

Farrah Hussein  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE GRANT FUNDS FROM THE ENVIRONMENTAL PROTECTION AGENCY'S COMMUNITY GRANT PROGRAM FOR THE LAKE MERRITT HEALTHY LAKE INITIATIVE PROJECT IN THE AMOUNT OF NINE HUNDRED FIFTY-NINE THOUSAND SEVEN HUNDRED FIFTY-SEVEN DOLLARS (\$959,757.00) AND TO ADOPT APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, in August 2022, a red tide harmful algal bloom (HAB), caused by the *Heterosigma akashiwo* species, covered Lake Merritt, the San Francisco Bay, and areas along California's coast; and

**WHEREAS**, the algal bloom consumed and lowered dissolved oxygen levels which contributed to a massive fish kill around Lake Merritt; and

**WHEREAS**, addressing excessive algae growth and low dissolved oxygen concentrations in Lake Merritt is needed to protect aquatic life, prevent fish kills, remove Lake Merritt from the federal impaired waterbody list for dissolved oxygen, and comply with other state and federal water quality regulations; and

**WHEREAS**, Congressionally Directed Spending funds in an amount of nine hundred fifty-nine thousand seven hundred fifty-seven dollars (\$959,757.00) were awarded to the City of Oakland through a State and Tribal Assistance Grant for the Lake Merritt Healthy Lake Initiative Project (Project) to develop and implement strategies to control excessive algae growth and low dissolved oxygen concentrations in the Lake; and

**WHEREAS**, to access the funding, the City must submit a grant application through the Environmental Protection Agency (EPA) Community Grant Program; and

**WHEREAS**, staff recommends that the City Administrator be authorized to apply for, accept and appropriate nine hundred fifty-nine thousand seven hundred fifty-seven dollars (\$959,757.00) in grant funds from the EPA Community Grant Program for the Lake Merritt Healthy Lake Initiative Project; and

**WHEREAS**, matching fund requirements have been waived; and now, therefore, be it

**RESOLVED:** That City Council has reviewed the proposed project and independently finds and determines that this action is exempt from CEQA pursuant to the following CEQA Guidelines Sections: Section 15304 as project activity “consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes”, and Section 15340(d) because the project involves “minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production” and each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; and be it

**RESOLVED:** That the City Council authorizes the City Administrator, or designee, to apply for, accept, and appropriate grant funds from the EPA Community Grant Program for the Lake Merritt Healthy Lake Initiative Project in the amount of nine hundred fifty-nine thousand seven hundred fifty-seven dollars (\$959,757); and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to administer said grant funds from the Environmental Protection Agency’s Community Grant Program in fund 2125 (Environmental Protection Agency), ORG 30245 (Watershed and Stormwater Management Division), Project to be determined (TBD); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to spend the grant funds for the Lake Merritt Healthy Lake Initiative Project; and be it

**FURTHER RESOLVED:** That City Administrator, or designee, is authorized to act as an agent to conduct all negotiations and related actions and to sign all applications and agreements that may be necessary for the acceptance or extension of this EPA Community Grant Program grant; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to take any other action consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED

City Clerk and Clerk of the Council of the City of  
Oakland, California