



STAFF REPORT

Meeting Type: Board of Directors
Title: Adoption of the Final Initial Study/Mitigated Negative Declaration for Phoenix-Bon Tempe Connection Project and Approval of the Phoenix-Bon Tempe Connection Project
From: Alex Anaya, Director of Engineering
Through: Bret Uppendahl, Acting General Manager
Meeting Date: June 18, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Approve a resolution adopting the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Phoenix – Bon Tempe Connection Project, approving the Phoenix – Bon Tempe Connection Project, and directing staff to file a Notice of Determination with the Marin County Clerk and State Clearinghouse

SUMMARY: Staff is actively working on the Phoenix – Bon Tempe Connection Project and has completed preliminary design and environmental review. Staff has worked with Environmental Science Associates (ESA) on preparation of the Initial Study/Mitigated Negative Declaration (IS/MND), circulated a draft IS/MND for review and completed the 30-day public comment period. Staff will present an overview of the proposed project, IS/MND, and public comments received, as well as the District’s response to comments.

DISCUSSION: Staff has been actively working on the Phoenix – Bon Tempe Connection Project since Spring of 2023. To date, staff has completed a preliminary engineering study, including water quality analysis and implications, geotechnical work in relation to rapid drawdown capacity of the reservoir, and condition assessment of the Bon Tempe tunnel, which is the inlet to Bon Tempe Lake. The geotechnical work confirmed the maximum pumping capacity of 3 MGD, with a reduction to 1.9 MGD at lower lake levels. Staff also retained Hazen and Sawyer to perform the electrical engineering design component needed for the new pump station. As a result of this preliminary work, a pipeline alignment has been identified along Phoenix Lake Road and Fish Grade to connect Phoenix Lake to Bon Tempe Lake.

During the preliminary engineering analysis, staff was also in discussion with the County of Marin regarding a potential storm water component of this project. While both agencies are supportive of this concept, a determination was made by the County to not participate in the capital project, but to

explore a potential operating agreement once the project is completed. This supports the geotechnical analysis that limits the pumping capacity and also allows for a potential stormwater benefit that would allow for pumping of Phoenix Lake prior to the rainy season. As such, staff proposes proceeding with this important capital project without County involvement.

ENVIRONMENTAL REVIEW: The Final IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines. The Final IS/MND incorporates the Draft IS/MND prepared for the Phoenix – Bon Tempe Connection Project as it was originally published by the District and filed with the State Clearinghouse No. 2024030454.

The District issued a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration on March 13, 2024, which was filed with the Marin County Clerk's Office for posting. The District also provided a web link on the Marin Water's website to the NOI as well as the draft IS/MNDs and identified that hard copies were available for review at the District's main office and the Sky Oaks Watershed Office.

Confirmation of receipt of the NOI and the Draft IS/MND from the State Clearinghouse was received by the District on March 13, 2024, which initiated the 30-day review period that ended on April 12, 2024.

COMMENTS AND REVISIONS TO DRAFT IS/MND

During the 30-day public comment period of the draft IS/MND, the District received a total of two comments via comment letter or email. The District has prepared a Final IS/MND that includes responses to comments and a Mitigation Monitoring and Reporting Program (MMRP) as Appendices D and E, included in the Final IS/MND, respectively. The Final IS/MND is provided as Attachment 2 to this staff report. Included in the response to comments is a revised hydrologic model that analyzes impact to flows in Ross Creek relative to pumping only during the period of October 1 through February 28 each year. The new modeling reviewed impacts from pumping the reservoir twice during this period based on data from past years showing inflow and spillage from the reservoir during the late fall and winter timeframe. This modeling indicates that conducting pumping within this timeframe would reduce or eliminate any truncation to spring flows in Ross Creek relative to the current conditions, which demonstrates less than significant impacts from the proposed project.

All modification of the document, including deletions or additions to the text are identified in the Final IS/MND as strikeout and underline text, respectively. The revisions made to the Final IS/MND based on the District's response to comments did not require recirculation of the draft IS/MND since they did not raise a new issue or create additional impacts not already addressed and mitigated for in the draft IS/MND to a less than significant level in accordance with CEQA Guidelines Section 15073.5, and with the adoption of the Mitigation Monitoring and Reporting Program (MMRP), all potentially significant impacts are mitigated to less than significant.

MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) for the Phoenix – Bon Tempe Connection Project has been prepared in accordance with the Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15091(d). The District will use this MMRP to track compliance with the Project's mitigation measures and it incorporates all mitigation measures adopted for the proposed Project. The MMRP mitigation measures are identified in Table E-1 of the Final IS/MND and when implemented will mitigate any potentially significant environmental impacts to less than significant.

The District has published a notice of public hearing on the proposed adoption of the IS/MND and project approval on June 10, 2024 in the Marin IJ. During the public hearing the Board may receive public comments and further testimony from staff and District consultants on the environmental review and proposed project.

CONCLUSION


Staff recommend the Board to approve a resolution which adopts the Final Initial Study/Mitigated Negative Declaration and approve the Phoenix – Bon Tempe Connection Project conditioned on compliance with the Mitigation Monitoring and Reporting Program and find that the Project, which completed in compliance with the MMRP, will not result in any significant environmental impacts which have not been mitigated to less than significant.

Should the Board of Directors approve the Resolution, District staff will file a Notice of Determination for the Project with the Marin County Clerk and the State Clearinghouse within five (5) working days of adoption of this Resolution, which shall constitute Project approval as defined by 14 CCR 15352(a).

FISCAL IMPACT: None.

ATTACHMENT(S):

1. Proposed Resolution Adopting the Final Initial Study/Mitigated Negative Declaration for the Phoenix – Bon Tempe Connection Project
2. Final IS/MND

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Engineering	 Alex Anaya Engineering Director	 Bret Uppendahl Acting General Manager