

**Attachment 1
MARIN MUNICIPAL WATER DISTRICT**

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MARIN MUNICIPAL WATER DISTRICT ADOPTING THE FINAL INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PHOENIX – BON TEMPE CONNECTION PROJECT AND APPROVING THE PHOENIX – BON TEMPE CONNECTION PROJECT AND MAKING FINDINGS IN CONNECTION THEREWITH

WHEREAS, on February 28, 2023, the Marin Municipal Water District (Marin Water or District) Board of Directors (Board of Directors) received an update on the Strategic Water Supply Assessment, which includes an evaluation of current and future hydrological conditions, performance of the Marin Water system under these conditions, consideration of alternatives and strategies, and roadmap to a more resilient water supply future; and

WHEREAS the Strategic Water Supply Assessment (SWSA) identified the Phoenix – Bon Tempe Connection Project located southwest of the Town of Ross in unincorporated Marin County, California, within Marin Water’s Mt. Tamalpais watershed lands on land owned by Marin Water. The connection would convey water from the Phoenix Lake/Corte Madera Creek watershed to the Bon Tempe Reservoir/Lagunitas Creek watershed; and

WHEREAS, the Phoenix-Bon Tempe Connection Project is one of the near-term projects identified in the SWSA to improve the resilience of Marin Water’s system; and

WHEREAS, Marin Water wishes to take early action to increase the reliability and resiliency of its water supply throughout the District through a connection between Phoenix Lake and Bon Tempe Reservoir to improve operational efficiency and allow for more frequent use of Phoenix Lake water without the existing required intensive system modifications; and

WHEREAS, on January 12, 2024, District staff presented an update on the preliminary design for the installation of infrastructure to connect Phoenix Lake to Bon Tempe Lake at the Marin Water Operations Committee and informed the Committee that staff would be filing the Notice of Intent and Draft IS/MND with the Marin County Clerk and the State Clearinghouse in March or April 2024; and

WHEREAS, Marin Water, as the California Environmental Quality Act (CEQA) Lead Agency, has prepared an Initial Study (IS) for the Phoenix – Bon Tempe Connection Project (Project) in compliance with CEQA, the CEQA Guidelines (California Code of Regulations [CCR] Section 15000 et. seq.) and the regulations and policies of Marin Water; and

WHEREAS, a Notice of Intent to Adopt the IS/Mitigated Negative Declaration was issued on March 13, 2024, providing for a public comment period from March 13, 2024 to April 12, 2024. The IS concludes that no significant impacts would be caused by the proposed project with the incorporation of mitigation measures, therefore, a Mitigated Negative Declaration has been recommended for adoption; and

WHEREAS, the District filed the Notice of Intent and Draft IS/MND with the Marin County Clerk and State Clearinghouse on March 13, 2024, and posted the Draft IS/MND to the District's website; and

WHEREAS, the State Clearinghouse provided confirmation of receipt of Notice of Intent and Draft IS/MND on March 13, 2024, and assigned the document State Clearinghouse No. 2024030454, which initiated the 30-day public comment period; and

WHEREAS, the public comment period ended on April 12, 2024, and District staff received a total of two comments via comment letter or email and the District has prepared the Final IS/MND that includes the response to the comments in Appendix B of the Final IS/MND; and

WHEREAS, the revisions made to the Final IS/MND based on the District's response to comments does not require recirculation of the Draft IS/MND since they do 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

WHEREAS, District staff has prepared a Mitigation Monitoring and Reporting Program that includes all the mitigation identified as part of the Draft IS/MND, which, if implemented will reduce any potentially significant environmental impacts identified in the Draft IS/MND to less than significant; and

WHEREAS, all other legal prerequisites to the adoption of this resolution have occurred.

NOW, THEREFORE, the Marin Municipal Water District Board of Directors **RESOLVES** as follows:

Section 1. Recitals. The above recitals are true and accurate and are incorporated herein by reference.

Section 2. CEQA Review. The Marin Municipal Water District Board of Directors has reviewed and considered the Final Initial Study/Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program for the Phoenix – Bon Tempe Connection Project presented by staff to the District Board of Directors at a duly noticed public hearing held on June 18, 2024, the notice for which was published in the Marin Independent Journal on June 10, 2024.

The Board of Directors has reviewed the Final Initial Study/Mitigated Negative Declaration and the response to comments and the information and analysis included therein, reviewed the public comments received by the District and listened to any public comments and testimony offered during the public hearing held by the District's Board of Directors on June 18, 2024.

Section 3. Findings. The Marin Municipal Water District Board of Directors hereby makes the following findings:

- A. The Final Initial Study/Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program contain a complete and accurate reporting of all the environmental impacts associated with the Project.
- B. The revisions made in response to comments and incorporated into the Final Initial Study/Mitigated Negative Declaration do not raise new issues or create additional impacts not already addressed and mitigated for in the Draft Initial Study/Mitigated Negative Declaration 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, all potentially significant impacts are mitigated to less than significant.

- C. There is no substantial evidence that the Project will have significant environmental effects, except as identified and considered in the Final Initial Study/Mitigated Negative Declaration.
- D. The Final Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the Board.

Section 4. Approvals. Based on the findings in Section 3, the Marin Municipal Water District Board of Directors hereby adopts the Final Initial Study/Mitigated Negative Declaration for the Phoenix – Bon Tempe Connection Project and approves the Mitigation Monitoring Reporting Program. Pursuant to 14 CCR Section 15075, the Board of Directors hereby directs staff to 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 Section 15352(a).

Section 5. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Marin Municipal Water District, Board Secretary, 220 Nellen Ave, Corte Madera, CA 94925. This information is provided in compliance with Public Resources Code section 21081.6.

Section 6. Certification. The Secretary of the Marin Municipal Water District Board of Directors shall certify to the adoption of this Resolution.

Section 7. Effective Date. This Resolution shall become effective immediately upon its adoption.

Section 8. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

PASSED AND ADOPTED this 18th day of June, 2024, by the following vote of the Board of Directors.

AYES:

NOES:

ABSENT:

Ranjiv Khush
President, Board of Directors

ATTEST:

Terrie Gillen
Board Secretary
Resolution