



Attachment 1

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memorandum

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to Paul Sellier and Lucy Croy, Marin Municipal Water District
cc Andrew Collison, Jason White, and Justin Whitfield, Environmental Science Associates (ESA)
from Tahsa Sturgis and Jennifer Aranda, ESA
subject Nicasio Reservoir Vegetation Management Project CEQA Exemption Memorandum

Introduction

This memorandum was prepared by Environmental Science Associates (ESA) to support a Categorical Exemption under the California Environmental Quality Act (CEQA) for the Nicasio Reservoir Vegetation Management Project (Project). Marin Municipal Water District (Marin Water), the CEQA lead agency, is proposing to enhance riparian vegetation around the Nicasio Reservoir's perimeter and provide localized flooding relief through limited vegetation thinning along Upper Nicasio Creek prior to the 2026/2027 rainy season. The CEQA Guidelines contain classes and categories of projects that have generally been determined not to have a significant effect on the environment and, as a result, are exempt from review under CEQA. This document has been prepared to support CEQA compliance for the Project; it demonstrates that the Project qualifies for a CEQA categorical exemption for minor alterations to the land (Class 4 exemption), consistent with the provisions of CEQA Guidelines Section 15304 (Minor Alterations to the Land). The Project could also qualify for an existing facility exemption (Class 1 CEQA Guidelines Section 15301), as described below.

Project Location

The Project site where vegetation thinning would occur is located along Upper Nicasio Creek from its confluence to Nicasio Reservoir upstream to Nicasio Creek Road Bridge and Halleck Creek. Nicasio Creek is a tributary to the larger Lagunitas Creek and is part of the Lagunitas Creek watershed in Marin County, California. The unincorporated town of Nicasio is located along Nicasio Valley Road. The surrounding area is primarily agricultural in nature, with ranch residences located along Nicasio Valley Road and livestock grazing being the primary land use. The Nicasio Valley Cheese Company is located across Nicasio Valley Road from the Project site. Nicasio Elementary School is located adjacent to Upper Nicasio Creek. The riparian area along Nicasio Creek within the Project site is densely vegetated primarily with willows (*Salix* spp.) The Project restoration site where riparian plantings would be

installed is located just north of where Upper Nicasio Creek enters Nicasio Reservoir. See Figures 1 and 2 in **Attachment A**.

Project Need, Purpose, and Objectives

The surrounding properties around Upper Nicasio Creek have experienced increasingly common flooding over the last two decades. Along the Project site, Upper Nicasio Creek's conveyance capacity is limited by its channel depth and the surrounding vegetation, which increases channel roughness and slows flows. The approximate 100-year floodplain is located above the top of bank and is densely vegetated. The floodplain overstory is dominated by arroyo willow (*Salix lasiolepis*) and Oregon ash (*Fraxinus latifolia*), with occasional occurrences of bigleaf maple (*Acer macrophyllum*) and California bay laurel (*Umbellularia californica*). The understory is dominated by dense stands of willow and shrub-like willows as well as other native shrubs and herbs, including, but not limited to, California blackberry (*Rubus ursinus*) and poison oak (*Toxicodendron diversilobum*). Hydraulic modeling has shown that water surface elevations in this reach are sensitive to vegetation density (i.e., roughness coefficient).

The Project proposes to manage local flood risk prior to forecasted 2026/2027 El Niño winter conditions, which are expected to increase the intensity of winter storms and potential flooding in the Project area through vegetation maintenance activities. The proposed restoration site at the reservoir would be enhanced by the proposed riparian plantings to create a more continuous riparian habitat area just downstream of the Upper Nicasio Creek.

Project Description

The Project proposes vegetation thinning downstream at the edge of Nicasio Reservoir and working upstream along Upper Nicasio Creek to Ranch Road Bridge (Figure 2 in **Attachment A**), collecting willow poles and stakes, and using the collected cuttings as restoration plantings around the reservoir's perimeter at a location just past where Upper Nicasio Creek enters Nicasio Reservoir (Figure 3 in **Attachment A**). Vegetation removal would involve vegetation thinning using hand tools along approximately 3,850 linear feet of the Upper Nicasio Creek riparian corridor. The proposed vegetation thinning and removal would mostly occur within the approximate 100-year floodplain over an approximate 100-foot-wide area above the right bank of Upper Nicasio Creek from Nicasio Reservoir to approximately just beyond Nicasio Elementary School. From the Nicasio Elementary School up to Ranch Road Bridge, vegetation thinning would occur within the approximate 100-year floodplain on both banks of Upper Nicasio Creek with the work extent width on either side varying. Vegetation removal locations and access roads are depicted in Figure 2 in **Attachment A**.

Large mature trees and vegetation larger than 4 inches diameter at breast height (DBH) would be preserved. Mature trees and vegetation larger than 4 inches DBH would be limbed by hand and would primarily occur on branches with a diameter of 4 inches or less. Dead vegetation would also be removed.

The harvested willow poles and stakes would be preserved in buckets of water during the vegetation thinning to prevent them from drying out prior to installation at the restoration site. The harvested willow poles and stakes would be replanted at the selected restoration site toward the end of September or beginning of October. Planting at this time would provide the greatest likelihood of success for the

willows. In total, up to approximately 1.7 acres of riparian habitat would be restored by the Project around the Nicasio Reservoir's perimeter.

Construction Equipment, Staging, and Schedule

Vegetation thinning and removal of dead vegetation would be completed manually using hand tools, including gas-powered equipment such as chainsaws. Other hand tools potentially used may include hand saws, loppers, machetes, trowels, axes, and shovels. No heavy equipment would be operated as part of the Project. No chemical methods would be used for the Project. All vegetation thinning and removal of dead vegetation would occur above ground surface; no excavation or grading would be required.

Staging and temporary storage of removed vegetation would occur in an undeveloped portion of Nicasio School District's property located approximately 460 feet north of the Nicasio Elementary School buildings (Assessor's Parcel Number 121-050-46; Figure 4 in **Attachment A**).

Work would be conducted by a six-person crew with two trucks, one trailer, and a side-by-side. The banks of Upper Nicasio Creek would be accessed via foot, wheelbarrow, or low ground pressure equipment, such as all-terrain vehicles (ATVs). Removed or limbed vegetation may be transported from the floodplain area to the staging area with wheelbarrows and/or ATVs. Wheelbarrows and/or ATVs may also be used to transport harvested willow cuttings to the restoration planting area. Any ATVs or other light equipment that may be utilized by the contractor would meet the low ground pressure requirement specified in the environmental protection measures. Removed vegetation would be transported to West Marin Compost located at 5576 Nicasio Valley Road for composting.

Vegetation thinning and removal of dead vegetation is estimated to begin in September 2026 after regulatory permits and approvals are issued. Work would continue, as needed, through the end of the 'dry-construction' season, approximately October 31, or into winter 2026, contingent on permitting agency approval.

Proposed Best Management Practices and Avoidance Measures

The Project has been designed to avoid and minimize the likelihood for substantial adverse environmental effects through the implementation of specific best management practices (BMPs), avoidance measures, and regulatory agency permit requirements. For example, the Project is considered an eligible restoration project under the State Water Resources Control Board's Order WQ 2022-0048-DWQ, "Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide," also known as the Statewide Restoration General Order (SRGO). The applicable SRGO protection measures that will be implemented are shown in **Attachment B**. Additionally, BMPs and avoidance measures incorporated into the Project to reduce potential impacts to biological resources, water quality, and aquatic resources include the following:

- **Worker Environmental Awareness Training.** Prior to starting work, all personnel will receive environmental awareness training to inform them of protected resources, rules and legal protections, and avoidance and minimization measures.
- A qualified biologist will conduct a pre-construction survey of the Project site to supplement the biological resources reconnaissance surveys of the Project site that took place on April 13 and July 7,

2026. The survey will consist of walking the creek within the Project site. If special-status plant, fish, and wildlife resources are observed, the qualified biologist will make additional recommendations to be implemented to protect the species from Project disturbance before work begins.

- **Nesting Bird Survey.** To avoid impacts to nesting birds protected under the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513, vegetation trimming shall be conducted outside of the typical nesting bird season (February 1 through August 31), to the extent feasible. If vegetation removal and/or trimming activities must occur during the nesting season, a qualified biologist shall conduct a survey for active bird nests within 7 days prior to the commencement [of] Project-related activities.

The survey shall consist of the entire Project site and a minimum 500-foot buffer. If a lapse in Project-related work of 7 days or longer occurs, another survey shall be conducted before Project work can be reinitiated. If an active nest is identified, the qualified biologist shall establish an appropriate no-disturbance buffer based on the species, nest location, existing site conditions, and anticipated disturbance levels. Project activities shall not occur within the buffer until the qualified biologist determines that the nest is no longer active or that Project activities will not result in nest abandonment or reproductive failure.

- **Roosting Bat Survey.** A qualified bat biologist shall conduct a habitat assessment prior to [the] removal or trimming [of] any tree containing cavities, exfoliating bark, large cracks, or other features that could support roosting bats.

The following measures shall be implemented should potential roosting habitat or potentially active bat roosts be identified during the habitat assessment in trees that could be trimmed or removed within the Project area:

- a) In areas identified as potential roosting habitat during the habitat assessment, any tree work (trimming or removal) shall occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, to the extent feasible. These dates avoid the bat maternity roosting season and period of winter torpor.[2]
- b) If seasonal avoidance of potential roosting habitat is infeasible, the qualified biologist shall conduct pre-construction surveys of potential bat roost sites identified during the initial habitat assessment no more than 14 days prior to building demolition or relocation, or any tree trimming or removal.
- c) If active bat roosts or evidence of roosting is identified during pre-construction surveys, the qualified biologist shall determine, if possible, the type of roost and species. A no-disturbance buffer shall be established around roost sites until the seasonal windows identified above or the qualified biologist determines they are no longer active. The size of the no-disturbance buffer would be determined by the qualified biologist and would depend on the species present, roost type, existing screening around the roost site (such as dense vegetation or a building), as well as the type of Project activity that would occur around the roost site.
- d) Trees with potential bat roosting habitat or active roosts shall be disturbed only under clear weather conditions when precipitation is not forecast for 3 days and when daytime temperatures are at least 50 degrees Fahrenheit.

- e) Trimming or removal of existing trees with potential bat roosting habitat or active (non-maternity or hibernation) bat roost sites shall follow a two-step removal process (which shall occur during the time of year when bats are active, according to a) above.
 - 1) On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws or other handheld equipment.
 - 2) On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe).

All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches.

- **Pre-Construction Survey for Special-Status Reptiles and Amphibians.** Within 24 hours prior to the commencement of vegetation removal and/or trimming, a qualified biologist shall conduct a pre-construction survey of the work area for special-status amphibians and reptiles with the potential to occur, such as California red-legged frog (*Rana draytonii*), foothill yellow-legged frog (*Rana boylei*), California giant salamander (*Dicamptodon ensatus*), and northwestern pond turtle (*Actinemys marmorata*).

If a special-status amphibian or reptile is observed within or immediately adjacent to the work area, Project activities shall be temporarily halted in the vicinity of the observation. Work shall not proceed until the individual, through its own volition, moves out of harm's way as confirmed by the qualified biologist.

- To the maximum extent practicable, no activities will occur during rain events or within 24 hours following a rain event.
- Hazardous materials, such as fuels and solvents, shall be stored in covered containers and protected from rainfall, runoff, vandalism, and accidental release to the environment. All fuels and solvents shall be stored in an area with a containment capacity equal to the volume of the stored materials.
- All maintenance (e.g., refueling) of hand tools will be conducted within double containment systems (i.e., two nested plastic bins) to prevent the release of fuels, lubricants, or solvents.
- All operations shall comply with all federal, state, and local regulations pertaining to water, air, solid waste, and noise pollution.
- Activities with the potential to generate noise (such as the use of chainsaws) shall be scheduled to minimize their duration at any given location, and to the extent feasible, these activities would occur outside of school hours.

CEQA Exemption Discussion

A summary of the applicable Class 1 and Class 4 exemptions under CEQA Guidelines Section 15301 (Existing Facilities) and Section 15304 (Minor Alterations to the Land), respectively, and the general "exceptions to the exemptions" pursuant to Section 15300.2 (Exemptions) are provided below, followed by a discussion of applicability of the categorical exemptions and exceptions to the Project.

CEQA Guidelines Section 15301, Existing Facilities (Class 1)

The Class 1 Categorical Exemption in Section 15301 of the CEQA Guidelines consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the Project involves negligible or no expansion of use. Examples include but are not limited to:

- Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood (Section 15301[d]);
- Maintenance of existing landscaping, native growth, and water supply reservoirs (Section 15301[h]);
- Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources (Section 15301[i]); and
- Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the California Department of Water Resources (Section 15301[m]).

CEQA Guidelines Section 15304, Minor Alterations to the Land (Class 4)

The Class 4 Categorical Exemption in Section 15304 of the CEQA Guidelines 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 or agricultural purposes. Examples include, but are not limited to:

- New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire-resistant landscaping (Section 15304[b]);
- 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 (Section 15304[d]); and
- Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions (Section 15304[i]).

CEQA Guidelines Section 15300.2, Categorical Exemption Exceptions

Application of these exemptions, as all categorical exemptions, is limited by the factors described in the CEQA Guidelines Section 15300.2 (Exceptions). Accordingly, a project with significant cumulative impacts or which otherwise has a reasonable possibility of resulting in a significant effect does not qualify for a categorical exemption.

The following are exceptions that would make Categorical Exemptions Class 1 and Class 4 inapplicable to the Project:

- **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.
- **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- **Historical Resources.** A categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource.

Applicability of the Categorical Exemptions to the Project

The Project qualifies for a Class 4 Minor Alterations to the Land categorical exemption, as the vegetation thinning and willow planting activities would be minor and no removal of healthy, mature, or scenic trees is proposed. Large mature trees and vegetation larger than 4 inches DBH would be preserved. Mature trees and vegetation larger than 4 inches DBH would be limbed by hand and would primarily occur on branches with a diameter of 4 inches or less. Vegetation thinning and removal of dead vegetation would only occur along approximately 3,850 linear feet of Upper Nicasio Creek over an approximate 100-foot-wide area (Figure 2 in **Attachment A**), and up to approximately 1.7 acres of riparian habitat would be restored by the Project around the Nicasio Reservoir's perimeter.

The Project could also qualify for a Class 1 Existing Facilities categorical exemption. The Project consists of maintenance of native growth and involves negligible or no expansion of use. Restoration plantings associated with the Project are considered maintenance activities associated with the existing water

supply facility (Nicasio Reservoir). The vegetation maintenance activities would help maintain public safety by managing local flood risk prior to forecasted 2026/2027 El Niño winter conditions.

Applicability of the Categorical Exemption Exceptions to the Project

Of the two exemptions discussed above, the location exception only applies to Class 4 exemptions. However, the Project is not located in a particularly sensitive environment where the location of the Project would create a significant impact on the environment; therefore, this exception does not apply.

The Project would not have a reasonable possibility to have a significant effect on the environment due to unusual circumstances, as discussed further below.

- Aesthetics.** The Project would not damage scenic resources within a state scenic highway or degrade the existing visual character of the Project area and its surroundings. There are no state scenic highways in the vicinity of the Project site; U.S. Route 101, approximately 5 miles to the west, is an eligible scenic highway (Caltrans 2026a, 2026b). The area and work associated with the proposed vegetation thinning and removal of dead vegetation would be minor and temporary, no heavy equipment would be operated as part of the Project, and large mature trees and vegetation larger than 4 inches DBH would be preserved.
- Biological Resources.** The Project would enhance approximately 1.7 acres of riparian vegetation around Nicasio Reservoir's perimeter and would manage dense riparian vegetation within the approximate 100-year floodplain. Biological resources reconnaissance surveys of the Project site (excluding the staging area) were conducted by ESA biologists on April 13 and July 7, 2026, and a technical memorandum documenting the results of the surveys was prepared (**Attachment C**). No special-status plant or wildlife species were observed during the surveys. The following six special-status plants have moderate to high potential to occur within the Project site, based on nearby records and suitable habitat in the Project site: western leatherwood (*Dirca occidentalis*), Napa false indigo (*Amorpha californica* var. *napensis*), fragrant fritillary (*Fritillaria liliacea*), congested-headed hayfield tarplant (*Hemizonia congesta* ssp. *congesta*), North Coast semaphore grass (*Pleuropogon hooverianus*), and Sanford's arrowhead (*Sagittaria sanfordii*). The following six special-status wildlife species have moderate or high potential to occur within the Project site, along with breeding and migratory birds: California red-legged frog, foothill yellow-legged frog, California giant salamander, northwestern pond turtle, white-tailed kite (*Elanus leucurus*), and western red bat (*Lasiurus frantzii*). The BMPs and avoidance measures identified above will be implemented as part of the Project to ensure no significant adverse impacts on endangered, rare, or threatened species or their habitat occurs. This includes conducting a pre-construction biological survey of the Project site prior to Project activities, conducting a nesting bird survey, a roosting bat survey, and a pre-construction survey for special-status reptiles and amphibians. **Attachment B** also identifies SRGO protection measures that will be implemented as part of the Project to protect biological resources, including environmental awareness training for construction personnel (GPM-4), conducting environmental monitoring during Project activities to ensure that all applicable protective measures are implemented during Project activities (GPM-5 and GPM-7), prevention of spread of invasive species (GPM-8), avoidance of vegetation disturbance (VHDR-1), implementation of methods for removal of native and invasive vegetation (VHDR-2), and methods for revegetation (VHDR-3, VHDR-4, and VHDR-5).

- **Cultural Resources and Tribal Cultural Resources.** Based on a review of the cultural resources database at the Northwest Information Center of the California Historical Resources Information Center, there are previously documented pre-contact cultural resources in the vicinity of the Project. There would be no ground disturbance associated with the Project; therefore, impacts to cultural resources are not anticipated.
- **Hazards and Hazardous Materials.** The Project is not located on a site with past contamination (DTSC 2026). Nicasio Elementary School is located within 0.25 mile of the Project site; however, no heavy equipment would be operated as part of the Project, and BMPs are incorporated into the Project to reduce the potential for hazardous materials, such as fuels and solvents, to be released into the environment. **Attachment B** also identifies SRGO protection measures that will be implemented as part of the Project to protect the environment, including specifications for equipment maintenance and materials storage (GPM-10, WQHM-1, WQHM-3, WQHM-4, and WQHM-5), fugitive dust reduction (GPM-12), and material disposal (GPM-11, GPM-13, and GPM-14).
- **Hydrology and Water Quality.** The Project is expected to reduce flood risk by thinning and removing vegetation along the densely vegetated bank of Upper Nicasio Creek. No excavation or grading will occur with the Project that could result in substantial erosion or increase the rate or amount of surface runoff. The SRGO protection measures that will be implemented as part of the Project (**Attachment B**; WQHM-1, WQHM-3, WQHM-4, and WQHM-6), and the BMPs incorporated into the Project would protect water quality by minimizing the risk of release of pollutants into the environment.
- **Noise.** The Project may result in a temporary and short-term incremental increase in noise levels during vegetation thinning and removal activities; however, a BMP is incorporated into the Project to minimize the duration of potentially noisy activities (such as the use of chainsaws) at any given location, and conduct noisy activities outside of school hours, to the extent feasible. The Project would not result in a permanent increase in ambient noise levels in the area.
- **Transportation.** The six-person crew with two trucks, one trailer, and a side-by-side would use an undeveloped portion of Nicasio School District's property north of the Nicasio Elementary School for staging and temporary storage. Given the limited scale of Project activities, worker trips entering and exiting the Project site from Nicassio Valley Road at Nicasio Elementary School are not anticipated to disrupt traffic, and the Project would not result in road closures or lane blockages that could reduce the number of travel lanes and require rerouting of traffic. The existing road would be used for all ingress and egress and would continue to provide adequate emergency access to the area.

No impact would occur on the other environmental resource topics covered in CEQA Checklist Appendix G (i.e., agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, land use and planning, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire).

As discussed above, the Project would not result in a significant impact to the environment. Therefore, it would not contribute to any significant cumulative impacts when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Summary

For the reasons outlined above, the Project is eligible for a Class 1 categorical exemption, as well as a Class 4 exemption. Given that the Project would occur on both Marin Water and private parcels, a Class 4 categorical exemption is recommended for the Project. The Project consists of minor vegetation thinning and dead vegetation removal activities in a limited area, and removal of healthy, mature, or scenic trees is not proposed. None of the exceptions to the exemption would apply.

References

- Caltrans (California Department of Transportation). 2026a. *Officially Designated County Scenic Highways*. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed April 8, 2026.
- Caltrans (California Department of Transportation). 2026b. *List of eligible and officially designated State Scenic Highways*. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed April 8, 2026.
- DTSC (Department of Toxics Substances Control). 2026a. “EnviroStor Database: Nicasio School Addition.” [Online database.] https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=21820003. Accessed April 8, 2026.