

Attachment 1 - Notice of Exemption



Filing Requested by and When Filed Return To:

Marin Municipal Water District
220 Nellen Ave
Corte Madera, CA 94925
Attn: Paul Sellier, Director of Operations

Project Title: Marin East Bay Emergency Intertie Project

Project Location: The Marin East Bay Emergency Intertie Project (Project) includes the construction and operation by Marin Municipal Water District (MMWD or District) of water transmission, pumping, and storage facilities in the City of San Rafael in Marin County, in the City of Richmond in Contra Costa County, California, and within the Interstate 580 (I-580) right-of-way across the Richmond-San Rafael (RSR) Bridge, which is owned by the State of California and under the jurisdiction of California Department of Transportation (Caltrans). Refer to Figure 1 for the location of the Project and its components. In Richmond, the Project includes a pump station and tie-in to a pipeline owned and operated by East Bay Municipal Utility District (EBMUD), as well as several segments of pipeline in streets within the Point Richmond neighborhood. The proposed EBMUD tie-in and the pump station are located near Tewksbury Avenue and Castro Street; the proposed pipeline alignment extends westward from the tie-in location in public rights-of-way (including the I-580 right-of-way) to Marin County. Proposed facilities in Marin County include a pump station and storage facilities (two tanks) on MMWD-owned property near Pelican Way and Kerner Boulevard and transmission pipeline in public rights-of-way.

Description of Nature, Purpose and Beneficiaries of Project

MMWD proposes to construct and operate the Project to address emergency drought conditions in Marin County and the State of California. The Project includes the short-term transfer of water to MMWD, and the construction, operation, and maintenance of potable water infrastructure to connect the treated water systems of MMWD and EBMUD. A key component of the infrastructure is a water pipeline to be supported by the RSR Bridge.

Existing Conditions

Existing MMWD Facilities. MMWD supplies water to approximately 191,000 customers throughout Marin County. MMWD currently owns property on Pelican Way near Kerner Boulevard in San Rafael, which is used for equipment storage and temporary storage of spoils. MMWD also owns and operates a water transmission main at the proposed western tie-in location in Sir Francis Drake Boulevard west of Andersen Drive.

Existing EBMUD Facilities. EBMUD provides water service to much of the East Bay, including the City of Richmond. EBMUD also operates a 20-inch diameter transmission main in Tewksbury Avenue to which proposed facilities would connect.

Proposed Actions, Facilities, and Operations

Water Supply. As part of the Project, MMWD would enter into an agreement or agreements with one or more water suppliers known to participate in water transfers, for the short-term transfer of an estimated 15,000 acre-feet. Treated water would be transferred to MMWD via EBMUD facilities, consistent with an operations agreement that would be executed between MMWD and EBMUD. Raw water purchased by MMWD could be conveyed to EBMUD several ways through existing facilities. The duration of the transfer is anticipated to be one year; if the current drought persists, MMWD may seek to extend the agreement. The specific water contractor(s) would be confirmed at a later date.

Facilities. The Project includes the following proposed facilities:

- **Richmond Pump Station.** The Richmond Pump Station would be located in the vicinity of Castro Street and Tewksbury Avenue in Richmond, drawing water from EBMUD's system and discharging it to the proposed Marin East Bay Transmission Pipeline described below. The pump station would consist of three to four pumps and electrical equipment

in a fabricated structure (about 50 feet by 15 feet) and mounted on a skid, an emergency diesel generator set (about 50 feet by 15 feet), and associated piping. The pump station would have a capacity of 12.5-million gallons per day (mgd). A 24-inch pipeline connection would connect to EBMUD's distribution system in Tewksbury Avenue. A combination of approximately 1,400 feet of 6-inch pipelines will be installed or replaced for EBMUD's distribution system in the Point Richmond neighborhood, including pipeline segments in Clarence Street, Contra Costa Street, Western Street, Eddy Street, West Richmond Avenue, and Marine Street. These pipelines would be needed to ensure that pressure changes associated with the Richmond Pump Station do not affect existing EBMUD customers.

- **Marin East Bay Transmission Pipeline.** The Project includes approximately 8 miles of up to 24 inch (inner diameter) pipeline, as follows (refer to Figure 1):
 - **Eastern Reach.** The proposed pipeline alignment east of the RSR Bridge extends from the Richmond Pump Station in the multi-use pathway adjacent to East Standard Avenue, within the pathway along the west side of Marine Street beneath I-580, and then continues along the pathway on the north shoulder of I-580. This segment of the pipeline would be buried. At the Scofield Avenue undercrossing of I-580, the pipeline would be attached to the soffit of the freeway bridge. West of the Scofield Avenue undercrossing, the pipeline would be installed beneath the multi-use pathway west to Stenmark Drive where it would become above grade at the eastern abutment of the RSR Bridge.
 - **RSR Bridge Reach.** From Stenmark Drive, the proposed pipeline alignment continues across the RSR Bridge. Where the RSR Bridge includes an upper and lower deck, the pipeline would be installed along the underside of the upper deck. Where the RSR Bridge transitions to a single-deck configuration, the pipeline would be installed on top of the concrete pile caps of the RSR Bridge on the north side of the deck. MMWD continues to work with Caltrans regarding the specific location and means of construction across the RSR Bridge.
 - **Western Reach.** The first segment of the proposed pipeline alignment within Marin County exits the RSR Bridge as an above grade pipeline and returns to a below grade pipeline at Francisco Boulevard East, continuing westerly to Morpheus Way and then to Pelican Way and the MMWD property at Pelican Way near Kerner Boulevard.
- **Pelican Way Tanks and Pump Station.** The Western Reach of the Marin East Bay Transmission Pipeline would discharge to two proposed one-million-gallon bolted steel tanks that would be constructed on MMWD property. The tanks, measuring approximately 45 feet high and 90 feet in diameter and built of either bolted steel, would be constructed on a foundation supported on piles. The new 12.5 mgd Pelican Way Pump Station would draw water from those tanks and discharge to the Marin Transmission Pipeline. The design of the Pelican Way Pump Station is identical to the Richmond Pump Station.
- **Marin Transmission Pipeline.** This pipeline extends from the proposed Pelican Way Pump Station and tanks to Francisco Boulevard East, then to Bellam Boulevard. The Marin Transmission Pipeline then follows Bellam Boulevard and Andersen Boulevard to Sir Francis Drake Boulevard. There would be multiple tie-ins to existing District pipelines along the alignment.

Construction. Construction is expected to last approximately six months in 2022. Construction is expected to occur seven days per week, with night work on the RSR Bridge and other select locations to reduce disruption of traffic, accommodate specific construction techniques, and advance the schedule. Construction could occur on the RSR Bridge in multiple locations, west of the RSR Bridge, and east of the RSR Bridge simultaneously. Primary staging would be on District-owned land at Pelican Way and Kerner Boulevard in San Rafael. Secondary staging would occur in Richmond at the site of the Richmond Pump Station, and a third staging area near the east end of the RSR Bridge may also be used.

Operations. As indicated above, MMWD would acquire water from a third party under a short-term transfer. The water would be transferred to MMWD via existing EBMUD facilities. The Richmond Pump Station would pump water to the Pelican Way tanks in San Rafael via the Marin East Bay Transmission Pipeline. The Pelican Way pump station would then boost the water through the Marin Transmission Pipeline and into MMWD's distribution system. The duration of the transfer is anticipated to be one year; if the current drought persists, MMWD may seek to extend the agreement. The pipeline would be able to convey up to 12.5 mgd at a peak instantaneous rate. MMWD would be responsible for operations and maintenance of the proposed facilities.

Environmental Features Proposed as Part of the Project. During Project planning and design, MMWD incorporated strategies and features to avoid adverse effects on environmental resources, consistent with the intent of CEQA. Examples include avoidance of cultural resources through pipeline routing and reduction in anticipated operational noise from pump station operations through the use of line power instead of generators where feasible.

Permits and Approvals. The Project may require permits and approvals from the following agencies:

- State Water Resources Control Board: Approval of short-term water transfer
- United States Bureau of Reclamation: Approval of short-term water transfer

- Caltrans: Encroachment permit and Directors Order
- San Francisco Bay Conservation and Development Commission
- City of San Rafael: Encroachment permit
- City of Richmond: Encroachment permit
- EBMUD: Operations agreement
- Federal Highway Administration

MMWD will continue to incorporate environmental features into the Project as design progresses, and will comply with all conditions in permits and approvals issued for the Project. MMWD will coordinate with Caltrans to assure compliance with the National Environmental Policy Act to the extent applicable.

Background Information, Purpose of and Need for the Project

Summary of MMWD Water Supply Sources. MMWD supplies water to approximately 191,000 customers in Marin County. Approximately 75 percent of MMWD's water supply comes from water stored in a total of seven reservoirs on Mount Tamalpais and in west Marin, and approximately 25 percent of the water supply is imported from the Sonoma County Water Agency (Sonoma Water) via the North Marin Aqueduct. Both MMWD and the North Marin Water District receive their imported water supply via the North Marin Aqueduct, which is owned by the North Marin Water District. MMWD's imported water supply is received at its Ignacio Pump Station in Novato, which is located downstream of the North Marin Water District's Aqueduct turnouts. MMWD's contracts with Sonoma Water identify the maximum volumes to be imported: 12.8 mgd during the months of May to September and 17.0 to 23.0 mgd from October to April. However, to date, Marin Water has never needed the maximum volumes, averaging 8.81 mgd during peak months over the last five years, with a high of 10.07 mgd in 2016.

Continuing Drought Conditions. The County of Marin and much of California is facing an exceptional drought. After two successive dry winters with significantly below average rainfall, MMWD reservoir storage volumes are at historical low levels. As of September 12, 2021, MMWD's reservoirs are at 36 percent of average storage volume, or 28,677 acre-feet, and are projected to have as little as 25,000 to 20,000 acre-feet in storage on December 1, 2021. In the absence of above average rainfall and runoff over the remainder of the water year and beyond, the MMWD's reservoir storage levels could be below 10,000 acre-feet in late summer/early fall 2022. MMWD has never operated its reservoirs at this level and there exists a great deal of uncertainty as to whether the District would be able to continue to meet its water supply demand. Regarding supplies from Sonoma Water, as of September 13th, 2021, Lake Sonoma had 113,874 acre-feet of water, which is 46.5 percent of capacity and approximately 55 percent of historical average for this time of year. Due to the lack of water, Sonoma Water has reduced allocations to its retail customers, including MMWD. From July through September 2021, MMWD will be restricted to 4 mgd with a slight increase in October to 4.6 mgd (compared to a typical import of 8.8 mgd). The reduced allocations are expected to continue if rainfall is below average in the fall.

Drought Response. To preserve MMWD's limited water supply, the MMWD Board of Directors (Board) adopted Resolution 8624 on February 16, 2021 providing initial drought water conservation actions for MMWD customers to voluntarily reduce their water usage. At the April 20, 2021 meeting, the Board adopted Resolution 8630 declaring a water shortage emergency and adopted an ordinance setting forth a comprehensive list of mandatory water conservation measures and water use restrictions. At the May 18, 2021 meeting, the Marin County Board of Supervisors voted unanimously to declare a local emergency and acknowledge the imminent threat of a public health and safety emergency related to local dry conditions and water supplies. Subsequently, on July 8, 2021, Governor Gavin Newsom added Marin County to a list of 50 out of 58 counties in California that are in a drought state of emergency and calling for state agencies to provide assistance where appropriate, including the expeditious consideration of water transfer requests. The goal of the mandatory water use restrictions adopted by MMWD is to achieve a 40 percent reduction in water use districtwide. Restrictions include but are not limited to the following: spray irrigation is limited to one day a week, with each community having a designated watering day; drip irrigation is limited to any two days per week; recommendation to turn off irrigation systems and spot water by hand, only when necessary; prohibition on outdoor water between 9:00 a.m. and 7:00 p.m. to prevent evaporation; all pools and spas must be covered; no washing of vehicles at home; no power-washing of any structures or hardscape; and no installation of potable water irrigated landscaping for new water services connections during the drought. In addition to implementing restrictions, MMWD also provides ways to help save water with conservation tips, water-efficient fixtures, rebates, and other programs. As of mid-July 2021, a 23 percent reduction was observed from baseline water use. The District has recently filed a Temporary Urgency Change Petition requesting modifications to instream flow requirements to help preserve reservoir storage levels.

Even with these aggressive measures, MMWD's 191,000 customers are projected to run out of water as early as July 2022 if the drought continues.

Urgent Need for the Project. An urgent need for the Project exists because of the extremely low storage levels in MMWD's reservoirs and the fact that without supplemental water supply, MMWD customers are threatened with an imminent public health and safety emergency from inadequate water supply. Such depletions in storage and reductions or eliminations of water supplies would cause serious impacts to human health and welfare. As indicated above, MMWD's 191,000 customers are projected to run out of water as early as July 2022 if the drought continues. Approval of the NOE is therefore necessary at this time to prevent and mitigate loss of, or damage to, public health and essential public services.

Public Agency Approving Project: Marin Municipal Water District

Name of Person or Agency Carrying Out Project: Marin Municipal Water District

CEQA Exemption Status: Emergency Project (Sec. 21080 (b)(4); 15269 (c)): Specific actions necessary to prevent or mitigate an emergency.

Reasons for Exemption: The proposed action is statutorily exempt under California Environmental Quality Act (CEQA) Statute 21080(b)(4).

A. Actions to Prevent or Mitigate an Emergency

California Public Resources Code, Division 13, Section 21080(b)(4) provides that specific actions necessary to prevent or mitigate an emergency are exempt from CEQA. The County of Marin and much of California is facing an exceptional drought. At the April 20, 2021 meeting, the MMWD Board of Directors adopted Resolution 8630 declaring a water shortage emergency and adopted an ordinance setting forth a comprehensive list of mandatory water conservation measures and water use restrictions. At the May 18, 2021 meeting, the Marin County Board of Supervisors voted unanimously to declare a local emergency and acknowledge the imminent threat of disaster related to local dry conditions and water supplies. Subsequently, on July 8, 2021, Governor Gavin Newsom added Marin County to a list of 50 out of 58 counties in California that are in a drought state of emergency, which Proclamation included the suspension of environmental review by state and local agencies to the extent necessary to carry out actions pertaining to the drought response and mitigation. As of September 12, 2021, the water supply storage level in Marin Water's reservoirs was 28,677 acre-feet, which is less than 36 percent of capacity. The current low storage level is the result of severely low rainfall in the region. As measured at Lake Lagunitas, recorded rainfall for January 1, 2020 through August 1, 2021 was approximately 32 inches, the lowest total rainfall for the 20-month period in 142 years. Furthermore, MMWD typically receives about 25 percent of its supply from Sonoma Water, which is in similar drought conditions. As a result of this drought, Sonoma Water has begun curtailing the amount of water available to its contractors throughout this drought period, and MMWD's supply from Sonoma Water has been cut in half. Without significant storm events in the near future, results of modeling show storage levels in MMWD's reservoirs to be below 25,000 acre-feet by December 2021. Even with aggressive mandatory conservation measures, MMWD's 191,000 customers are projected to run out of water as early as July 2022 if the drought continues. Accordingly, the Project is statutorily exempt from CEQA because it is necessary to prevent or mitigate an emergency—in this case, a proclaimed drought emergency—that poses a clear and imminent danger. (Pub. Resources Code, §§ 21060.3 & 21080, subd. (b)(4); Cal. Code Regs., tit. 14, § 15269, subd. (c).)

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10/20/21

Paul Sellier, Director of Operations

Date

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SOURCE: Woodward & Curran, 2021, ESA, 2021

Marin East Bay Emergency Intertie Project

Figure 1
Project Location and Components

