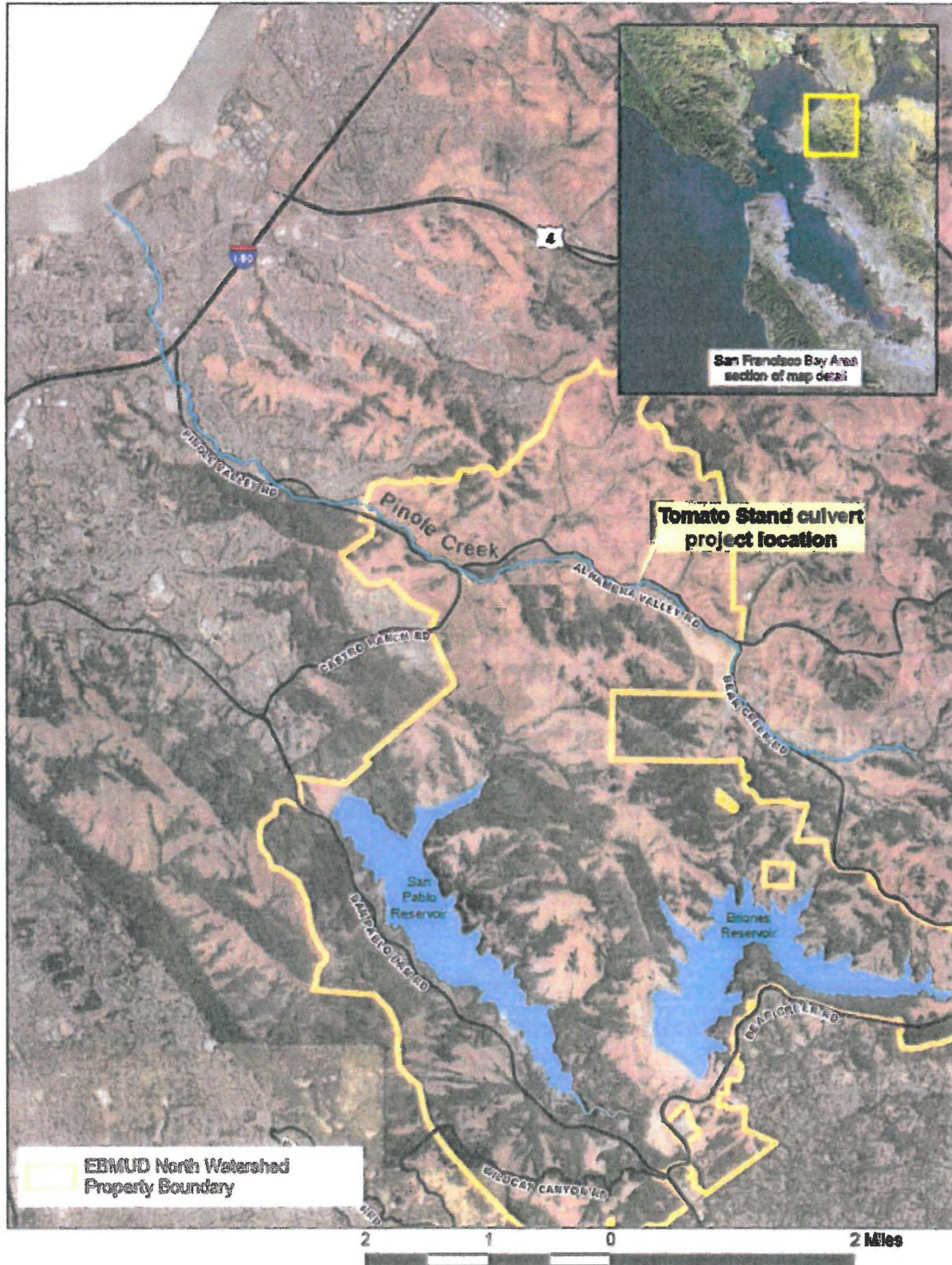
**EBMUD Practices and Procedures**

Standard construction environmental and safety practices applicable to all EBMUD construction projects have been incorporated into the Project. These standard practices minimize impacts to the public resulting from EBMUD construction projects.

This Project will be covered by the EBMUD Low Effect East Bay Habitat Conservation Plan (HCP). All avoidance and minimization measures for culvert replacement projects as described in the HCP would be implemented to protect HCP species. In addition, an HCP-approved onsite biological monitor will be present for all Project ground disturbance activities.

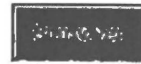


**Figure 1: Tomato Stand Culvert Project Site Map**





State of California - Department of Fish and Wildlife  
**2025 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/25) Previously DFG 753.5a



RECEIPT NUMBER:  
 07-02/20/2025-046  
 STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY EAST BAY MUNICIPAL UTILITY DISTRICT	LEAD AGENCY EMAIL	DATE 02/20/2025
COUNTY/STATE AGENCY OF FILING CONTRA COSTA COUNTY	DOCUMENT NUMBER 2025-00045	

PROJECT TITLE  
 TOMATO STAND CULVERT REPLACEMENT PROJECT

PROJECT APPLICANT NAME EAST BAY MUNICIPAL UTILITY DISTRICT	PROJECT APPLICANT EMAIL	PHONE NUMBER (510) 287-0404
PROJECT APPLICANT ADDRESS 375 ELEVENTH STREET	CITY OAKLAND	STATE CA
		ZIP CODE 94607

PROJECT APPLICANT (Check appropriate box)

Local Public Agency   
  School District   
  Other Special District   
  State Agency   
  Private Entity

CHECK APPLICABLE FEES:

Environmental Impact Report (EIR) \$ 4,123.50 \$ \_\_\_\_\_  
 Mitigated/Negative Declaration (MND)(ND) \$ 2,968.75 \$ \_\_\_\_\_  
 Certified Regulatory Program (CRP) document - payment due directly to CDFW \$ 1,401.75 \$ \_\_\_\_\_

Exempt from fee  
 Notice of Exemption (attach)  
 CDFW No Effect Determination (attach)  
 Fee previously paid (attach previously issued cash receipt copy)

Water Right Application or Petition Fee (State Water Resources Control Board only) \$ 850.00 \$ \_\_\_\_\_  
 County documentary handling fee \$ 50.00 \$ \_\_\_\_\_ 50.00  
 Other \$ \_\_\_\_\_

PAYMENT METHOD:

Cash   
  Credit   
  Check   
  Other 6300

TOTAL RECEIVED \$ \_\_\_\_\_ 50.00

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE Jennifer Cano Deputy Clerk
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R# 16210

RECEIVED  
 FEB 24 2025  
 Office of the Secretary

Kristin B. Connelly  
Contra Costa  
Clerk-Recorder  
555 Escobar Street  
Martinez, CA 94553  
(925) 335-7900

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Public

Finalization No.: 202500016210

Cashier: jcano

Register: ISAPC2

Date/Time: 02/20/2025 12:49 PM

<u>Description</u>	<u>Fee</u>
NOTICE OF EXEMPTION	
Filing Time:	12:49 PM
Filing Total:	\$50.00
Filing Fee:	\$50.00
<hr/>	
Total Amount Due:	\$50.00

Total Paid

Check Tendered: \$50.00

#6300

Amount Due: \$0.00

RECEIVED  
FEB 24 2025  
Office of the Secretary

THANK YOU  
PLEASE KEEP FOR REFERENCE

