



NORTH MARIN WATER DISTRICT
AGENDA - REGULAR MEETING
 September 6, 2011 – 7:30 p.m.
 District Headquarters
 999 Rush Creek Place
 Novato, CA 94945

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Est. Time	Item	Subject
7:30 p.m.	CALL TO ORDER	
	1.	APPROVE MINUTES FROM REGULAR MEETING , August 16, 2011
	2.	GENERAL MANAGER'S REPORT
	3.	OPEN TIME: (Please observe a three-minute time limit) This section of the agenda is provided so that the public may express comments on any issues not listed on the agenda that are of interest to the public and within the jurisdiction of the North Marin Water District. When comments are made about matters not on the agenda, Board members can ask questions for clarification, respond to statements or questions from members of the public, refer a matter to staff, or direct staff to place a matter of business on a future agenda. The public may also express comments on agenda items at the time of Board consideration.
	4.	STAFF/DIRECTORS REPORTS
	CONSENT CALENDAR The General Manager has reviewed the following items. To his knowledge, there is no opposition to the action. The items can be acted on in one consolidated motion as recommended or may be removed from the Consent Calendar and separately considered at the request of any person.	
	5.	Consent Approve: Resolution of Appreciation to Retiring Employee – Somoff Resolution
	6.	Consent Approve: Out-of-State Travel to Attend – CA/NV AWWA Fall 2011 Conference
	7.	Consent Deny: Claim for Damages (Jerome Ghigliotti)
	8.	Consent Approve: Dump Truck Replacement Authorization
	9.	Consent Approve: Engineering Services Contract – Laura Jones
	10.	Consent Approve: CSW/Stuber-Stroeh Engineering Services FY 11-12 – Miscellaneous Engineering Services
	11.	Consent Approve: Regulation 54 – Service Charge for Residences with Fire Sprinklers Resolution
	12.	Consent Approve: Notice of Completion Crest Water Tank No. 2 (Paso Robles Tank)
	13.	Consent Approve: Adopt State Revolving Fund Loan Resolutions – Revised Application for Recycled Water Project South Service Area Project (Phases 1 a/b & 2) Resolution (3)
	ACTION CALENDAR	
	14.	Approve: Point Reyes Wells Production Status

All times are approximate and for reference only.

The Board of Directors may consider an item at a different time than set forth herein.

(Continued)

Est. Time	Item	Subject
	15.	Approve: Recycled Water Expansion to South Service Area Project – Clean Water State Revolving Fund Loan CEQA Project Approval (SRF Proj. No. 7802)
	16.	Approve: Change Order to Nute Engineering Contract for Recycled Water Project North Service Area
	17.	Approve: Recycled Water Onsite Retrofit Design Project – Agreement for Design Services with HydroScience Engineers
	18.	Approve: Recycled Water Expansion to the North Service Area - Segment 2 Construction Project – Approve Bid Advertisement
	19.	Approve: Recycled Water North Service Area Expansion - Segment 3 Project: Award Construction Contract
8:30 p.m.		INFORMATION ITEMS
	20.	Water Conservation Year End Report (July 2010 through June 2011)
	21.	MISCELLANEOUS Disbursements Save Our Water ad Letter from PG&E Letter from Assembly Member Huffman Re GFOA Certificate of Achievement Letter from Senator Mark Leno Re GFOA Certificate of Achievement Letter from Customer Letter to Senator Mark Leno Re AB 646 History of Stafford Lake Salinity notice <u>News Articles:</u> Brown Appoints Chuck Bonham as New DFG Director Troubled SMART Rail Line Taps Marin Official as Its Leader San Rafael And Novato Water Recycling Plants Get Funding Help Brown’s Decision Means Wide-Open Race In Sonoma County’s 1 st District
	22.	CLOSED SESSION: In accordance with Government Code Section 54957.6; Conference with Labor Negotiators; District’s Designated Representatives – Chris DeGabriele and David Bentley; Employee Organization – North Marin Water District Employee Association
9:30 p.m.	23.	ADJOURNMENT

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DRAFT
NORTH MARIN WATER DISTRICT
MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS
August 16, 2011

CALL TO ORDER

President Schoonover called the regular meeting of the Board of Directors of North Marin Water District to order at 7:30 p.m. at the District headquarters and the agenda was accepted as presented. Present were Directors Jack Baker, Rick Frites, Steve Petterle, and Dennis Rodoni. Also present were General Manager Chris DeGabriele, Secretary Renee Roberts, Auditor-Controller David Bentley and Chief Engineer Drew McIntyre.

District employee Robert Clark (Operations/Maintenance Superintendent) was in the audience.

MINUTES

On motion of Director Baker, seconded by Director Frites, the Board approved the minutes from the previous meeting as presented by the following vote:

AYES: Directors Baker, Frites, Rodoni, Schoonover

NOES: None

ABSENT: None

ABSTAIN: Director Petterle

GENERAL MANAGER'S REPORT

Lagunitas Creek Water Rights

Mr. DeGabriele reported that he received word from the State Board regarding the Petitions for Change on Lagunitas Creek Water Rights. He said that State Board staff believes that the Gallagher Well point of diversion could be administratively handled; however, they are struggling with how to perfect Permit 19724 (for 292 acre feet per year) in a license because the District has always reported both permits (19724 and 19725) together. He stated that the District wants Permit 19725 to be dedicated to instream flow, and that he will keep the Board apprised of the State Board's decision.

Estuary Management Project

Mr. DeGabriele informed the Board that he attended the Sonoma County Board of Supervisors meeting today wherein the Final Environmental Impact Report for the Estuary Management Project was unanimously adopted. He advised that it is a requirement of the Biological

1 Opinion to maintain a closed lagoon and estuary from May 15 to October 15 every year. He said
2 that there is concern from residents of Jenner about potential flooding and concern about water
3 quality along the lower Russian River. Mr. DeGabriele stated that this is a controversial issue; the
4 Agency must pursue compliance with the Biological Opinion, otherwise the Agency would not have a
5 permit and could no longer operate the Russian River system or make water diversions.

6 Sonoma County Supervisor Valerie Brown

7 Mr. DeGabriele commented on The Press Democrat article stating that Valerie Brown would
8 not be running for re-election for the Sonoma County Board of Supervisors.

9 Directors Re-appointed

10 The General Manager congratulated Directors Baker, Petterle and Rodoni on their
11 appointment to the Board as there are no other candidates, and advised that the cost of an election
12 has been avoided.

13 **OPEN TIME:**

14 President Schoonover asked if anyone in the audience wished to bring up an item not on
15 the agenda and there was no response.

16 **STAFF/DIRECTORS REPORTS**

17 President Schoonover asked if staff or Directors wished to bring up an item not on the
18 agenda and the following items were discussed:

19 South Novato Boulevard Main Break

20 Mr. McIntyre provided an update on the South Novato Boulevard Main Break Repair Project.
21 He said the pipe bursting is on schedule for Thursday, and that the 12-inch pipe is being fused 300
22 feet per day today and Wednesday. He said most of the difficult work has been completed and that
23 work was performed at night last week to avoid the heavy daytime traffic at the intersection of South
24 Novato Boulevard and Rowland Boulevard.

25 Recycled Water North Service Area Segment 3 Bid Opening

26 Mr. McIntyre advised that bids were opened this afternoon for Segment 3 of the Recycled
27 Water North Service Area Project. He said that there were six bidders, and the bids ranged from
28 \$1.5M to \$2.2M; the engineer's estimate was \$1.7M. He advised that staff will review all bids and
29 will report back to the Board with staff's recommendation.

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1 **MONTHLY PROGRESS REPORT**

2 Mr. DeGabriele presented the July Progress Report and advised that this is the first month of
3 Fiscal Year 11/12. He said that water production in Novato is down slightly from a year ago and
4 water sales are also down. He stated that Stafford Treatment Plant production is in good shape –
5 up 6% from one year ago, recycled water production is down slightly and West Marin water
6 production is down 7%. Mr. DeGabriele opined that the reduction in production for Novato, West
7 Marin and Recycled Water is attributed to the cool weather. He said that Stafford Lake level and
8 storage is similar to last year.

9 Mr. DeGabriele reported that staff worked 143 days without a lost time accident or injury;
10 Water Smart Home Surveys and rebates for the high efficiency toilets and washing machines
11 continue to be popular. He said that staff will report any reduction in rebate requests due to the
12 reduction of rebate amounts.

13 Mr. Bentley provided a report on the Monthly Investments ending July 31, and advised that
14 the portfolio's balance was \$3.9M, down approximately \$500,000 from the end of June. He said that
15 Novato water is fronting the money pending receipt of grant and loan monies for the recycled water
16 project. He said the average earnings on the portfolio is 0.7% in July.

17 **CONSENT CALENDAR**

18 On motion of Director Petterle, seconded by Director Fraites and unanimously carried, the
19 following items were approved on the Consent Calendar:

20 **ACWA REGION 1 BOARD ELECTION**

21 The Board authorized the General Manager to concur with Region 1 Nominating
22 Committee's recommended slate and authorized the Board President to sign the Region 1 Board
23 Ballot.

24 **OUT-OF-STATE TRAVEL FOR STACIE GOODPASTER**

25 The Board authorized Stacie Goodpaster to travel out-of-state to attend the AWWA Fall
26 Conference being held in Reno, Nevada, October 16th through the 20th. Ms. Goodpaster currently
27 serves as Vice Chairwoman of the Laboratory Analyst Certification Committee of the California-
28 Nevada Section.

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1 **INFORMATION ITEMS**

2 **FISCAL YEAR IMPROVEMENT PROJECTS - YEAR END REPORT – ENGINEERING**
3 **DEPARTMENT**

4 Mr. McIntyre provided the year-end report for the Fiscal Year 10/11 Improvements Projects
5 and noted that the focus this year has been on the Recycled Water Projects for North and South
6 Service Areas and the Crest Tank No. 2 project.

7 Mr. McIntyre stated that the Novato Improvements Project budget was \$5.6M and the actual
8 expenditure was \$3.5M which includes the Recycled Water Projects. He said that if the Solar
9 Energy Project was subtracted from the budget, the actual Improvements Project expenditures
10 would have exceeded the approved budget by approximately 8%. He said projects were 94%
11 complete in Novato, and in West Marin, the Improvements Project expenditures were down because
12 the Oceana Marin cross-country sewer line replacement project was not completed. Mr. McIntyre
13 advised that additional work on the Paradise Ranch Estates Tank No. 4 and Tank Seismic
14 Upgrades were halted so that funds will be available for the significant capital expense of the Point
15 Reyes Treatment Plant Solids Handling Project.

16 Mr. McIntyre provided a PowerPoint presentation of the highlights of the Fiscal Year 10/11
17 Improvements Project. He said that the number of improvement projects totaled 51; 57% were
18 under the lead of the Engineering Department and 44 projects are 100% complete. He stated that
19 eight projects were deferred, including the Local Water Supply Enhancement Study, the Solar
20 Energy Project, PRE Tank 4A and Tank Seismic Upgrades; ten projects were added (including
21 South Novato Boulevard Main Break Repair and Recycled Water Expansion – South Service Area)
22 and five projects were carried over, including the Stafford Treatment Plant Chlorine Dioxide
23 Generator replacement.

24 Mr. McIntyre stated that Crest Tank No. 2 was a significant capital improvements project and
25 finished approximately \$150,000 under budget and provides additional storage for the Crest Zone
26 which feeds the eastern part of Novato. He showed photos of the tank and noted the anchor bolts
27 founded in rock which makes the new Crest Tank No. 2 seismically stable. Director Rodoni asked if
28 the Crest Tank No. 1 will be seismically retrofitted. Mr. McIntyre stated that it is staff's position that
29 because of the multiple-tank system, only one tank will most likely be needed to withstand a seismic
30 event. He said that the last storage study in the Master Plan based upon criteria for sizing of
31 storage for operational capacity, fire flow and emergency storage, identified 800,000 gallons needed
32 in the Crest Zone. He said that with both tanks on line, there is a total of one million gallons of
33 storage capacity, two days of emergency storage are available and addresses the identified
34 deficiency in storage in the Crest Zone.

1 Mr. McIntyre provided brief overview of other Improvement Projects completed during Fiscal
2 Year 10/11 including the Bathymetric Study of Stafford Lake, Bel Marin Keyes Looping Project, and
3 Stafford Dam Apron Repairs. He complimented to the District construction crew for their quality
4 work on the dam apron repairs and said that this project will be on-going as needed repairs continue
5 to be identified.

6 Mr. McIntyre stated that in summary, of 41 Novato Improvement Projects, 35% were
7 completed at or below budget and about 62% of the Improvements Project budget was expended.
8 He further stated that of the ten West Marin Improvement Projects, all were completed at or below
9 budget and 41% of the West Marin Improvements Projects budget was expended.

10 **FY 11 OPERATIONS/MAINTENANCE -YEAR END REPORT**

11 Mr. Clark provided the Operations/Maintenance year-end report. He reported that the
12 Stafford Treatment Plant has lost two treatment operators this past year leaving a lean staff, and
13 consequently, some maintenance tasks have been deferred. He advised that a temporary
14 Treatment Plant Operator from West Marin was hired which will enable the regular staff to perform
15 maintenance tasks this winter. Mr. Clark stated that Stafford production began early this year and
16 averaged 3.3MGD which is much higher than typical past production in this quarter. He further
17 stated that the Novato Sanitary District agreed to provide a variance on the discharge limit to the
18 sanitary sewer, thus increasing the discharge of water treatment residual water and allowing more
19 water to be produced in April and May.

20 Mr. Clark said that Stafford Lake water quality has been outstanding because of the
21 increased reservoir spillover and natural flushing of the lake from winter and spring rains. He
22 reported that the Granulated Activated Carbon (GAC) in filter beds 3 and 4 were replaced; and if the
23 production level continues, it will be necessary to budget for the replacement of two GAC filter
24 material each year. He stated that for the fiscal year, Novato consumption was up from one year
25 ago, recycled water production is still below the average production as a result of the Stone Tree
26 Golf Course not requiring irrigation until late spring; and West Marin consumption is a bit higher but
27 trending down from a five year average.

28 Mr. Clark said that the Point Reyes wells reduced production is being studied to determine
29 the causes and all options will be explored and there may be a need to drill an additional well. He
30 informed the Board that the Oceana Marin force main pump flow has averaged nearly 17,000
31 gallons per day with a peak on Memorial Day of 36,200 gallons, and there was 5.2 feet of freeboard
32 in the treatment and storage ponds at the end of June. Mr. Clark advised that District staff will assist

1 Phillips and Associates in training their field operators to ensure their testing results become more
2 consistent.

3 Mr. Clark advised the Board that Eric Kurfirst earned his Cross Connection Specialist
4 certification and has taken on responsibilities for the Cross Connection Control Program after the
5 retirement of Jim Diggs. He further advised that additional backflow administrative tasks will be
6 assumed by Sue Kessler and Pablo Ramudo.

7 Mr. Clark summarized the activities of the Buildings & Grounds, Fleet, and Electrical/
8 Mechanical groups for the past fiscal year.

9 **FOURTH QUARTER FY 10/11 REPORT – WATER QUALITY**

10 Robert Clark presented the Fourth Quarter FY 10/11 Water Quality Report and stated that
11 water served to the communities of Novato and Point Reyes met all federal and state primary and
12 secondary water quality standards during the fourth quarter of FY 10/11. He said that there were
13 high numbers of algae were identified in the Stafford Lake raw water, and the high volume of
14 spillover and flushing of nutrients out of the lake resulted in a 15% reduction of total organic carbon.
15 He stated that total organic carbon removal at the treatment plant ranged from 55 to 56% well above
16 the required 35%. Mr. Clark said that there were taste and odor complaints in the spring, but factors
17 were mitigated by lowering the intake level at the tower, slowing the flow into the plant and replacing
18 Granular Activated Carbon in two of the GAC filters. He reported that there were no coliform
19 positive samples this quarter and chlorine residual concentrations throughout the distribution system
20 were adequate.

21 Mr. Clark stated that in Point Reyes, water quality parameters have been affected by salinity
22 intrusion. Sodium concentration levels range from 38 to 50 mg/L. He advised that the decrease in
23 capacity from the Coast Guard wells has prevented tide avoidance pumping. He said that staff is
24 evaluating the situation and will bring back results and recommendations to the Board. Mr. Clark
25 stated that the Point Reyes Treatment Plant is running optimally with good iron and manganese
26 levels and there are no coliform samples in the distribution system. He described an experimental
27 treatment system in the Inverness Park tank to reduce the disinfection byproducts during periods
28 when salinity levels are high in raw water. He said results will be reported to the Board at a later
29 date.

30 **MISCELLANEOUS**

31 The Board received the following miscellaneous items: Disbursements, Letter Re Local
32 Coastal Program Amendments, SCWA Water supply public tours scheduled, Photo of NFPD Board
33 and NMWD employee Mike Baccei and Press Release – NMWD awarded GFOA Award.

1 The Board received the following news articles: Commission hears reports on block water
2 and pikeminnow programs at Potter Valley Project, Novato students learn algebra on the job,
3 Sonoma County's electricity-from-ocean-waves project canceled and River estuary report set for
4 final approval.

5 **CLOSED SESSION**

6 President Schoonover adjourned the Board into closed session for:

7 Conference with Legal Counsel – Pending Litigation Pursuant to Subdivision (a) of
8 Government Code Section 54956.9 – (Wayne vs NMWD).

9 In accordance with Government Code Section 54957.6; Conference with Labor Negotiators;
10 District's Designated Representatives – Chris DeGabriele and David Bentley; Employee
11 Organization – North Marin Water District Employee Association.

12 In accordance with California Government Code Section 54957 for Public Employee
13 Performance Evaluation (One), Title: General Manager.

14 **OPEN SESSION**

15 Upon returning to regular session at 9:02 p.m., President Schoonover stated that during the
16 closed session the Board had discussed the issues and no reportable action had been taken.

17 **ADJOURNMENT**

18 President Schoonover adjourned the meeting at 9:03 p.m.

19 Submitted by

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23 Renee Roberts
24 District Secretary

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MEMORANDUM

To: Board of Directors

September 2, 2011

From: Chris DeGabriele, General Manager

Subject: Resolution of Appreciation to Retiring Employee – Ivan Somoff

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RECOMMENDED ACTION: Approve attached Resolution of Appreciation

FINANCIAL IMPACT: None

Ivan Somoff, Account Credit Clerk II, has decided to retire after nearly 8 years of service to North Marin Water District. It is appropriate that the Board adopt a Resolution of Appreciation recognizing Mr. Somoff's dedication and service to the District.

Recommendation:

Board approve the Resolution of Appreciation to Ivan Somoff on his retirement effective September 12, 2011.

Approved by GM CD
Date 9/2/2011

**DRAFT
RESOLUTION 11-
NORTH MARIN WATER DISTRICT
RESOLUTION OF APPRECIATION
TO
IVAN SOMOFF**

WHEREAS: Ivan Somoff was hired as a temporary Office Assistant in 1999; and became a regular employee in 2003 as an Account Credit Clerk II;

WHEREAS: As a key contact for District customers in the Billing Department, Ivan maintained an attitude of cooperation, assistance and concern in dealing with a wide range of consumer questions and problems relating to their water service;

WHEREAS: Ivan assisted the Water Conservation Coordinator in processing water conservation program rebates and certificates and assisted the Engineering Department with scheduling for Improvement Projects;

WHEREAS: On September 12, 2011, Ivan Somoff will retire from employment with North Marin Water District.

Therefore Be It Resolved:

That the Board of Directors of North Marin Water District hereby commends and expresses its sincere appreciation to Ivan Somoff for his 8 years of dedicated and loyal service.

Be It Further Resolved

That the Board of Directors, on behalf of the staff, officers and Directors of North Marin Water District, extend to Ivan Somoff sincere good wishes in his retirement for many happy and productive years filled with all the good things of life.

* * * * *

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of NORTH MARIN WATER DISTRICT at a regular meeting of said Board held on the 6th day of September 2011 by the following vote:

AYES: Directors
NOES:
ABSENT:
ABSTAINED:

Renee Roberts, Secretary
North Marin Water District

(SEAL)

6

MEMORANDUM

To: Board of Directors

September 2, 2011

From: Drew McIntyre, Chief Engineer



Subject: Approval for Out-of-State Travel to Attend CA-NV AWWA Fall 2011 Conference

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RECOMMENDED ACTION: Approve out-of-state travel for the Chief Engineer to Attend CA-NV AWWA Fall 2011 Conference.

FINANCIAL IMPACT: \$750

This year's California-Nevada AWWA Conference will be held on October 17-20, 2011, in Reno, Nevada. The conference will be covering a variety of emerging and timely issues regarding emergency planning, pipeline rehabilitation, water tank rehabilitation, material performance, large meter replacement programs, residential fire service applications, and asset management programs. These conferences also offer excellent opportunities for networking with some of the key people in the water industry, as well as developing relationships with our counterparts in other water agencies.

I have been a member of the CA-NV AWWA Pipeline Rehabilitation Committee for over ten years and currently serve as Committee Chair. In addition to chairing the committee meeting, I am also responsible for moderating the half-day Pipeline Rehabilitation Technical Program Session. In between the aforementioned duties, I will attend other various technical sessions. Expenses for conference attendance are included in the FY2011/12 Engineering Department budget for meetings and training.

Cost to the District is expected to be approximately \$750: this includes registration, hotel, travel, etc.

RECOMMENDATION

Approve out-of-state travel for the Chief Engineer to Attend CA-NV AWWA Fall 2011 Conference.

Approved by GM LD

Date 9/2/2011

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MEMORANDUM

To: Board of Directors
From: David L. Bentley, Auditor-Controller
Subj: Claim for Damages
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September 2, 2011

RECOMMENDED ACTION: Deny Claim for Damages - Ghigliotti

FINANCIAL IMPACT: None

Jerome Ghigliotti,) has made
a claim against the District in "an amount to be determined" for negligence in constructing and
maintaining a water culvert along the west boundary (the back) of his property.

North Marin has no facilities along the west boundary of Mr. Ghigliotti's property.

Recommended Action:

Deny Mr. Ghigliotti's claim for damages.

Approved by GM CD
Date 9/2/2011

Jerome J. Ghigliotti, Jr.

RECEIVED

AUG 29 2011

August 19, 2011

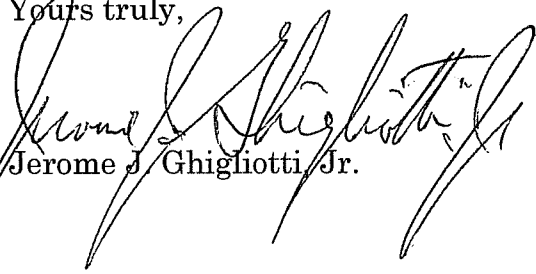
North Marin Water District

North Marin Water District
999 Rush Creek
Novato, CA 94945

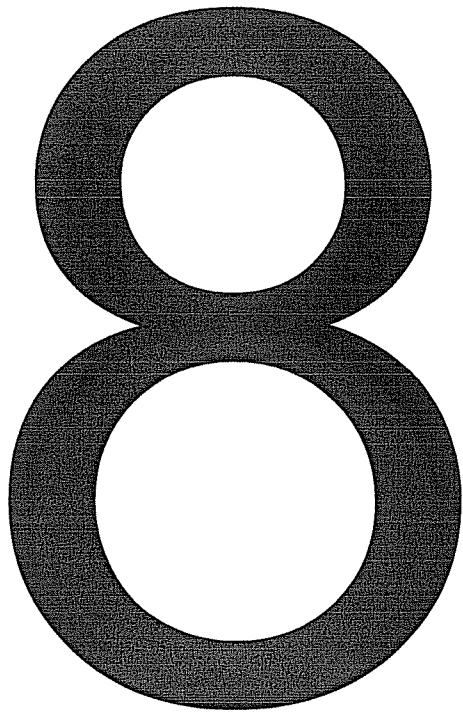
Dear Sirs:

This letter constitutes a claim against the North Marin Water District in an amount to be determined. North Marin Water District negligently constructed and negligently maintain a water culvert submerged along the west boundary of my property at [redacted]. Damage caused and claimed is loss of two heritage trees, on a pine and one a willow, each 40 feet or more high. A cypress tree 25 feet high, an area of 30' by 20' of ivy, two shrubs, and \$16,000 damage to my home, roof and living room, and loss of a 16' section of community fencing. The loss occurred on March 20, 2011, and resulted from water saturation of the soil, leaking from the culvert, weakening the root system, and undermining the root system of the trees.

Yours truly,



Jerome J. Ghigliotti, Jr.



MEMORANDUM

To: Board of Directors September 2, 2011
 From: Robert Clark, Operations / Maintenance Superintendent *RC*
 Subject: Dump Truck Replacement Authorization
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RECOMMENDED ACTION: Authorize Staff to solicit bids for the purchase of a new 2011 model year dump truck.

FINANCIAL IMPACT: None at this time (\$78,000 included in FY11/12 Budget)

In the current FY 11/12 budget, staff recommended replacement of a dump truck in our fleet with a new 31,000 GVW cab and chassis truck. After a review of the California State vehicle bid list, there were no vendors able to meet our minimum specifications. Staff is therefore recommending a Request for Proposal be sent to the dealers listed below for competitive bids for this vehicle.

Dealer	Attn & Phone #	Address	City
TEC of Oakland INC	Chris Taylor ctaylor@tectrucks.com 707-975-2294	8099 South Coliseum Way	Oakland, CA 94621
East Bay Ford	Oscar Figueroa ofigueroa@eastbaytruckcenter.com 510-272-4400	333 Filbert St.	Oakland, CA 94607
Charter Peterbilt	Brian Farrell bf@charterpeterbilt.com 707-239-4570	7667 Conde Lane	Winsor, CA 95492
Golden Gate Truck Center	Les Schwindt lestor@sbcglobal.net 800-826-9746	8200 Baldwin Street	Oakland, CA 94621
Sacramento Truck Center (Freightliner)	New Truck Sales jmichel@sacramentotruck.com 916-286-2000	100 Opportunity Street	Sacramento, CA 95838
Peterson Trucks Inc. (International)	Joe Rossi jrossi@petersontrucks.com 707-775-5606		Santa Rosa, CA 94577
NorCal Kenworth	New Truck Sales nick.bettencourt@norcalkw.com 510-836-6100	1755 Adams Ave.	San Leandro, CA 94577

RECOMMENDATION

Authorize Staff to solicit bids for the purchase of a new 2011 model year dump truck.

Approved by GM *CD*
 Date *9/2/2011*

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MEMORANDUM

To: Board of Directors Date: September 2, 2011
From: Drew McIntyre, Chief Engineer *DM*
Subject: Approve: Engineering Services Contract – Laura Jones
Z:\NON JOB No ISSUES\CONTRACTS\Consultants\Laura Jones\consulting agmt with laura jones 9-11 BOD memo.doc

RECOMMENDED ACTION: Authorize the General Manager to execute an agreement with Laura Jones for General Engineering Services for a not to exceed amount of \$32, 500 plus \$2,500 contingency.

FINANCIAL IMPACT: \$35,000 with contingency

Attached is a proposed agreement with Laura Jones to provide consulting engineering services specifically related to supporting District staff in the preparation of the FY12 budgeted Novato 2012 Water System Master Plan Update. Ms. Jones previously worked for North Marin Water District as a regular employee for approximately four years departing in 2010. Ms. Jones' hourly rate is proposed to be \$65 per hour (the full District cost at the time Ms. Jones worked for NMWD). Ms. Jones has a proven track record with the District. At the time 2007 Master Plan was prepared, Ms. Jones played a key role in the development of the Plan.

Background

At the June 18, 2002 meeting, the Board accepted the Novato Water System Master Plan. At that time the Board was advised by staff that a Master Plan report would serve as a guideline or blueprint for water system planning and would be also be updated on a 5-year cycle to maintain the most recent demand information and capital improvement programs. Prior to completing the 2002 Master Plan the District had prepared various earlier studies and evaluations of the Novato Water System over the years however, each of these had been done separately and not coordinated into one comprehensive plan. The 2002 Master Plan was prepared using both District staff and Mark Soldati (at that time working at Soldati Engineering Services). The 2007 Novato Water System Master Plan Update was also prepared using both District staff and Winzler & Kelly.

Novato Water System Master Plan Update 2012

The 2007 Novato Water System Master Plan Update was prepared at a cost of approximately \$92,000. The 2012 Master Plan budget for this year is \$81,000. As with the initial master plan and the 2007 update, this year's project is being developed assuming a cooperative approach between both District staff and outside consultants. It is staff's belief that

Approved by GM CD

Date 9/2/2011

contracts with both Ms. Jones and Winzler & Kelly (using Mr. Mark Soldati) presents the best approach to completing the Plan in an efficient and timely manner. It is anticipated that the agreement with Winzler & Kelly will be in the range not to exceed \$25,000. In addition, in-house staff costs are estimated at \$21,500.

Master Plan Outline and Responsibilities

As mentioned above, the development of the 2012 Master Plan will be cooperative effort between both District and outside consultants. A summary of the Master Plan tasks and responsibilities is shown below.

TASK	PRIMARY RESPONSIBILITY	SECONDARY RESPONSIBILITY	PEER REVIEW
Task 1: Research Materials	LJ	NMWD	W&K
Task 2: Planning Criteria	NMWD	LJ	W&K
Task 3: Update Water Supply	NMWD	LJ	W&K
Task 4: Update Model	NMWD	NA	W&K
Task 5: Update Water Demands	NMWD	LJ	W&K
Task 6: Storage and Pumping Evaluation	LJ	NMWD	W&K
Task 7: Hydraulic Evaluation	NMWD	NA	W&K
Task 8: Water quality Evaluation	NMWD	NA	NA
Task 9: Facilities Replacement Evaluation	LJ	NMWD	W&K
Task 10: CIP	LJ	NMWD	W&K
Task 11: Master Plan Report	LJ	NMWD	W&K
Task 12: Meetings	LJ	NA	NA
Task 13: Project Management	LJ	NA	NA

RECOMMENDATION

Authorize the General Manager to execute an agreement with Laura Jones for General Engineering Services for a not to exceed amount of \$32,500 plus \$2,500 contingency.

10

MEMORANDUM

To: Board of Directors

Date: September 2, 2011

From: Drew McIntyre, Chief Engineer



Subject: CSW/Stuber-Stroeh Engineering Services FY11-12 Contract – Miscellaneous Engineering Services

Z:\NON JOB No ISSUES\CONTRACTS\Consultants\CSW\FY11-12\Agrmts_BOD Memos\CSW FY11_12 contract BOD memo.doc

RECOMMENDED ACTION: Authorize the General Manager to execute an Agreement for FY11-12 Consulting Services between NMWD and CSW/Stuber-Stroeh for Miscellaneous Engineering Services with a not-to-exceed limit of \$30,000.

FINANCIAL IMPACT: \$30,000

The amount of planned District work during FY11-12 continues to necessitate outsourcing of engineering services using CSW/Stuber-Stroeh (CSW/St²). The purpose of this memo is to request an FY11-12 contract with CSW/St². The last General Services Agreement (GSA) with CSW/St² was approved by the Board in FY10-11 at the November 16, 2010 Board meeting.

Attached is an agreement for CSW/St² to provide continuing FY11-12 outsourcing support for miscellaneous engineering services to assist staff with both District and developer workload demands with a not to exceed limit of \$30,000. A summation of annual billings for CSW/St² miscellaneous engineering services for the last six fiscal years is provided as follows:

TABLE 1

FISCAL YEAR	TOTAL BILLINGS
10-11	\$28,808
09-10	\$8,458
08-09	\$2,885
07-08	\$9,123
06-07	\$8,296
05-06	\$7,354

A cost breakdown for the FY10-11 contract, by task, is summarized as follows:

TABLE 2

GENERAL ENGINEERING SUPPORT	TOTAL EXPENSE
Negative Balance Carryover from FY10-11	\$466
Misc Tasks (Lea Dr. Drafting, Hamilton Elementary, Ritchey Residence)	\$7749
Pt. Reyes Tanks Seismic Drafting	\$3,742
So. Novato Blvd. Main Break Repair	\$11,229
Stafford Dam Apron Repairs	\$519
Misc. Easement (Lohmeyer)	\$1,383
Reservoir Hill Tank Easement	\$3,720
Total Amount Expended	\$28,808
Balance Remaining	\$1,192

Approved by GM CD

Date 9/2/2011

There is a balance of \$1,192 on CSW/St²'s existing GSA contract. Staff proposes that CSW/St² continue to provide engineering support under staff review and proceed on work only after specific work scope tasks, schedules and estimate of services cost are discussed, agreed upon, and documented between the District and the Consultant.

RECOMMENDATION

Authorize the General Manager to execute an Agreement for FY11-12 Consulting Services between NMWD and CSW/Stuber-Stroeh for Miscellaneous Engineering Services with a not-to-exceed limit of \$30,000.

AGREEMENT FOR CONSULTING SERVICES

The following is an agreement between **North Marin Water District**, hereinafter "**NMWD**", and **CSW/Stuber-Stroeh**, hereinafter, "**Consultant**".

WHEREAS, Consultant is a duly qualified consulting firm, experienced in as a water and sewer facilities design engineering services consultant.

WHEREAS, in the judgement of the Board of Directors of the NMWD, it is necessary and desirable to employ the services of the Consultant for water and sewer facilities design to meet workload demands.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

PART A -- SPECIFIC PROVISIONS:

1. **DESCRIPTION OF SERVICES AND PAYMENT:** Except as modified in this agreement, the services to be provided and the payment schedule are:
 - a. Specific work scope tasks, schedules and estimate of services cost shall be discussed, agreed upon and documented between NWMD and the Consultant prior to beginning any work under this agreement.
 - b. The fee for the work shall be on a time and expense (T & E) basis utilizing the fee schedule included in Attachment A of this agreement and shall not exceed \$30,000 without prior written authorization by NMWD.

PART B -- GENERAL PROVISIONS

1. **ASSIGNMENT/DELEGATION:** Except as above, neither party hereto shall assign, sublet or transfer any interest in or duty under this agreement without written consent of the other, and no assignment shall be of any force or effect whatsoever unless and until the other party shall have so consented.
2. **STATUS OF CONSULTANT:** The parties intend that the Consultant, in performing the services hereinafter specified, shall act as an independent contractor and shall have the control of the work and the manner in which it is performed. The Consultant is not to be considered an agent or employee of NMWD, and is not entitled to participate in any pension plan, insurance, bonus or similar benefits NMWD provides its employees.
3. **INDEMNIFICATION:** NMWD is relying on professional ability and training of the Consultant as a material inducement to enter into this agreement. The Consultant hereby warrants that all its work will be performed in accordance with generally accepted professional practices and standards, as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of the Consultant's work by NMWD shall not operate as a waiver or release.

- a. With respect to professional services under this agreement, Consultant shall indemnify, hold harmless, release and defend NMWD, its agents and employees from and against any and all actions, claims, damages, disabilities or expenses, including attorney's fees and witness costs that may be asserted by any person or entity including the Consultant, arising out of the negligent acts, errors or omissions, failure to perform or willful misconduct of the Consultant in connection with the activities necessary to perform the services and complete the task provided for herein, but excluding liabilities due to the sole negligence or willful misconduct of NMWD.
- b. With respect to all other than professional services under this agreement, Consultant shall indemnify, hold harmless, release and defend NMWD, its agents and employees from and against any and all actions, claims, damages, disabilities or expenses, including attorney's fees and witness costs that may be asserted by any person or entity, including the Consultant, arising out of or in connection with the activities necessary to perform those services and complete the tasks provided for herein, but excluding liabilities due to the sole negligence or willful misconduct of NMWD.

This indemnification is not limited in any way by any limitation on the amount or type of damages or compensation payable by or for the NMWD or its agents under workers' compensation acts, disability benefit acts or other employee benefit acts.

4. PROSECUTION OF WORK: The execution of this agreement shall constitute the Consultant's authority to proceed immediately with the performance of this contract. Performance of the services hereunder shall be completed by June 30, 2012, provided, however, that if the performance is delayed by earthquake, flood, high water or other Act of God or by strike, lockout or similar labor disturbance, the time for the Consultant's performance of this contract shall be extended by a number of days equal to the number of days the Consultant has been delayed.

5. METHOD AND PLACE OF GIVING NOTICE, SUBMITTING BILLS AND MAKING PAYMENTS: All notices, bills and payment shall be made in writing and may be given by personal delivery or by mail. Notices, bills and payments sent by mail should be addressed as follows:

North Marin Water District
P.O. Box 146
Novato, CA 94948
Attention: Drew McIntyre

Consultant:
CSW/Stuber-Stroeh
45 Leveroni Ct.
Novato, CA 94949
Attention: Don Curry

and when so addressed, shall be deemed given upon deposit in the United States Mail, postage prepaid. In all other instances, notices, bills and payments shall be deemed given at the time of actual delivery. Changes may be made in the names and addresses of the person to whom notices, bills and payments are to be given by giving notice pursuant to this paragraph.

6. MERGER: This writing is intended both as the final expression of the agreement between the parties hereto with respect to the included terms of the agreement, pursuant to California Code of Civil Procedure Section 1856 and as a complete and exclusive statement of the terms of the agreement. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

7. SEVERABILITY: Each provision of this agreement is intended to be severable. If any term of any provision shall be determined by a court of competent jurisdiction to be illegal or invalid for any reason whatsoever, such provision shall be severed from this agreement and shall not affect the validity of the remainder of the agreement.

8. TERMINATION: At any time and without cause the NMWD shall have the right in its sole discretion, to terminate this agreement by giving written notice to the Consultant. In the event of such termination, NMWD shall pay the Consultant for services rendered to such date.

9. TRANSFER OF RIGHTS/OWNERSHIP OF DATA: The Consultant assigns to NMWD all rights throughout the work in perpetuity in the nature of copyright, trademark, patent, and right to ideas, in and to all versions of any plans and specifications, reports and document now or later prepared by the Consultant in connection with this contract.

The Consultant agrees to take such actions as are necessary to protect the rights assigned to NMWD in this agreement, and to refrain from taking any action which would impair those rights. The Consultant's responsibilities under this contract will include, but not be limited to, placing proper notice of copyright on all versions of any plans and specifications, reports and documents as NMWD may direct, and refraining from disclosing any versions of the reports and documents to any third party without first obtaining written permission of NMWD. The Consultant will not use, or permit another to use, any plans and specifications, reports and document in connection with this or any other project without first obtaining written permission of NMWD.

All materials resulting from the efforts of NMWD and/or the Consultant in connection with this project, including documents, reports, calculations, maps, photographs, computer programs, computer printouts, digital data, notes and any other pertinent data are the exclusive property of NMWD. Re-use of these materials by the Consultant in any manner other than in conjunction with activities authorized by NMWD is prohibited without written permission of NMWD.

Consultant shall deliver requested materials to NMWD in electronic format including but not limited to engineering plans (AutoCad, current edition) and specifications (MS Word, current edition).

10. COST DISCLOSURE: In accordance with Government Code Section 7550, the Consultant agrees to state in a separate portion of any report provided NMWD, the numbers and amounts of all contracts and subcontractors relating to the preparation of the report.

11. NONDISCRIMINATION: The Consultant shall comply with all applicable federal, state and local laws, rules and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or physical handicap.

12. EXTRA (CHANGED) WORK: Extra work may be required. The Consultant shall not proceed nor be entitled to reimbursement for extra work unless it has been authorized, in writing, in advance, by NMWD. The Consultant shall inform the District as soon as it determines work beyond the scope of this agreement may be necessary and/or that the work under this agreement cannot be

completed for the amount specified in this agreement. Said review shall occur before consultant incurs 75% of the total fee approved for any phase of the work. Failure to notify the District shall constitute waiver of the Consultant's right to reimbursement.

13. CONFLICT OF INTEREST: The Consultant covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. The Consultant further covenants that in the performance of this contract no person having any such interest shall be employed.

14. INSURANCE REQUIREMENTS FOR CONSULTANTS

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the consultant, his agents, representatives, employees or subcontractors.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Commercial General Liability coverage
2. Automobile Liability
3. Workers' Compensation insurance as required by the State of California.
4. Professional Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage is to be endorsed to include contractual liability.

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

1. General Liability (including operations, products and completed operations.): **\$1,000,000** per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: **\$1,000,000** per accident for bodily injury and property damage.
3. Workers' Compensation Insurance: as required by the State of California.
4. Professional Liability, **\$1,000,000** per occurrence.

Verification of Coverage

Consultant shall furnish the District with original certificates and amendatory endorsements effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the District before work commences. The District reserves the right to require at any time complete and certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

Subcontractors

Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor to the District for review and approval. All coverage for subcontractors shall be subject to all of the requirements stated herein.

Self-Insured Retentions

Any self-insured retentions must be declared to and approved by the District. At the option of the District, either: the insurer shall reduce or eliminate such self-insured retentions as respects the District, its officers, officials, employees and volunteers; or the Consultant shall provide a financial guarantee satisfactory to the District (such as a surety bond) guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

Other Insurance Provisions

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The District, its officers, officials, employees, and volunteers are to be covered as insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the Consultant.
2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the District, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the District, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the District.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

15. DISPUTE RESOLUTION: Any dispute or claim in law or equity between District and Consultant arising out of this agreement, if not resolved by informal negotiation between the parties, shall be mediated by referring it to the nearest office of Judicial Arbitration and Mediation Services, Inc. (JAMS) for mediation. Mediation shall consist of an informal, non-binding conference or conferences between the parties and the judge-mediator jointly, then in separate caucuses wherein the judge will seek to guide the parties to a resolution of the case. If the parties cannot agree to mutually acceptable member from the JAMS panel of retired judges, a list and resumes of available mediators numbering one more than there are parties will be sent to the parties, each of whom will strike one name leaving the remaining as the mediator. If more than one name remains, JAMS arbitrations administrator will choose a mediator from the remaining names. The mediation process shall continue until the case is resolved or until such time as the mediator makes a finding that there is no possibility of resolution.

At the sole election of the District, any dispute or claim in law or equity between District and Consultant arising out of this agreement which is not settled through mediation shall be decided by neutral binding arbitration and not by court action, except as provided by California law for judicial review of arbitration proceedings. The arbitration shall be conducted in accordance with the rules of Judicial Arbitration Mediation Services, Inc. (JAMS). The parties to an arbitration may agree in writing to use different rules and/or arbitrators.

16. BILLING AND DOCUMENTATION: The Consultant shall invoice NMWD for work performed on a monthly basis and shall include a summary of work for which payment is requested. The invoice shall state the authorized contract limit, the amount of invoice and total amount billed to date. The summary shall include time and hourly rate of each individual, a narrative description of work accomplished, and an estimate of work completed to date.

17. REASONABLE ASSURANCES: Each party to this agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise, with respect to performance of either party, the other may, in writing, demand adequate assurance of due performance and until the requesting party receives such assurance may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of the party with respect to performance under this agreement but also conduct with respect to other agreements with parties to this agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, not to exceed 30 days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance.

**NORTH MARIN WATER DISTRICT
"NMWD"**

Dated: _____

Chris DeGabriele, General Manager

**CSW/STUBER-STROEH
"CONSULTANT"**

Dated: _____

1

1

MEMORANDUM

To: Board of Directors
From: David L. Bentley, Auditor-Controller
Subj: Service Charge for Residences with Fire Sprinklers
t:\acl\word\memo\12\srcv charge - fire sprinklers.docx

September 2, 2011

RECOMMENDED ACTION: Approve Reduction in Rate

FINANCIAL IMPACT: \$1,620 Annually [\$162/Year X 10 Customers]

In 1985, the residential building code was revised to require installation of fire sprinkler systems in new homes and when performing significant remodel projects. A required component of installing a residential fire sprinkler system is to upsize the water meter from the standard 5/8-inch diameter to 1-inch to obtain a higher flow rate in the event of a fire. The service charge for a 1-inch meter is twice that for a 5/8-inch meter (presently \$40 versus \$20 bimonthly). Recognizing that the customer receives little additional service from the larger meter, the District in 1984 adopted Regulation 54 f, which sets the service charge in this situation approximately 10% above the 5/8-inch meter charge. The 10% additional charge reflects the higher District cost for the larger meter. The Regulation reads:

f. Minimum Service Charge for Residential Connections with Fire Fighting Equipment

Where a 1-inch meter is installed solely to provide capacity for private fire sprinklers or other fire-fighting equipment in residential connections, the minimum bi-monthly service charge shall be:

Rate Effective	Rate Effective	Rate Effective
<u>6/1/11</u>	<u>6/1/12</u>	<u>6/1/13</u>
\$22.00	\$28.00	\$34.00

In 1999, the building code was again revised to require a 1.5-inch meter on some larger residences (typically greater than 6,000 sq. ft.). The bimonthly service charge for a 1.5-inch meter is \$49. Again, customers who are required to upsize their meter for fire suppression purposes do not draw additional water except in the rare occurrence of a fire. There are presently 10 of these meters in the system, but the number will likely increase in the future.

At the May Rate Increase Hearing, customer Thomas Tuerke stated that "because of a home remodel he was required by the Novato Fire District to install a 1.5-inch meter and with the proposed rate increase his service charge will double and his total increase will be \$250 per year [actually \$228] despite his use being one quarter of the "typical" customer's water use."

Approved by GM ED

Date 9/2/2011

To rectify this situation, staff recommends Regulation 54 be revised to read:

f. Minimum Service Charge for Residential Connections with Fire Fighting Equipment

Where a ~~1-inch~~-meter larger than is otherwise required is installed solely to provide capacity for private fire sprinklers or other fire-fighting equipment in single-family detached residential connections, the minimum bi-monthly service charge shall be:

Rate Effective
6/1/11
\$22.00

Rate Effective
6/1/12
\$28.00

Rate Effective
6/1/13
\$34.00

Recommended Action:

Approve Resolution 11-XX amending Regulation 54 f. to reflect the recommended service charge reduction for customers with a 1.5-meter installed solely for fire-suppression purposes.

DRAFT
RESOLUTION 11-xx

**RESOLUTION OF THE BOARD OF DIRECTORS OF
NORTH MARIN WATER DISTRICT
AMENDING REGULATION 54 – WATER RATES**

BE IT RESOLVED by the Board of Directors of the North Marin Water District that Regulation 54 subsection f. is amended effective September 3, 2011 as follows:

f. Minimum Service Charge for Residential Connections with Fire Fighting Equipment

Where a 4-inch-meter larger than is otherwise required is installed solely to provide capacity for private fire sprinklers or other fire-fighting equipment in single-family detached residential connections, the minimum bi-monthly service charge shall be:

Rate Effective	Rate Effective	Rate Effective
<u>6/1/11</u>	<u>6/1/12</u>	<u>6/1/13</u>
\$22.00	\$28.00	\$34.00

* * * * *

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of NORTH MARIN WATER DISTRICT at a regular meeting of said Board held on the 2nd day of September 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Renee Roberts, District Secretary
North Marin Water District

(SEAL)

12

MEMORANDUM

To: Board of Directors

September 2, 2011

From: Drew McIntyre, Chief Engineer *DM*

Subject: Notice of Completion for Crest Water Tank No. 2 (Paso Robles Tank)
Z:\Folders by Job No\6000 jobs\6235\Board-Memos\6235 Notice of Completion BOD memo.doc

RECOMMENDED ACTION: Authorize the General Manager to execute and file a Notice of Completion

FINANCIAL IMPACT: None

Pursuant to and in conformance with contract requirements for the Crest Water Tank No. 2 project, the contractor (Paso Robles Tank) has fulfilled their obligations under the contract. Corrections of all work deficiencies and punch list items have been completed. All work performed by Paso Robles Tank (PRT) has been inspected by District staff and consultants (Miller Pacific Engineering Group and D. B. Gaya Consulting LLC) and PRT's work was completed on August 25, 2011.

Per the Contract Documents, PRT has furnished written notice that the work is complete and that all subcontractors and equipment suppliers have been paid (**see Attachment A**). A Notice of Completion is provided as **Attachment B** which, if approved, will be filed with Marin County on September 9, 2011. Final payment (for monies held in escrow) in the amount of \$49,297.82 will be processed for release, on October 12, 2011 subject to absence of any claims filed during the 30-day notice period.

Project Cost Summary

The final project cost summary as of August 29, 2011 is provided as **Attachment C**. The Board approved the award of the contract with PRT for \$680,000 with a contingency of \$34,000 (5% of contract value). The final cost for PRT's contract is \$689,829 resulting in a savings of approximately \$24,171 from the approved budgeted amount. Two change orders were executed on this contract for a total cost of \$9,829 (1.4% of contract value). The majority of the costs for change orders were for changes to extend hand rail to accommodate antenna transfer from Crest Tank 1 to the new tank and a change to widen the concrete footing.

Landscaping work, was not included in the tank contract, and was completed in-house for \$17,283. The current total project cost (\$973,410) is still 7.3% below the budget provided to the Board in June, 2011 (\$1,050,000) and 47% below the original budget estimate in March, 2010 (\$1,850,000).

RECOMMENDATION

Authorize the General Manager to execute and file a Notice of Completion for the Crest Water Tank No. 2 project.

Approved by GM *CD*
Date *9/2/2011*

CONDITIONAL WAIVER
RELEASE AND CERTIFICATE OF FINAL PAYMENT

TO: North Marin Water District (District)

JOB: 1 6235.00

CONTRACT DATED: May 19, 2010

CONTRACTOR:

Paso Robles Tank, Inc.
PO Box 3229
Paso Robles, CA 93447

DESCRIPTION OF PROJECT: Construction of Crest Water Tank No. 2

DESCRIPTION OF SITE (LOCATION): End of Lindsay Ct., Novato CA

With reference to said contract, as amended, between the undersigned contractor and the District, the undersigned hereby certifies and represents that it has made full payment of all costs, charges and expenses incurred by it or on its behalf for work, labor, services, materials and equipment supplied to the foregoing site and/or used in connection with its work under said contract.

The undersigned further certifies that to its best knowledge and belief, each of its subcontractors and materialmen has made full payment of all costs, charges and expenses incurred by them or on their behalf for work, labor, services, materials and equipment supplied to the foregoing site and/or used by them in connection with the undersigned's work under said contract.

In consideration of the sum of \$49,297.82, as final payment under the contract to be received hereafter within a reasonable time, the undersigned, upon receipt of such final payment, waives and releases and forever discharges the District and the site and property from all claims, stop notices and obligations of every nature arising out of or in connection with the performance of said contract by the undersigned and all amendments thereto except as-set forth below.

NONE

(Note: If none, write "NONE" in space above. If the space above is left blank, it is interpreted that "NONE" is claimed. Any claims excepted must be described and the specific amount claimed must be set forth.)

Unless any claims, stop notices, and obligations are described and the specific amounts claimed, are described in the space above, contractor certifies that there are none.

As additional consideration for the final payment the contractor agrees to indemnify and hold harmless the District from and against all costs, losses, damages, claims, causes of action, judgments and expenses, including attorney's fees arising out of or in connection with claims against the District which claims arise out of the performance of the work under the contract and which may be asserted by the contractor or any of its suppliers, subcontractors of any tier or any of their representatives, officers, agents or employees except for those claims listed above.

The foregoing shall not relieve the undersigned of its obligations under the provisions of said contract, as amended, which by their nature survive completion of the work including, without limitation, warranties, guarantees and indemnities.

Executed this 19th day of July 20 11

Please attach appropriate
notarial certificate

Paso Robles Tank, Inc.
(Name of Contractor)

By: [Signature]

Title: General Manager / Corp Secretary

Distribution:

Original
Copy

Contractor
Job File

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Luis Obispo }

On August 10, 2011 before me, Christi Rodriguez, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Shawn P Owens
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~(is)~~ are subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same in ~~his~~/her/their authorized capacity(ies), and that by ~~his~~/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Christi Rodriguez
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

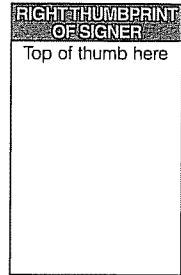
Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____

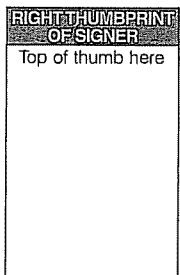
Capacity(ies) Claimed by Signer(s)

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____



Signer Is Representing: _____

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____



Signer Is Representing: _____

Recording requested by:

NORTH MARIN WATER DISTRICT

When Recorded Mail To:

North Marin Water District
P. O. Box 146
Novato, CA 94948-0146

NORTH MARIN WATER DISTRICT
NOVATO, CALIFORNIA

NOTICE OF COMPLETION

To: Marin County Recorder
4186 Civic Center
San Rafael, CA 94913

Date: September 7, 2011
File No.: 1 6235.00
Date of Completion: August 25, 2011

Owner: North Marin Water District
999 Rush Creek Place
Novato, CA 94947

OWNER'S ESTATE OR INTEREST:

Easement _____ Fee Title X Encroachment Permit _____
Other (describe) _____

CONTRACTOR:

Paso Robles Tank
P.O. Box 3229
Paso Robles, CA 93447

TITLE OF PROJECT: Crest Water Tank No. 2

DESCRIPTION OF PROJECT:

The work of this project includes the construction of a 500,000 gallon above ground welded steel potable water storage tank at the existing Crest Tank site, associated cathodic protection and other project components and appurtenances. The work also includes a complete exterior re-coating of the existing 500,000 gallon Crest Tank No. 1.

DESCRIPTION OF SITE (LOCATION): The tank location is on lands owned by the District in the Black Point area of Novato at the end of an existing access road from the end of Lindsey Court. APN 143-331-46.

Final payment will be made to the above contractor on or after 35 days from the recording date of this notice of completion, except where otherwise provided for by law.

The undersigned under penalty of perjury says that he is the General Manager of the North Marin Water District, the public agency authorizing the work or improvement referred to in the foregoing notice of completion; that he has executed such notice of completion on behalf of such public agency and likewise makes this verification on behalf of said public agency pursuant to authority granted by the District's Board of Directors; and that he has read said notice of completion and knows the contents thereof and that the facts therein stated are true.

Chris DeGabriele, General Manager

SIGNATURE MUST BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC

Distribution:

Original: County Recorder
Copy: Contractor
Copy: Project File

NORTH MARIN WATER DISTRICT
 WATER SYSTEM IMPROVEMENTS/SPECIAL PROJECTS
 PROJECT SUMMARY
 AS OF AUGUST 29, 2011

Job No.	Title:								
1 6235.00	Crest Tank No. 2								
Facility No.	Facility Type (Pipelines, Pump Stations, etc.) Water Tank								
Description									
Construction of 500,000 gal welded steel tank supported on a concrete ringwall and rock anchor foundation and related piping and electrical installations to address the Master Plan identified Crest Zone water storage deficit. Crest Tank No. 1 exterior was also re-coated as part of this project.									
Project Justification									
A second 500,000 gallon tank needs to be constructed to address fire storage deficiencies in the Crest service zone (Zone 2).									
	Baseline Cost Estimate	Original Budget	Design/Permit	Constr. Ph. Est. 6/1/1011	Final		Start	Finish (Est.)	Finish (Actual)
1	Development		\$15,000		\$15,000	Project Dev.	Jul-08	Aug-09	Aug-09
2	Prelim. Design		\$27,264		\$27,264	Prelim.	Sep-09	Dec-09	
3	Surveying/Mapping		\$8,335		\$8,335		Feb-09	Mar-09	
4	Geotech. Invest		\$4,000		\$4,000		Feb-09	Mar-09	
5	Permitting		\$15,600		\$15,600	Permitting	Mar-09	Jun-09	
6	Final Design		\$20,349		\$20,349	Final Design	Jan-10	Feb-10	Feb-10
7	Design Phase Other Costs		\$22,624		\$22,624				
8	Bidding Services		\$8,725		\$8,725		Feb-10	Apr-10	Apr-10
9	Construction			\$680,000	\$680,000				
9a	Change Orders			\$9,829	\$9,829				
9b	NMWD cons+elec.			\$58,000	\$56,728				
10	Eng. Servs. During Const./Testing Services			\$12,000	\$7,254				
11	Inspection/Admin			\$62,000	\$62,751	Construction	May-10	Jun-11	Jun-11
12	Project Closeout			\$5,000	\$6,902	Project Closeout	Jul-11	Aug-11	Aug-11
13	Landscaping est.			\$50,000	\$17,283				
14	Miscellaneous				\$10,766				
15	Project Contingency			\$50,000					
	Sub-Total		\$121,897	\$926,829					
	Grand Total	\$1,850,000		\$1,048,726	\$973,410				
9. PRT bid total									
10. Geotech (\$8,000) x 1.5 for rock anchor work inspection and final report									
11. In-house costs plus coating inspection									
13. Estimate for Landscaping work									
14. Miscellaneous				Includes cost incurred on NSD discharge permit and labor for Tank 1 discharge (\$7,500) and other misc.					

13

MEMORANDUM

To: Board of Directors

Date: September 2, 2011

From: Drew McIntyre, Chief Engineer

Subject: Adopt State Revolving Fund Loan Resolutions – Revised Application for Recycled Water South Service Area Project (Phases 1 a/b & 2)

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RECOMMENDED ACTION: That the Board adopt the following Resolutions:

1. Approve Application/Authorized Representative Resolution
2. Approve Revenue Source Authorization Resolution
3. Approve Reimbursement Resolution

FINANCIAL IMPACT: None at this time

On March 3, 2009, the Board approved staff's recommendation to apply for State Financial Assistance for the projects identified in District's Recycled Water Implementation Plan (May 2006) and North Bay Water Reuse Authority's (NBWRA) "North Bay Water Recycled Programs". The local recycled water projects within NBWRA's Final EIR were approved by the Board at the December 15, 2009 meeting. This first SRF application for the Novato South Service Area Phase 1 a/b and 2 projects was submitted November 10, 2010 and is still being processed (the critical path being approval of all environmental permitting). The South Service Area Phase 1 a/b and 2 project limits are shown on the map provided in Attachment 1. The original project was divided into two phases of pipeline work and the rehabilitation of the Reservoir Hill Tank. The transmission line, Phase 1a, requires items that would delay bidding as a single project (i.e. easement acquisitions and permits), therefore Phase 1 was split into two phases to allow earlier bidding and construction of Phase 1b. The updated cost breakdown is as follows.

Task Description	Initial Application Cost	Revised Application
Distribution Pipeline (approx. 30,000')	\$3,377,400	\$4,474,800
Storage	\$178,578	\$260,000
Total Construction Cost	\$3,555,978	\$4,734,800
35% Contingency	\$1,244,592	\$1,657,200
Sub Total	\$4,800,570	\$6,392,000
25% Non-Construction Costs	\$1,200,142	\$1,598,000
Total	\$6,000,712	\$7,990,000

Approved by GM CD

Date 9/2/2011

Staff will be submitting a revised SRF application within the next couple of weeks to reflect the updated costs.

This application process requires submission of three resolutions: the first resolution (Attachment 2) authorizing the General Manager to act as the representative of the District, the second resolution (Attachment 3) authorizes dedicating a revenue source for repayment of any loan accepted by NMWD for this project, and the third resolution (Attachment 4) declaring the official intent of the District to reimburse certain planning, design and construction expenditures from the proceeds of indebtedness.

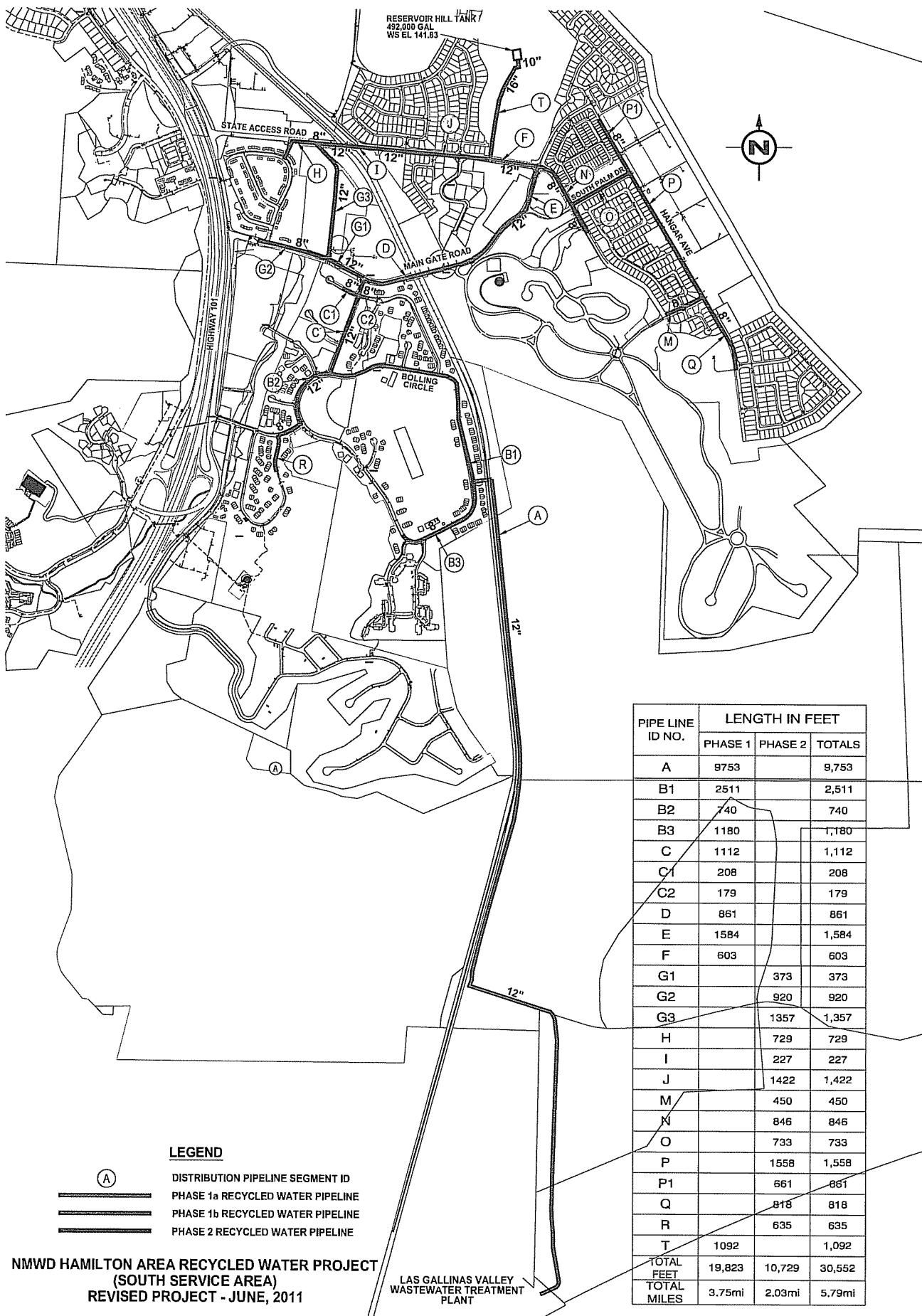
Project Financing and Update

The overall Recycled Water South Service Area Project receives \$556,000 in federal grant funding from the American Recovery and Reinvestment Act of 2009 via Bureau of Reclamation awarded to the North Bay Water Reuse Authority, \$195,000 from the recent Prop 84 grant award and \$931,000 from the recent award from the Bureau of Reclamation's WaterSMART Title XVI Program (see press release in Attachment 5). The revised SRF loan application will request sufficient funds to finance the bulk of the remaining project cost. With the current project cost estimate, it is apparent that an amount up to \$400,000 may be needed in payment from the District's reserve funds to pay for on-site retrofit costs on private properties (which are not eligible for SRF loans). A more accurate update on total estimated project costs will be provided to the Board as bids are received for the Phase 1a, Phase 1b and Phase 2 projects.

RECOMMENDATION

That the Board adopt the following Resolutions:

1. Approve Application/Authorized Representative Resolution (Attachment 2)
2. Approve Revenue Source Authorization Resolution (Attachment 3)
3. Approve Reimbursement Resolution (Attachment 4)



LEGEND

- A DISTRIBUTION PIPELINE SEGMENT ID
- PHASE 1a RECYCLED WATER PIPELINE
- PHASE 1b RECYCLED WATER PIPELINE
- PHASE 2 RECYCLED WATER PIPELINE

**NMWD HAMILTON AREA RECYCLED WATER PROJECT
(SOUTH SERVICE AREA)
REVISED PROJECT - JUNE, 2011**

LAS GALLINAS VALLEY
WASTEWATER TREATMENT
PLANT

PIPE LINE ID NO.	LENGTH IN FEET		
	PHASE 1	PHASE 2	TOTALS
A	9753		9,753
B1	2511		2,511
B2	740		740
B3	1180		1,180
C	1112		1,112
C1	208		208
C2	179		179
D	861		861
E	1584		1,584
F	603		603
G1		373	373
G2		920	920
G3		1357	1,357
H		729	729
I		227	227
J		1422	1,422
M		450	450
N		846	846
O		733	733
P		1558	1,558
P1		661	661
Q		818	818
R		635	635
T	1092		1,092
TOTAL FEET	19,823	10,729	30,552
TOTAL MILES	3.75mi	2.03mi	5.79mi

RESOLUTION NO. 11-

**APPLICATION/AUTHORIZATION
RESOLUTION**

APPLICATION/AUTHORIZED REPRESENTATIVE RESOLUTION

BE IT RESOLVED by the North Marin Water District that the General Manager is hereby authorized and directed to sign and file, for and on behalf of the North Marin Water District, a Financial Assistance Application for a financing agreement with the State Water Resources Control Board for the planning, design, and construction of the NMWD Recycled Water Phase 1 a/b and Phase 2 South Service Area projects; and,

BE IT RESOLVED that the North Marin Water District hereby agrees and further does authorize the General Manager or his/her designee to certify that the Agency has and will comply with all applicable state and federal statutory and regulatory requirements related to any financing or financial assistance received from the State Water Resources Control Board; and,

BE IT FURTHER RESOLVED that the General Manager or his/her designee of the North Marin Water District is hereby authorized to negotiate and execute a financial assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto and certify financing agreement disbursements on behalf of the North Marin Water District.

* * *

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of NORTH MARIN WATER DISTRICT at a regular meeting of said Board held on the ___ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

(SEAL)

Renee Roberts, Secretary
North Marin Water District

REVENUE SOURCE AUTHORIZATION RESOLUTION

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH MARIN WATER DISTRICT TO APPROVE AND AUTHORIZE DEDICATION OF A REVENUE SOURCE FOR THE NORTH MARIN WATER DISTRICT REPAYMENT OF STATE REVOLVING FUND FINANCING
(CWSRF PROJECT NOS. 7802-110, 7802-120 and 7802-130)**

WHEREAS, the Board of Directors of the North Marin Water District (the "District") has authorized the General Manager, or his designee, to apply for State Revolving Fund (SRF) financing to fund all or a portion of the cost of planning, design and construction of the NMWD Recycled Water Phase 1 a/b and Phase 2 South Service Area Projects (the Project); and

WHEREAS, the District has authorized an application for said financing from the California State Water Resources Control Board's Water Recycling Construction Program, State Revolving Fund Program, for the purpose of financing the Project; and

WHEREAS, prior to issuing a contract or contracts for said financing, the District as the financing recipient is required to adopt a resolution dedicating a source of funds to remain in effect throughout the term of said financing;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH MARIN WATER DISTRICT as follows:

That the District hereby dedicates the District's gross revenues of the Novato Water Fund to repayment of any and all State Revolving Fund financing on the Project. This dedicated source of revenue shall remain in effect throughout the term of said financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board.

* * *

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of NORTH MARIN WATER DISTRICT at a regular meeting of said Board held on the _____ day of _____ 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

(SEAL)

Renee Roberts, Secretary
North Marin Water District

RESOLUTION 11-

**RESOLUTION OF THE BOARD OF DIRECTORS
OF NORTH MARIN WATER DISTRICT
DECLARING THE OFFICIAL INTENT OF THE DISTRICT TO
REIMBURSE CERTAIN DESIGN, PERMITTING AND CAPITAL EXPENDITURES
FROM THE PROCEEDS OF INDEBTEDNESS**

WHEREAS, the Board of Directors of the North Marin Water District (the "District") has authorized the General Manager, or his designee, to apply for a State Revolving Fund (SRF) loan to fund all or a portion of the cost of planning, design and construction of the Extension of Recycled Water to the South Service Area Phases 1 a/b and Phase 2 (collectively, the Project); and

WHEREAS, the District has authorized an application for a loan from the California State Water Resources Control Board's Water Recycling Construction Program, State Revolving Fund Loan Program, and/or the Local Match (Zero-Percent Interest Rate) Loan Program (collectively, the Loan) for the purpose of financing the Project; and

WHEREAS, the District intends to finance the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (State Water Board); and

WHEREAS, the State Water Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"), and

WHEREAS, prior to either the issuance of the Obligations or the approval by the State Water Board of the Project Funds the District desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the District; and

WHEREAS, the District has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the District for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, THE DISTRICT DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

The District hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds.

The reasonably expected maximum principal amount of the Project Funds is \$7,990,000.

This resolution is being adopted no later than 60 days after the date on which the District will expend moneys for the portion of the Project costs to be reimbursed with Project Funds.

Each District expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

To the best of our knowledge, this District is not aware of the previous adoption of official intents by the District that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

This resolution is adopted as official intent of the District in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

All the recitals in this Resolution are true and correct and this District so finds, determines and represents.

* * * * *

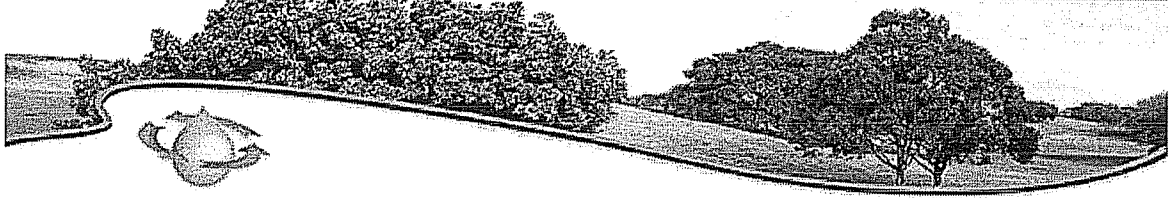
I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of NORTH MARIN WATER DISTRICT at a regular meeting of said Board held on the ____ day of _____, 2011 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAINED:

Renee Roberts, Secretary
North Marin Water District

(SEAL)

NORTH BAY WATER REUSE AUTHORITY
SUSTAINABILITY THROUGH COOPERATIVE WATER RECYCLING



NBWRA to Receive \$1.3 Million in Federal Funds for Construction

North Bay Water Reuse Authority (NBWRA) was one of eight construction projects in California to receive Federal funding under The Bureau of Reclamation's WaterSMART Title XVI Water Reclamation and Reuse Program. The Bureau of Reclamation anticipates NBWRA will be awarded \$1,291,175, earned in part because of the high benefits to the community expected to result from the project.

The grant funding will be used to complete work in the Novato South Service Area, a portion of the North Bay Water Reuse Program in Marin County, which is jointly being carried out by Las Gallinas Valley Sanitary District and North Marin Water District. The project includes construction of a new tertiary treatment plant, rehabilitation of an existing storage tank, and 5.9 miles of new pipeline to expand service to new customers for landscape irrigation.

The NBWRA recycled water program has obtained authorization for over \$25 million in grant funding. To date, over \$8 million in funds have been secured for planning and to begin construction.

NBWRA Members Continue to Expand Recycled Water Use, Improve Services

NAPA COUNTY PROJECTS

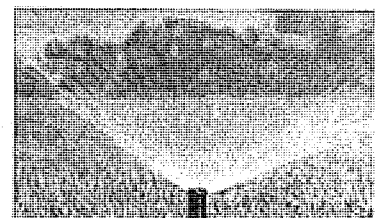
Both Napa County and Napa Sanitation District are members of NBWRA and are collaborating on these projects.

Napa State Hospital Recycled Water Pipeline

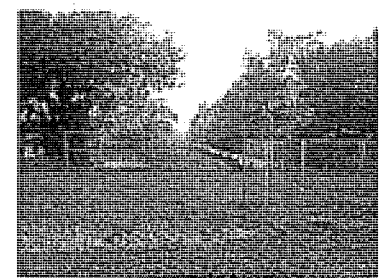
The Napa State Hospital Recycled Water Pipeline will connect to Napa Sanitation District's recycled water treatment plant. The Notice to Proceed was issued to the contractor for the Pipeline in March 2011. Construction activities started in May 2011 and completion is expected in October-November 2011.

Milliken-Sarco-Tulocay (MST) Recycled Water Pipeline

Design of the MST Recycled Water Pipeline started in December 2010. This project connects to Napa Sanitation District's recycled water treatment plant and extends into Napa County's MST area. The design consultant submitted 60% design plans and specifications in May 2011 and 90% of the documents will be submitted in July 2011. It is expected that the design will be completed in September-October 2011.



"We would also like to once again thank Senator Barbara Boxer, Senator Diane Feinstein, Congressman Mike Thompson and Congresswoman Lynn Woolsey for their long-standing support for this Program; without their efforts none of these projects would have been possible," said NBWRA Chair, Bill Long.



Sonoma Valley recycled water pipeline project.



14

MEMORANDUM

To: Board of Directors

September 2, 2011

From: Robert Clark, Operations / Maintenance Superintendent



Subj: Point Reyes Well Production Status

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RECOMMENDED ACTION: Authorize General Manager to execute contract services agreements for the Point Reyes Treatment Plant replacement water supply.

FINANCIAL IMPACT: Not to exceed \$30,000

HISTORICAL INFORMATION

Three water supply wells have been used by the District to supply water to the Point Reyes Station service area. These wells are identified as Well #1, Well #2 and Well #3. All three of these wells were installed in close proximity to each other at an elevation of approximately 13 feet mean sea level. Well #1, installed in 1973, was abandoned in 2002. The currently operating wells are Well #2 (installed in 1973) and Well #3 (installed in 1978). Both of these wells were installed to a total depth of 60 feet below ground surface (bgs) using 12-inch diameter steel casing. Each well is equipped with a 30-horsepower (hp) pump which, when originally installed, could produce a flow rate of approximately 300 gallons per minute (gpm) from each well with only a few feet of water level drawdown in the well. In the attached photos, the well locations are shown with old Well #1 closest to the Lagunitas Creek, and Wells # 2 and #3 located 15 and 30 feet, respectively, towards the Coast Guard Housing complex.

In 1996, high turbidity was identified in Well #3. This was found to be the result of pumped groundwater entraining silt from the soil surrounding the filter pack of the well. The drawdown of the well increased from a few feet to 27 feet bgs, indicating a lower well efficiency and a loss of well capacity. Weeks Drilling & Pump Company (Weeks) of Sebastopol, California was hired to perform an inspection and rehabilitation of Well #3. Weeks bailed sand and silt from the bottom of the well and cleaned the casing. Weeks was also hired to perform similar rehabilitation work on Well #2 in 1997.

Over the past two years, we have performed various maintenance tasks at the Point Reyes well site to re-establish the 300 gpm production which the wells have historically been able to produce. In 2009, the well pump motor control center was replaced; in 2010, the well pumps and motors were replaced after 15-plus years of service. During the Well #3 pump replacement, the casing was found to be corroded and required a clean-out, and a 12-inch

outside diameter liner casing was installed. In the spring of 2011 after a high turbidity issue, Weeks was consulted and a dramatic drawdown condition was found to be causing air to become entrapped in the pump of Well #3. Soon after, Well #2 began to have the same issue during the high flow of the backwash cycle.

CURRENT CONDITIONS

The Point Reyes well system production is currently limited to Well #2 at 280 gpm and Well #3 at 150 gpm, allowing us to just keep up with demand. However, we are not able to operate with any high tide salinity avoidance pumping schedules and maintain the current demand requirements.

To help us better understand what was happening to the wells, we asked Winzler & Kelly Engineer Kent O'Brian to review our Point Reyes well data, operating history and perform a site inspection to provide us with an assessment of how best to proceed to re-establish the necessary production from the wells for the Point Reyes community. We have also spoken with Weeks about what has caused the drop in production and what they suggest we might do. Both Weeks and Mr. O'Brian have indicated that a replacement well at the location of the existing wells is recommended as the best method for maintaining the production capacity in order to meet the existing water system demand. Installation of this replacement well should be considered an urgent need to avoid the sudden loss of production capacity within the water distribution system.

Staff has reached out to the Department of Public Health (DPH) to inquire about emergency funding to implement the project to relocate the Point Reyes production well up stream to the Gallagher well site. DPH staff have indicated that emergency funds or a re-positioning of the project for other funds would be contingent on a failure to meet water quality or water quantity standards. The District has historically made every effort to meet water supply standards.

WATER QUALITY IMPLICATIONS

Because of the inability to initiate NMWD's off-tide avoidance pumping practice, salinity in the aquifer from which we draw water will continue to increase. Salt levels began rising on August 1st, and the salinity notification level (50 mg/L sodium) was reached on August 16th.

There are some scenarios that could result in relatively serious degradation of water quality, potentially leading to violations of health based maximum contaminant limits (MCL). Based on our historical data, we know that once we start seeing bromide in our source water,

due to higher salinity, disinfection byproduct (DBP) concentrations will begin to rise. We have exceeded the MCL at one of two monitoring locations in our system once the bromide concentration reaches 0.3-0.5 mg/L. We began to see bromide in August and it has risen to its current level of 0.2 mg/L. NMWD has taken some steps to minimize the resulting DBPs in our system but there are trade-offs for this action. The chlorine target level was lowered in the PRE system to keep DBPs low, but this has resulted in chlorine residual levels in water served by PRE Tank #4, below the district's 0.2 mg/L minimum target. A chlorine residual level below this target increases the likelihood of coliform bacterial growth – an acute hazard compared to the lifelong risk of DBP exposure. We will have to increase the chlorine residual in this part of the system, making it more difficult to keep DBPs below the MCL. Also, an experimental DBP reduction system was recently installed in the Inverness tanks; although the effectiveness of this system has not been evaluated in reducing DBPs, it too has resulted in lower chlorine residual levels.

The lead and copper rule gives water suppliers responsibility for water quality that affects the rate of corrosion from customers' plumbing and fixtures. During the most recent monitoring period completed (2008), the effective copper level in our representative customers' taps was just below the regulatory action level. Preliminary results from the current monitoring period show effective copper level is again below the action level; however, this will most certainly increase during periods of salinity intrusion. If samples were collected during salinity intrusion, it is more likely that the effective level of copper would be above the action level for copper.

DETERMINATIONS

Staff has determined that the District should develop a plan to replace Well #3. Staff has requested Mr. O'Brian provide the District with a proposal for engineering services to locate a replacement well and Weeks to provide cost estimates for drilling a replacement well. Additionally, staff will continue to seek DPH funding for the Gallagher Well and Pipeline project.

RECOMMENDATION: Authorize General Manager to execute contract services agreements for the Point Reyes Treatment Plant replacement water supply and work with DPH to secure emergency funding if possible.



Point Reyes Well and Treatment Plant Vicinity Map



Point Reyes Well Location Map

15

MEMORANDUM

To: Board of Directors

Date: September 2, 2011

From: Drew McIntyre, Chief Engineer



Subject: Recycled Water Expansion to South Service Area Project – Clean Water State Revolving Fund Loan CEQA Project Approval (SRF Proj. No. 7802)

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- RECOMMENDED ACTION:**
1. Approval of the Supplemental EA/Addendum and adoption of a resolution finding the conclusions, impact determinations, and mitigation measures provided in the Supplemental EA/Addendum are consistent with the previously approved Final NBWRP EIR/EIS.
 2. Authorize the General Manager or his assignee to file the attached Notice of Determination with the Marin County Clerk and State Clearinghouse.
 3. Establish the Board as custodian of the documents.

FINANCIAL IMPACT:

Project Background

North Marin Water District (NMWD) is a Member Agency of the North Bay Water Recycling Authority (NBWRA), which has developed the North Bay Water Recycling Program (formerly the North San Pablo Bay Restoration and Reuse Project) to provide recycled water for agricultural, urban, and environmental uses and to promote the expanded beneficial use of a recycled water system in the North Bay region. The North Bay Water Recycling Program (NBWRP) has been developed in conformance with the requirements of the Bureau of Reclamation's Public Law 102-575, Title XVI, including preparation of a Feasibility Study, and passage of Senate Bill 1475. NMWD participated in project development and preparation of a Draft and Final Environmental Impact Report/ Environmental Impacts Statement (EIR/EIS) analyzing the effects of the NBWRP.

Under the NBWRP Phase I Implementation Plan, NMWD in partnership with Las Gallinas Valley Sanitary District (LGVSD), approved implementation of a South Service Area recycled water system expansion project which would provide tertiary treatment capacity of 0.7 mgd and require approximately six miles of new pipeline for conveyance of recycled water. This project is consistent with local recycled water facilities identified in the Novato Recycled Water Implementation Plan (Nute, 2006) adopted by the Board of Directors at the June 6, 2006 meeting. More specifically, the FY12 budgeted Recycled Water Expansion to the South Service Area (see Attachment 1), includes final design and first year construction costs for installation of

approximately six miles of transmission and distribution pipeline; and rehabilitation of the existing Reservoir Hill Tank.

Prior Board Actions

On December 15, 2009, the North Marin Water District Board of Directors (Board): 1) exercised its independent judgment and analysis, reviewed, and considered the information contained in the Final EIR/EIS for the North Bay Water Recycling Program, and considered the environmental effects and impacts of the project as shown in the EIR/EIS; 2) found that the Final North Bay Water Recycling Program EIR/EIS represents a good faith effort to achieve completeness and full environmental disclosure; and 3) found that the Final North Bay Water Recycling Program EIR/EIS is an adequate informational document, and has provided the Board and the public with full and fair disclosure of potential environmental impacts associated with the project. As part of this action, the Board approved the Phase 1 Implementation Plan, adopted a Mitigation and Monitoring Plan, adopted a Statement of Overriding Considerations, and filed a Notice of Determination.

At the October 5, 2010 meeting the Board unanimously approved similar action items related to adoption of the North Service Area Recycled Water Project Addendum to the North Bay Water Recycling Program EIR/EIS.

Clean Water State Revolving Fund Program

The Clean Water State Revolving Fund (CWSRF) Program is administered at the state level by the State Water Resources Control Board (SWRCB). In November 2010, the District submitted an application for \$6 million to support design and construction of South Service Area (a portion of the Phase 1 project components) described above and referred to herein as NMWD's "CWSRF South Service Area Project"). The application included a brief project description, schedule, financial information, and supporting documentation (i.e. feasibility reports, technical memoranda, and environmental analyses). On February 16, 2011, SWRCB sent written questions via email, requesting copies of the Notice of Determination, CEQA Findings, Board Resolution 09-39, clarifications of the Statement of Overriding Considerations adopted by the District, the Mitigation Monitoring and Reporting Plan, public comments received on the Draft EIR (Final EIR), and other documentation of federal consultations (Section 7 consultation under the Endangered Species Act with U.S Fish and Wildlife Service and National Marine Fisheries Service, and Section 106 with State Historic Preservation Office). Supplemental materials were provided on July 12, 2011 in a letter report. On July 22, 2011, NMWD submitted an Environmental Checklist and associated enclosures in response to further

SWRCB communication. Additionally, it was determined that proposed modifications to the transmission and distribution pipeline alignment in the Hamilton Area warranted additional environmental review in a Supplemental EA/Addendum to the EIR/EIS (provided as Attachment 2) to adequately review this proposed alignment modification within the context of the previous analysis provided in the EIR/EIS.

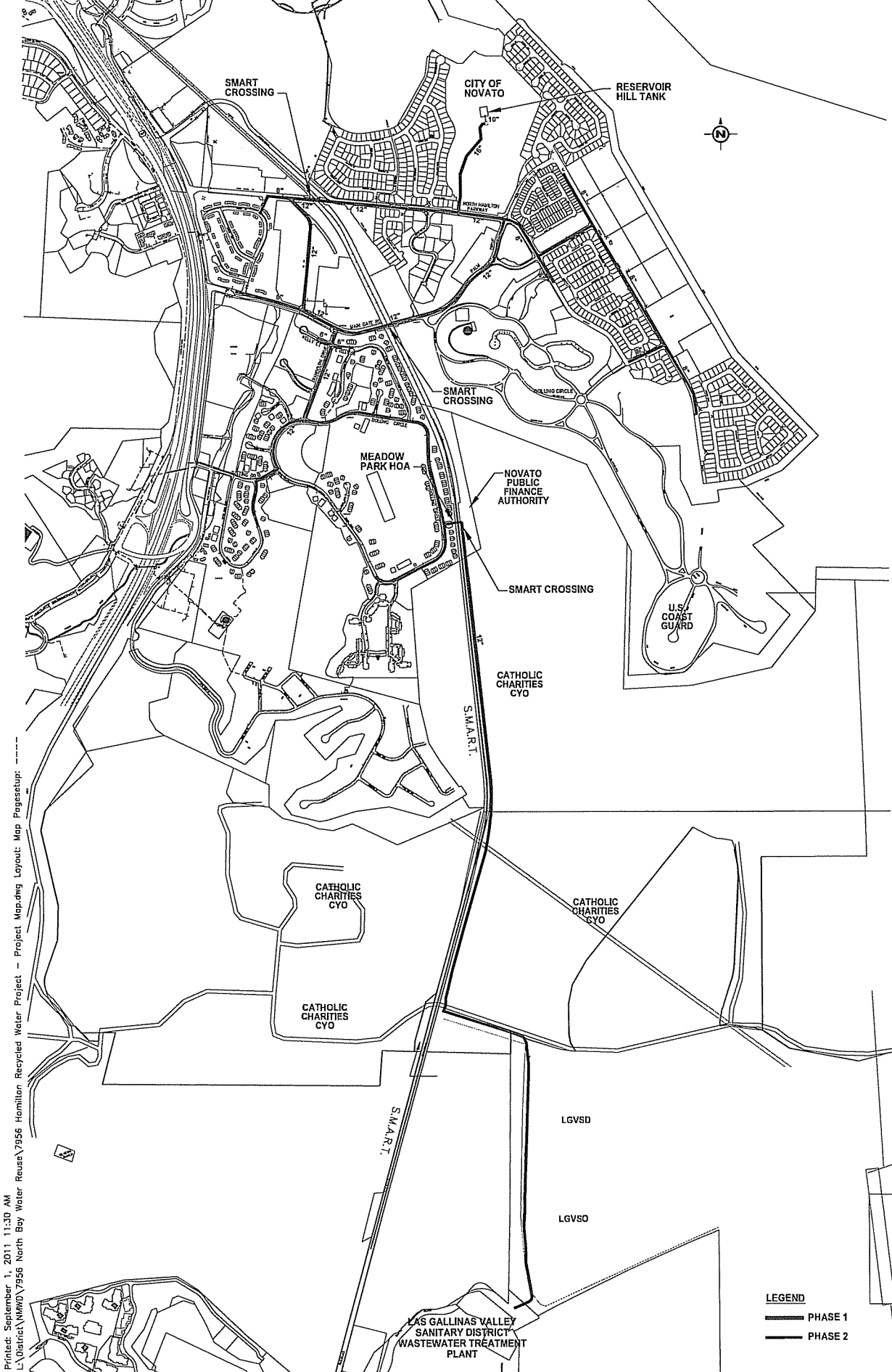
This document is intended to satisfy requirements under both the National Environmental Policy Act (NEPA) and CEQA, and to provide project-specific environmental documentation for the project elements proposed under Clean Water State Revolving Fund (CWSRF) Program Application 7802-110, required for review by State Water Resources Control Board (SWRCB). The United States Bureau of Reclamation will use this Supplemental EA to identify impacts associated with provision of federal funding under Title XVI for the proposed changes in the NBWRP and to issue a Finding of No Significant Impact. The SWRCB will use this Addendum, in conjunction with the approved EIR/EIS and associated permits and consultations to consider administration of CWSRF funding. The analyses contained within this Supplemental EA/Addendum will be used to support the acquisition of the additional regulatory permits.

The Supplemental EA/Addendum was submitted to the State Clearinghouse on August 1, 2011 for processing and a 15-day public review period (August 2, 2011 – August 15, 2011) to satisfy State Water Resources Control Board environmental documentation requirements. No comments were received on the Supplemental EA/Addendum during the public comment period.

RECOMMENDATION

Under CEQA, a new discretionary Board action is not required; however the SWRCB process requires a new Notice of Determination to be filed with the County Clerk and the State Clearinghouse. To facilitate this determination, staff recommends:

1. Approval of the Addendum and adoption of a resolution (Attachment 3) finding the conclusions, impact determinations, and mitigation measures provided in the Addendum are consistent with the previously approved Final NBWRP EIR/EIS.
2. Authorize the General Manager or his assignee to file the attached Notice of Determination (Attachment 4) with the Marin County Clerk and State Clearinghouse.
3. Establish the Board as custodian of the documents.



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 L:\District\NMWD\79556 North Bay Water Reuse\79556 Hamilton Recycled Water Project - Project Map.dwg Layout: Map Progress:up:

NMWD HAMILTON AREA RECYCLED WATER PROJECT

SEPTEMBER 1, 2011

LEGEND
 ——— PHASE 1
 - - - - PHASE 2

NORTH BAY WATER RECYCLING PROGRAM

North Marin Water District Recycled Water Expansion Project
South Service Area Project - Supplemental Environmental
Assessment to the Environmental Impact Statement and
Addendum to the Environmental Impact Report

North Marin Water District
US Bureau of Reclamation and
State Water Resources Control Board

August 2011





NORTH BAY WATER RECYCLING PROGRAM

North Marin Water District Recycled Water Expansion Project
South Service Area Project - Supplemental Environmental
Assessment to the Environmental Impact Statement and
Addendum to the Environmental Impact Report

North Marin Water District
US Bureau of Reclamation and
State Water Resources Control Board

August 2011



TABLE OF CONTENTS

	<u>Page</u>
1. Introduction	1-1
1.1 Introduction.....	1-1
1.2 Overview of Proposed Action.....	1-1
1.3 Background and Approved Projects	1-1
1.4 Regulatory Environment	1-2
1.5 Purpose of Proposed Modifications	1-4
1.6 Project Objectives.....	1-5
1.7 Overview of the Approved Project under the NBWRP	1-5
1.8 NBWRP EIR/EIS Findings and Statement of Overriding Considerations.....	1-6
1.9 Intended Use of the Document and Agency Consultation History	1-8
1.10 NBWRP EIR/EIS Federal Regulatory Consultation Summary	1-9
2. Project Description	2-1
2.1 South Service Area Project.....	2-1
3. Environmental Analysis	3-1
3.1 Geology and Soils.....	3-1
3.2 Surface Hydrology	3-3
3.3 Groundwater Resources.....	3-7
3.4 Water Quality	3-8
3.5 Biological Resources	3-10
3.6 Land Use and Agricultural Resources	3-18
3.7 Traffic and Transportation.....	3-20
3.8 Air Quality	3-23
3.9 Noise	3-25
3.10 Hazards and Hazardous Materials.....	3-27
3.11 Public Services and Utilities.....	3-30
3.12 Cultural Resources	3-31
3.13 Recreation	3-35
3.14 Aesthetics	3-36
3.15 Environmental Justice.....	3-38
3.16 Socioeconomics.....	3-38
3.17 Growth.....	3-38
3.18 Indian Trust Assets	3-39
4. Conclusion	4-1
5. Consultation and Coordination	5-1

6. List of Prepares..... 6-1

7. References..... 7-1

Appendices

1 Notice of Determination A-1
2 SHPO Concurrence Letter A-2

List of Tables

1 Comparison of Approved Draft EIR/EIS Phase 1 Project Components versus
Proposed Modified South Service Area Project.....2-3

List of Figures

1 Approved Phase 1 Project Under NBWRP - Novato South Service Area..... 1-7
2 Proposed Novato South Service Area (Hamilton) Project..... 2-4
2a Proposed Modification for the South Service Area and Comparison to Draft
EIR/EIS Phase 1 Components.....2-5
3 Flood Zones in the Project Area 3-7

CHAPTER 1

Introduction

1.1 Introduction

The North Marin Water District (NMWD) has prepared this Supplemental Environmental Assessment (EA) to the Environmental Impact Statement (EIS) and Addendum to the Environmental Impact Report (EIR) to address proposed changes to the approved North Bay Water Recycling Program (NBWRP)¹ Phase 1 Implementation Plan, analyzed in the Environmental Impact Report/ Environmental Impact Statement (NBWRP EIR/EIS) (SCH No. 2008072096). This document is intended to satisfy requirements under both the National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), and to provide project-specific environmental documentation for the project elements proposed under a Clean Water State Revolving Fund (CWSRF) Program Application, required for review by the State Water Resources Control Board (SWRCB).

1.2 Overview of Proposed Action

The process of finalizing the design of the South Service Area Project has resulted in minor changes to the pipeline distribution system alignment within roadways in the Hamilton Area. Specific route changes are described in **Section 2, Project Description**.

1.3 Background and Approved Projects

NBWRA is a cooperative program established in the San Pablo Bay region under a Memorandum of Understanding in August 2005 that supports sustainability and environmental enhancement by expanding the use of recycled water. NBWRA is comprised of the following participating agencies: Las Gallinas Valley Sanitary District (LGVSD), Novato Sanitary District (Novato SD), Sonoma Valley County Sanitation District (SVCS), Napa Sanitation District (Napa SD), Napa County, Sonoma County Water Agency (SCWA), and NMWD. NMWD provides water to a population of 61,000 in and around city of Novato in Marin County.

NBWRA developed the NBWRP in conformance with the requirements of the Reclamation's Public Law 102-575, Title XVI, which provides a mechanism for federal participation and cost-sharing in approved water reuse projects. Providing federal funding to implement the NBWRP

¹ Formerly known as the North San Pablo Bay Restoration and Reuse Project. State Clearinghouse No. 2008072096.

was a Federal action, and therefore a joint EIR/EIS was prepared to comply with the National Environmental Policy Act (NEPA).

NMWD participated with NBWRA Member Agencies, in coordination with the United States Department of Interior, Bureau of Reclamation (Reclamation) to prepare the Draft EIR for the NBWRP in May, 2009. Sonoma County Water Agency as the CEQA lead agency certified the EIR as complete and adequate under CEQA on December 8, 2009. Each Member Agency then approved the Phase 1 Project under its jurisdiction; prepared and adopted written findings of fact for each significant environmental impact identified in the EIR; made a Statement of Overriding Considerations, as needed (discussed below); and adopted a Mitigation Monitoring and Reporting Program. As a CEQA Responsible Agency, NMWD approved the projects in its service area (i.e., the North, Central, and South Novato Service Areas) on December 15, 2009.² The projects under the NBWRP that were proposed (and approved) by NMWD, and will be implemented in partnership with LGVSD³ are located in the Novato South Service Area. NMWD has previously partnered with LGVSD to implement recycled water projects in their collective service areas.

Reclamation issued a final EIS for the NBWRP on June 7, 2010 and signed a Record of Decision on January 28, 2011.

The North Bay Water Recycling Project Phase 1 Implementation Plan, Environmental Impact Report/ Environmental Impact Statement (SCH No. 2008072096), certified by Sonoma County Water Agency, December 2009, prepared by Environmental Science Associates for North Bay Water Reuse Authority, 2009, is incorporated by reference in this Draft Supplemental EA/Addendum and is available for review to gain an understanding of previously completed Master Planning efforts and environmental documents completed by the North Bay Water Reuse Authority (NBWRA) Member Agencies and applicable to the Proposed Action.

1.4 Regulatory Environment

This Supplemental EA/Addendum addresses minor changes in the alignment of distribution facilities examined in the NBWRP EIR/EIS pursuant to NEPA and CEQA requirements, described below.

1.4.1 NEPA Compliance

In accordance with the Council of Environmental Quality (CEQ) NEPA regulations, an Environmental Assessment (EA) provides the federal Lead Agency, Reclamation, with evidence and analysis to determine whether a full Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI) is required; and determine if a proposed action may result in significant adverse effects on the environment. Consistent with CEQ regulations, this EA describes the purpose and need for the proposed modifications to the originally approved action

² A copy of the Notice of Determination is provided in **Appendix 1**.

³ The LGVSD wastewater treatment plant (WWTP) provides sanitation service to approximately 30,000 people within the area of Marinwood, Lucas Valley, Terra Linda, Santa Venetia, Los Ranchitos, and Smith Ranch Road.

and probable environmental impacts. Reclamation with use this EA to supplement the previously prepared NBWRP EIR/EIS, and support a FONSI for the proposed modified action.

1.4.2 CEQA Compliance

Pursuant to CEQA Section 15164, the lead or responsible agency may prepare an addendum to a previously certified EIR if changes or modifications are necessary, but none of the conditions calling for preparation of a subsequent EIR have occurred (CEQA Guidelines §15164). A brief explanation of the decision not to prepare a subsequent or supplemental EIR should be included in an addendum or elsewhere in the record (CEQA Guidelines §15164(e)). Once an EIR has been certified, a subsequent EIR is only required when the Lead Agency determines that one of the following conditions has been met:

1. Substantial changes are proposed in the project, or substantial changes occur with respect to the circumstances under which the project is undertaken, which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (CEQA Guidelines §15162(a)(1), (2));
2. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative (CEQA Guidelines §15162(a)(3)).

The minor alteration of the distribution facility alignments in the South Service Area Project area would not trigger any of the above conditions; therefore preparation of a subsequent or supplemental EIR is not required. As previously noted in Section 1.2, the SWRCB will use this addendum with the EIR/EIS to consider the environmental effects of the project as described in the CWSRF Application.

1.4.3 State Water Resources Control Board Consideration

Additionally, to implement the approved projects in the Novato South Service Area (Hamilton Area), NMWD is applying for a loan under the CWSRF administered by the SWRCB. As part of the CWSRF application process, NMWD has prepared this Supplemental EA/Addendum to comply with the SWRCB's CEQA-Plus requirements, in support of NMWD's CWSRF Application (herein termed as the South Service Area Project). As further described in **Section 2**,

Project Description, the South Service Area Project includes construction of treatment and conveyance facilities within the Novato South Service Area. The treatment and pumping facilities would be funded separately by LGVSD, and are presented as part of this project description to provide analysis for the “whole of the action”.⁴

As a funding agency overseeing the CWSRF program, and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California’s water resources, the State Water Resources Control Board (SWRCB) is a Responsible Agency under CEQA. The CWSRF Program is partially funded by the U.S. Environmental Protection Agency (USEPA), and requires “CEQA-Plus” environmental documentation and review. As provided for in Section 15096(f) of the CEQA Guidelines, a responsible agency must consider the environmental effects of the project as shown in the EIR. As noted in its comment letter to the Final NBWRP EIR/EIS, received July 20, 2010, the SWRCB requests that the individual member agencies specify the need for a Statement of Overriding Considerations (SOC) to be adopted for any adverse significant and unavoidable impacts. For each project to be funded by the CWSRF Program, each applicant must certify the EIR/EIS and make CEQA Findings of Fact, as well as adopt a Mitigation Monitoring and Reporting Program and a SOC that pertain to the specific funded project.⁵ As noted above, NMWD completed project approval and made CEQA Findings on December 15, 2009. This Addendum has been prepared in order to meet environmental requirements of the CWSRF Program administered by the SWRCB to support environmental findings, as described in the CWSRF Application.

1.5 Purpose of Proposed Modifications

Based upon subsequent engineering and design efforts, NMWD proposes to modify the transmission and distribution pipeline alignment in the Hamilton Area within the Novato South Service Area. This modification is required in order to provide connections for recycled water users, with consideration of willingness of landowners to grant easements, and construction access limitations. Therefore, the District has prepared this addendum to the EIR/EIS to review this proposed alignment modification within the context of the previous analysis provided in the EIR/EIS. A full description of proposed modification is provided in **Section 2, Project Description**.

1.6 Project Objectives

The purpose of the NBWRP, including NMWD’s South Service Area Project (the subject of this Addendum), is to promote the expanded beneficial use of recycled water in the North Bay region to achieve the following objectives:

-
- ⁴ NMWD has an existing pending CWSRF Application No. 5211-110 for a separate project that would be implemented in the Novato North Service Area. The Novato North Service Area Project is the portion of the NBWRP Phase 1 Implementation Plan within NMWD jurisdiction, in partnership with Novato Sanitary District. The SWRCB review as part of the CWSRF process is pending. The schedule for this project is separate from the project that is the subject of this addendum.
 - ⁵ Copies of the Findings of Fact, Mitigation Monitoring and Reporting Program (MMRP), and Statement of Overriding Considerations are provided in **Appendix 2**.

- Offset urban and agricultural demands on potable water supplies;
- Enhance local and regional ecosystems;
- Improve local and regional water supply reliability;
- Maintain and protect public health and safety;
- Promote sustainable practices;
- Give top priority to local needs for recycled water, and;
- Implement recycled water facilities in an economically viable manner.

1.7 Overview of the Approved Project under the NBWRP

The Novato South Service Area Project was included in the Phase 1 Implementation Plan to provide approximately 204 acre-feet per year of recycled water service to the Hamilton Field area. Service to the Hamilton Field area would be established through implementation of a of 0.7 million gallons per day (mgd) tertiary treatment upgrade at the LGVSD WWTP⁶, construction of a new booster pump station onsite (increased 72 horsepower of pumping capacity), and construction by NMWD of a pipeline distribution system from the LGVSD WWTP north to serve the Hamilton Field area (**Figure 1**). This system would consists of a loop of 6-inch pipeline along South Oakwood Drive, Crescent Drive, and Casa Grande Drive, a 12-inch pipe along Hangar Avenue to South Palm Drive, and a 10-inch pipe on Palm Drive. Recycled water storage would be provided by retrofit of the existing 0.5-million gallon (MG) Reservoir Hill Tank. The EIR/EIS examines three potential route options for the pipeline between LGVSD WWTP and the Hamilton Field area. Ultimately, Option C, shown in Figure 1, was selected as the preferred route, approved under the Phase 1 project, and incorporated into the federal USFWS Biological Opinion and Section 106 consultation processes. Chapter 3 of the NBWRP EIR/EIS presented a discussion of impacts of the NBWRP for the following resource areas: Land Use and Planning, Geology, Soils, and Seismicity, Hydrology, Water Quality, Biological Resources, Cultural Resources, Transportation and Traffic, Air Quality, Noise, Hazards and Hazardous Materials, Visual Resources, Recreation, Environmental Justice, and Socioeconomics. Impacts for each of the issue areas were found to be less than significant or less than significant with incorporation of identified mitigation. The mitigation measures were adopted by NMWD as part of project approval process in December 2009 and would be applicable to the Novato South Service Area Project described in this Addendum.

⁶ To provide the additional 0.7 mgd treatment capacity, tertiary treatment facilities and a pump station would be constructed within the fenceline of the existing LGVSD WWTP. This portion of the project is within LGVSD jurisdiction, was previously analyzed in the NBWRP EIR/EIS, and is not part of this CWSRF application; however is presented in this context to disclose the “whole of the action”.

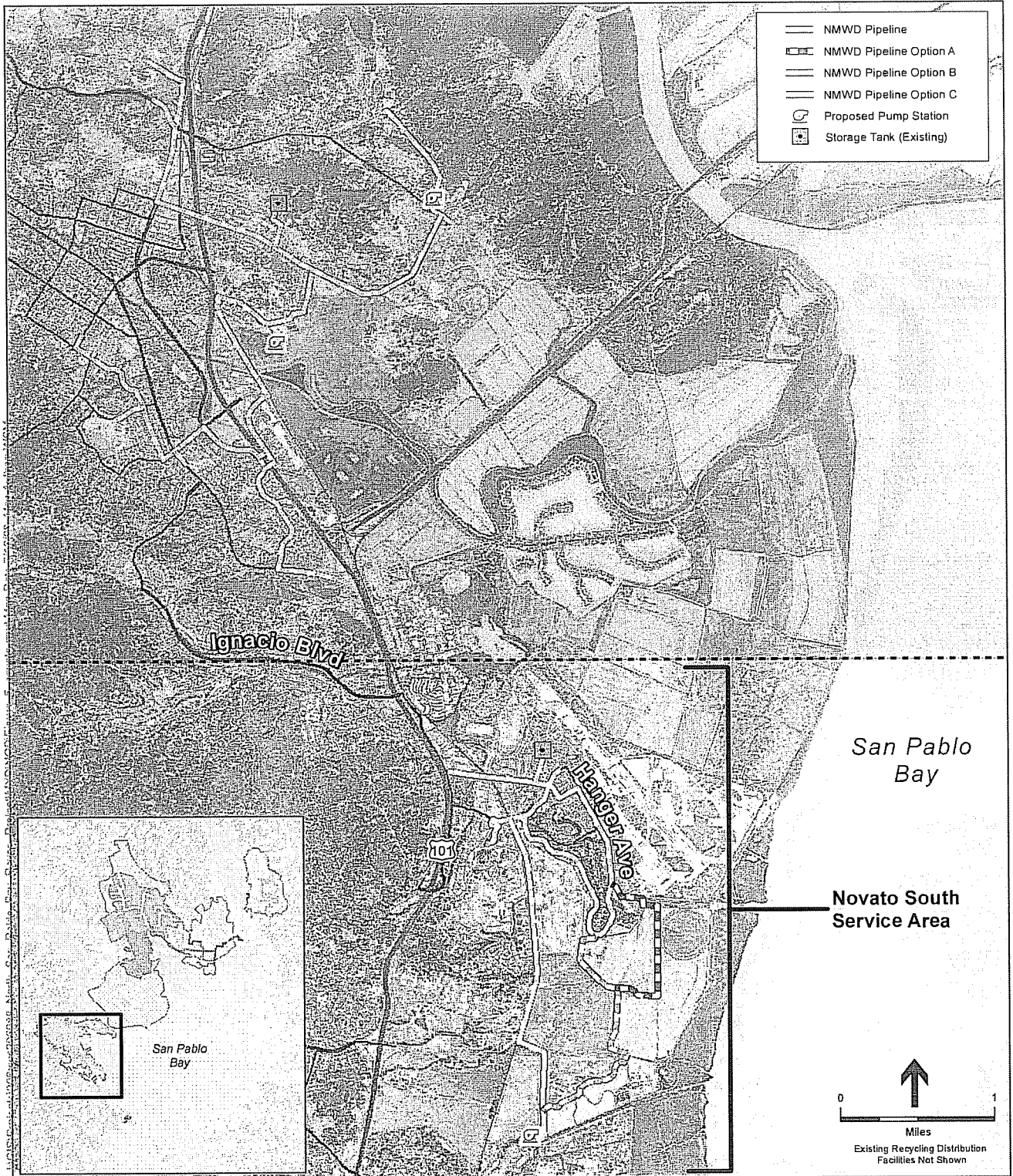
1.8 NBWRP EIR/EIS Findings and Statement of Overriding Considerations

As part of the project approval process, each Member Agency, including NMWD, made Findings of Fact regarding the NBWRP in December 2009 in support of the Draft EIR/EIS and the Final EIR/EIS for the NBWRP. As provided for under CEQA 15096 (a) and (f), NMWD approved the NMWD Recycled Water Expansion Project, including the North, Central, and South Novato Service Area Projects on December 15, 2009. To support this consideration and a decision on the project, NMWD prepared written findings for each impact identified in the EIR/EIS in accordance with the CEQA Guidelines §§ 15091, 15096(h). The Findings included a Statement of Overriding Considerations for any significant and unavoidable impacts associated with NBWRP.

The NBWRP (including the CWSRF Application project components) would provide recycled water for urban, agricultural, and environmental uses, and as such, would contribute to the provision of adequate water supply to support a level of growth that is consistent with the amount planned and approved within the General Plans of Marin, Sonoma and Napa Counties. No appreciable growth in population or employment would occur as a direct result of construction or operation of the proposed facilities. However, development under the General Plans accommodated by NBWRP would result in secondary environmental effects, which include effects that would be significant and unavoidable. Within the NMWD Service Area, these secondary significant and unavoidable environmental effects were identified by the Marin County and City of Novato General Plan EIRs as: potential conflicts with agricultural land use or other existing land uses, permanent loss of sensitive species or habitat, alteration of drainage patterns, impacts to water supply and water quality within unincorporated Marin County⁷. The project provides a level of recycled water supply consistent with the assumptions of the approved Marin County General Plan. As previously noted, some of the above impacts will be reduced by identified mitigation measures, but the impacts may not be reduced to a less than significant level.

In considering the Recycled Water Expansion Project, NMWD weighed the benefits of the NBWRP against the project's unavoidable environmental risks and potentially significant adverse impacts. NMWD determined that the benefits of the project outweigh its unavoidable environmental risks and unmitigated adverse impacts.

⁷ As identified in the NBWRP EIR/EIS, secondary effects of growth attributable to the project could occur if buildout under the relevant General Plans occur. The project would not directly result in significant and unavoidable environmental effects.



SOURCE: ESA, 2009

Note: Existing Tank Facilities Shown

NBWRA North Bay Water Recycling Program. 206088.01
Figure 1
 Approved Phase 1 Project Under NBWRP -
 Novato South Service Area

The NMWD Board, in concert with the other Member Agencies, adopted the Statement of Overriding Considerations after finding that the Project (including the CWSRF Application project components) would have certain environmental, economic, legal, social, technical, and other benefits that make the unavoidable adverse environmental impacts associated with it acceptable, and that mitigation of certain environmental impacts is in the jurisdiction of other agencies. This finding and the Statement of Overriding Considerations would remain unchanged for the Novato South Service Area Project.

1.9 Intended Use of the Document

Reclamation intends to use this Supplemental EA to identify impacts associated with provision of federal funding under Title XVI for the proposed changes in the NBWRP and to determine whether a Finding of No Significant Impact can be signed.

The SWRCB will use this Addendum, in conjunction with the approved EIR/EIS and associated permits and consultations to consider administration of CWSRF funding.

NMWD will use this Supplemental EA/Addendum to approve the South Service Area Project and make Findings regarding identified impacts. The analyses contained within this Supplemental EA/Addendum would be used to support the acquisition of the following regulatory permits or approvals if needed:

- Clean Water Act Section 404– Individual or Nationwide Permits (USACE)⁸;
- Endangered Species Act – Section 7 Consultation (USFWS);
- Section 401 Water Quality Certification (San Francisco Bay Regional Water Quality Control Board);
- National Historic Preservation Act Section 106 consultation [State Historic Preservation Office (SHPO)].

Acquisition of right-of-ways and temporary construction easements may be necessary for construction of some of the proposed facilities. Temporary construction easements would also be required for contractor staging areas and equipment and materials storage.

Responsible and Trustee Agencies

Other potential responsible and trustee agencies beyond the NBWRA Member Agencies and cooperating agencies with authority over the Proposed Action include, but are not limited to, the following: USACE, USFWS, National Oceanic and Atmospheric Administration Fisheries (NMFS), CDFG, SWRCB, San Francisco Bay Regional Water Quality Control Board (RWQCB),

⁸ Additional permit applications and federal consultations have been initiated in parallel with this Supplemental ES/Addendum schedule. A preliminary wetland delineation has been prepared and submitted to USACE. Reclamation has recommended a modification of the Area of Potential Effects to SHPO.

California State Office of Historic Preservation, California Department of Health Services, Bay Area Air Quality Management District, and Sonoma County Department of Public Works.

1.10 NBWRP EIR/EIS Federal Regulatory Consultation Summary

As part of the NBWRP EIR/EIS process, Reclamation, as the NEPA Lead Agency, participated in formal consultation with National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) as part of the Section 7 consultation under the Federal Endangered Species Act (ESA). Reclamation is also in consultation with the California State Historic Preservation Office (SHPO) as part of the Section 106 process under the National Historic Preservation Act. A summary of consultation status is provided below. Conditions and requirements included in the following permits are herein incorporated into the record.⁹

1. United States Fish and Wildlife Service *Biological Opinion on the Proposed North San Pablo Bay Restoration and Reuse Project in Marin, Sonoma, and Napa Counties, California*, Reference No. 81420-2009-F-1272-2, July 2010.
2. National Marine Fisheries Service, Consultation Letter of Concurrence, Reference No. 2009/04759:AEM, May 6, 2010.
3. Biological Assessment/Fisheries Biological Assessment for the *North San Pablo Bay Restoration and Reuse Project (North Bay Water Recycling Program)*, Prepared by Environmental Science Associates (ESA). August 2009.
4. Draft Agreement for Sale of Ohlone Mitigation Bank Conservation Credits, May 17, 2011.
5. California State Historic Preservation Officer, Letter Regarding North Bay Water Reuse Authority Phase 1 Project, Marin, Sonoma, and Napa Counties, California, Project No. 09-CCAO-132, Reference No. BUR110214A, March 21, 2011.

Federal Section 7 Consultation – USFWS and NMFS

Section 7 consultation with USFWS was completed with the issuance of a Biological Opinion in July 2010. Key terms and conditions, and minimization and avoidance measures applicable to the entire Phase 1 Program includes crossing of all creeks using trenchless technology, and provision of compensatory mitigation for disturbance of California red-legged frog habitat. The South Service Area Project would have the potential to disturb 5.4 acres consisting of upland habitat along roadway pavement that may or may not be potentially affected by pipeline installation. Pursuant to the 0.1:1 compensatory mitigation ratio required under the Biological Opinion, NMWD will participate with other NBWRA Member Agencies to purchase the required 0.54 acres, to meet the collective obligation for habitat credits from a Service-approved conservation bank. Credits will be purchased within 6 months of ground breaking activities. SCWA, on behalf

⁹ Copies of all documents available upon request.

of NBWRA and the Member Agencies is currently developing an agreement to purchase compensatory mitigation credits.

A Biological Assessment/ Fisheries Biological Assessment (BA) was submitted by Reclamation to NMFS and USFWS August 25, 2009. Section 7 consultation with NMFS has been concluded in accordance with 50 CFR 402.13(a). Based on best available information, NMFS concurs with Reclamation's finding that the proposed project is not likely to adversely affect ESA-listed species under the jurisdiction of NMFS (concurrence letter dated May 6, 2010). Under the FWCA, Reclamation is required to consult with NMFS on projects that propose stream modification. NMFS has no FWCA recommendations for the project regarding conservation of fish and wildlife resources because NMFS has found that the project contains adequate measures to protect aquatic habitat.

National Historic Preservation Act Section 106 Consultation – State Historic Preservation Office

Due to Federal funding, the NBWRP is required to comply with Section 106 of the National Historic Preservation Act, as amended. Section 106 consultation with SHPO was completed on March 21, 2011. SHPO issued a letter of concurrence with Reclamation's finding of no significant adverse effect to historic properties and cultural resources. Section 106 requires Federal agencies to take into account effects on historic properties. NBWRA prepared Area of Potential Effects maps and a Cultural Resources Survey Report (CRSR; ESA, 2011) that includes the results of background research and surface surveys conducted in the Area of Potential Effects (APE). Reclamation required NBWRA Member Agencies to complete extended cultural resources surveys in all of the NBWRP Service Areas, including the Novato South Service Area, in order to more accurately determine whether subsurface, or otherwise obscured, portions of several sites are in fact located within the APE. Extended subsurface surveys along the proposed alignment did not identify any resources that would be affected by project implementation (ESA, 2011a).

CHAPTER 2

Project Description

2.1 South Service Area Project

The facilities identified by NMWD in the CWSRF Application for funding were included in the NBWRP EIR/EIS.¹⁰ The Novato South Service Area Project would provide approximately 204 acre-feet per year of recycled water service to the Hamilton Field area. Service to the Hamilton Field area would be established through implementation of a of 0.7 million gallons per day (mgd) tertiary treatment upgrade at the LGVSD WWTP¹¹, construction of a new booster pump station onsite (increased 72 horsepower of pumping capacity), and construction by NMWD of Option C, the transmission pipeline system from the LGVSD WWTP north to serve the Hamilton Field area. The process of finalizing the design of the South Service Area Project has resulted in minor changes to the pipeline distribution system within the Hamilton Area (**Figure 2**). These changes are shown in **Figure 2**, compared to the alignments identified in the EIR/EIS and subsequent Cultural Resources Assessment Report. **Figure 2A** shows proposed route changes, as follows:

- Pipeline would be installed to serve the Bolling Circle neighborhood and increase the distribution network west of the railroad corridor, using existing roadways. These pipeline routes are shown in light blue.
- The pipeline route to serve the “Coast Guard loop” east of the railroad would not be implemented; these pipeline routes are shown in orange.

Specific Route Changes are described below:

- Pipeline from LGVSD WWTP (Option C) to Hamilton Field would connect to Main Gate Road via a distribution extension along Bolling Circle, and Randolph Drive. This would reduce the amount of overland installation. A jack and bore under the North Pacific Railroad (east to west) would occur to tie in at Bolling Circle.
- The “Coast Guard Housing loop”, which consisted of pipeline along South Oakwood Drive and Crescent Drive, Las Lomas Drive, and Caliente Real as proposed in the EIR/EIS, would not be constructed. Rather, the distribution system would be modified to consist of a pipeline extension on San Pablo Avenue, east to Hangar Avenue.

¹⁰ Refer to Figure 1 for approved NBWRP EIR/EIS Phase 1 projects as a comparison to the proposed South Service Area Project shown in Figure 2.

¹¹ To provide the additional 0.7 mgd treatment capacity, tertiary facilities would be constructed within the fenceline of the existing LGVSD WWTP. This portion of the project is within LGVSD jurisdiction, was previously analyzed in the NBWRP EIR/EIS, and is not part of this CWSRF application; however is presented in this context to disclose the “whole of the action”.

- The distribution system has been modified to extend from Nave Drive (Highway 101 frontage road) east on Main Gate Road near Hamilton Elementary then north along C Street to Hamilton Parkway. This portion of the alignment would require one stream crossing (jack and bore) at Pacheco Creek.
- Modified alignment from Hamilton Parkway to Reservoir Hill Tank.
- A sewer lateral (tank drain/overflow line) will be installed to Altamira Court.

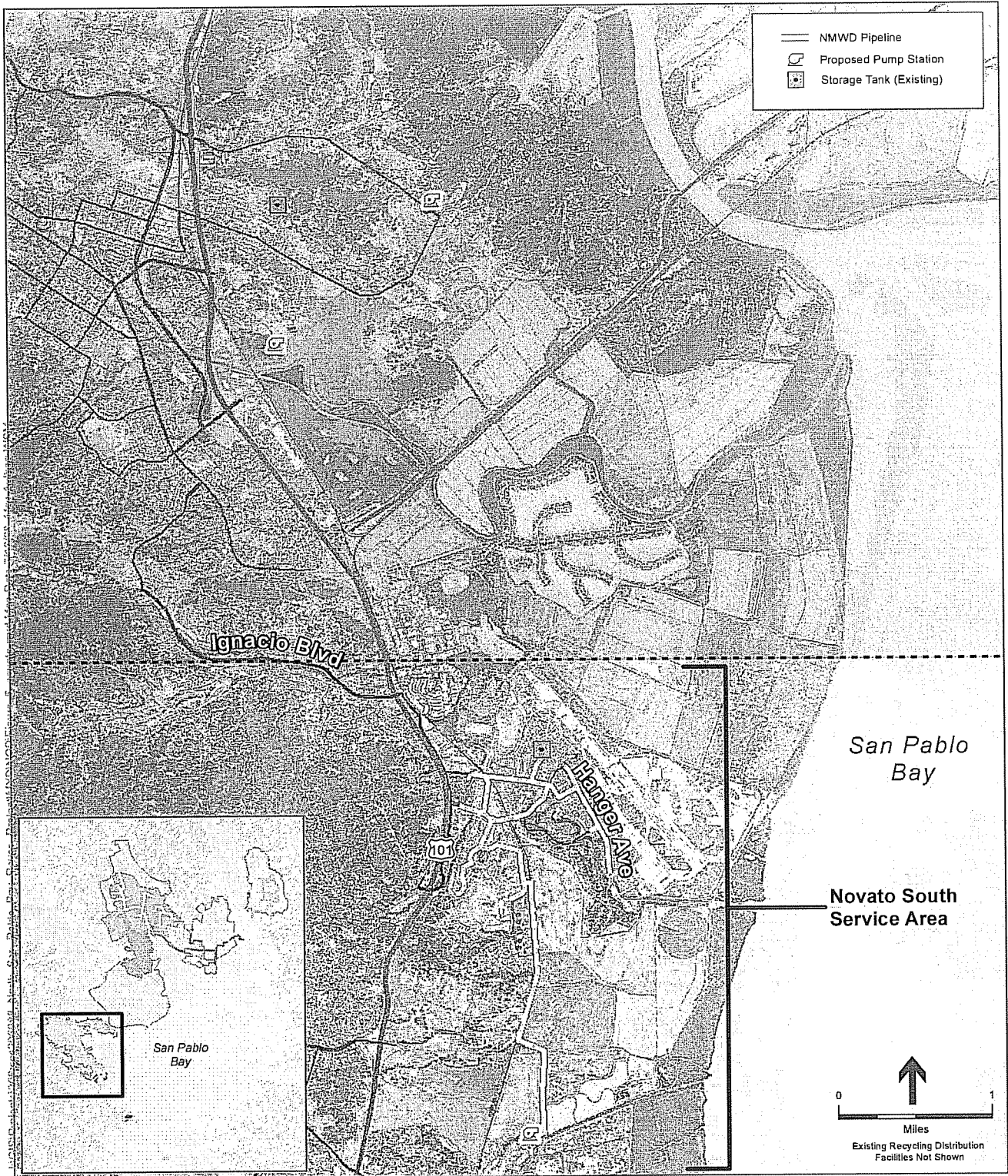
These changes will result in an overall reduction in the construction footprint of approximately 0.2 miles of pipeline, which is essentially equivalent to the proposed Phase 1 project. The City of Novato will work with NMWD for any easements on its properties and encroachment into its roadways to implement the recycled water project in the Hamilton Area.

As described in the NBWRP EIR/EIS, recycled water storage in the South Service Area would be provided by retrofit of the existing 0.5- MG Reservoir Hill Tank. The footprint of rehabilitation work would be limited to the immediate area surrounding the tank with a buffer to accommodate workers and equipment. As noted above, the distribution system would connect to the storage tank via a conveyance pipeline from Hamilton Parkway. As part of the Reservoir Hill Tank renovation, NMWD will construct a lateral tank drain/overflow line from the tank east down gradient to the sewer system along Altamira Court to provide overflow capacity.

A comparison of project components, including pipeline locations and lengths, reservoir storage, and other facilities is provide in **Table 1**, which demonstrates that the proposed modifications are commensurate with, and slightly reduced from, the originally approved components.

**TABLE 1
COMPARISON OF APPROVED DRAFT EIR/EIS PHASE 1 PROJECT
COMPONENTS VERSUS PROPOSED MODIFIED SOUTH SERVICE AREA PROJECT**

Draft EIR/EIS Phase 1 Project Components		Proposed Modified South Service Area Project Components		Net Difference (miles)
Pipeline Segment/Location (cross streets)	Length (miles)	Pipeline Segment /Location (cross streets)	Length (miles)	
Option C (LGVSD WWTP to Main Gate Road)	2.07	Option C (LGVDS WWTP to Bolling Circle tie-in)	1.76	+0.31
Main Gate Road/Palm Drive (Randolph to Hangar Avenue)	0.64	Main Gate Road/Palm Drive (Martin Drive to Hamilton Parkway)	0.70	-0.06
State Access Route/Hamilton Parkway (Highway 101 to South Palm Drive)	0.66	State Access Route/Hamilton Parkway (Martin Drive to South Palm Drive)	0.81	-0.15
Hangar Avenue (South Palm Drive to Caliente Real)	0.90	Hangar Avenue (Palm Drive to Caliente Real)	1.07	-0.17
Coast Guard Housing Loop (South Oakwood Drive/ Crescent Drive)	1.51	Coast Guard Housing Loop (South Oakwood Drive/ Crescent Drive)	0.00	+1.51
San Pablo Avenue	0.07	San Pablo Avenue (Hangar Avenue to Hamilton Parkway)	0.07	0.00
Bolling Circle (eastern portion Hutchins Way to Bolling Circle tie-in)	0.00	Bolling Circle (eastern portion Hutchins Way, Muroc Lake Drive to Bolling Drive tie-in)	0.46	-0.46
Bolling Circle from Randolph Drive and Captain Nurse Circle (eastern portion)	0.00	Bolling Circle and Captain Nurse Circle (eastern portion)	0.74	-0.74
Randolph Drive (Bolling Circle to Main Gate Road) and Moffett Court	0.35	Randolph Drive (Bolling Circle to Main Gate Road)	0.19	+0.16
C Street (Main Gate Road to State Access Route)	0.00	C Street (Main Gate Road to State Access Route)	0.25	-0.25
Reservoir Hill	0.21	Reservoir Hill	0.21	0.00
Total	6.41		6.26	-0.15



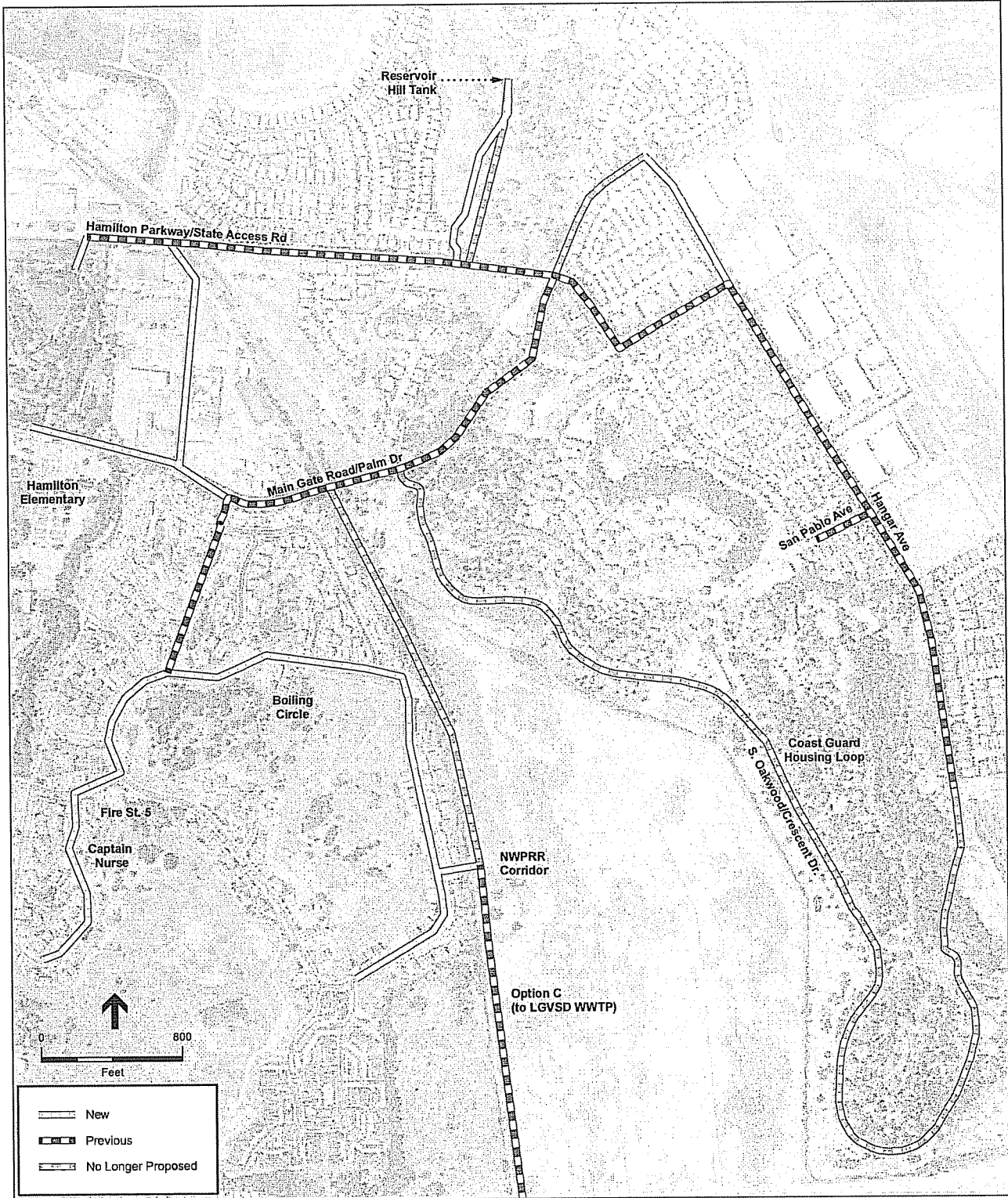
SOURCE: ESA, 2009

Note: Existing Tank Facilities Shown

NBWRA North Bay Water Recycling Program. 206088.01

Figure 2

Proposed Novato South Service Area
(Hamilton) Project



SOURCE: ESA, 2011; NMWD, 2011

North Bay Water Resuse Authority . 206088

Figure 2a
 Proposed Modification for the South Service
 Area and Comparison to Draft EIR/EIS
 Phase 1 Components



CHAPTER 3

Environmental Analysis

This section describes the impacts related to implementation of facilities proposed under the Novato South Service Area Project. The South Service Area Project would not create any new environmental impacts or change the severity of the impacts that are described in the NBWRP EIR/EIS. Mitigation measures identified in the EIR/EIS, adopted as part of the Mitigation and Monitoring Plan (MMRP), are identified for each issue area. Mitigation measures are formatted for implementation by the appropriate NBWRA Member Agencies; in this case NMWD.

3.1 Geology and Soils

Section 3.1 of the NBWRP EIR/EIS described the geologic, seismic, and soil conditions within the NBWRP Phase 1 project area, and identified potentially significant impacts including susceptibility of the project facilities to seismic effects, subsidence, or liquefaction, the presence of expansive soils in the project area, and erosion due to project construction. The modified transmission and distribution pipelines from LGVSD WWTP to the Hamilton Area, and along Bolling Circle, Captain Nurse Circle, and C Street, as well as the tank drain/overflow line from Reservoir Hill Tank, would be located within the same proximity to active fault zones, and overlay similar soil and geologic features as those described relative to the NBWRP Phase 1 project; therefore, potential effects associated with surface fault rupture, landslides, lateral spreading, and liquefaction would be consistent with those described in the EIR/EIS. Potential impacts related to surface hydrology would be reduced to a less than significant level through implementation of EIR/EIS Mitigation Measures identified in the NBWRP EIR/EIS.

Construction of the pipelines would primarily use the open-trench and/or trenchless techniques, which would involve excavation and stockpiling of soils. . As required by Mitigation Measure 3.1.2 below, the NMWD would be required to prepare a SWPPP that would identify best management practices (BMPs) for open trenching, including include erosion control measures such as covering stockpiles, use of straw bales, silt fences, etc. that are designed to minimize the potential for erosion, loss of topsoils, and sedimentation of stormwater runoff.

Consistent with the information disclosed in the EIR/EIS, the modified pipeline route between LGVSD WWTP and the Hamilton Area is located relatively close to the Bay shore areas that contain marsh and intertidal deposits that are generally soft and compressible, and underlying geologic materials in the area of the modified pipeline alignment from the LGVSD WWTP to the Hamilton Area include a Reyes clays and urban land complex soils (USDA, 2008). Placement of additional loads to these soils, if not engineered appropriately, could result in subsidence or

settlement that can damage structures and appurtenances. The Reyes clays, based on their close proximity to the Bay, likely consist of soft saturated sediments that are susceptible to subsidence if not engineered appropriately. . The Reyes clays underlying the pipeline alignment from LGVSD WWTP to the Hamilton Area have a high shrink-swell potential whereas the Tocaloma-McMullin series have low potential. The urban land complex soils, particularly in the Hamilton Area, could consist of artificial fill materials that have either been appropriately compacted or not. The roadways have likely been sufficiently compacted to prevent subsidence. The modified distribution pipelines along Bolling Circle, Captain Nurse Circle, and C Street, and alignment for the Reservoir Hill Tank lateral overflow drain line, are consistent with the urban land complex soils described in the NBWRP EIR/EIS. The roadways within the Hamilton Area, including Bolling Circle, Captain Nurse Circle, and C Street areas, where pipelines are proposed have likely been backfilled with fills that have a low potential for expansion. However, there is a potential for a significant impact, which would be reduced by implementation of EIR/EIS Mitigation Measure 3.1.1 for the additional components.

The South Service Area Project impacts would be consistent with impacts previously identified in the EIR/EIS; the project would not increase the severity of impacts identified. Potential impacts related to geology and soils would be reduced to a less than significant level through implementation of EIR/EIS Mitigation Measures identified in the NBWRP EIR/EIS.

Mitigation Measures listed in the EIR/EIS

Mitigation Measure 3.1.1: The Member Agencies will implement the following measures:

- All proposed improvements will be designed and constructed in accordance with current geotechnical industry standard criteria, including the California Building Code (CBC) and American Waterworks Association (AWWA) criteria.
- The project construction materials and backfill materials will be designed according to a geotechnical investigation by a California-licensed geotechnical engineer or engineering geologist to address landslide, subsidence, liquefaction, and expansive soils and seismic hazards such as ground shaking and liquefaction.
- Implementation of industry standard geotechnical measures such as replacing excavated soils with engineered fill materials are effective means to overcome the potential for subsidence. If excavated soils are to be reused for backfill, they would still be appropriately compacted to mitigate the potential for subsidence or settlement and evaluated for expansion and amended, if necessary, to reduce the potential for expansion in accordance with accepted geotechnical practices.
- Proposed facilities will be designed to include flexible connections, where deemed necessary, along with backfill requirements that minimize the potential for significant damage. All other associated improvements will employ standard design and construction using the most recent geotechnical practices and California Building Code (CBC) seismic criteria, which would provide conservative design criteria.

Mitigation Measure 3.1.2: The Member Agencies will implement the following measures:

- Consistent with SWPPP requirements, the construction contractor shall be required to implement BMPs for erosion control onsite. The use of construction BMPs will minimize

the potential for erosion and loss of topsoil, and shall include, without limitation, the following:

- Avoid scheduling construction activities during a rain event, but be prepared for sudden changes in conditions;
- Construct berms, silt fences, straw bales, fiber rolls, and/or sand bags around stockpiled soils;
- Cover stockpiled soils during a rain event and monitor perimeter barriers, repair as necessary;
- Stabilize entrances to work area to prevent tracking of dirt or mud onto roadways; and
- Implement dust control practices as appropriate on all stockpiled material¹².

3.2 Surface Hydrology

Section 3.2 of the NBWRP EIR/EIS identified potentially significant impacts to surface hydrology, including changes to drainage patterns, increased stormwater runoff due to increase impervious surfaces, and impacts to facilities associated with sea level rise. Impacts associated with the modified South Service Area Project would be consistent with impacts identified in the NBWRP EIR/EIS, as the pipeline length and general geographic location is consistent compared to the Phase 1 project previously examined. Potential impacts related to surface hydrology would be reduced to a less than significant level through implementation of EIR/EIS Mitigation Measures identified in the NBWRP EIR/EIS.

As stated in the EIR/EIS, NMWD pipelines would generally be constructed within roadways, rights-of-way, and would only cross drainages where necessary. In these instances, construction of the proposed pipelines would involve activities such as grading, excavation, and trenching, which could alter existing surface drainage patterns. However, such activities would be temporary and limited to areas of active construction within the construction corridor. The excavated areas would be returned to the pre-construction condition; therefore the impacts would be less than significant. As discussed in the EIR/EIS, construction of the NMWD pipeline from LGVSD WWTP to the Hamilton Area would require crossings at Miller Creek and three unnamed drainage culverts. The pipeline would be suspended from the vehicle bridge at Miller Creek. An additional crossing at Pacheco Creek would occur under the modified project, which extends the pipeline distribution west on Main Gate Road. Pipeline would be installed over or under the culverts to protect the existing culverts in place. No additional stream crossings would be required for implementation of the modified distribution pipelines along Bolling Circle, Captain Nurse Circle, and C Street, or the alignment for the Reservoir Hill Tank lateral tank drain/overflow line. Under the approved project in the NBWRP EIR/EIS, the pipelines in Hamilton Area comprising the Coast Guard Housing loop would involve four stream crossings;

¹² Common dust control measures include watering exposed/unpaved surfaces, covering spoils and topsoil stockpiles with tarp, covering haul truck loads with tarps, reducing vehicle speeds on unpaved access routes. Appropriate best management practices will be determined based on project site-specific conditions.

under the proposed modified project, the Coast Guard Hosing loop is removed and two creek crossings are eliminated. Additionally, implementation of EIR/EIS Mitigation Measure 3.2.1, which incorporates measures to protect the stream from construction activities, would reduce impacts to a less than significant level.

As stated in the EIR/EIS, the South Service Area Project would not significantly increase impervious surface areas that would affect drainage and surface water runoff. Similarly, pipelines under the modified project would be underground; the Reservoir Hill storage tank is an existing facility and renovation would not add to impervious surfaces or change the existing drainage patterns. Drainage designs would be integrated with existing drainage systems, and would be designed to avoid or minimize effects to downstream areas and infrastructure. Implementation of EIR/EIS Mitigation Measure 3.2.2 would ensure a less than significant impact.

As shown in **Figure 3**, implementation of the South Service Area Project would result in construction of facilities, including the modified pipeline between LGVSD WWTP to Hamilton Area and along Hangar Avenue and Hamilton Parkway, within the 100-year flood plain. Under the modified project, construction of new facilities within 100-year flood plains would be limited to pipeline installation across drainages located close to the edge of the 100-year flood plain. Placement of structures within the mapped 100-year flood plain would have the potential to expose structures to periodic flooding and water damage. However, the design of proposed facilities to convey recycled water would reduce the potential for these facilities to be impacted by flood waters. The existing Reservoir Hill Tank and Tank lateral tank drain/overflow line are not located in a 100-year flood plain.

The original sea-level rise analysis provided in the NBWRP EIR/EIS encompassed all geographic portions of the modified project. As previously disclosed, due to the topography, elevation, and proximity to San Pablo Bay, all facilities proposed as part the South Service Area Project would be at risk of potential impact as a result of a one meter sea level rise. Implementation of EIR/EIS Mitigation Measures 3.2.4 would reduce impacts associated with sea level rise to less than significant.

The South Service Area Project would not result in any new impacts beyond those previously identified in the EIR/EIS, or increase the severity of impacts identified. Implementation of EIR/EIS Mitigation Measures identified in the EIR/EIS and listed below would ensure potential impacts to a less than significant level. As such, the surface hydrology impacts would be consistent with those identified in the EIR/EIS.

Mitigation Measures listed in the EIR/EIS

Mitigation Measure 3.2.1: The Member Agencies would implement the following measure during pipeline installation at stream crossings:

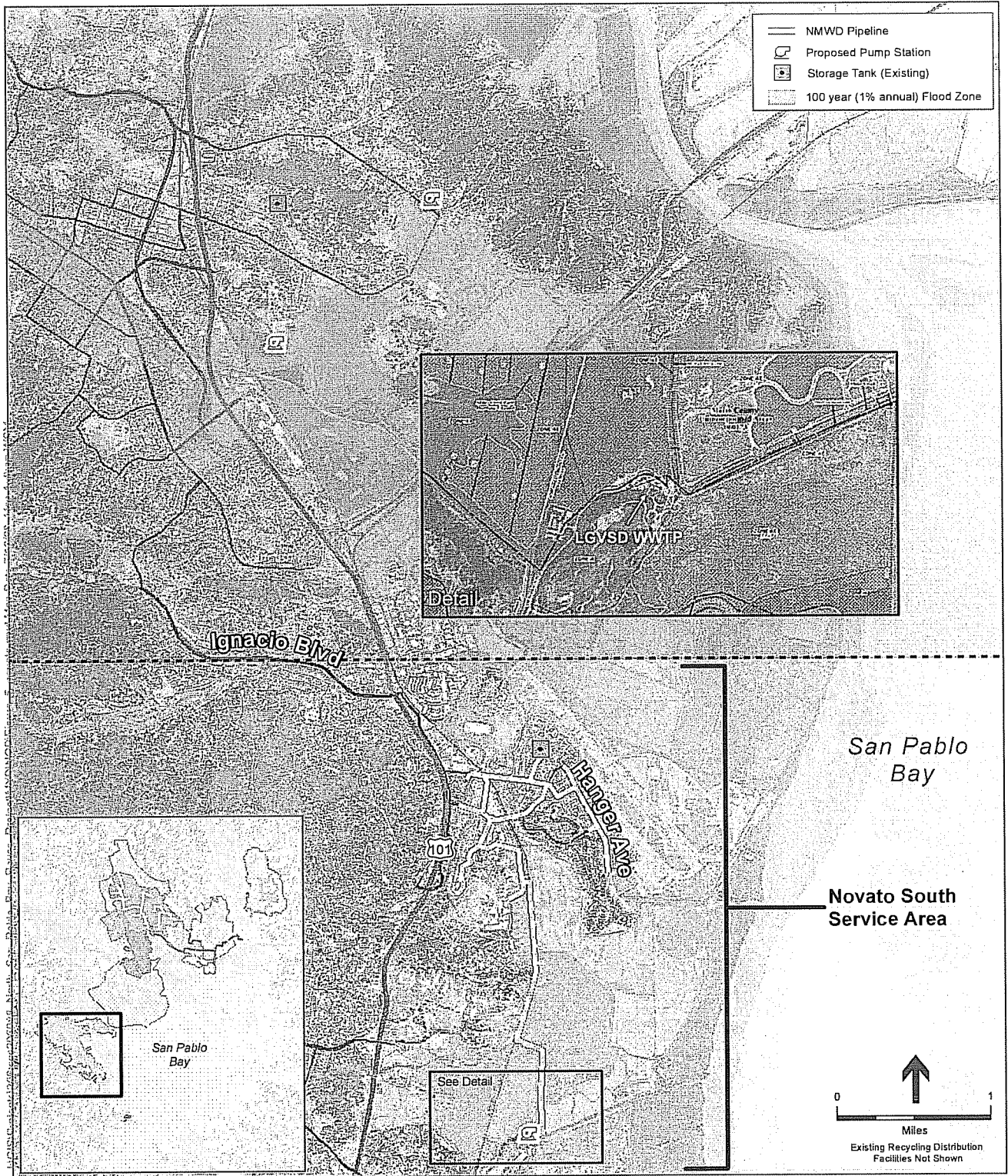
- Schedule construction so as to avoid storm events to the extent feasible ;
- Use trenchless techniques such as jack and bore tunneling to avoid direct impacts to the streams;

- Employ short-term drainage diversion and control measures such as sandbags, dikes, pumps, or other means; and
- Following construction, restore the construction area to pre-existing conditions
- Implement **Mitigation Measure 3.5.1** (see Section 3.5 of the EIR/EIS).

Mitigation Measure 3.2.3: The Member Agencies will implement the following measures:

- Comply with the local storm drainage requirements;
- Incorporate site design features to control any site runoff onsite; and
- Install storm runoff, collection, and treatment system, as applicable, to control the runoff flow offsite.

Mitigation Measure 3.2.4: Design of proposed facilities shall consider sea level rise potential, and shall include appropriate measures in facility siting and design to address potential impacts related to sea level rise, similar to those applied to facility installation within 100-year flood plains. Design measures may include, but are not limited to: facility siting, access placement, access vault extension above projected water elevation, water tight vaults, and site protection.



SOURCE: ESA, 2009; FEMA, 2009

Note: Existing Tank Facilities Shown

NMWD Recycled Water Expansion Project South Service Area. 206088.04

Figure 3
Flood Zones in the Project Area

3.3 Groundwater

Section 3.3 of the NBWRP EIR/EIS analyzed existing conditions and identified beneficial impacts to long-term groundwater levels, and less than significant impacts to hydrostatic pressure, groundwater quality, flooding due to high groundwater levels, public health impacts associated with groundwater wells, and increased groundwater recharge due to increase of impervious surfaces. Impacts associated with the modified South Service Area Alignment Project would be consistent with impacts identified in the NBWRP EIR/EIS, as the pipeline length and general geographic location is consistent compared to the Phase 1 project previously examined. Potential impacts related to groundwater would be reduced to a less than significant level through implementation of EIR/EIS Mitigation Measures identified in the NBWRP EIR/EIS. Although Hamilton Field is served by surface water supplies from NMWD, there are private groundwater wells within the LGVSD and NMWD service areas; groundwater is the main water supply used for farmland irrigation in the southern portion of the project area. Therefore, it is assumed that a portion of the recycled water would be used for agricultural irrigation and would offset groundwater pumping. Proposed facilities, including pipeline, pump stations, would be constructed several feet below the ground surface and therefore would be subject to hydrostatic pressure relating to groundwater. Standard design features, including drainage blankets, perimeter pumps to temporarily decrease hydrostatic pressure, and perimeter drainage trenches, would be implemented to reduce the potential for damage due to fluctuating groundwater levels. Implementation of EIR/EIS Mitigation Measure 3.3.1 for the proposed storage facilities would ensure that the impacts are less than significant.

The use of recycled water for agricultural irrigation or urban landscape irrigation under the South Service Area Project is not expected to contribute to adverse water quality impacts associated with existing groundwater wells. All recycled water users would be required to adhere to the following Title 22 minimum distance requirements for recycled water use near domestic groundwater wells; therefore distribution supported by the South Service Area Project is not expected to contribute to adverse water quality impacts associated with existing groundwater wells.

As discussed in the Section 3.2, Surface Water, above, LGVSD WWTP treatment upgrades and the Reservoir Hill would not impact groundwater recharge in this area. Reservoir Hill Tank is a concrete-lined open cut in-ground structure; however rehabilitation of the impermeable liner will prevent recycled water seepage into the groundwater system.

The South Service Area Project would not result in any new impacts beyond those previously identified in the EIR/EIS, or any increase in the severity of impacts identified. Implementation of the mitigation measure identified in the EIR/EIS and listed below would reduce potential impacts to a less than significant level. As such, the groundwater impacts would be consistent with those identified in the EIR/EIS.

Mitigation Measures listed in the EIR/EIS

Mitigation Measure 3.3.1: The Member Agencies will implement the following measures:

- All proposed improvements will be designed and constructed in accordance with current geotechnical industry standard criteria.
 - Implement industry standard geotechnical measures to address high groundwater conditions as appropriate to reduce the potential for impacts related to groundwater fluctuation, in accordance with accepted geotechnical practices. Possible design features include drainage blankets, perimeter pumps to temporarily decrease hydrostatic pressure, perimeter drainage trenches, and specific groundwater monitoring scenarios.
-

3.4 Water Quality

Section 3.4 of the NBWRP EIR/EIS analyzed existing conditions, regulatory framework, and impacts to water quality including incidental runoff of recycled water. The EIR/EIS identified potentially significant impacts to water quality, including erosion and sedimentation, dewatering of shallow groundwater resources, and less than significant impact to water quality due to incidental runoff, storage facilities, and pipeline rupture. The EIR/EIS also identified that the project will have less than significant impacts to public health and agricultural uses associated with loading of specific constituents to groundwater.

Impacts associated with the South Service Area Project would be consistent with impacts identified in the NBWRP EIR/EIS, as the pipeline length and location is consistent compared to the Phase 1 project previously examined. Potential impacts related to water quality would be reduced to a less than significant level through implementation of EIR/EIS Mitigation Measures identified in the NBWRP EIR/EIS. Implementation of the South Service Area Project would require earthmoving activities such as excavation, soil stockpiling, and filling that could result in increased erosion and discharge of sediment to neighboring surface water bodies through the disturbance of currently stable soils. As stated in the EIR/EIS, the proposed NMWD pipelines would cross Miller Creek, Pacheco Creek, and unnamed drainages in the Hamilton Area. Construction activities could result in soil erosion and subsequent discharge of sediment to surface water or drainages. Pipelines at the stream crossing would be installed using trenchless technology to avoid impacts to surface water features and water quality. At the remaining pipeline locations, trenching would be restricted to dry season conditions and would be subject to a NPDES (National Pollutant Discharge Elimination System) Construction Activity Stormwater Permit. NMWD would be required prepare a Storm Water Pollution Prevention Plan (SWPPP) requiring implementation of BMPs for erosion and sediment control. These include the use of straw wattles, silt fencing, water detention structures, baker tanks, and other control measures that would limit construction-related storm runoff. Because these measures would reduce the erosion of soils and release of hazardous materials into water courses, facility construction would not violate water quality standards for construction activities. Implementation of EIR/EIS Mitigation Measure 3.4.1a, which includes preparation of the SWPPP and compliance with implementation and reporting measures identified in the SWPPP would ensure compliance with state regulatory policies to minimize the potential for water quality impacts from construction activities would reduce impacts to stormwater quality to a less than significant level.

Consistent with the discussion in the NBWRP EIR/EIS, recycled water produced and transported by the proposed South Service Area Project would comply with California Code of Regulations (CCR) Title 22 requirements for tertiary treated water, which prohibits over-irrigation that would cause ponding or surface runoff (EIR/EIS Mitigation Measure 3.4.6a). Therefore, potential impacts to surface water quality associated with indirect runoff from irrigation are considered less than significant. Reservoir Hill Tank is a self-contained open-cut concrete-lined tank, and therefore would not have the potential to impact surface or groundwater quality. This impact would be less than significant.

The South Service Area Project would not result in any new impacts beyond those previously identified in the EIR/EIS, or increase the severity of impacts identified above. Implementation of EIR/EIS Mitigation Measures identified in the EIR/EIS and listed below would reduce potential impacts to a less than significant level. As such, the water quality impacts would be consistent with those identified in the EIR/EIS.

Mitigation Measures listed in the EIR/EIS

Mitigation Measure 3.4.1a: NPDES Construction Activity Stormwater Permit. Member Agencies or their contractor shall comply with the provisions of the NPDES Construction Activity Stormwater permit, including preparation of Notice of Intent to comply with the provisions of this General Permit and preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP will identify implementation measures necessary to mitigate potential water quality degradation as a result of construction-related runoff. These measures will include BMPs and other standard pollution prevention actions, such as erosion and sediment control measures, proper control of non-stormwater discharges, and hazardous spill prevention and response. The SWPPP will also include requirements for BMP inspections, monitoring, and maintenance.

The following items are examples of BMPs that would be implemented during construction to avoid causing water quality degradation:

- Erosion control BMPs, such as use of mulches or hydroseeding to prevent detachment of soil, following guidance presented in the California BMP Handbooks – Construction (CASQA 2003). A detailed site map will be included in the SWPPP outlining specific areas where soil disturbance may occur, and drainage patterns associated with excavation and grading activities. In addition, the SWPPP will provide plans and details for the BMPs to be implemented prior, during, and after construction to prevent erosion of exposed soils and to treat sediments before they are transported offsite.
- Sediment control BMPs such as silt fencing or detention basins that trap soil particles.
- Construction staging areas designed so that stormwater runoff during construction will be collected and treated in a detention basin or other appropriate structure.
- Management of hazardous materials and wastes to prevent spills.
- Groundwater treatment BMPs such that localized trench dewatering does not impact surface water quality.

- Vehicle and equipment fueling BMPs such that these activities occur only in designated staging areas with appropriate spill controls.
- Maintenance checks of equipment and vehicles to prevent spills or leaks of liquids of any kind.

Mitigation Measure 3.4.6a: Under the Master Recycling Permit for each Member Agency and Cooperating Agency, user agreements shall include provisions for compliance with Title 22 and the State Recycled Water Policy regarding storage and use of recycled water onsite at individual properties.

3.5 Biological Resources

Section 3.5 of the NBWRP EIR/EIS analyzed impacts to vegetation, wildlife, and wetlands. The EIR/EIS identified less than significant impacts to common plant and animal species. Potentially significant impacts were identified for wetlands, streams, and riparian habitats, waters of the U.S., disturbance of habitat for special status species and plants, and disturbance of nesting habitat. Impacts associated with the South Service Area Project would be consistent with impacts identified in the NBWRP EIR/EIS, as the pipeline length and general geographic location is consistent compared to the Phase 1 project previously examined. Potential impacts related to biological resources would be reduced to a less than significant level through implementation of EIR/EIS Mitigation Measures identified in the NBWRP EIR/EIS.

Wetlands and Jurisdictional Waters

As stated in the EIR/EIS, the NMWD construction activities could involve temporary and permanent impacts to jurisdictional wetlands and other waters of the U.S. Additionally, wetlands or drainages could be affected by pipeline trenching activities, bore and jack installation under streams, and temporary filling of seasonal wetlands in work areas. Potential impacts to riparian habitat include temporary and permanent disturbance of stream channels during construction activities, including removal or disturbance to riparian vegetation, and alteration of bed and banks of drainages due to trenching. The NBWRP EIR/EIS considered stream and drainage crossings under three pipeline options; the modified project is consistent with the Option C alignment (from the LGVSD WWTP to the Hamilton Area) analyzed in the EIR/EIS. Wetland impacts for this alignment are consistent with those identified in the EIR/EIS, and have been clarified through the ongoing permitting process, including quantification as part of a preliminary wetland delineation, described below. Under the modified project, most of the pipelines would be installed within existing roadways; the modified transmission pipeline from LGVSD WWTP to the Hamilton Area would impact seasonal wetlands or other jurisdiction features. Under the approved project in the NBWRP EIR/EIS, the pipelines in Hamilton Area comprising the Coast Guard Housing loop would involve four stream crossings; under the proposed modified project, portions of the Coast Guard Housing loop are removed and two creek crossings are eliminated. One additional stream crossing at Pacheco Creek would be required at the western edge of the alignment on Main Gate Road. No additional stream crossings would be required for implementation of the modified

distribution pipelines along Bolling Circle, Captain Nurse Circle, and C Street, or the Reservoir Hill Tank lateral tank drain/overflow line.

Environmental Science Associates (ESA) conducted a formal delineation of waters of the United States within the project area on April 13, 18, and 19, 2011. The delineation identified the location and extent of potentially jurisdictional wetlands and other waters present. Within the delineation study area, wetlands occur along within the Miller Creek channel, at culverts that drain surface runoff (neighborhood and agricultural), and along the berms of the levees and SMART railroad alignment.

A total of 1.905 acre (82,915 square feet [sf], 8,938 linear feet) of potentially jurisdictional waters of the United States, comprised of a combination of wetland tributaries, perennial streams, and seasonal wetland areas, occur within the study area. This total can be broken down as follows: 0.321 acre (13,969 square feet) of wetland tributaries, 1.511 acres (65,753 square feet) of seasonal wetlands, and 0.073 acre (3,193 square feet) of other waters (perennial stream).¹³ Within the 20-foot construction right-of-way, a total of 0.464 acres of potentially jurisdictional waters that are potentially within USACE jurisdiction under Section 404 of the federal Clean Water Act occur within the construction corridor area. Implementation of EIR/EIS Mitigation Measure 3.5.1, which provides measures to avoid and minimize impacts to jurisdictional wetlands and other waters of the U.S., and provides compensation for impacts through wetland restoration and enhancement, would reduce the impact to a less-than-significant level.

Listed Salmonid Species

As noted in Section 1, NMFS concurred with Reclamation's finding that the NBWRP is not likely to adversely affect listed species under the jurisdiction of NMFS (concurrence letter dated May 6, 2010). The original records search radius and previous fisheries analysis encompass all portions of the modified project area. As described above, an additional stream crossing at Pacheco Creek would be required at the western edge of the alignment on Main Gate Road; however this is not designated as essential fish habitat. No additional stream crossings, and therefore no additional impacts to aquatic species, would occur for implementation of the modified distribution pipelines along Bolling Circle, Captain Nurse Circle, and C Street, or the Reservoir Hill Tank lateral tank drain/overflow line. Significant impacts would be reduced to a less than significant level through implementation of EIR/EIS Mitigation Measure 3.5.2.

Other Special Status Species

The original records search radius and previous biological analysis encompass all portions of the modified project area. Construction activities for the modified project could potentially impact special status species, including western pond turtle, California red-legged frog, bats, raptors, songbirds, if present in the project area.¹⁴ Implementation of EIR/EIS Mitigation Measures 3.5.2,

¹³ Pending formal verification by USACE.

¹⁴ The pipeline alignment from LGVSD WWTP to the Hamilton Area would traverse agricultural fields and ruderal areas that do not provide habitat for California clapper rail, California black rail, or western snowy plover. No impacts to these species are expected. No American badger occurrences are known to occur in the South Service Area Project area, and though American badger was historically present in Marin County and habitat is available

3.5.5, and 3.5.6 would reduce impacts to western pond turtle and California red-legged frog to a less than significant level. Additionally, as noted in Section 1, pursuant to the 0.1:1 compensatory mitigation ratio required under the Biological Opinion, NMWD will participate with other NBWRA Member Agencies to purchase the required 0.54 acres, to meet the collective obligation for habitat credits from a Service-approved conservation bank.

As described in the EIR/EIS, potential nesting sites for burrowing owls¹⁵, raptors, and songbirds include large trees, riparian corridors, streamside vegetation, shrubs, open grasslands, and roadside vegetation. Specific nests and rookeries are not known to occur in the action area, but nesting birds may be present and could be impacted by pipeline installation. EIR/EIS Mitigation Measures 3.5.8 and 3.5.9 would reduce potential impacts during the nesting period to less than significant levels.

Sensitive Plant Species

The EIR/EIS determined that project construction could impact rare plant species, including Mt. Tamalpais Manzanita and Tiburon buckwheat. At the time of EIR/EIS completion, focused botanical surveys had not been completed in this service area. Pursuant to EIR/EIS Mitigation Measure 3.5.13, ESA field biologist M. Lowe surveyed the South Service Area project site on May 13, 2011 to determine presence or absence of special status plants. No special-status plant species were observed during the survey of the southern portion of the modified alignment between the LGVSD WWTP and the Hamilton Area. Surveys were conducted during the bloom period for most of the plants under consideration. Several species under consideration have earlier or later bloom periods; however, the study area is not considered to provide suitable habitat for these species due to long standing disturbance and the prevalence of non-native species within the rare plant study area.

A sensitive vegetation community, purple needle grass grassland, is located within the study area on Reservoir Hill, adjacent to the proposed recycled water alignment. NMWD will incorporate the following measures, pursuant to Mitigation Measure 3.5.13, into a revegetation and monitoring plan:

- Fence off purple needlegrass grassland areas that are not to be disturbed.
- Purple needle grass is a perennial bunch grass—plants can be salvaged from the alignment and tank area prior to any earth- or vegetation disturbing activities.

along portions of this off-road pipeline alignment, this area is isolated by Highway 101 from undeveloped hills to the west. Impacts on American badger are not anticipated. Pipeline alignments in the LGVSD service area do not traverse appropriate habitat for salt marsh harvest mouse and Suisun ornate shrew. Myrtle's silverspot butterfly, Opler's longhorn moth and monarch butterfly wintering sites are not known to occur in the action area, and no impacts would occur to these species. No special-status bats are known in the LGVSD service area.

¹⁵ Burrowing owl was known to occur in the area between the LGVSD WWTP to the Hamilton Area near the Miller Creek levee during the early 1980s (CDFG, 2008) but has not been recently observed. Under the modified alignment from LGVSD WWTP to the Hamilton Area, the berm between Miller Creek and the dirt road offers a narrow strip of potential habitat, and ruderal grazing areas to the west offer fair quality habitat, but no owls or small mammal burrow complexes were observed during field surveys.

- Salvage topsoil to preserve the existing native seed bank.
- Replace salvaged topsoil in areas of temporary disturbance and replant with salvaged purple needlegrass.
- Implement a post-construction monitoring period to ensure revegetation success.

Heritage or Significant trees including valley oak, coast live oak, California bay, blue oak, madrone, eucalyptus, sycamore, cypress, and other species occur near roads and in off-road areas proposed for pipeline construction and in the vicinity of project components. The EIR/EIS determined it is likely that some trees will need to be trimmed or removed; based on modified project designs, tree alteration would be limited to certain areas along the Reservoir Hill Tank alignments, and the majority of the trees would be protected in place. Implementation of EIR/EIS Mitigation Measure 3.5.14 will reduce potential impacts to a less than significant level.

The South Service Area Project would not result in any new impacts beyond those previously identified in the EIR/EIS, or increase the severity of impacts identified above. Implementation of EIR/EIS Mitigation Measures identified in the EIR/EIS and listed below would reduce potential impacts to a less than significant level. As such, the biology impacts would be consistent with those identified in the EIR/EIS.

Mitigation Measures listed in the EIR/EIS

Mitigation Measure 3.5.1: Implement the following measures to avoid, minimize and compensate for impacts to jurisdictional wetlands and other waters of the U.S. and impacts to riparian habitat.

Construction activities resulting in the introduction of fill or other disturbance to jurisdictional wetlands and other waters of the U.S. will require permit approval from the U.S. Army Corps of Engineers and water quality certification from the Regional Water Quality Control Board, pursuant to Section 401 of the Clean Water Act. The South Service Area Project will most likely be authorized under Nationwide Permit #12 (Utility Lines) pursuant to Section 404 of the Clean Water Act. The CDFG has jurisdiction in the action area over riparian habitat, including stream bed and banks, pursuant to Sections 1600-1616 of the Fish and Game Code. Pipeline construction resulting in alteration to channel bed or banks, extending to the outer dripline of trees forming the riparian corridor, is subject to CDFG jurisdiction. The project proponent will be required to obtain a Streambed Alteration Agreement (SAA) from the CDFG. Terms of these permits and SAA will likely include, but will not necessarily be limited to, the mitigation measures listed below.

1. Specific locations of pipeline segments, storage reservoirs, and pump stations shall be configured, wherever feasible, to avoid and minimize direct and indirect impacts to wetlands and stream drainage channels. Consideration taken in finalizing configuration placement shall include:
 - Reducing number and area of stream channel and wetland crossings where feasible. Crossings shall be oriented as close to perpendicular (90 degree angle) to the drainage or wetland as feasible.

- Placement of project components as distant as feasible from channels and wetlands.
 - For pipeline construction activities in the vicinity of wetland and stream drainage areas, the construction work area boundaries shall have a minimum 20-foot setback from jurisdictional features¹⁶. Pipeline construction activities in proximity to jurisdictional features include: 1) entrance and exit pits for directional drilling and bore and jack operations; and 2) portions of pipeline segments listed as “parallel” to wetland/water features.
2. Sites identified as potential staging areas will be examined by a qualified biologist prior to construction. If potentially jurisdictional features are found that could be impacted by staging activities, the site will not be used.
 3. Construction methods for channel crossing shall be designed to avoid and minimize direct and indirect impacts to channels to the greatest extent feasible. Use of trenchless methods including suspension of pipeline from existing bridges, directional drilling, and bore and jack tunneling will be used when feasible. Trenchless methods are required for all perennial drainage crossings. Construction occurring in the vicinity of riparian areas shall be delimited with a minimum 20-foot setback to avoid intrusion of construction activities into sensitive habitat.

The following additional measures shall apply to channel crossings in which the trenching construction method is used:

- Limiting of construction activities in drainage channel crossings to low-flow periods: approximately April 15 to October 15.
 - At in-road drainage crossings where drainages pass beneath the road in existing culverts, and where there is sufficient cover between the culvert and road surface, the new pipeline will be installed above the existing culvert without removing or disturbing it. If the pipeline must be installed below the existing culvert, then the culvert will be cut and temporarily removed to allow pipeline installation.
 - At off-road drainage crossings, the construction corridor width will be minimized to the greatest extent feasible at the crossing and at least 20 additional feet to either side of the drainage at the crossing.
 - If disturbance of the existing culvert is required, sediment curtains upstream and downstream of the construction zone shall be placed to prevent sediment disturbed during trenching activities from being transported and deposited outside of the construction zone.
4. Implement BMPs required in Mitigation Measure 3.4.1 to reduce risk of sediment transport into all construction areas in proximity of drainages.
 5. For channels or wetlands for which soil removal is necessary (off-road crossings or wetlands to be trenched or otherwise directly disturbed), the top layer of the drainage or wetland bottom shall be stockpiled and preserved during construction. After the pipeline has been installed, the stockpiled material shall be placed back into the drainage or wetland feature to return the beds to approximately their original composition.

¹⁶ Setbacks of channels with associated riparian vegetation will be from the outer dripline edge of the riparian corridor canopies and/or the upper bank edge, or per City or County code, whichever is greater.

6. To offset temporary and permanent impacts to wetlands and other waters of the U.S., and impacts to riparian habitat, compensatory mitigation will be provided as required by regulatory permits and SAAs.

Mitigation Measure 3.5.2: [Applicable to California Red-legged frog in the South Service Area] Specific measures shall be implemented to protect aquatic habitats potentially inhabited by special-status fish and California freshwater shrimp.

Sensitive fisheries and other aquatic resources shall be protected by minimizing in-stream and near-stream habitat impacts during project design, informally consulting with resource agencies (NMFS, USFWS, CDFG, and USACOE), and implementing protective measures. For Sonoma Creek, Petaluma River, Napa River, and other perennial drainages, special-status fish are presumed present. California freshwater shrimp are presumed present in Sonoma Creek. Because of the sensitivity of seasonal and ephemeral drainages, the following measures will be required to avoid and minimize impacts to aquatic habitat:

1. Project designs shall be reconfigured, whenever feasible, to avoid direct impacts to sensitive wetland areas and minimize disturbances to wetland and riparian corridors. Ground disturbance and construction footprints in these areas shall be minimized to the greatest degree feasible.
2. If trenching or directional boring stream crossing methods are used, the construction schedule of such activities shall be implemented according to conditions of the SAAs.
3. In-stream construction shall be avoided at all locations that are known, or presumed, to support threatened or endangered species, if at the time of construction such locations contain flowing or standing water.
4. In the event that equipment shall operate in any watercourse with flowing or standing water, the project proponent will ensure that they have the appropriate permit authorizations.
5. Prior to construction, a qualified biologist shall install fencing to establish a minimum 20-foot setback from sensitive habitat.
6. For work sites located adjacent to sensitive aquatic sites, a biological resource education program shall be provided by a qualified biologist, as per conditions of the SAAs.

Mitigation Measure 3.5.5: The appropriate Member Agency shall implement protection measures to avoid and minimize impacts to western pond turtles.

- When working within 200 feet of stream crossings, all construction personnel shall receive awareness training relating to the protection of western pond turtles, in accordance with the SAAs. Also, to minimize the likelihood of encountering turtles in upland areas near stream crossings, construction footprints shall be minimized to the greatest extent feasible. Based on reconnaissance-level surveys, if staging and construction activities occur principally within or immediately adjacent to project alignment roads the project will be outside of principal pond turtle habitat.

- Within 48 hours prior to the start of construction activities, a qualified biologist shall perform pond turtle surveys within suitable habitat within projected work areas. If a pond turtle nest is located within a work area, a biologist with the appropriate permits may move the eggs to a suitable facility for incubation, and release hatchlings into the creek system in late fall.

Mitigation Measure 3.5.6: The appropriate Member Agency shall implement the following protection measures to avoid and minimize impacts on California red-legged frog.

1. The implementation of measures identified for the protection of special-status fish and California freshwater shrimp would also protect California red-legged frogs within aquatic habitat. All protection measures identified in Mitigation Measure 3.5.2 shall be applied to the protection of red-legged frogs at sites that provide potential aquatic habitat for this species. These include informal USFWS consultation, avoiding aquatic habitat, establishing a suitable buffer from the aquatic habitat (e.g., 50 feet), and implementing a worker education program.
2. All work activities within or adjacent to aquatic habitat that is potentially occupied by red-legged frogs will be completed between May 1 and November 1.
3. A qualified biological resource monitor will conduct a training session for construction personnel working in upland habitat near potentially occupied drainages, as per conditions of the SAAs.
4. All trash that could attract predators will be regularly contained and removed from the work site.

In the event trenchless methods cannot be employed, the project proponent would obtain appropriate permit authorizations and implement construction methods per applicable Streambed Alteration Agreements.

Mitigation Measure 3.5.8: The following measures to avoid, minimize, or mitigate impacts on burrowing owls would be incorporated into the project by the appropriate Member Agency:

- In areas identified to provide potential burrowing owl habitat, preconstruction surveys for burrowing owls would be conducted by a qualified biologist 14-30 days prior to the start of construction. Surveys would cover grassland areas within 500-foot buffer and check for adult and juvenile burrowing owls and their habitat.
- Construction exclusion areas would be established around the occupied burrows in which no disturbance would be allowed to occur. During the non-breeding season (September 1 through January 31), the exclusion zone would extend 160 feet around occupied burrows. During the breeding season (February 1 through August 31), exclusion areas would extend 250 feet around occupied burrows. Passive relocation of owls is not proposed.
- A qualified biologist (the on-site monitor or otherwise) will monitor owl activity on the site to ensure the species is not adversely affected by the project.

Mitigation Measure 3.5.9: To avoid disturbing common and special-status nesting birds, the following protection measures shall be implemented:

- Whenever feasible, vegetation shall be removed during the non-breeding season (generally defined as September 1 to January 31).
- For ground disturbing activities occurring during the breeding season (generally defined as February 1 to August 31), a qualified wildlife biologist will conduct preconstruction surveys of all potential nesting habitat for birds within 500 feet of earthmoving activities.
- If active bird nests are found during preconstruction surveys, a 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged. A 250-foot buffer zone will be created around the nests of other special-status birds. These buffer zones are consistent with CDFG avoidance guidelines; however, they may be modified in coordination with CDFG based on existing conditions at work locations.
- If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees and shrubs that have been determined to be unoccupied by special-status birds or that are located at least 500 feet from active nests may be removed.

Mitigation Measure 3.5.13. Before the initiation of any vegetation removal or ground-disturbing activities in areas that provide suitable habitat for special-status plants, the following measures shall be implemented by the appropriate Member Agency:

- A qualified botanist will conduct appropriately-timed surveys for special-status plant species, including those identified in Table 3.5.1¹⁷, in all suitable habitats that would be potentially disturbed by the project.
- Surveys shall be conducted following CDFG- or other approved protocol.
- If no special-status plants are found during focused surveys, the botanist shall document the findings in a letter to the appropriate agencies and no further mitigation will be required.

If special-status plants are found during focused surveys, the following measures shall be implemented:

- Information regarding the special-status plant population shall be reported to the CNDDDB.
- If the populations can be avoided during project implementation, they shall be clearly marked in the field by a qualified botanist and avoided during construction activities. Before ground clearing or ground disturbance, all on-site construction personnel shall be instructed as to the species' presence and the importance of avoiding impacts to this species and its habitat.
- If special-status plant populations cannot be avoided, consultations with CDFG and/or USFWS would be required. A plan to compensate for the loss of special-status plant species could be required, detailing appropriate replacement ratios, methods for implementation, success criteria, monitoring and reporting protocols, and contingency measures that would be implemented if the initial mitigation fails; the plan would

¹⁷ Table 3.5-1 included in the original NBWRP EIR/EIS. No special status plants are anticipated in the Novato North Service Area; however NMWD has adopted Mitigation Measure 3.5.13 as part of the larger Mitigation Monitoring and Reporting Program, and will implement surveys as required.

be developed in consultation with the appropriate agencies prior to the start of local construction activities.

- If mitigation is required, the project proponent shall maintain and monitor the mitigation area for 5 years following the completion of construction and restoration activities. Monitoring reports shall be submitted to the resource agencies at the completion of restoration and for 5 years following restoration implementation. Monitoring reports shall include photo-documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the mitigation plan.

Mitigation Measure 3.5.14: The following measures shall be implemented by the appropriate Member Agency to avoid or reduce impacts to heritage or other significant trees:

1. Prior to the commencement of construction activities, trees necessary to remove or at risk of being damaged will be identified.
2. A certified arborist will inventory these trees, with the results of the inventory providing species, size (diameter at breast height, or *dbh*), and number of protected trees. Also, in consultation with the appropriate County, the arborist will determine if any are heritage or landmark trees.
3. If any protected trees are identified that will be potentially removed or damaged by construction of the South Service Area Project, design changes will be implemented where feasible to avoid the impact.
4. Any protected trees that are removed will be replaced per applicable City and County tree protection ordinances. Foliage protectors (cages and tree shelters) will be installed to protect the planted trees from wildlife browse. The planted trees will be monitored as required by the ordinance, or regularly during a minimum two-year establishment period and maintenance during the plant establishment period will include irrigation. After the establishment period, the native tree plantings are typically capable of survival and growth without supplemental irrigation.

3.6 Land Use and Agricultural Resources

Section 3.6 of the NBRWP EIR/EIS analyzed land use and planning impacts including short-term disruption from construction activities and long-term conversion of land uses that would apply to the South Service Area Project. Impacts associated with the modified South Service Area Project would be consistent with impacts identified in the NBWRP EIR/EIS, as the pipeline length and general geographic location is consistent compared to the Phase 1 project previously examined. Potential impacts related to land use and agriculture would be reduced to a less than significant level through implementation of EIR/EIS Mitigation Measures identified in the NBWRP EIR/EIS. Under the NBWRP Phase 1, proposed pipelines would be installed below the ground surface within the existing right of way along residential and commercial roads including Main Gate Road/Palm Drive, Hangar Avenue, Randolph Drive, and State Access Route/Hamilton Parkway. Under the modified project, the pipeline alignment would occur within the roadway on Bolling Circle, Captain Nurse Circle, and C Street. Impacts to land uses are consistent with those disclosed in the EIR/EIS. Renovation of the existing Reservoir Hill Tank, and associated underground lateral tank drain/overflow line would not physically divide the community. Under

the modified project, the pipeline alignment would not occur on along the Coast Guard Housing loop (South Oakwood Drive/Crescent Drive); therefore residential land uses on these roadways would not be affected. Construction activities could generate noise, dust, and construction traffic and could affect sensitive receptors such as residences; however the impact would be short-term and would not divide an existing community.

The pipeline route from LGVSD WWTP to the Hamilton Area extends through locally important farmland which is currently dry-farmed for fodder crops. Construction activities could cause direct disturbance to agricultural lands or indirectly disrupt agricultural lands and activities through such effects as soil compaction and dust generation. No agricultural land would be permanently converted to land uses other than agriculture. This impact would be less than significant with the incorporation of EIR/EIS Mitigation Measure 3.6.1. Following construction, the land would be returned to its pre-construction conditions. Consistent with the analysis in the EIR/EIS, the project would not preclude agricultural practices from continuing following construction.

The South Service Area Project would not result in any new impacts beyond those previously identified in the EIR/EIS, or increase the severity of impacts identified above. As such, the land use impacts would be consistent with those identified in the EIR/EIS.

Mitigation Measures listed in the EIR/EIS

Mitigation Measure 3.6.1: To support the continued productive use of Important Farmlands in the action area, the appropriate Member Agency shall implement the following measures during project construction:

- Replace soils over pipelines in a manner that will minimize any negative impacts on crop productivity. The surface and subsurface soil layers will be stockpiled separately and returned to their appropriate locations in the soil profile.
- To avoid over-compaction of the top layers of soil, monitor pre-construction soil densities and return the surface soil (approximately the top 3 feet) to within 5 percent of original density.
- Where necessary, rip the top soil layers to achieve the appropriate soil density. Ripping may also be used in areas where vehicle and equipment traffic have compacted the top soil layers, such as the construction staging areas.
- Avoid working or traveling on wet soil to minimize compaction and loss of soil structure. Before construction begins, geotechnical testing will be done to determine the moisture content limit above which work should not occur. Where working or driving on wet soil cannot be avoided, roadways will be capped with spoils that will be removed at the end of construction and/or ripped and amended with organic material as needed.
- Remove all construction-related debris from the soil surface. This will prevent rock, gravel, and construction debris from interfering with agricultural activities.

- Perform soil density monitoring during backfill and ripping to minimize excessive compaction and minimize effects on future agricultural land use.
 - Remove topsoil before excavating in fields. Return it to top of fields to avoid detrimental inversion of soil profiles.
 - Control compaction to minimize changes to lateral groundwater flow which could affect both irrigation and internal drainage.
-

3.7 Traffic and Transportation

Section 3.7 of the NBWRP EIR/EIS analyzed traffic and circulation impacts associated with the South Service Area Project and identified short-term increases in construction-related traffic. As described in the EIR/EIS, NMWD project would not introduce any new land uses within the project corridor that would generate noticeable long-term changes in traffic; operational traffic would be limited to infrequent trips by maintenance personnel and by vehicles delivering chemicals to the treatment plant. Impacts associated with the modified South Service Area Project would be consistent with impacts identified in the NBWRP EIR/EIS, as the pipeline length and general geographic location is consistent compared to the Phase 1 project previously examined. Potential impacts related to noise would be reduced to a less than significant level through implementation of EIR/EIS Mitigation Measures identified in the NBWRP EIR/EIS.

Modified project alignments located in roadways are within the general vicinity previously considered for the NBWRP EIR/EIS. Consistent with the EIR/EIS, construction activities to support implementation of the modified project that would generate off-site traffic during the construction period include the initial delivery of construction vehicles and equipment to the site, the daily arrival and departure of construction workers and material delivery throughout the construction period. Construction traffic would be dispersed throughout the day. Construction-generated traffic would be temporary and would not result in any long-term degradation in operating conditions on any roadways. These project-generated trips would not be substantial relative to existing traffic volumes, and would fall within the daily fluctuations of traffic volumes for these roadways. Therefore, this short-term effect of the South Service Area Project on traffic load and capacity of the street system would be less than significant.

As discussed previously in the EIR/EIS, project construction of pipelines would include temporary closure of one lane of traffic (with alternate one-way traffic flow past the construction zone) on the following roads: Main Gate Road, Palm Drive, Crescent Drive, San Pablo Avenue, Hangar Avenue, Hamilton Parkway/State Access Road. Under the modified project, the pipeline alignment would be located within the roadway on Bolling Circle and Captain Nurse Circle, and connect to Main Gate Road via Randolph Drive. Under the modified project, pipeline installation on Bolling Circle and Main Gate Road would occur in roadways that provide emergency vehicle access to Novato Fire Station No. 5 (5 Bolling Drive) and access to Hamilton Elementary School (One Main Gate Road) (see also Section 3.11 below). Implementation of EIR/EIS Mitigation

Measures 3.7.2a and 3.7.2b would require NMWD to coordinate with the Novato Unified School District regarding construction schedule in the vicinity of Hamilton Elementary School and school access routes during construction. Implementation of EIR/EIS Mitigation Measure 3.7.1b would require the construction contractor to establish methods for maintaining traffic flow in and along the project corridor and minimizing disruption to emergency vehicle access to land uses along the alignment. Under the modified project, pipeline will not be installed along the Coast Guard Housing loop (South Oakwood Drive/Crescent Drive); therefore no construction-related traffic impacts will occur at these locations. Traffic control measures would be identified by the local jurisdiction's (City of Novato) roadway encroachment permit. Renovation of the Reservoir Hill Storage Tank, including installation of the lateral tank drain/overflow line, could generate additional construction worker vehicle round trips per work day. Due to their short-term duration, and implementation of EIR/EIS Mitigation Measures 3.7.1a through 3.7.1e, impacts would be reduced to a less than significant level.

Although the pipeline alignment is modified to include additional in-road construction, the type and significance of impacts are commensurate to those disclosed in the EIR/EIS; therefore, the South Service Area Project would not result in any new impacts to traffic and circulation beyond those previously identified in the EIR/EIS, or any increase in the severity of impacts identified. As such, the traffic and transportation impacts would be consistent with those identified in the EIR/EIS.

Mitigation Measures listed in the EIR/EIS

Mitigation Measure 3.7.1a: The appropriate Member Agency for each project component shall obtain and comply with local road encroachment permits for roads that are affected by construction activities.

The *Work Area Protection and Traffic Control Manual* includes requirements to ensure safe maintenance of traffic flow through or around the construction work zone, and safe access of police, fire, and other rescue vehicles (CJUTCC, 1996). In addition, the Traffic Management Plan (subject to local jurisdiction review and approval) required by **Mitigation Measure 3.7.1b**, below, would direct how traffic flow is safely maintained during project construction.

Mitigation Measure 3.7.1b: The construction contractor for each project component shall prepare and implement a Traffic Control/Traffic Management Plan subject to approval by the appropriate local jurisdiction prior to construction. The plan shall:

- Identify hours of construction (between 8:00 AM and 7:00 PM; no construction shall be permitted between 10:00 PM and 7:00 AM);
- Identify hours for deliveries (Monday – Friday, 9:00 AM to 3:30 PM, or other hours if approved by the appropriate local jurisdiction);
- Include a discussion of haul routes, limits on the length of open trench, work area delineation, traffic control and flagging;

- Identify all access and parking restriction, pavement markings and signage requirements (e.g., speed limit, temporary loading zones);
- Layout a plan for notifications and a process for communication with affected residents and businesses prior to the start of construction. Advance public notification shall include posting of notices and appropriate signage of construction activities. The written notification shall include the construction schedule, the exact location and duration of activities within each street (i.e., which lanes and access point/driveways would be blocked on which days and for how long), and a toll-free telephone number for receiving questions or complaints;
- Include a plan to coordinate all construction activities with emergency service providers in the area at least one month in advance. Emergency service providers shall be notified of the timing, location, and duration of construction activities. All roads shall remain passable to emergency service vehicles at all times;
- Include a plan to coordinate all construction activities with the appropriate local school district at least two months in advance. The school district shall be notified of the timing, location, and duration of construction activities. Coordinate with the appropriate local school district to identify peak circulation periods at schools along the alignment(s) (i.e., the arrival and departure of students), and require their contractor to avoid construction and lane closures during those periods. The construction contractor for each project component shall be required to maintain vehicle, pedestrian, and school bus service during construction through inclusion of such provisions in the construction contract. The assignment of temporary crossing guards at designated intersections may be needed to enhance pedestrian safety during project construction;
- Include the requirement that all open trenches be covered with metal plates at the end of each workday to accommodate traffic and access; and
- Specify the street restoration requirements pursuant to agreements with the local jurisdictions.

Mitigation Measure 3.7.1c: The appropriate Member Agency for each project component shall identify all roadway locations where special construction techniques (e.g., horizontal boring, directional drilling or night construction) will be used to minimize impacts to traffic flow.

Mitigation Measure 3.7.1d: The appropriate Member Agency for each project component shall develop circulation and detour plans to minimize impact to local street circulation. This may include the use of signing and flagging to guide vehicles through and/or around the construction zone.

Mitigation Measure 3.7.1e: The appropriate Member Agency for each project component shall encourage construction crews to park at staging areas to limit lane closures in the public right-of-way.

Mitigation Measure 3.7.1f: The appropriate Member Agency for each project component shall consult with the appropriate public transit service providers at least one month prior to

construction to coordinate bus stop relocations (as necessary) and to reduce potential interruption of transit service.

Mitigation Measure 3.7.2a: Pipeline construction near schools shall occur when school is not in session (i.e., summer or holiday breaks). If this is not feasible, a minimum of two months prior to project construction, the appropriate Member Agency for each project component shall coordinate with the appropriate local school district to identify peak circulation periods at schools along the alignment(s) (i.e., the arrival and departure of students), and require their contractor to avoid construction and lane closures during those periods.

3.8 Air Quality

Section 3.8 of the NBWRP EIR/EIS analyzed potential impacts to air quality and determined project construction would result in significant but mitigable effects associated with emissions from excavation activities, construction equipment exhaust, haul truck trips, and related construction worker commute trips, in addition to operational emissions, during installation of the proposed recycled water pipelines. Impacts associated with the modified South Service Area would be consistent with impacts identified in the NBWRP EIR/EIS, as the pipeline length and general geographic location is consistent compared to the Phase 1 project previously examined. Potential impacts related to air quality would be reduced to a less than significant level through implementation of EIR/EIS Mitigation Measures identified in the NBWRP EIR/EIS.

Pipeline construction and renovation at the existing Reservoir Hill Tank, including the lateral tank drain/overflow line, would involve transportation of materials via trucks to the existing and proposed facility sites. Construction-related emissions, therefore, would be minimal and would be associated with exhaust emissions from the equipment hauling and employee trucks. During system operation, vehicle trips associated with maintenance of the pipelines and storage tank would occur. However, the worker trips generated would be expected to be substantially below the BAAQMD screening threshold of 2,000 trips per day. Exhaust emissions would result from the use of equipment such as boring machines, jackhammers, backhoes/loaders, excavators, and other heavy-duty construction equipment. Operational activity would be passive and would include the conveyance of recycled water through pipes. Therefore, impacts would be less than significant.

The modified portions of the South Service Area Project would be located in the vicinity of residences; the closest residence is approximately 50 feet from the South Service Area Project site. Consistent with the NBWRP EIR/EIS discussion, construction activities would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions, which could expose sensitive receptors to pollutant concentrations. Construction activities would be required to comply with Bay Area Air Quality Management District's (BAAQMD) CEQA requirements for control of fugitive dust emissions. Short-term construction impacts would be less than significant with implementation of NBWRP Mitigation Measures 3.8.1a. Additionally, implementation of EIR/EIS Mitigation Measure 3.8.1b would mitigate construction exhaust emissions by enforcing idling restrictions, requiring the use

of higher tier engines, and requiring use of other control technologies such as diesel particulate filters.

The emissions increases that would result under the South Service Area Project would not be expected to individually have a significant impact on global climate change or conflict with the State goals for reducing greenhouse gas emissions. As part of the EIR/EIS analysis, it is determined that the estimated CO₂ emissions (metric tons annually) are significantly under the CARB interim threshold. To meet the General Conformity rule requirements required by NEPA, an analysis of criteria air pollutants was provided in the NBWRP EIR/EIS. The Phase 1 Implementation Plan projects, which include the proposed South Service Area project, would not exceed the de minimus thresholds. The project was also analyzed with respect to regional emission levels. Construction emissions of carbon monoxide (CO), nitrogen dioxide (NO₂), and particulate matter less than 2.5 microns in diameter (PM_{2.5}) are estimated to be well under the de minimus threshold levels applicable to the project area. Therefore the project would be exempt from General Conformity determination requirements and would be in compliance with the National Ambient Air Quality Standards (NAAQS) and the State Implementation Plan; therefore long term emissions impacts would be less than significant.

The South Service Area Project would not result in any new impacts beyond those previously identified in the EIR/EIS, or any increase in the severity of impacts identified. Implementation of the mitigation measure identified in the EIR/EIS and listed below would reduce potential impacts to a less than significant level. As such, air quality impacts would be consistent with those identified in the EIR/EIS.

Mitigation Measures listed in the EIR/EIS

Mitigation Measure 3.8.1a: Construction Fugitive Dust Control Plan. The appropriate Member Agency shall require its contractor(s) to implement a dust control plan that shall include the following dust control procedures during construction as required by the BAAQMD:

- Water all active construction areas at least twice daily, taking into consideration temperature and wind conditions.
- Cover all trucks hauling soil, sand, and other loose materials or require trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)

- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways, consistent with Mitigation Measure 3.1.2, Erosion Control.
- Replant vegetation in disturbed areas as quickly as possible.

Mitigation Measure 3.8.1b: Construction Exhaust Emissions Control Plan. The appropriate Member Agency shall require its contractor(s) to implement an exhaust emissions control plan that shall include the following controls and practices:

- On road vehicles with a gross vehicular weight rating of 10,000 pounds or greater shall not idle for longer than five minutes at any location as required by Section 2485 of Title 13, Division 3, Chapter 10, Article 1 of the California Code of Regulations. This restriction does not apply when vehicles remain motionless during traffic or when vehicles are queuing.
- Off road equipment engines shall not idle for longer than five minutes per Section 2449(d)(3) of Title 13, Division 3, Chapter 9, Article 4.8 of the California Code of Regulations. All vehicle operators shall receive a written idling policy to inform them of idling restrictions. The policy shall list exceptions to this rule that include the following: idling when queuing; idling to verify that the vehicle is in safe operating condition; idling for testing, servicing, repairing or diagnostic purposes; idling necessary to accomplish work for which the vehicle was designed (such as operating a crane); idling required to bring the machine to operating temperature as specified by the manufacturer; and idling necessary to ensure safe operation of the vehicle.
- Off road engines greater than 50 horsepower shall, at a minimum, meet Tier 2 emissions standards. When available, higher Tier engines shall be utilized. Additionally, contractor(s) shall comply with current CARB and BAAQMD regulations for off-road engines greater than 50 horsepower.

3.9 Noise

Section 3.9 of the NBRWP EIR/EIS described existing noise levels and applicable regulations and analyzed noise impacts associated with project construction and operation. As described in the EIR/EIS, temporary construction noise and vibration related to the South Service Area Project could affect nearby sensitive receptors. Impacts associated with the modified South Service Area Project would be consistent with impacts identified in the NBWRP EIR/EIS, as the pipeline length and general geographic location is consistent compared to the Phase 1 project previously examined. Potential impacts related to noise would be reduced to a less than significant level through implementation of EIR/EIS Mitigation Measures identified in the NBWRP EIR/EIS. The modified pipeline alignment would be located within the City of Novato, and subject to local noise ordinances. Additional roadways, and associated residential receptors, affected by construction would include portions of Main Gate Road, Bolling Circle, Captain Nurse Circle, and Altamira Drive. Impacts to these residential receptors are commensurate with those disclosed previously in the EIR/EIS. Under the modified project, pipeline will not be installed along the Coast Guard Housing loop (South Oakwood Drive/Crescent Drive); therefore the residential

receptors in this location would not be affected. Noise levels from pipeline construction activity could range up to 101 dBA at these residences from jack and bore tunneling and up to 89 dBA for trenching. The highest noise levels would occur during jack and bore tunneling under the SMART railroad corridor at the tie in near Bolling Circle. The City of Novato noise ordinance limits construction hours to between the hours of 7 a.m. and 6 p.m. on weekdays and between the hours of 10 a.m. and 5 p.m. on Saturdays. Construction activities in the city of Novato are not permitted on Sundays or on any federal holidays. Authorized grading activities are only permitted on weekdays when City inspectors are available to monitor activities. The construction activities within the South Service Area be short-term, consistent with those identified in the EIR/EIS, would not likely violate a local code or standard and implementation of EIR/EIS Mitigation Measures 3.9.1 and 3.9.2, would reduce the impact to a less than significant level.

The South Service Area Project would not result in any new impacts beyond those previously identified in the EIR/EIS, or any increase in the severity of impacts identified. Implementation of the mitigation measure identified in the EIR/EIS and listed below would reduce potential impacts to a less than significant level. As such, noise impacts would be consistent with those identified in the EIR/EIS.

Mitigation Measures listed in the EIR/EIS

Mitigation Measure 3.9.1: The appropriate Member Agency shall develop and implement a Construction Noise Reduction Plan that requires, at a minimum, the following:

- The contractor shall locate all stationary noise-generating equipment, including hammer bore and drill rigs, as far as possible from nearby noise-sensitive receptors. Stationary noise sources located within 500 feet of noise-sensitive receptors shall be equipped with noise reducing engine housings, and the line of sight between such sources and nearby sensitive receptors shall be blocked by portable acoustic barriers.
- The contractor shall assure that construction equipment with internal combustion engines have sound control devices at least as effective as those provided by the original equipment manufacturer. No equipment shall be permitted to have an un-muffled exhaust.
- All construction activities within unincorporated Marin County shall be limited to between the hours of 7 a.m. and 6 p.m. on weekdays and between 9 a.m. and 5 p.m. on Saturdays.
- Residences and other sensitive receptors within 200 feet of a construction area shall be notified of the construction schedule in writing, at least two weeks prior to the commencement of construction activities. This notice shall indicate the allowable hours of construction activities as specified by the applicable local jurisdiction or as defined by this mitigation measure. The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to complaints regarding construction noise. The coordinator shall determine the cause of the complaint and ensure that reasonable measures are implemented to correct the problem. A contact number for the noise disturbance coordinator shall be conspicuously placed on construction site fences and entrances and included in the construction schedule notification sent to nearby residences and sensitive receptors.

Mitigation Measure 3.9.2: The appropriate Member Agency will implement the following measure:

- The construction contractor shall use a trenchless technology (e.g., horizontal directional drill, lateral drilling, etc.) other than jack and bore when there are structures within 100 feet of the proposed activities. If the construction contractor provides the Member Agency with acceptable documentation indicating that alternative trenchless technology is not feasible for the crossing, the contractor shall develop and implement a Construction Vibration Mitigation Plan to minimize construction vibration damage using all reasonable and feasible means available, including siting the jack and bore as far a possible from all nearby structures. The plan shall provide a procedure for establishing thresholds and limiting vibration values for potentially affected structures based on an assessment of each structure's ability to withstand the loads and displacements due to construction vibrations. The plan should also include the development of a vibration monitoring plan to be implemented during construction of particular crossing.

3.10 Hazards and Hazardous Materials

Section 3.10 of the NBRWP EIR/EIS characterized the existing conditions in the project area, discussed the applicable regulations and analyzed potential hazardous materials impacts associated with implementation of project. The EIR/EIS identified potentially significant but mitigable impacts associated with excavation of, storage, and transport of hazardous materials during construction. South Service Area Project impacts would be consistent with impacts identified in the NBWRP EIR/EIS, as the pipeline length and general geographic location is consistent compared to the Phase 1 project previously examined. Potential impacts related to hazardous materials would be reduced to a less than significant level through implementation of EIR/EIS Mitigation Measures identified in the NBWRP EIR/EIS.

Modified project alignments and the refined route to the Reservoir Hill Tank were previously encompassed in the service area surveyed during the original 2008 hazardous materials database review (EDR, 2008). As disclosed in the EIR/EIS, the Hamilton Air Force Base (Novato) is recorded in the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database, a Formerly Used Defense Sites Properties (FUDS) site, a Leaking Underground Storage Tank (LUST) site, and a hazardous spill site on the Spills, Leaks, Investigation, and Cleanup (SLIC) Program database. McInnis Golf Course (adjacent to LGVSD WWTP, San Rafael) is listed as a LUST site. A query for the project area on the California Hazardous Material Incident Report System (CHMIRS) identified 373 Bolling Circle (Novato) in the database. Consistent with the disclosure in the EIR/EIS, the above listed facilities are located within approximately 660 feet of the modified project components in the South Service Area and may pose a threat to human health or the environment from potential releases of hazardous materials. Based on additional review of a hazardous materials database search (EDR, 2008), construction in the South Service Area along the modified pipeline routes along Main Gate Road (at C Street), and Hangar Avenue, could encounter hazardous materials in excavated soil or shallow groundwater, since contaminants in soil have the potential to migrate via shallow groundwater from the properties identified. Implementation of EIR/EIS Mitigation Measures

3.10.1a through 3.10.1d, which includes development of a contingency plan in the event of soil contamination, proper removal of impacted soil, preparation of a Health and Safety Plan that applies to excavation, and inclusion of a Dust Abatement Program, would reduce the impact to less-than-significant-level. Use of hazardous materials during construction could result in an accidental release of fuel or oils into the environment. Implementation of EIR/EIS Mitigation Measures 3.10.2a through 3.10.2d, which would require to implementation of BMPs for handling hazardous materials onsite, would reduce the impact to less-than-significant-level. According to the map of wildland areas available on the Novato Fire Protection (2008), portions of the proposed pipeline route in the South Service Area is located in fire hazard zone near wildland areas. However, EIR/EIS Mitigation Measures 3.10.4a and 3.10.4b would reduce the level of impact to less-than-significant. Therefore, the original recommendations and findings remain unchanged given the new footprint. Implementation of EIR/EIS Mitigation Measures 3.10.1a through 3.10.1d would reduce impacts to a less than significant level.

The South Service Area Project would not result in any new impacts beyond those previously identified in the EIR/EIS, or any increase in the severity of impacts identified. Implementation of the mitigation measure identified in the EIR/EIS and listed below would reduce potential impacts to a less than significant level. As such, the hazards and hazardous materials impacts would be consistent with those identified in the EIR/EIS.

Mitigation Measures listed in the EIR/EIS

Mitigation Measure 3.10.1a: Project contract specifications shall require that, in the event that evidence of potential soil contamination such as soil discoloration, noxious odors, debris, or buried storage containers, is encountered during construction, the contractor will have a contingency plan for sampling and analysis of potentially hazardous substances, including use of a photoionization detector. The required handling, storage, and disposal methods shall depend on the types and concentrations of chemicals identified in the soil. Any site investigations or remediation shall comply with applicable laws and will coordinate with the appropriate regulatory agencies,

Mitigation Measure 3.10.1b: If unknown USTs are discovered during construction, the UST, associated piping, and impacted soil shall be removed by a licensed and experienced UST removal contractor. The UST and contaminated soil shall be removed in compliance with applicable county and state requirements governing UST removal.

Mitigation Measure 3.10.1c: Prepare a project-specific Health and Safety Plan that would apply to excavation activities. The plan shall establish policies and procedures to protect workers and the public from potential hazards posed by hazardous materials. The plan shall be prepared according to federal and California OSHA regulations and submitted to the appropriate agency with jurisdiction prior to beginning site activities.

Mitigation Measure 3.10.1d: Project contract specifications shall include a Dust Abatement Program to minimize potential public health impacts associated with exposure to contaminants in soil dust.

Mitigation Measure 3.10.2a: Consistent with the SWPPP requirements, the construction contractor shall be required to implement BMPs for handling hazardous materials onsite.

The use of construction BMPs will minimize any adverse effects on groundwater and soils, and will include, but not limited to, the following:

- Follow manufacturers' recommendations and regulatory requirements for use, storage, and disposal of chemical products and hazardous materials used in construction;
- Spill control and countermeasures, including employee spill prevention/response training;
- Avoid overtopping construction equipment fuel gas tanks;
- During routine maintenance of construction equipment, properly contain and remove grease and oils; and
- Properly dispose of discarded containers of fuels and other chemicals.

Mitigation Measure 3.10.2b: The contractor shall follow the provisions of California Code of Regulations, Title 8, Sections 5163 through 5167 for General Industry Safety Orders to protect the action area from being contaminated by the accidental release of any hazardous materials and/or wastes. The local CUPA agency will be contacted for any site-specific requirements regarding hazardous materials or hazardous waste containment or handling.

Mitigation Measure 3.10.2c: Oil and other solvents used during maintenance of construction equipment shall be recycled or disposed of in accordance with applicable regulatory requirements. All hazardous materials shall be transported handled, and disposed of in accordance with applicable regulatory requirements.

Mitigation Measure 3.10.2d: In the event of an accidental release of hazardous materials during construction, containment and clean up shall occur in accordance with applicable regulatory requirements.

Mitigation Measure 3.10.4a: For applicable Member Agencies, in consultation with local fire agencies, a Fire Safety Plan will be developed for each of the service areas associated with the project. The Fire Safety Plan(s) will describe various potential scenarios and action plans in the event of a fire.

Mitigation Measure 3.10.4b: For applicable Member Agencies, during project construction, all staging areas, welding areas, or areas slated for development using spark-producing equipment will be cleared of dried vegetation or other material that could ignite. Any construction equipment that includes a spark arrestor shall be equipped with a spark arrestor in good working order. All vehicles and crews working at the project site(s) will have access to functional fire extinguishers at all times. In addition, construction crews will be required to have a spotter during welding activities to look out for potentially dangerous situations, including accidental sparks.

3.11 Public Services and Utilities

Section 3.11 of the NBRWP EIR/EIS discussed existing public services and utilities, applicable regulations, and project impacts. The EIR/EIS identified that pipeline installation would occur predominantly within existing roadways and would temporarily disrupt normal access to homes and business along Bolling Circle, Main Gate Road, Palm Drive, Crescent Drive, San Pablo Avenue, Hangar Avenue, and Hamilton Parkway/State Access Road. As discussed in the EIR/EIS, primary access to Hamilton Elementary School may be affected by pipeline installation.

The proposed project analyzed in the EIR/EIS identified potential impacts to fire services; however under the modified South Service Area Project, the pipeline alignment would be located proximate to the Fire Station No. 5. Primary ingress and egress would occur via Bolling Circle to Bolling Drive, and the proposed alignment would not directly cross or obstruct this fire station location. Renovation of the Reservoir Hill storage tank would not result in any public services or utility impacts, as it is an existing facility built off road and away from existing services or facilities. Construction activities could temporarily require police and fire assistance if accidents occur during construction, for traffic management, and/or for temporary disconnecting or relocating of existing utility lines. In the Hamilton Area, most existing utilities are underground, so South Service Area Project construction could result in damage to or interference with existing water, sewer, storm drain, natural gas, oil, electric, and/or communication lines, potentially causing interruption in service. In most cases, service disruptions would be temporary and would not exceed one day. All utility lines and cables that would be disrupted during pipe installation would be identified during preliminary design. Temporary and accidental impacts to smaller utility lines would be considered adverse, but not significant, because the affected area and duration of the impacts would be short-term. Implementation of EIR/EIS Mitigation Measures 3.11.1, 3.11.2, and 3.11.3 would reduce any construction-related impacts to a less than significant level.

The South Service Area Project would not result in any new impacts beyond those previously identified in the EIR/EIS, or any increase in the severity of impacts identified. Implementation of the mitigation measure identified in the EIR/EIS and listed below would reduce potential impacts to a less than significant level. As such, the public services and utilities impacts would be consistent with those identified in the EIR/EIS.

Mitigation Measures listed in the EIR/EIS

Mitigation Measure 3.11.1: The Member Agencies will coordinate with local emergency service providers in its service area to inform them of the proposed construction activities and schedule, and provide temporary alternate access routes around construction areas as necessary.

Mitigation Measure 3.11.2: Public service providers shall provide, upon request, a copy of the Traffic Control Plan to the related police and fire agencies for their review prior to construction. The appropriate Member Agency shall provide 72-hour notice to the local service providers prior to construction of individual pipeline segments. Discussion on the Traffic Control Plan is provided in Section 3.7, Traffic and Circulation.

Mitigation Measure 3.11.3: The Member Agencies will identify utilities along the proposed pipeline routes and project sites prior to construction and implement the following measures:

- a. Utility excavation or encroachment permits shall be obtained as required from the appropriate agencies. These permits include measures to minimize utility disruption. The service provider and its contractors shall comply with permit conditions regarding utility disruption.

- b. Utility locations shall be verified through the use of the Underground Service Alert services and/or field survey (potholing).
- c. As necessary, detailed specifications shall be prepared as part of the design plans to include procedures for the excavation, support, and fill of areas around utility cables and pipes. All affected utility services shall be notified of construction plans and schedule. Arrangements shall be made with these entities regarding protection, relocation, or temporary disconnection of services.
- d. In areas where the pipeline would traverse parallel to underground utility lines within five feet, the project applicant shall employ special construction techniques, such as trench wall-support measures to guard against trench wall failure and possible resulting loss of structural support for the excavated areas.
- e. Residents and businesses in the project corridor shall be notified of any planned utility service disruption two to four days in advance, in conformance with county and state standards.

3.12 Cultural Resources

Section 3.12 of the NBWRP EIR/EIS described the existing cultural resources in the area, applicable regulatory framework, and potential impacts resulting from the South Service Area Project. As part of EIR/EIS development, a records search was conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System at Sonoma State University in April 2008 (File No. 07- 1558). The original records search radius and previous geoarchaeological analysis encompass all portions of the modified area of potential effect (APE). The search consisted of a review of maps and site records for an area including the proposed facilities and one half-mile buffer of proposed alignments. As described in Section 1, due to Federal funding, the project must comply with Section 106 of the National Historic Preservation Act, as amended. On March 21, 2011, the SHPO concurred with Reclamation's determination of "no adverse effect to historic properties" for the NBWRP. A memorandum was submitted to Reclamation on May 25, 2011 describing the modified South Service Area Project changes and requesting an APE modification.

Consistent with the EIR/EIS, portions of the modified alignment are proximate to recorded Site P-21-000174. The LGVSD Service Area was originally surveyed by an ESA Registered Professional Archaeologist and Nick Tipon of the Federated Indians of Graton Rancheria on September 4, 2008. The APE in the LGVSD Service Area is primarily paved with no surface visibility. Adjacent locations with limited surface visibility such as landscaped areas were reviewed for cultural materials, especially in the recorded vicinity of the P-21-000174 site. Filling and grading activity in the area has likely eliminated any surface components to this site. Because of the potential for a subsurface deposit, the area is considered generally sensitive for prehistoric resources. While no archaeological sites were located in the APE, the archaeological investigation indicates that certain areas are sensitive for buried prehistoric archaeological resources that may be considered significant resources. Recorded historic architectural resources adjacent to the LGVSD Service Area APE include the Enlisted Barracks located on South Palm Drive, and the

Hangars on Hangar Avenue, at Hamilton Field in Novato. Consistent with the impact disclosed in the EIR/EIS, construction of the modified project alignments would involve excavation activities that could inadvertently uncover and affect existing cultural resources and/or archaeological materials, which could be a significant impact. Based on background research, there is no indication that any particular site in the APE has been used for human burial purposes in the recent or distant past. Therefore, it is unlikely that human remains would be encountered during construction. However, in the unlikely event that human remains were discovered during project construction, including those interred outside of formal cemeteries, the human remains could be inadvertently damaged, which could be a significant impact.

Modified project alignments are located in paved or otherwise obscured areas, and the refined route to the Reservoir Hill Tank was previously surveyed during the original 2008 survey effort; no surface visibility is available to warrant additional survey efforts. Therefore, the original recommendations and findings remain unchanged given the new footprint. Implementation of EIR/EIS Mitigation Measures 3.12.1, 3.12.2, and 3.12.3 would reduce impacts to a less than significant level. The South Service Area Project would not result in any new impacts beyond those previously identified in the EIR/EIS, or any increase in the severity of impacts identified. Implementation of the mitigation measures identified in the EIR/EIS and listed below would reduce potential impacts to a less than significant level. As such, the cultural resources impacts would be consistent with those identified in the EIR/EIS.

Mitigation Measures listed in the EIR/EIS

Mitigation Measure 3.12.1: The appropriate Member Agency will incorporate the following measures:

Mitigation Measure 3.12.1a: Prepare a Cultural Resources Monitoring Plan. Prior to authorization to proceed, or issuance of permits, the applicant shall prepare and submit a cultural resources monitoring plan to the appropriate jurisdiction for review and approval. Monitoring shall be required for all surface alteration and subsurface excavation work including trenching, boring, grading, use of staging areas and access roads, and driving vehicles and equipment within all areas delineated as sensitive for cultural resources. A qualified professional archaeologist (cultural resources monitor) that is approved by each Member Agency in consultation with all affected jurisdictions shall prepare the plan. The plan shall address (but not be limited to) the following issues:

- Training program for all construction and field workers involved in site disturbance;
- Person(s) responsible for conducting monitoring activities, including Native American monitors;
- How the monitoring shall be conducted and the required format and content of monitoring reports, including any necessary archaeological re-survey of the final pipeline alignment (including the need to conduct shovel-test units or auger samples to identify deposits in advance of construction), assessment, designation and mapping of the sensitive cultural resource areas on final project maps, assessment and survey of any previously unsurveyed areas;
- Person(s) responsible for overseeing and directing the monitors;

- Schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports;
- Procedures and construction methods to avoid sensitive cultural resource areas (i.e. boring conduit underneath recorded or discovered cultural resource site);
- Clear delineation and fencing of sensitive cultural resource areas requiring monitoring;
- Physical monitoring boundaries (e.g., 200-foot radius of a known site);
- Protocol for notifications in case of encountering of cultural resources, as well as methods of dealing with the encountered resources (e.g., collection, identification, curation);
- Methods to ensure security of cultural resources sites;
- Protocol for notifying local authorities (i.e. Sheriff, Police) should site looting and other illegal activities occur during construction.

Mitigation Measure 3.12.1b: Archaeological and Native American Monitoring. If an intact archaeological deposit is encountered, all soil disturbing activities in the vicinity of the deposit shall cease until the deposit is evaluated. The appropriate Member Agency, as necessary, shall retain the services of a Native American monitor and a qualified archaeological consultant that has expertise in California prehistory to monitor ground-disturbing within areas designated as being sensitive for buried cultural resources. The archaeological monitor shall immediately notify the appropriate Member Agency of the encountered archaeological deposit. The monitors shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, present the findings of this assessment to NBWRA and the appropriate Member Agency. During the course of the monitoring, the archaeologist may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and professional judgment regarding the potential to impact resources.

If a Member Agency, in consultation with the monitors, determines that a significant archaeological resource is present within their jurisdiction and that the resource could be adversely affected by the NBWRP, the Member Agency shall:

- Re-design the NBWRP to avoid any adverse effect on the significant archaeological resource; *or*,
- Implement an archaeological data recovery program (ADRP) (unless the archaeologist determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible). If the circumstances warrant an archaeological data recovery program, an ADRP shall be conducted. The project archaeologist and the Member Agency shall meet and consult to determine the scope of the ADRP. The archaeologist shall prepare a draft ADRP that shall be submitted to the appropriate Member Agency for review and approval. The ADRP shall identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ADRP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historic property that could be adversely affected by the NBWRP.

Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

Mitigation Measure 3.12.1c: Cultural Resources Assessment for Staging Areas. When locations for staging are defined the areas of potential effect should be subject to a cultural resources investigation that includes, at a minimum:

- An updated records search at the Northwest Information Center;
- An intensive survey of all areas within the lots;
- A report disseminating the results of this research; and,
- Recommendations for additional cultural resources work necessary to mitigate any adverse impacts to recorded and/or undiscovered cultural resources.

Mitigation Measure 3.12.1d: Inadvertent Discoveries. If discovery is made of items of historical or archaeological interest, the contractor shall immediately cease all work activities in the area (within approximately 100 feet) of discovery. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. After cessation of excavation the contractor shall immediately contact the NBWRA and appropriate Member Agency. The contractor shall not resume work until authorization is received from the appropriate Member Agency.

- In the event of unanticipated discovery of archaeological indicators during construction, the Member Agency shall retain the services of a qualified professional archaeologist to evaluate the significance of the items prior to resuming any activities that could impact the site.
- In the case of an unanticipated archaeological discovery, if it is determined that the find is unique under NHPA and/or potentially eligible for listing in the National Register, and the site cannot be avoided, appropriate Member Agency shall provide a research design and excavation plan, prepared by an archaeologist, outlining recovery of the resource, analysis, and reporting of the find. The research design and excavation plan shall be submitted to NBWRA and appropriate Member Agency and approved by the appropriate Member Agency prior to construction being resumed.

Mitigation Measure 3.12.1e: Project-level Cultural Resources Assessment. When project-level plans are completed for the Basic System; the Partially Connected System; and the Fully Connected System, NBWRA the appropriate Member Agency will conduct a cultural resources investigation for the APE that includes, at a minimum:

- An updated records search at the NWIC;
- An intensive cultural resources survey of the APE;
- A report disseminating the results of this research; and,
- Recommendations for additional cultural resources work necessary to mitigate any adverse impacts to recorded and/or undiscovered cultural resources.

Mitigation Measure 3.12.2: Discovery of Human Remains. If potential human remains are encountered, the appropriate Member Agency shall halt work in the vicinity of the find and contact the county coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines the remains are Native American, the coroner shall contact the NAHC. As provided in Public Resources Code Section 5097.98, the NAHC shall identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

3.13 Recreation

Section 3.13 of the NBWRP EIR/EIS analyzed impacts to recreation and determined that construction activities could temporarily conflict with access to recreational resources. Relocation of the proposed transmission pipeline alignment would not result in any new or more severe impacts to recreational resources. As discussed in the EIR/EIS, the San Francisco Bay Trail¹⁸ is adjacent to John F. McInnis Park, located near the LGVSD WWTP and connects to the southern Hamilton Area. However, this would be a short-term effect as full access to the trail would be restored upon completion of construction operations. Under the approved project in the NBWRP EIR/EIS, the pipeline alignment would be located adjacent to Hamilton Amphitheater Park on Hamilton Parkway and a neighborhood park on Hangar Avenue, south of the intersection with San Pablo Avenue; under the modified South Service Area Project, the pipeline alignment would be located on proximate streets, but would not directly impact these parks. Under the modified project, construction of the distribution pipeline along Bolling Circle may temporarily affect access to a Clark A. Blasdell Park, a neighborhood park. Renovation of the Reservoir Hill storage tank is an existing facility; however during renovation and construction of the lateral tank drain/overflow line, the recreational Reservoir Hill (Vista) Trail would be temporarily impacted during construction, as disclosed previously in the EIR/EIS. Construction-related impacts would be reduced to a less than significant level with implementation of EIR/EIS Mitigation Measures 3.13.1, 3.13.2, and measures identified in Sections 3.8, Air Quality, 3.9, Noise, and 3.7, Transportation and Traffic. No additional bikeways, beyond those disclosed in the EIR/EIS, would be affected by the modified project components.

The South Service Area Project would not result in any new impacts beyond those previously identified in the EIR/EIS, or any increase in the severity of impacts identified. Implementation of the mitigation measures identified in the EIR/EIS and listed below would reduce potential impacts to a less than significant level. As such, the recreational resource impacts would be consistent with those identified in the EIR/EIS.

¹⁸ This portion of the Bay Trail is not open to the public at the time of release of this document.

Mitigation Measures listed in the EIR/EIS

Mitigation Measure 3.13.1a: The appropriate Member Agency shall coordinate with the appropriate local and regional agencies to identify detour routes for the bikeways and trails during construction where feasible, as part of the Traffic Control/Traffic Management Plan (see **Measure 3.11.1a**).

Mitigation Measure 3.13.1b: Implement **Mitigation Measures 3.8-1a** through **3.8.1b**, **Mitigation Measures 3.9.1** through **3.9-3**.

Mitigation Measure 3.13.2: Before beginning construction, the contractor will develop, in consultation with the appropriate representative(s) of the affected park's managing agency, a plan indicating how public access to the park will be maintained during construction. If needed, flaggers will be stationed near the construction activity area to direct and assist members of the public around the activity areas while maintaining access to the parks.

3.14 Aesthetics

Section 3.14 of the NBWRP EIR/EIS analyzed visual resource impacts associated with construction of the Phase 1 project and determined construction activities would temporarily affect residential views during construction,¹⁹ and above ground facilities could result in new sources of light and glare.²⁰ Impacts associated with the modified South Service Area Project would be consistent with impacts identified in the NBWRP EIR/EIS, as the pipeline length and general geographic location is consistent compared to the Phase 1 project previously examined. Potential impacts related to aesthetics would be reduced to a less than significant level through implementation of EIR/EIS Mitigation Measures identified in the NBWRP EIR/EIS.

Although pipeline installation would progress along local roadways, construction would only affect a specific location for a short period of time. NMWD transmission pipeline installation would occur from LGVSD WWTP across open/farmland to the Hamilton Area via Bolling Circle, and, as described in the EIR/EIS, extend on Main Gate Road, Palm Drive, San Pablo Avenue, Hangar Avenue, and Hamilton Parkway/State Access Road. Storage facilities on Reservoir Hill would be retrofitted, including the tank drain/overflow line down gradient to Altamira Drive. Views experienced by the users from these roadways include scenic vistas of hillsides, oak woodlands, and agricultural resources and construction of recycled water pipelines would result in short-term impacts to scenic resources. Additionally, views from and of locally designated scenic areas protected under the *City of Novato General Plan* and the *Marin Countywide Plan* could be temporarily affected. As disclosed in the EIR/EIS, the pipeline from LGVSD WWTP to the Hamilton Area would traverse through designated open space and agricultural land and occur adjacent to St. Vincent's and Silveira Ranch. Since this area is important to the character of the community and is a prominent feature on the landscape, the South Service Area Project could affect the views of St. Vincent's from surrounding roads and structures. Construction activities

¹⁹ There are no Caltrans designated scenic highways in the project area; therefore, there would be no impact.

²⁰ The proposed project modifications would not result in new or more severe impacts from light and glare beyond those identified in the NBWRP EIR/EIS.

would be visible to the residential communities along the hillside at the border between the Novato and San Rafael, particularly along Club View Drive.

Under the modified project, the pipeline alignment would be located within the roadway on Bolling Circle and Captain Nurse Circle, and connect to Main Gate Road via Randolph Drive. The tank drain/overflow line from Reservoir Hill Tank would be installed on the hill slope down gradient to Altamira Drive. Impacts to these roadways would be short-term and consistent with those identified in the EIR/EIS and would be temporary and mitigated to a less than significant level through mitigation identified in the EIR/EIS. Under the modified project, pipeline will not be installed along the Coast Guard Housing loop (South Oakwood Drive/Crescent Drive); therefore no visual impacts will occur at these locations.

During construction, excavated areas, stockpiled soils, and other materials within the construction easement and staging areas would constitute negative aesthetic elements in the visual landscape. Impacts from dust, excavation, drilling, and road closures could reduce pedestrian access, uproot street trees, displace landscaping and streetscaping, and damage sidewalk materials. However, these impacts are temporary and associated with short-term construction and would be reduced to a less than significant level with implementation of EIR/EIS Mitigation Measures 3.14.1a through 3.14.1c. Surface restoration would involve repaving roadways and replanting grasses, shrubs, and trees in unpaved areas outside of the roadways. The Reservoir Hill storage tank is an existing part of the landscape and consistent with the existing visual character of the area, and therefore retrofit activities would not affect aesthetics. Pipelines would be buried underground and all roadways and disturbed areas restored following construction completion, and therefore would have a less-than-significant impact on aesthetics.

The South Service Area Project would not result in any new impacts beyond those previously identified in the EIR/EIS, or any increase in the severity of impacts identified. Implementation of the mitigation measure identified in the EIR/EIS and listed below would reduce potential impacts to a less than significant level. As such, the aesthetic impacts would be consistent with those identified in the EIR/EIS.

Mitigation Measures listed in the EIR/EIS

Mitigation Measure 3.14.1a: Following construction activities, disturbed areas shall be restored to baseline conditions, including repaving roadways, replanting trees, and/or reseeding with a native seed mix typical of the immediately surrounding area.

Mitigation Measure 3.14.1b: Berms around constructed reservoirs shall be vegetated with native seed mixes to soften the visual effect of the reservoirs from adjacent roadways.

Mitigation Measure 3.14.1c: Design elements shall be incorporated to enhance visual integration of the booster pump station and distribution pump station with their surroundings. Proposed facilities shall be painted low-glare earth-tone colors that blend with the surrounding terrain. Highly reflective building materials and/or finishes shall not be used in the designs for proposed facilities.

3.15 Environmental Justice

Section 3.15 of the NBRWP EIR/EIS analyzed impacts to environmental justice. As discussed in the EIR, the overall construction-related project impacts would be short-term and temporary. Construction of the NMWD project would involve activities and use equipment typical for any construction project and would not cause a disproportionate impact to the minority and low-income community in the area; therefore no impact is expected. The South Service Area Project would not result in any new impacts beyond those previously identified in the EIR/EIS, or any increase in the severity of impacts identified. As such, the environmental justice impacts would be consistent with those identified in the EIR/EIS.

3.16 Socioeconomics

Section 3.16 of the NBRWP EIR/EIS describes socioeconomic conditions in the project area and analyzes effects on the economy from implementation of the project including project construction; operation and maintenance; increased vineyard production and costs; increased recreational expenditures; and potential changes in customer water and sewer fees. As discussed in the EIR/EIS, impacts related to socioeconomics would be less than significant or beneficial. Short-term construction activities would create jobs and generate additional economic activity within the region during the period of construction. Recycled water use instead of groundwater or surface water for irrigation purposes would be more reliable and could support long-term agricultural production and farm income, which would be a beneficial impact to the agricultural economy. The South Service Area Project would not result in any new impacts beyond those previously identified in the EIR/EIS, or any increase in the severity of impacts identified. As such, socioeconomic impacts would be consistent with those identified in the EIR/EIS.

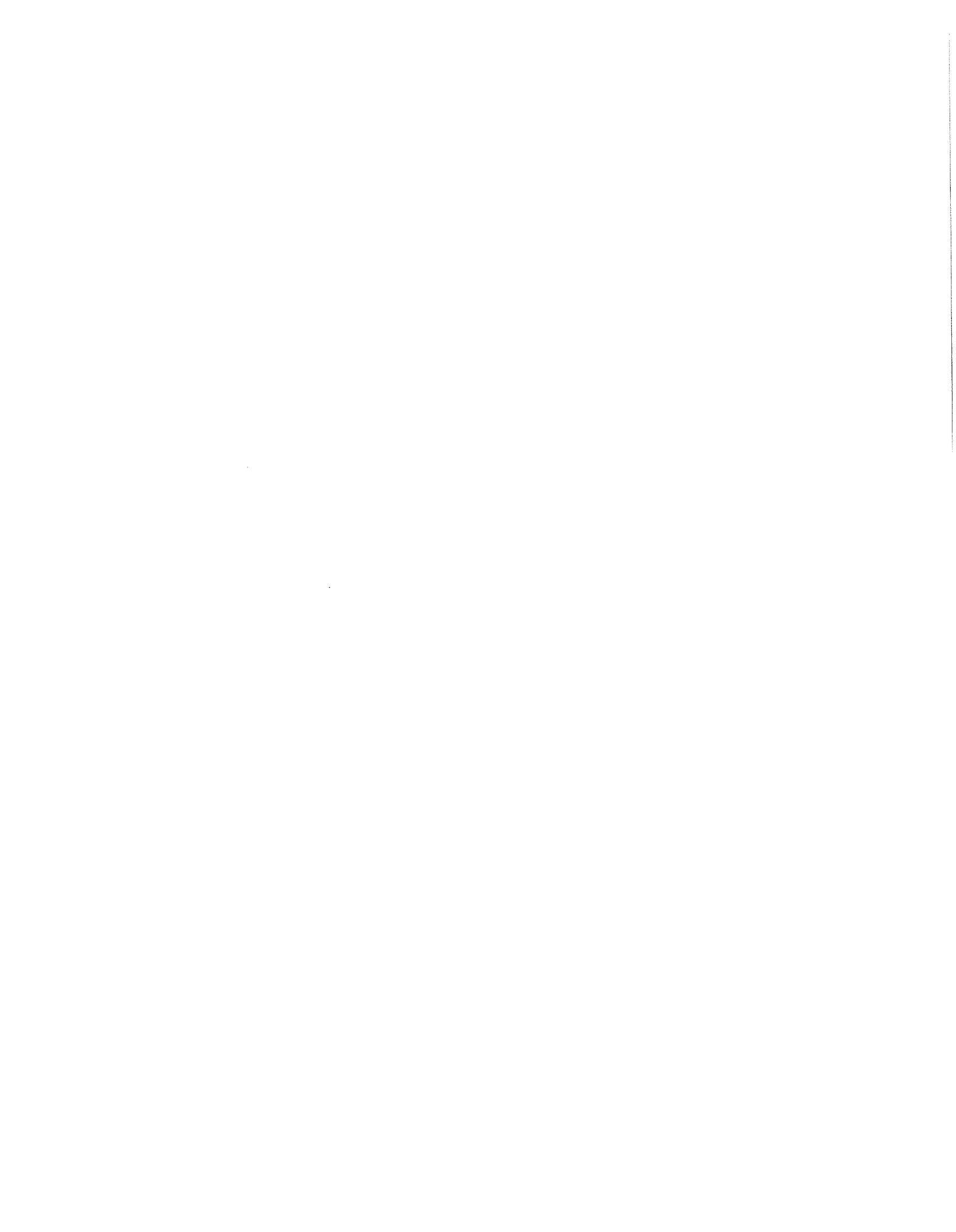
3.17 Growth

Chapter 5, Growth Inducement and Secondary Effects of Growth, of the NBRWP EIR/EIS analyzed the growth inducement potential of the NBWRP and secondary effects of growth resulting from the NBWRP. As described in the EIR/EIS, no appreciable growth in population or employment would occur as a direct result of construction or operation of the proposed facilities. The South Service Area Project would provide recycled water for urban irrigation and as such would contribute to the provision of adequate water supply to support a level of growth that is consistent with the amount planned and approved within the General Plans of the City of Novato and Marin County. No additional impacts are anticipated beyond those identified in General Plan EIRs for Marin County and City of Novato. The mitigation measures listed in the Marin County and Novato General Plan EIRs and described in the NBWRP EIR/EIS for the North Novato Service Area would apply to the proposed NMWD project. The proposed NMWD Recycled Water Expansion Project for the South Service Area would not result in any new impacts beyond

those previously identified in the EIR/EIS, or any increase in the severity of impacts identified. As such, any secondary effects associated with the proposed South Service Area Project would be consistent with those discussed in the EIR/EIS.

3.18 Indian Trust Assets

Section 3.12 of the NWBRP EIR/EIS analyzed potential effects to Indian Trust Assets (ITAs). ITAs are legal interests in property held in trust by the United States (U.S.) for federally-recognized Indian tribes or individual Indians. Indian reservations, Rancherias, and Public Domain Allotments are common ITAs in California. The Proposed Action or alternatives would not be implemented on or affect tribal lands, areas where mineral or water rights may be held by a tribe, traditional hunting or fishing grounds, or other ITAs. There are no ITAs at or near the South Service Area Project area. The nearest proposed project construction activity to the Graton Rancheria would occur at a distance of approximately 12 miles away. Reclamation will comply with procedures contained in Departmental Manual Part 512.2, guidelines, which protect ITAs. Therefore, the Proposed Action would not adversely affect ITAs.



SECTION 4

Conclusion

This Supplemental EA/Addendum demonstrates that the environmental impacts of the South Service Area Project are consistent with those analyzed adequately in the EIR/EIS certified and approved by NMWD Board of Directors in December 2009. Based on the environmental analysis in this Supplemental EA/Addendum, the modified South Service Area Project (i.e., minor changes to the approved project described in Section 1) would not result in any new significant impacts or any substantial increase in the severity of impacts beyond those discussed in the NBWRP EIR/EIS. The project would incorporate and comply with all appropriate mitigation measures that have already been identified and incorporated into the NBWRP Mitigation Monitoring and Reporting Program. In addition, no new information of substantial importance has become available since the EIR/EIS was prepared regarding new significant impacts, or feasibility of EIR/EIS Mitigation Measures or alternatives.



SECTION 5

Consultation and Coordination

5.1 Federal Endangered Species Act

Section 1.10 of this Supplemental EA/Addendum discusses Federal Section 7 consultation with the USFWS and NMFS during the EIS/EIR process. According to Sec. 402.16 of the Endangered Species Act Section 7 Regulations, reinitiating formal consultation may be required if (1) new information becomes available indicating that listed species or critical habitat may be affected by the project in a manner or to an extent not previously considered; (2) current project plans change in a manner that causes an effect to listed species or critical habitat in a manner not previously considered; or (3) a new species is listed or critical habitat designated that may be affected by the action. The proposed modifications for the NBWRP do not meet these criteria and therefore further consultation with USFWS or NMFS is not necessary.

5.2 Section 106 of the National Historic Preservation Act

Section 1.10 of this Supplemental EA/Addendum discusses National Historic Preservation Act Section 106 Consultation. Section 106 requires Federal agencies to take into account effects on historic properties. Section 106 consultation with SHPO for the NBWRP was completed on March 21, 2011. SHPO issued a letter of concurrence with Reclamation's finding of no significant adverse effect to historic properties and cultural resources.

Based on proposed project modifications, subsequent consultation with SHPO was necessary to modify the Area of Potential Effect (APE). ESA prepared a letter report, dated May 25, 2011, to address a proposed change in the APE. The letter confirmed that construction methods would be consistent with the methodology described for the approved NBWRP and the previous cultural resources investigations completed for the project (ESA, 2011). The original records search radius and previous geoarchaeological analysis encompass all portions of the revised APE. SHPO found that the additions to the APE were included in the original records search and that a pedestrian survey was conducted. As such, SHPO issued a letter of concurrence with Reclamation's finding of no significant adverse effect to historic properties and cultural resources on June 28, 2011.

5.3 Clean Water Act

As noted in Section 1.9 of this Supplemental EA/Addendum, the project is subject to the Clean Water Act (CWA) Section 404. The CWA requires that a permit be obtained from USACE when discharge of dredged or fill material into wetlands and waters of the U.S. occurs. The NBWRP EIR/EIS determined that pursuit of permits to protect jurisdictional waters of the U.S., would be necessary. A preliminary wetland delineation, and associated pre-construction notification package has been submitted to USACE to identify and mitigate impacts to jurisdictional waters of the U.S. As noted in Section 3.5 of this Supplemental EA/Addendum, jurisdictional wetlands are presumed within the project area; and as such NMWD expects to obtain a Nationwide Permit 12, Utility Line Activities (NWP 12) under CWA Section 404, and will comply with all conditions of the permit.

SECTION 6

List of Preparers

US Bureau of Reclamation

Doug Kleinsmith, Reviewer

Tony Overly, Archaeologist

North Marin Water District

Drew McIntyre, Chief Engineer

Environmental Science Associates

Jim O'Toole, Project Director

Katie Blank, Technical Analyst



SECTION 7

References

All references included in the *Draft EIR/EIS for the North San Pablo Bay Restoration and Reuse Project (North Bay Water Recycling Program)*, SCH # 2008072096, Prepared for the United States Bureau of Reclamation and North Bay Water Reuse Authority, May 2009, are herein incorporated by reference. Specific citations are listed below.

Association of Bay Area Governments (ABAG), *Earthquake Shaking Potential for the San Francisco Bay Region*, <http://www.abag.ca.gov/bayarea/eqmaps/mapsba.html>, sourced from California Seismic Safety Commission, California Geological Survey, 2003.

Association of Bay Area Governments (ABAG), *Liquefaction Susceptibility* <http://www.abag.ca.gov/bayarea/eqmaps/liquefac/liquefac.html>, prepared by ABAG Earthquake Program April, 2004.

Association of Bay Area Governments (ABAG), *Summary Distribution of Slides and Earth Flows in the San Francisco Bay Region*, <http://www.abag.ca.gov/bayarea/eqmaps/landslide/index.html>, sourced from USGS Open File Report 97-745 E, 1997.

California Air Resources Board (CARB), *Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act*, Released October 24, 2008 (2008f).

California Stormwater Quality Association (CASQA). 2003. *Best Management Practices Handbook*. 2003.

California Department of Fish and Game (CDFG). 2008. Wildlife Habitat and Data Analysis Branch, *California Natural Diversity Database*, data request for the Glen Ellen, Sonoma, Napa, Mount George, Cuttings Wharf, Sears Point, Petaluma River, Novato, Petaluma Point, San Rafael, and San Quentin 7.5-minute USGS topographic quadrangles.

California Joint Utility Traffic Control Committee (CJUTCC), 2006. *Work Area Protection and Traffic Control Manual*, 4th Edition, April 2006.

Environmental Data Resources, Inc. (EDR), EDR DataMap™ Corridor Study, Novato Service Area, Novato, Ca, 94945. Inquiry Number 02290570.2r, August 26, 2008.

Environmental Science Associates (ESA), *Cultural Resources Survey Report for the North Bay Water Reuse Authority North Bay Water Recycling Program*, January 25, 2011.

Environmental Science Associates (ESA), *Draft EIR/EIS for the North San Pablo Bay Restoration and Reuse Project (North Bay Water Recycling Program)*, SCH # 2008072096,

Prepared for the United States Bureau of Reclamation and North Bay Water Reuse Authority, May 2009.

Leidy, Robert A. 2007. Ecology, Assemblage Structure, Distribution, and Status of Fishes in Streams Tributary to the San Francisco Estuary, California. San Francisco Estuary Institute, Contribution No. 530, April 2007.

Monterey County Water Recycling Projects (MCWRP), Water Quality and Operations Committee Recycled Water Food Safety Study, August 1998, http://www.mrwpc.org/downloads/wr/recycled_h2o_food_safety.pdf, September 29, 2008.

National Marine Fisheries Services (NMFS). 1998. Central Valley Chinook Salmon Essential Fish Habitat Maps for all runs. Available online at <http://swr.nmfs.noaa.gov/hcd/cvcsd.htm>. Accessed October 7, 2008.

National Marine Fisheries Services (NMFS). 2000a. Guadalupe River Flood Control Project, Biological Opinion and Essential Fish Habitat Conservation Recommendations. Southwest Region, Long Beach, File no.: F/SWR4:MH.

Nute Engineering, *Technical Memorandum No. 1 Regarding the Transmission Pipeline Alignment Recommendation, Hamilton Area Water Recycling Project*, prepared for North Marin Water District, December 9, 2010.

State Water Resources Control Board (SWRCB), *Final Recycled Water Policy*, February 11, 2009.

United States Department of Agriculture (USDA), *Web Soil Survey*, <http://websoilsurvey.nrcs.usda.gov/app/>, accessed October 17, 2008.

APPENDIX 1

Notice of Determination

To be Inserted following NMWD Board Action

APPENDIX 2

SHPO Concurrence Letter, June 28, 2011



**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



June 28, 2011

In Reply Refer To: BUR110214A

Michael A. Chotkowski
Regional Environmental Officer
United States Department of the Interior
Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

Re: North Bay Water Reuse Authority (NBWRA) Phase I Project, Marin, Sonoma, and Napa Counties, California (Project No. 09-CCAO-132).

Dear Mr. Chotkowski:

Thank you for seeking consultation with me regarding the above noted undertaking. Pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA), the Bureau of Reclamation (BUR) is the lead federal agency for this undertaking and is seeking my comments on the effects that the proposed project will have on historic properties. The project will be implemented in part by the BUR using American Recovery and Reinvestment Act (ARRA) funds and title XVI funds. The BUR has identified this use of federal expenditures as an undertaking subject to compliance with Section 106 regulations. The Bur is continuing consultation, as a result of revisions to the original APE, namely a change in proposed pipeline alignment.

The proposed project is Phase I of the NBWRA program that is designed to provide recycled water for agricultural, urban, and environmental uses as an alternative to discharging recycled water into San Pablo Bay. The main components of the proposed undertaking are the construction of 41 miles of recycled water conveyance pipeline, seven booster pumps, upgrades to treatment capacity at existing wastewater treatment plants, and the retrofit of two existing storage tanks. The BUR has determined that the Area of Potential Effects (APE) consists of approximately 220 acres, which includes a 50-foot wide corridor along the proposed pipeline route and necessary staging and access locations. The vertical APE for the pipeline installations will be approximately 8-feet except at locations of jack and bore and directional drilling which will extend to a maximum of 20 feet. In addition to your letters of February 14, 2011, March 18, 2011, and June 6, 2011 you have submitted the following reports as documentation of your efforts to identify and evaluate historic properties in the project APE:

• *North Bay Water Recycling Project, Proposed Pipeline Modification – NMWD LGVSD Service Area* (Heidi Koenig and Brad Brewster, ESA– Cultural Resources Group: May 25, 2011)

• *North Bay Water Reuse Authority North Bay Water Recycling Program, Marin, Sonoma, and Napa Counties Cultural Resources Survey Report* (Heidi Koenig and Brad Brewster, ESA – Cultural Resources Group: January 25, 2011a).

• *North Bay Water Reuse Authority North Bay Water Recycling Program, Marin, Sonoma, and Napa Counties Cultural Resources Survey Report Confidential Attachment 2* (Heidi Koenig and Brad Brewster, ESA – Cultural Resources Group: January 25, 2011b).

• *North Bay Water Reuse Authority North Bay Water Recycling Program, Marin, Sonoma, and Napa Counties Archaeological Extended Phase I Report* (Heidi Koenig, ESA – Cultural Resources Group: January 25, 2011).

• *Memorandum: Supplementary Information for North Bay Water Recycling Program Cultural Resources* (Heidi Koenig, ESA to Kevin Booker and Marc Bautista, SCWA: March 14, 2011).

Identification efforts, including records search and field survey, concluded that there are no archaeological sites located within the project APE. Eight previously recorded archaeological sites were, however, plotted on maps at the Northwest Information Center at locations near the APE. Although there were no surface manifestations of any of these sites observed during the field survey, subsurface techniques, including 2-inch geoprobes and 4-inch augers, produced negative findings at all eight locations.

Efforts directed toward identification of built-environment historic properties resulted in the identification of four previously documented historic properties and four newly identified historic period cultural resources. The four previously recorded historic properties are the Hamilton Army Air Field Discontiguous Historic District (listed on the NRHP under criteria A and C in 1998, site #98001347) in Marin County, the Napa State Hospital in Napa County, several segments of the Northwestern Pacific Railroad in Marin County and Sonoma County, and a segment of the Southern Pacific Railroad-Schellville Branch in Sonoma County. The BUR has concluded that the project effects in the vicinity of the Hamilton Army Air Field Discontiguous Historic District and the Napa State Hospital will be restricted to transitory visual impacts during project construction only. As the proposed pipeline will be installed under the existing railroad grades using either directional drilling and/or jack and bore techniques, none of these documented linear historic properties will be adversely affected. The additions to the APE were included in the original records search and a pedestrian survey was conducted. No new historic properties were identified.

In addition to my previous concurrence with determinations of eligibility and identification efforts, after reviewing your consultation letters and supporting documentation, I have the following comments:

- 1) I concur that your identification of an Area of Potential Effects is appropriate pursuant to 36 CFR Part 800.4(a)(1) and that your efforts to identify and evaluate historic properties in the APE represent a reasonable and good faith effort in accordance with 36 CFR Part 800.
- 2) I acknowledge that, for the purposes of this undertaking only, the BUR is treating the Napa State Hospital, a segment of the Northwestern Pacific Railroad in Sonoma County, and a segment of the Southern Pacific Railroad-Schellville

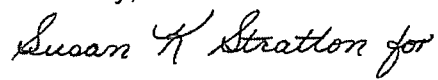
BUR110214A 6/28/2011

Branch in Sonoma County as eligible for the NRHP for the purposes of this undertaking

- 3) In conclusion, based on my comments above and my review of your Section 106 consultation letters and supporting documentation, I have no objection to your proposed finding of No Adverse Effect for this undertaking.

Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, the BUR may have additional future responsibilities for this undertaking under 36 CFR Part 800. Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact Trevor Pratt of my staff, at phone 916-445-7017 or email tpratt@parks.ca.gov

Sincerely,



Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

RESOLUTION 11-

RESOLUTION OF THE BOARD OF DIRECTORS OF NORTH MARIN WATER DISTRICT

APPROVAL OF THE SOUTH SERVICE AREA SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT/ADDENDUM TO THE NORTH BAY WATER RECYCLING PROGRAM EIR/EIS PREPARED FOR THE UNITED STATES BUREAU OF RECLAMATION AND STATE WATER RESOURCES CONTROL BOARD AS PART OF CONSIDERATION OF ISSUANCE OF FUNDING UNDER PUBLIC LAW TITLE XVI AND THE CLEAN WATER STATE REVOLVING FUND PROGRAM, AND FINDING THAT ADDENDUM IS CONSISTENT WITH THE AFORMENTIONED EIR/EIS.

WHEREAS, the North Marin Water District ("District") wishes to expand the beneficial use of recycled water in Marin County and to work cooperatively with other agencies in the North Bay region to promote the conservation of limited surface water and groundwater resources.

WHEREAS, the District, as a Supporting Agency of the North Bay Water Reuse Authority, participated in the preparation of the Draft and Final Environmental Impact Report/ Environmental Impact Statements (EIR/EIS) (SCH# 2008072096) pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), and, as a Responsible Agency under CEQA, approved the Phase 1 Implementation Project on December 15, 2009; and

WHEREAS, the process of finalizing the design of the South Service Area Project has resulted in minor changes to the pipeline distribution system within the Hamilton Area; and

WHEREAS, the Supplemental EA/Addendum is intended to satisfy processing by the United States Bureau of Reclamation under the NEPA pursuant to issuance of funds under the Bureau of Reclamation's Public Law 102-575, Title XVI; and

WHEREAS, implementation of the Phase 1 Implementation Project requires external funding sources; as such the District is pursuing additional funding for a subset of Phase 1 project components under its jurisdiction, through the Clean Water State Revolving Fund (CWSRF) Program. The CWSRF Program, established under the Federal Clean Water Act, is implemented by the United States Environmental Protection Agency, and administered regionally by the California State Water Resources Control Board; and

WHEREAS, the District has submitted CWSRF Application No.7802, dated November 10, 2010, to the State Water Resources Control Board for review, and has developed supplemental materials, including a Supplemental EA/Addendum (Exhibit 1), to support State Water Resources Control Board environmental documentation protocol and processing of the application.

NOW THEREFORE BE IT RESOLVED that the North Marin Water District Board of Directors ("Board") finds as follows:

PROCEDURAL FINDINGS:

1. On December 15, 2009, the Board: 1) exercised its independent judgment and analysis, reviewed, and considered the information contained in the Final EIR/EIS for the North Bay Water Recycling Program, and considered the environmental effects and impacts of the project as shown in the EIR/EIS; 2) found that the Final North Bay Water Recycling Program EIR/EIS represents a good faith effort to achieve completeness and full environmental disclosure; and 3) found that the Final North Bay Water Recycling Program EIR/EIS is an adequate informational document, and has provided this Board and the public with full and fair disclosure of potential environmental impacts associated with the project. As part of this action, the Board approved the Phase 1 Implementation Plan, adopted a Mitigation and Monitoring Plan, adopted a Statement of Overriding Considerations, and filed a Notice of Determination.
2. The project components proposed for funding under CWSRF Program, included in CWSRF Application No.7802, are described and analyzed at a project-level of detail in the Final North Bay Water Recycling Project EIR/EIS, and minor modifications are analyzed in the Supplemental EA/Addendum.
3. The State Water Resources Control Board, in processing CWSRF Application No.7802, requested that additional supplemental materials be prepared for environmental documentation purposes prior to allocation of funds. A letter report (July 12, 2011) and Environmental Checklist (July 22, 2011) responding to questions submitted by the State Water Resources Control Board were prepared to support the SRF process.
4. On July 6, 2011, the District submitted the Supplemental EA/Addendum, as requested, to the U.S. Bureau of Reclamation, and on July 8, 2011 to the State Water Resources Control Board. The Supplemental EA/Addendum was submitted to the State Clearinghouse on August 1, 2011 for processing and a 15-day public review period (August 2, 2011 – August 15, 2011) to satisfy State Water Resources Control Board environmental documentation requirements. No comments were received on the Supplemental EA/Addendum during the public comment period.
5. The Supplemental EA/Addendum reiterates and clarifies the description of the District's portion of the Phase 1 project potentially eligible for Title XVI and CWSRF Program funding. The Supplemental EA/Addendum provides a project description and project-level analysis specific to the District's CWSRF project components. The Addendum to the North Bay Water Recycling Program EIR/EIS concludes that there are no new or more severe impacts and/or mitigation measures associated with the subset of Phase 1 projects included in the CWSRF Application No. 7802 beyond those previously identified in the North Bay Water Recycling Program EIR/EIS.

SUBSTANTIVE FINDINGS

1. The Board finds that the Addendum was prepared in accordance with The Council of Environmental Qualities NEPA Guidelines and CEQA Guidelines Section 15164, which state

an addendum may be prepared if some changes or additions are necessary, but do not result in new impacts or a substantial increase in the severity of previously identified impacts, such that a subsequent or supplemental EIR was not required.

2. The Board finds that the conclusions, impact determinations, and mitigation measures are consistent with the Final North Bay Water Recycling Program EIR/EIS.
3. The Board finds that the Supplemental EA/Addendum meets the United States Bureau of Reclamation and State Water Resources Control Board requirements as part of the environmental review process, and has circulated the document for public review.

NOW THEREFORE, based on the record of this proceeding and the foregoing findings and determinations, the Board of Directors of the North Marin Water District does hereby take the following actions:

1. Supplemental EA/Addendum Approval and Consistency Determination. The Board approves the Supplemental EA/Addendum and finds that the conclusions, impact determinations, and mitigation measures are consistent with the Final North Bay Water Recycling Program EIR/EIS.
2. Notice of Determination. The Board authorizes and directs the General Manager, or his assignee, to file a Notice of Determination with the County Clerk and the State Clearinghouse in accordance with the procedural requirements of the State Water Resources Control Board.
3. Custodian of Documents. The Board is the custodian of the documents and other materials that constitute the record of proceedings upon which this Board's decision herein is based. These documents may be found at North Marin Water District, 999 Rush Creek Place, Novato, CA 94945.

* * * * *

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of NORTH MARIN WATER DISTRICT at a regular meeting of said Board held on the ____ day of _____ 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Renee Roberts, Secretary
North Marin Water District

Notice of Determination

Appendix D

TO:

Office of Planning and Research
For U.S. Mail: P.O. Box 3044
Sacramento, CA 95812-3044
Street Address: 1400 Tenth Street
Sacramento, CA 95814

County Clerk
County of: Marin
Address: 3501 Civic Center Drive Room 247
San Rafael, CA 94903

FROM:

Public Agency: North Marin Water District
Address: 999 Rush Creek Place
Novato, CA 94945
Contact: Drew McIntyre
Phone: 415.897.4133 x 8510
Lead Agency (if different from above):
Address:
Contact:
Phone:

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2008072096

Project Title: Recycled Water Expansion Project, South Service Area Project – Hamilton Field

Project Location (include county): Marin County

Project Description: The Novato South Service Area Project was included in the North Bay Water Recycling Program Phase 1 Implementation Plan EIR/EIS to provide approximately 204 acre-feet per year of recycled water service to the Hamilton Field area. Based upon subsequent engineering and design efforts, NMWD proposes to modify the transmission and distribution pipeline alignment in the Hamilton Area within the Novato South Service Area. This modification is required in order to provide connections for recycled water users, with consideration of willingness of landowners to grant easements, and construction access limitations. Therefore, the District prepared an addendum to the EIR/EIS to review this proposed alignment modification within the context of the previous analysis provided in the EIR/EIS. The transmission pipeline system constructed by NMWD would consist of approximately six miles of pipeline that would extend north from LGVSD WWTP through agricultural land, turning west along St. Vincent’s Drive then north, adjacent to the Sonoma Marin Area Rail Transit (SMART) right-of-way (ROW). The distribution pipeline would extend along the following roadways: Bolling Drive, Main Gate Road, Randolph Drive, C Street, Hamilton Parkway, and Palm Drive. The pipeline would connect from Hamilton Parkway to an existing recycled water storage tank, the Reservoir Hill Tank, via a conveyance pipeline through open space. From Palm Drive the pipeline would turn east along South Palm Drive and then north and south along Hangar Avenue. The pipeline would connect to San Pablo Avenue via a distribution extension from Hangar Avenue.

This is to advise that the North Marin Water District Board of Directors has approved the above described project on (Lead Agency or Responsible Agency)

September 6, 2011 and has made the following determinations regarding the above described projects. (Date)

- 1. The project [] will [X] will not have any new or more severe significant adverse effects on the environment above and beyond those identified and analyzed in the original Environmental Impact Report.
2. [X] An Addendum to a previously certified and approved Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
[] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
[] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. New mitigation measures above and beyond those adopted as part of the original project approval [] were [X] were not made as a condition of this determination. Mitigation measures previously adopted are incorporated into the proposed project.

Authority cited: Section 21083, Public Resources Code.
Reference: Section 21000-21174, Public Resources Code.
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4. As part of the original EIR approval, a mitigation reporting or monitoring plan was adopted, and [is is not] incorporated in the Addendum adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project. A statement of Overriding Considerations was adopted previously as part of the original EIR certification and approval.
6. Findings [were were not] made pursuant to the provisions of CEQA. CEQA does not require Findings of Fact for an Addendum; however the NMWD Board adopted a finding that the conclusions of the Addendum are consistent with the original EIR.

This is to certify that the final Addendum, or the EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at:

999 Rush Creek Place, Novato, CA 94954

Signature (Public Agency) _____ Title: _____

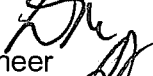

Date: _____ Date Received filing at OPR: _____

16

MEMORANDUM

TO: Board of Directors

September 2, 2011

FROM: Drew McIntyre, Chief Engineer 
David Jackson, Associate Engineer 

RE: Approve: Change Order to Nute Engineering Contract for Recycled Water North Service Area

Z:\Folders by Job No\6000 jobs\6056\Change Orders\6056 Nute Change Order 5 to Contract BOD MEMO.doc

RECOMMENDED ACTION: Board authorize the General Manager to execute Change Order No. 5 to Nute Engineering to perform additional recycled water engineering services for the Novato South Service Area project

FINANCIAL IMPACT: \$56,246 increase

Background

At the July 20, 2010 meeting, the Board approved a contract with Nute Engineering (Nute) for engineering design services related to the Recycled Water Expansion for the Novato South Service (Hamilton) Area project (map available at the meeting). The original contract was for an amount not to exceed \$450,000 plus a contingency of \$45,000. Subsequent approved Change Orders to Nute's contract have exceeded the Boards' authorized \$45,000 contingency as summarized below:

Change Order	Date	Description	Fee Amount	Cumulative Total
1	Dec 2010	To prepare easements and SMART permit applications (authorized at the Dec. 21, 2010 meeting)	\$32,000	\$32,000
2	March 2011	To perform exploratory test pits for the pipeline into and out of Reservoir Hill Tank	\$3,300	\$35,300
3	March 2011	To perform additional surveys for the revised transmission line alignment to eliminate possible wetlands issues and for the new inlet/outlet pipe alignment to the Reservoir Hill Tank	\$7,890	\$43,190
4	June 2011	Engineering services for SMART crossing at Olive Ave.	\$22,000	\$65,190

Change Order No. 5

As the design nears completion for the Novato South Service Area, unforeseen changes to the scope of work are required, causing increased labor hours and costs.

Per Nute's attached proposal (see Attachment 1), an additional \$56,246 is requested to perform the following additional engineering services related to the recycled water pipeline plans and specifications:

- Task 1: AC Overlay Required by the City of Novato on Hamilton Meadow Park streets
- Task 2: Main Gate Road Bridge Structural Calculations
- Task 3: Survey Coordinates for the A Line from Las Gallinas to Hamilton Meadow Park
- Task 4: Separation of the Project into Three Project Segments
- Task 5: Incorporation of Reservoir Hill Tank Improvements into the Phase 1b Project
- Task 6: Changes in Pipeline Routes
- Task 7: Additional progress Meetings
- Task 8: Reservoir Hill Tank overflow line

No other additional design costs are anticipated related to this work.

Project Cost

Staff negotiated the Change Order NO. 5 costs with Nute down from their original proposal of \$71,000 to \$56,246 by Nute agreeing to not bill for most of the extra meeting costs coupled with not charging the District a 10% profit on the extra work tasks (except for Task 8). By approving Change Order No. 5, the contract amount for Nute Engineering will increase to \$571,436 for this project. These costs are expected to be eligible for 25% federal grant funding and 75% State low interest rate loan financing. Repayment of loan financing will be through Facilities Reserve Charges (FRCs) collected from new developers.

RECOMMENDATION

Board authorize the General Manager to execute Change Order No. 5 to Nute Engineering to perform recycled water design-related tasks for the Novato South Service Area project in the amount of \$56,246.



NUTE
ENGINEERING

Civil and Sanitary
Consultants

907 Mission Ave.
San Rafael, CA 94901
(415) 453-4480
Fax (415) 453-0343

August 31, 2011

Mr. Drew McIntyre, Chief Engineer
North Marin Water District
999 Rush Creek Place
Novato, CA 94947

**Re: Hamilton Area Recycled Water Project
Design of Recycled Water Pipelines
Additional Consulting Engineering Services**

Dear Drew:

The purpose of this letter is to request a contract increase to cover additional consulting engineering services in connection with this project as described below. This additional work has come up during the project design and is beyond the scope of the original contract but necessary for the project completion.

SCOPE OF ADDITIONAL WORK

1. **AC Overlay Required by the City of Novato** - The City of Novato is requiring a partial grind and AC overlay on Bolling Circle, Randolph Drive, Bolling Drive, Captain Nurse Circle and Kelly Drive East and West in the Meadow Park area in addition to the normal pavement restoration over the water line trenches. These are relatively new streets and the pavement is still in good condition. The additional engineering services include preparation of a set of plans showing the limits of the overlay on these streets together with a cost estimate for the grinding and AC overlay. The limits of the grinding and AC overlay will need to be drafted on the plans.
2. **Main Gate Road Bridge Structural Calculations** - The City of Novato has asked for structural calculations of the Main Gate Road bridge over the SMART tracks to determine the effect of the additional load of the recycled water pipeline. The bridge was last modified in 1995 and the structural calculations now reside with Creegan + D'Angelo Infrastructure Engineers in San Francisco. Our office has been in contact with Chris Delp of Creegan + D'Angelo and provided them with drawings and background information we had on the bridge. Chris estimates their cost to review the structural calculations and provide a letter to the City of Novato stating that the bridge can support the additional pipeline will cost between \$3,500 and \$5,000.
3. **Survey Coordinates for the A Line** - In order to complete the plans for the A Line from Las Gallinas it is necessary to show on the plans the horizontal coordinates so the center line of the pipeline can be staked out by the contractor. CSW prepared the easement descriptions but at the time we did not ask them to provide the coordinates

necessary for the staking. Attached is their proposal for this work and for our work to check it and include a table of the coordinates with reference points on the plans.

4. **Separation of the Project into Three Project Units** – The original proposal anticipated that plans and specifications for the entire project would be delivered by September 2011 with construction the following year. However during the course of the project design it became apparent that there were certain constraints such as permits, easement acquisition and financing that would delay bidding a single project. The decision was made to separate the project into three phases to allow construction of the first two phases by September of 2012.

Separation of the project into three phases increased additional engineering and drafting time to prepare three sets of bid plans and set up three separate sets of technical specifications. Each set of plans has its own front pages which have to be customized for that particular project. Similarly the technical sections of the three sets of specifications also need to be customized for each job.

5. **Incorporation of Reservoir Hill Tank Improvements into the Phase 1b Project** – A decision was made to incorporate the Reservoir Hill tank improvements with the Phase 1b project. The plans for tank improvements designed by CSW were incorporated into the sheet set requiring re-indexing of the plan sheets and a description of a bid proposal item.
6. **Changes in Pipeline Routes** – Between the time of the original proposal for the project and the description of the final project certain pipelines were deleted and others were added. These changes in the project definition were made based on the identification of the various recycled water service locations and decisions to serve some additional irrigation customers. The following is a tabulation of the additions and deletions to the project design.

Lines added – 7,364 LF:

- B1, B2 and B3 Lines: Bolling Circle Drive. These three lines are located on the east side of Bolling Circle Drive. These lines were in lieu of B Line described in the proposal which went on the west side of the circle and was shorter but went over a high point that would not work hydraulically.
- G3 Line: C Street from Main Gate Road to State Access Road
- N Line: Hamilton Parkway extension from South Palm Drive to Hamilton Amphitheater Park
- P1 Line: Hangar Ave from South Palm Drive to Palm Drive

- R Line: Bolling Drive and Captain Nurse Circle

Lines designed but deleted from the project – 1,815 LF:

- M Line: San Pablo Ave
- B4 Line: Hutchins Way and Muroc Lake Drive

Lines described in the proposal but deleted from the project prior to any design – 7,220 LF:

- B Line as originally described in the proposal which went around the west side of Bolling Circle.
- H Line: Lanham Drive
- K Line: Crescent Drive (Coast Guard Housing)
- L Line: San Pablo Drive (Coast Guard Housing)

The net total of added pipeline length for these changes in the project including the lines which were designed but later deleted from the project is 1,959 LF of pipeline. This work involves preparation of background sheets, locating utilities, design and preparation of the plans and profiles of these pipelines.

7. **Additional Progress Meetings** - Our original proposal anticipated 8 progress and coordination meetings and there has now been 12 meetings. Each of the four additional project meetings involved two people plus- some clerical time to prepare the minutes from the meeting notes.
8. **Reservoir Hill Tank Overflow Line** – As an added design item we will prepare the plans and specifications for an 8” diameter overflow line from the Reservoir Hill tank to follow the alignment of the 16” recycled water pipeline. This work will consist of the following:
 - Revise the plan and profile for a 8’ diameter tank overflow line – a connection will be made near the valve vault to be designed by CSW
 - Prepare trench detail for the overflow line to be installed above the 16” RW line
 - Design check valve and orifice plate in a vault at North Hamilton Parkway
 - Show a conduit for telemetry on the trench detail and show locations of pull boxes
 - Prepare a detail for connection to the manhole on North Hamilton Parkway.

- Add to the specs sections for Certa Lok PVC and fusible PVC pipe, vault, check valve, orifice plate
- Add this work to the cost estimate.

ADDITIONAL ENGINEERING COSTS

The engineering for the additional scope of work described above is set forth in Attachment A for a total of \$56,500.

We look forward to your favorable action on this request.

Very truly yours,

NUTE ENGINEERING

By W. S. L. Nute

ATTACHMENT A
NORTH MARIN WATER DISTRICT
NORTH AREA RECYCLED WATER PROJECT - ADDITIONAL CONSULTING ENGINEERING SERVICES
PROJECT ESTIMATING SHEET
 August 30, 2011

Task Description	Rate \$/Hr	Principal Engineer \$198	Senior Engineer \$170	Engineer III \$162	Designer \$145	Drafter \$105	Technical Typing \$82	Direct Costs	TOTAL
SCOPE OF WORK									
Task 1 - AC Overlay Required by the City of Novato				36		20			
Task 2 - Main Gate Road Bridge Structural Calculations				6				5,000	
Task 3 - Survey Coordinates for the A Line				2		2		550	
Task 4 - Separation of the Project into Three Project Units		12			24	24	18		
Task 5 - Incorporation of Reservoir Hill Tank Improvements				4					
Task 6 - Design of Additional Pipeline Length		12		96		48			
Task 7 - Meetings		8		8			4		
Task 8 - Reservoir Hill Tank Overflow Line		8		36		16	2		
TOTALS		40		184	28	110	24		
	Hours			\$29,808	\$4,060	\$11,550	\$1,968	\$5,550	\$60,856
	Cost	\$7,920							

Less 10% on labor for Tasks 1 thru 7. (\$4,610)

TOTAL COST \$56,246

17

MEMORANDUM

To: Board of Directors Date: September 2, 2011
From: Ryan Grisso, Water Conservation Coordinator *RG*
Subject: Recycled Water Onsite Retrofit Design Project – Agreement for Design Services with HydroScience Engineers
R:\RECYCLED WATER\REQUESTS\IRFPI\HSE Onsite Retrofit Design Services BOD Memo 090211.doc

RECOMMENDED ACTION: That the Board authorize the General Manager to execute an agreement with HydroScience Engineers Inc. (HSE) for the Recycled Water Onsite Retrofit Design Project for a not to exceed fee of \$245,000 plus a contingency of \$49,000.

FINANCIAL IMPACT: \$294,000 (with contingency)

Background

North Marin Water District (District) is working with North Bay Water Reuse Authority (NBWRA), to expand the use of recycled water through the North Bay Recycled Water Program. This unique, regional program will provide recycled water for irrigating large landscapes so fresh drinking water can be saved for household uses and decrease the need for additional Russian River diversions. The Novato North and Central Service Area segments of this plan proposes to provide recycled water from Novato Sanitary District to large landscapes including the Fireman's Fund Complex, Valley Memorial Park Cemetery, school and park turf areas, commercial users west of U.S. 101, and other irrigated playing fields. As part of the Novato South Service Area segment, recycled water from Las Gallinas Valley Sanitary District will be used for landscape irrigation in Hamilton, including the Coast Guard housing area.

Regulation 18 Summary and Onsite Retrofit Provisions

The District's currently approved Recycled Water Regulation (Regulation 18) addresses recycled water service types, requirements and conditions for use, use permits, pricing, installation and maintenance costs, and penalties and exemptions. Regulation 18 also mandates the use of recycled water for new customers and existing customers, should recycled water become available. Per Regulation 18, the District will be issuing notification to existing customers that their water service has been identified for conversion to recycled water and requesting return of a water service application within 30 days. For those existing customers mandated to use recycled water, Regulation 18 specifies that the District will pay the reasonable capital costs of retrofitting the water service on the customer's side of the water service meter.

Recycled Water Onsite Retrofit Design Project

The District has identified 75 existing customers (in the North and South Service Areas) to receive recycled water. Approximately 53 of the sites will need to have the retrofit design and construction completed by 2012 in order to be eligible to receive the federal stimulus funding. The other sites are in future phases where system pipeline construction will occur after 2012.

The Recycled Water Onsite Retrofit Design (RWORD) Project focuses on design work on the customer's side of the meter in order for the site to properly accept and use recycled water. There are a lot of unknowns associated with the customer's side of the meter so a careful examination of the water use on the existing site needs to be completed and documented. The RWORD Project will involve coordination with a site supervisor or customer representative, initial and detailed site surveys to document the existing irrigation system and other water use features of the site, coordination with California Department of Public Health (CDPH) for approval of designs, and will provide the District with a set of design drawings that can be put out to bid for the construction phase of the onsite retrofit. The District does not currently have the in-house resources necessary to conduct this work in time to meet the schedule requirements of the grant funding.

For the purpose of this Agreement, 21 sites have been identified, (7 in the North Service Area and 14 in the South Service Area), for a total projected demand of 260 Acre feet per year. This first set of designs are for some of the largest users including Fireman's Fund, Valley Memorial Park Cemetery, Olive School, Haman Baseball Field, parts of Meadow Park HOA and Bay Vista Apartments. A new agreement or amendment for retrofit design on the remaining 30+ sites will be brought back to the Board at a later date.

Consultant Procurement and Consulting Agreement

The District issued a request for Statement of Qualifications (SOQ), evaluated and ranked the SOQs, and then issued a Request for Proposal (RFP) to the top ranked firm. Due to the extensive work involved (for staff and the consultant) in developing the proposal, staff decided to issue the RFP only to the highest ranked firm from the SOQ process. Accordingly, HydroScience Engineers (HSE) is recommended to provide consulting engineering services to design the first set of onsite retrofits. HSE is an experienced engineering consulting firm with extensive recycled water onsite retrofit designs and has past experience with NMWD in the development of the retrofit design at Fire Station 2. Staff negotiated an agreement and scope of work based on HSE's proposal, and a copy of the draft Consulting Services Agreement, including scope of work, is provided in Attachment 1. The total cost estimate by HSE is

\$243,000, with a contingency of \$49,000 for optional tasks including onsite pump station evaluation and design.

Financial Impact

On-site retrofit design and construction costs are being accelerated as much as possible to increase potential for eligibility for 25% federal ARRA grant monies (which sunsets September 2012). Total on-site design and construction retrofits costs are estimated at approximately \$450,000 for the North Service Area and \$925,000 for the South Service Area. The combined costs of approximately \$1.35 M will be offset by the recent Prop 84 grant award to NMWD of \$433,000 (\$195,000 for the South plus \$240,000 for the North minus a \$2,000 contract administration fee). Under the best case scenario, 25% of the remaining costs could be reimbursed from both ARRA and WaterSmart Grants leaving a balance of approximately \$700,000. Of the remaining \$700,000, about 50% would be eligible for SRF loans (for those on-site retrofits on public property) and the balance would need to be paid from District reserve funds.

RECOMMENDATION

That the Board authorize the General Manager to execute an agreement with HydroScience Engineers for a not to exceed fee of \$243,000 plus a contingency of \$49,000.

DRAFT AGREEMENT FOR CONSULTING SERVICES

The following is an agreement between **North Marin Water District**, hereinafter "**NMWD**", and HydroScience Engineers Inc., hereinafter, "**Consultant**".

WHEREAS, Consultant is a duly qualified consulting firm, experienced in performing recycled water onsite retrofit design work,

WHEREAS, in the judgement of the Board of Directors of the NMWD, it is necessary and desirable to employ the services of the Consultant for the Recycled Water Onsite Retrofit project (RWORP).

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

PART A -- SPECIFIC PROVISIONS:

1. **DESCRIPTION OF SERVICES AND PAYMENT:** Except as modified in this agreement, the services to be provided and the payment schedule are:
 - a. The scope of work and fee amount covered by this agreement shall be that specified Scope of Work included in Attachment A of this agreement.
 - b. The fee for the work shall be on a time and expense (T & E) basis utilizing the fee schedule (Labor Hours Table and Standard Rate Schedule) included in Attachment A of this agreement and shall not exceed \$245,000 without prior written authorization by NMWD. Contingency for optional tasks may not exceed \$49,000.
 - c. Invoices for work completed shall be submitted to NMWD with costs separated between North and South Service Area, as identified by NMWD.

PART B -- GENERAL PROVISIONS

1. **ASSIGNMENT/DELEGATION:** Except as above, neither party hereto shall assign, sublet or transfer any interest in or duty under this agreement without written consent of the other, and no assignment shall be of any force or effect whatsoever unless and until the other party shall have so consented.
2. **STATUS OF CONSULTANT:** The parties intend that the Consultant, in performing the services hereinafter specified, shall act as an independent contractor and shall have the control of the work and the manner in which it is performed. The Consultant is not to be considered an agent or employee of NMWD, and is not entitled to participate in any pension plan, insurance, bonus or similar benefits NMWD provides its employees.
3. **INDEMNIFICATION:** NMWD is relying on the professional ability and training of the Consultant as a material inducement to enter into this agreement. The Consultant hereby warrants that all its work will be performed in accordance with generally accepted professional practices and standards, as well as the requirements of applicable federal, state and local laws, it being understood that neither acceptance of the Consultant's work by NMWD nor Consultant's failure to perform shall operate as a waiver or release.

- a. With respect to professional services under this agreement, Consultant shall assume the defense of and defend NMWD, its directors, officers, agents, and employees in any action at law or in equity in which liability is claimed or alleged to arise out of, pertain to, or relate to, either directly or indirectly, the intentional or willful misconduct, recklessness, or negligent act, error, or omission of Consultant (or any person or organization for whom Consultant is legally liable) in the performance of the activities necessary to perform the services for District and complete the task provided for herein. In addition, Consultant shall indemnify, hold harmless, and release NMWD, its directors, officers, agents, and employees from and against any and all actions, claims, damages, disabilities or expenses, including attorney's fees and witness costs, that may be asserted by any person or entity including the Consultant, arising out of, pertaining to, or relating to, the negligent acts, errors or omissions, recklessness, or intentional or willful misconduct of the Consultant (or any consultant or subcontractor of Consultant) in connection with the activities necessary to perform the services and complete the task provided for herein, but excluding liabilities due to the sole negligence or willful misconduct of NMWD.
- b. With respect to all other than professional services under this agreement, Consultant shall indemnify, hold harmless, release and defend NMWD, its agents and employees from and against any and all actions, claims, damages, disabilities or expenses, including attorney's fees and witness costs that may be asserted by any person or entity, including the Consultant, arising out of or in connection with the activities necessary to perform those services and complete the tasks provided for herein, but excluding liabilities due to the sole negligence or willful misconduct of NMWD.

This indemnification is not limited in any way by any limitation on the amount or type of damages or compensation payable by or for the NMWD or its agents under workers' compensation acts, disability benefit acts or other employee benefit acts.

4. PROSECUTION OF WORK: The execution of this agreement shall constitute the Consultant's authority to proceed immediately with the performance of this contract. Performance of the services hereunder shall be completed by February 15, 2012, provided, however, that if the performance is delayed by earthquake, flood, high water or other Act of God or by strike, lockout or similar labor disturbance, the time for the Consultant's performance of this contract shall be extended by a number of days equal to the number of days the Consultant has been delayed.

5. METHOD AND PLACE OF GIVING NOTICE, SUBMITTING BILLS AND MAKING PAYMENTS: All notices, bills and payment shall be made in writing and may be given by personal delivery or by mail. Notices, bills and payments sent by mail should be addressed as follows:

North Marin Water District
P.O. Box 146
Novato, CA 94948
Attention: Ryan Grisso

Consultant: HydroScience Engineers Inc.
741 Allston Way
Berkeley, CA 94710
Attn: Curtis Lam

and when so addressed, shall be deemed given upon deposit in the United States Mail, postage prepaid. In all other instances, notices, bills and payments shall be deemed given at the time of actual delivery. Changes may be made in the names and addresses of the person to whom notices, bills and payments are to be given by giving notice pursuant to this paragraph.

6. MERGER: This writing is intended both as the final expression of the agreement between the parties hereto with respect to the included terms of the agreement, pursuant to California Code of Civil Procedure Section 1856 and as a complete and exclusive statement of the terms of the agreement. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

7. SEVERABILITY: Each provision of this agreement is intended to be severable. If any term of any provision shall be determined by a court of competent jurisdiction to be illegal or invalid for any reason whatsoever, such provision shall be severed from this agreement and shall not affect the validity of the remainder of the agreement.

8. TERMINATION: At any time and without cause the NMWD shall have the right in its sole discretion, to terminate this agreement by giving written notice to the Consultant. In the event of such termination, NMWD shall pay the Consultant for services rendered to such date.

9. TRANSFER OF RIGHTS/OWNERSHIP OF DATA: The Consultant assigns to NMWD all rights throughout the work in perpetuity in the nature of copyright, trademark, patent, and right to ideas, in and to all versions of any plans and specifications, reports and document now or later prepared by the Consultant in connection with this contract.

The Consultant agrees to take such actions as are necessary to protect the rights assigned to NMWD in this agreement, and to refrain from taking any action which would impair those rights. The Consultant's responsibilities under this contract will include, but not be limited to, placing proper notice of copyright on all versions of any plans and specifications, reports and documents as NMWD may direct, and refraining from disclosing any versions of the reports and documents to any third party without first obtaining written permission of NMWD. The Consultant will not use, or permit another to use, any plans and specifications, reports and document in connection with this or any other project without first obtaining written permission of NMWD.

All materials resulting from the efforts of NMWD and/or the Consultant in connection with this project, including documents, reports, calculations, maps, photographs, computer programs, computer printouts, digital data, notes and any other pertinent data are the exclusive property of NMWD. Re-use of these materials by the Consultant in any manner other than in conjunction with activities authorized by NMWD is prohibited without written permission of NMWD.

Consultant shall deliver requested materials to NMWD in electronic format including but not limited to engineering plans (AutoCad, current edition) and specifications (MS Word, current edition).

10. COST DISCLOSURE: In accordance with Government Code Section 7550, the Consultant agrees to state in a separate portion of any report provided NMWD, the numbers and amounts of all contracts and subcontractors relating to the preparation of the report.

11. NONDISCRIMINATION: The Consultant shall comply with all applicable federal, state and local laws, rules and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or physical handicap.

12. EXTRA (CHANGED) WORK: Extra work may be required. The Consultant shall not proceed nor be entitled to reimbursement for extra work unless it has been authorized, in writing, in advance, by NMWD. The Consultant shall inform the District as soon as it determines work beyond the scope of this agreement may be necessary and/or that the work under this agreement cannot be completed for the amount specified in this agreement. Said review shall occur before consultant incurs 75% of the total fee approved for any phase of the work. Failure to notify the District shall constitute waiver of the Consultant's right to reimbursement.

13. CONFLICT OF INTEREST: The Consultant covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. The Consultant further covenants that in the performance of this contract no person having any such interest shall be employed.

14. INSURANCE REQUIREMENTS FOR CONSULTANTS

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the consultant, his agents, representatives, employees or subcontractors.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Commercial General Liability coverage
2. Automobile Liability
3. Workers' Compensation insurance as required by the State of California.
4. Professional Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage is to be endorsed to include contractual liability.

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

1. General Liability (including operations, products and completed operations.): **\$1,000,000** per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: **\$1,000,000** per accident for bodily injury and property damage.
3. Workers' Compensation Insurance: as required by the State of California.
4. Professional Liability, **\$1,000,000** per occurrence.

Verification of Coverage

Consultant shall furnish the District with original certificates and amendatory endorsements effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the District before work commences. The District reserves the right to require at any time complete and certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

Subcontractors

Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor to the District for review and approval. All coverage for subcontractors shall be subject to all of the requirements stated herein.

Self-Insured Retentions

Any self-insured retentions must be declared to and approved by the District. At the option of the District, either: the insurer shall reduce or eliminate such self-insured retentions as respects the District, its officers, officials, employees and volunteers; or the Consultant shall provide a financial guarantee satisfactory to the District (such as a surety bond) guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

Other Insurance Provisions

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The District, its officers, officials, employees, and volunteers are to be covered as insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the Consultant.
2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the District, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the District, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the District.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

15. DISPUTE RESOLUTION: Any dispute or claim in law or equity between District and Consultant arising out of this agreement, if not resolved by informal negotiation between the parties, shall be mediated by referring it to the nearest office of Judicial Arbitration and Mediation Services, Inc. (JAMS) for mediation. Mediation shall consist of an informal, non-binding conference or conferences between the parties and the judge-mediator jointly, then in separate caucuses wherein the judge will seek to guide the parties to a resolution of the case. If the parties cannot agree to mutually acceptable member from the JAMS panel of retired judges, a list and resumes of available mediators numbering one more than there are parties will be sent to the parties, each of whom will strike one name leaving the remaining as the mediator. If more than one name remains, JAMS arbitrations administrator will choose a mediator from the remaining names. The mediation process shall continue until the case is resolved or until such time as the mediator makes a finding that there is no possibility of resolution.

At the sole election of the District, any dispute or claim in law or equity between District and Consultant arising out of this agreement which is not settled through mediation shall be decided by neutral binding arbitration and not by court action, except as provided by California law for judicial review of arbitration proceedings. The arbitration shall be conducted in accordance with the rules of Judicial Arbitration Mediation Services, Inc. (JAMS). The parties to an arbitration may agree in writing to use different rules and/or arbitrators.

16. BILLING AND DOCUMENTATION: The Consultant shall invoice NMWD for work performed on a monthly basis and shall include a summary of work for which payment is requested. The invoice shall state the authorized contract limit, the amount of invoice and total amount billed to date. The summary shall include time and hourly rate of each individual, a narrative description of work accomplished, and an estimate of work completed to date.

17. REASONABLE ASSURANCES: Each party to this agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise, with respect to performance of either party, the other may, in writing, demand adequate assurance of due performance and until the requesting party receives such assurance may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of the party with respect to performance under this agreement but also conduct with respect to other agreements with parties to this agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, not to exceed 30 days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance.

**NORTH MARIN WATER DISTRICT
"NMWD"**

Dated: _____

Chris DeGabriele, General Manager

**HYDROSCIENCE ENGINEERS, INC.
"CONSULTANT"**

Dated: _____

**North Marin Water District
Recycled Water Onsite Retrofit Project**

Scope of Work

Task 1 – Retrofit Site Design

The subtasks associated with retrofit design of these sites are described below. It should be noted that each site may differ in the issues to be addressed. The sites listed for design in this Scope of Work (SOW) are listed in the Fee Schedule section. Design assumptions are listed at the end of the document:

- **Task 1.1 – Coordinate with Site Supervisor/North Marin Water District (NMWD):** HydroScience Engineers (HSe) shall make contact with the representative for the site, in coordination with NMWD staff. For this subtask, HSe shall:
 - Arrange to meet site contact/landscaper/etc. on site to discuss specifics about the site, system operation, and known issues.
 - Obtain available/applicable plans from the site representative.
 - Establish how and when it is permissible to be on-site.
- **Task 1.2 – Create Base Map:**
For this subtask, HSe shall create a base map of both the site and the irrigation system in AutoCAD.
- **Task 1.3 – Initial Site Survey:**
For this subtask, HSe shall:
 - Survey retrofit site and document all irrigation water features and domestic water features on site exterior.
 - This initial site survey is intended to verify the accuracy of existing plans, complete the base map, and provide a basis for the subsequent detailed survey, which is described in Task 1.4.
 - For sites where plans are not available, this initial site survey will locate visible irrigation system and potable water appurtenances.
- **Task 1.4 – Detailed Survey of Existing Irrigation System:** HSe shall perform a detailed survey of the existing irrigation system (see Section C of proposal), which is expected to include:
 - Determining the extent of the irrigation system boundaries.
 - Determining the water source for irrigation/bathrooms/drinking fountains/hose bibs.
 - Where possible, HSe will conduct a portion of the cross-connection test to verify the water source to specific features.
 - Determine suitable location for recycled water meter and point of connection to existing irrigation system.
 - Determine preferred irrigation system tie-in point and potable water connection removal.
 - Locate recycled water advisory signs.

- **Task 1.5 – Prepare Draft (75%) Design Drawings:** HSe shall incorporate the results of Tasks 1.1 through 1.4 into the 75% design drawings. The 75% design drawings will conform to the requirements of Titles 22 and 17 of the California Code of Regulations relating to recycled water use, the “Guidelines for the On-Site Retrofit of Facilities Using Disinfected Tertiary Recycled Water” (AWWA, California-Nevada Section, 1997), and all applicable Federal, State, and local plumbing codes for the use of recycled and potable water systems.

The 75% design drawing will be the site plan drawing, and encompass all of the work completed as Tasks 1.1 through 1.4 for that site, along with design intent for where the recycled water will connect to the system and the potable water will be disconnected from the system. The point of connection and details will be included in the final design drawings (Task 1.8). As available, other components of the draft design drawings may include:

- Detail new Point of Connection (POC) and separation of old POC in the design drawing.
- Site specific details.

The 75% design drawings will be submitted to NMWD for review and comment as 11” X 17” hard copies and electronic PDFs. Three hard copies and one electronic copy of these drawings will be submitted.

- **Task 1.6 – Prepare Final Design Drawings:** HSe will take the 75% design drawings, add the appropriate details and content to bring it to a biddable and complete state, incorporate NMWD comments, provide QA/QC for the drawings, and submit the final design drawings. Additionally, HSe shall:
 - Provide QA/QC of detailed design drawings prepared by HSe
 - Include all technical information required for the contractor to bid and construct the project will be contained within the drawings. No technical specifications will be prepared. Additional bidding documents (i.e. “Front-End Specifications”) will be prepared at the discretion of NMWD.

The final design drawings will be submitted to NMWD as a stamped and final reproducible 11 X 17 hard copy, four bound copies, and one electronic copy in both AutoCAD and PDF formats.

- **Task 1.7 – Construction Cost Estimates:** HSe shall prepare construction cost estimates based on 75% design retrofits and unit cost estimates for each site, and submit to NMWD for review. The NMWD may choose to stop all design work on a particular site based on the potential cost of the construction.
- **Task 1.8 – CDPH Submittal and Coordination:** HSe shall coordinate a meeting with CDPH to discuss the retrofit project, desired content for the submittals, and the expected review timeline. The intent of this meeting will be to facilitate subsequent plan review by CDPH.

Following completion of the final design drawings (Task 1.6), drawings will be submitted to CDPH in groups of between 5 and 10 sites. Drawings will be grouped by the North and South Service areas, and in accordance with the needs of NMWD. Comments from the CDPH on the final design drawings will be incorporated into the bid set drawings distributed for

advertisement either by Addendum or by preparing a conformed drawing set that incorporates the CDPH comments.

- **Task 1.9 – Schedule Tracking:** HSe is to provide NMWD monthly updates (or additional updates as needed) on the project schedule.
 - HSe shall prepare an initial project schedule for each of the Task 1 Retrofit sites. Schedule shall group sites by the North and South Service Areas.
 - Monthly, HSe shall update the project schedule, and update NMWD on the design status and schedule issues relating to each retrofit.
- **Task 1.10 – Cost Tracking:** HSE shall provide a monthly update on the project costs. These monthly updates shall include the following:
 - Prepare monthly retrofit design cost updates per site.
 - Specify any issues or foreseeable tasks, or out of scope work that may cause a certain site to require more hours than estimated on the Labor Hours table.
 - Identify status of base bid costs, optional services needs, and other factors that may impact the overall project budget.

Task 2 – Pump Station Evaluation and Design (Optional):

This optional task will only be performed after written approval from NMWD for each site.

- **Task 2.1: Evaluation of Existing Pump Stations and Design**
 - Inspect and verify type of pump and pump operational requirements.
 - Determine if existing pump will be sufficient to remain in operation after the retrofit is complete.
 - Provide pump design or pump modification specifications in the retrofit design package as a construction option where pump designs are needed.
- **Task 2.2: Design of New Pump Stations**
 - Determine if retrofit requires the installation of a new pump station or modification of an existing pump station
 - Provide pump station specifications including pump size, type, and all other necessary information needed for advertisement.
 - Design of structural, electrical, civil, mechanical, and controls required for pump station.
 - Provide pump design or pump modification specifications in the retrofit design package as a construction option where pump designs are needed

Task 3 – Retrofit Design work for Additional Sites (Optional). This optional task will only be performed after written approval from NMWD for each site.

- **Task 3.1: Additional Retrofit Site Design:** Perform Task 1.1 through Task 1.10 for additional sites identified by NMWD.

Task 4 – Engineering Services during the Bidding and Construction Phases (Optional): This optional task will only be performed after written approval from NMWD for each site.

Any services occurring during the bidding phase or construction phase can be included as part of a separate authorization. These services can include but are not limited to:

- Bidding support
- Construction inspection
- Construction management
- Engineering services during construction
- Cross-connection certification testing and support
- Preparation of as-builts

Assumptions and General Understanding

Assumptions

- Recycled water infrastructure will be extended by NMWD as detailed in the pipeline design drawings and schematics provided to HSe by NMWD.
- Clustered pump stations are not included in the base scope of work for this project.
- Topographic survey services are not required. HSe will perform a site survey based on aerial photos, site visits, and available plans.
- Retrofit design drawings will be prepared based on HSe's standard AutoCAD format.
- No new treatment processes or chemical handling facilities are required for this project.
- Similar design details and HSe standard formats will be utilized for all project submittals.
- NMWD will perform construction advertising and bidding.

Retrofit Sites – General Understanding

This section includes a detailed understanding of what HSe knows and believes to be the situation for each retrofit design included in Task 1. Information common to many or all retrofits is summarized below.

- Recycled water will be provided to these sites exclusively for exterior landscape irrigation, except where noted in the site specific understanding in HSe's August 12, 2011 proposal.
- In general, the irrigation system operation will not be upgraded or modified other than to change the water source and other standard point of connection appurtenances, other than what is specifically identified for individual sites.

- Recycled water services will be provided to the locations generally identified on the NMWD recycled water pipeline drawings.
- Recycled water services are to be sized based on meter sizes presented in Hamilton Area Table, and based on the design drawings for the North Service Area.
- Pump stations for the South Service Area are assumed to be required for selected sites to bring pressure at pump discharge to a minimum of 40 psi.
- All connections between potable water and irrigation systems will be removed. Examples of connections that will be removed include restrooms, drinking fountains, decorative fountains draining to storm drains, and existing potable water service(s).
- All sites to include locating of recycled water advisory signs and inclusion of standard details for all tagging and labeling.
- All potable water services without backflow preventers at sites that are to receive recycled water will be designed to add a backflow preventer to the potable water service.
- All potable water fire services at sites that are to receive recycled water are assumed to already have a double check backflow preventer.
- HSe will work with the NMWD-provided site contact to discuss the operation of the current irrigation system and to obtain design plans.
- Design plans will be prepared with the intent of (1) obtaining CDPH approval of the design plans, and (2) bidding the design plans to contractors.
- All cluster pump stations should be coordinated with the recycled water distribution pipeline design.

Retrofit Sites – The Site Specific Understanding

Is as referenced in HydroScience Engineers Proposal dated August 12, 2011.

Fee Schedule

Recycled Water Onsite Retrofits Fee Proposal from HydroScience Engineers, Inc.		Base Service Hours				HSe Base Service Fee			Optional Services		Total Fee		
		Site #	Site Name	Service Address	PM/ Principal	Design Leads	Retrofit Designers	Labor	Expenses	Total		Labor	Fee
					\$165/hr	\$130/hr	\$105/hr					\$145/hr	
1	Fireman's Fund Insurance	777 San Marin Dr.	24	60	96	\$21,840	\$150	\$21,990	0	\$0	\$21,990		
2	Novato Horseman	600 Bugaia Lane	Not included in this fee schedule										
3	Green Point Nursery	275 Olive Ave.	16	40	48	\$12,880	\$150	\$13,030	0	\$0	\$13,030		
4	Valley Memorial Park Cemetery	650 Bugaia Lane	20	54	72	\$17,880	\$150	\$18,030	16	\$2,320	\$20,350		
5	Wood Hollow Office Building	100 Wood Hollow	8	48	60	\$13,860	\$150	\$14,010	0	\$0	\$14,010		
6	Tranquility HOA	159 Windwalker Way	8	32	40	\$9,680	\$150	\$9,830	0	\$0	\$9,830		
7	Hamann Baseball Field (City Park)	624 Olive Ave.	12	40	60	\$13,480	\$150	\$13,630	16	\$2,320	\$15,950		
8	Olive Elementary	629 Plum Street	12	40	60	\$13,480	\$150	\$13,630	16	\$2,320	\$15,950		
9	City of Novato	791 Hamilton Pkwy	8	40	48	\$11,560	\$100	\$11,660	0	\$0	\$11,660		
10	Unity Marin	600 Palm Drive	Not included in this fee schedule										
11	City of Novato	520 Bolling Circle	8	28	60	\$11,260	\$150	\$11,410	16	\$2,320	\$13,730		
12	Meadow Park HOA	369 Bolling Circle	8	28	36	\$8,740	\$100	\$8,840	16	\$2,320	\$11,160		
13	Meadow Park HOA	440 Bolling Circle	8	28	36	\$8,740	\$100	\$8,840	16	\$2,320	\$11,160		
14	Bay Vista Apartments	9 Hathaway Dr	8	40	48	\$11,560	\$100	\$11,660	16	\$2,320	\$13,980		
15	Bay Vista Apartments	7 Hutchins Way	8	40	48	\$11,560	\$100	\$11,660	16	\$2,320	\$13,980		
16	Meadow Park HOA	9 Kelly Drive	8	32	40	\$9,680	\$100	\$9,780	16	\$2,320	\$12,100		
17	Creekside at Meadow Park	20 Randolph Dr	Not included in this fee schedule										
18	Creekside at Meadow Park	37 Kelly Drive	8	32	40	\$9,680	\$100	\$9,780	32	\$4,640	\$14,420		
19	Meadow Park HOA	89 Bolling Circle	8	32	40	\$9,680	\$100	\$9,780	32	\$4,640	\$14,420		
20	Meadow Park HOA	18 Tinker Way	Not included in this fee schedule										
21	Meadow Park HOA	928 Bolling Circle	8	32	40	\$9,680	\$100	\$9,780	32	\$4,640	\$14,420		
22	Meadow Park HOA	930 Bolling Circle	8	32	40	\$9,680	\$100	\$9,780	32	\$4,640	\$14,420		
23	Meadow Park HOA	100 Moffet Ct	8	28	36	\$8,740	\$100	\$8,840	16	\$2,320	\$11,160		
24	Meadow Park HOA	87 Bolling Circle	8	28	36	\$8,740	\$100	\$8,840	16	\$2,320	\$11,160		
25	Meadow Park HOA	933 Bolling Circle	8	32	40	\$9,680	\$100	\$9,780	32	\$4,640	\$14,420		
Total			212	766	1024	\$242,080	\$2,500	\$244,580	336	\$48,720	\$293,300		
Total - Base Services											\$244,530		
Total - Optional Services for Task 2											\$48,720		

All Task 1 services are built into the fee for each site. Task 2 services are considered to be the Pump Station category, and are considered to be optional.



Standard Schedule of Billing Rates for HydroScience Engineers

Labor Category Hourly Rate

Senior Manager	\$165
Project Manager	\$145
Senior Engineer II	\$130
Senior Engineer I	\$120
Associate Engineer II	\$105
Associate Engineer I	\$95
Construction Manager II	\$130
Construction Manager I	\$120
Resident Engineer / Electrical Inspector	\$120
Senior Construction Inspector	\$95
Construction Inspector	\$85
Senior CAD Designer	\$80
CAD Designer	\$70
Engineering Aide	\$60
Senior Administrative	\$65
Administrative	\$50

Aforementioned rates are effective January 1, 2011 through December 31, 2011

Hourly billing rates include postage and telephone charges that are normal to the work authorized. Other direct costs for travel, reproduction, mail service, outside services, etc. will be invoiced at 110 percent of the actual cost.

18

MEMORANDUM

To: Board of Directors September 2, 2011
From: Drew McIntyre, Chief Engineer *DM*
Carmela Chandrasekera, Associate Engineer *CC*
Re: Recycled Water Expansion to the North Service Area – Segment 2 Construction Project – Approve Bid Advertisement
R:\Folders by Job No\6000 jobs\6055\BOD memos\6055 Segment 2 memo re approval for bid advertisement 9-2-2011.doc

RECOMMENDED ACTION: Board Authorize Bid Advertisement of the Recycled Water Expansion to the North Service Area – Segment 2 Project

FINANCIAL IMPACT: \$2,000,000

Background

Recycled Water Expansion to North Service Area project (see Attachment 1) consists of installation of three pipeline segments (totaling 5 miles in length) and rehabilitation of the 0.5 MG out of service Plum Street tank for recycled water storage. All North Service Area projects were designed in-house and a project update is provided as part of the Segment 3 Pipeline Project Award Board memo (also at this meeting). The last North Service Area project (Segment 2 pipeline project) design has been completed by the District staff with the exception of the Sonoma Marin Area Rail Transit (SMART) crossing on Olive Avenue which was designed by Nute Engineering. Segment 2 project is ready to move forward to the bid phase.

The following project schedule identifies key dates including the proposed bid advertising date.

SCHEDULE

Advertise Project	September 16, 2011
Plans & Specs available	September 19, 2011
Pre-Bid Meeting	October 6, 2011
Bid Opening	October 25, 2011
Board Authorization of Award (tentative)	November 15, 2011
Notice of Award (tentative)	November 16, 2011
Notice to Proceed	November 30, 2011
Construction Complete (275 days)	August 31, 2012

Project Description and Costs

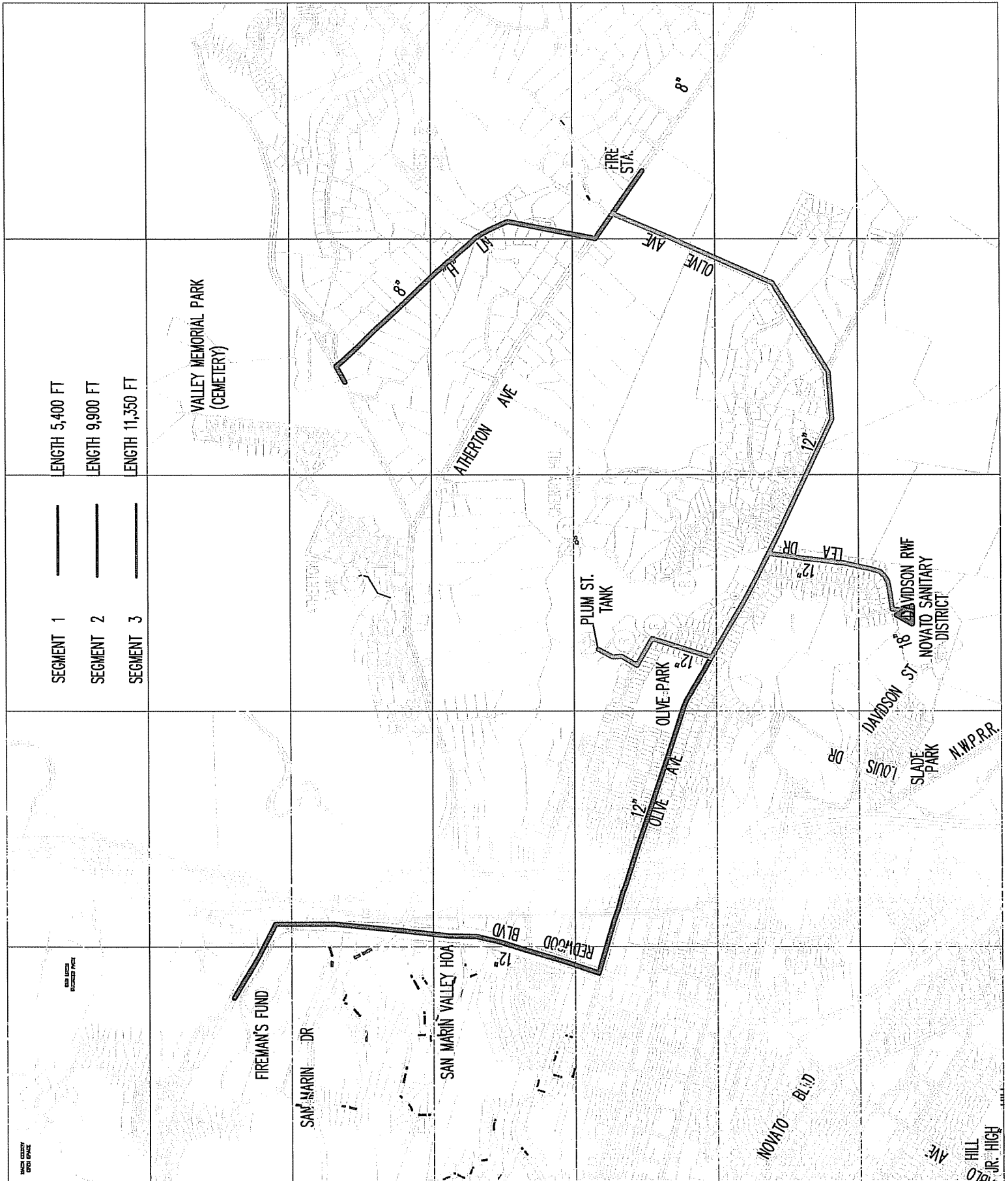
The Segment 2 project includes installation of 10,000 feet of new 12-inch pipeline along Olive Avenue west of Summers Avenue intersection and on Redwood Blvd north of Olive

Avenue and on Wood Hollow Drive to the Meadow Crest Road intersection. The contractor will be given the option to construct using open cut trench method or by horizontal directional drill (HDD) method in all areas except below the SMART railroad crossing where HDD method will be required. The project receives 25% federal grant funding from the American Recovery and Reinvestment Act of 2009 via Bureau of Reclamation awarded to the North Bay Water Reuse Authority. The project will also receive a State Revolving Fund loan to finance the balance cost of the project.

The engineering construction cost estimate is \$2,000,000. This estimate will be updated again as soon as bids are received.

RECOMMENDATION

Board authorize bid advertisement of the Recycled Water Expansion North Service Area – Segment 2 construction project.



19

MEMORANDUM

To: Board of Directors

September 2, 2011

From: Drew McIntyre, Chief Engineer *DM*
Carmela Chandrasekera, Associate Engineer *CC*

Subject: Recycled Water North Service Area Expansion – Segment 3 Project: Award Construction Contract

R:\Folders by Job No\6000 jobs\6055\BOD memos\6055 Segment 3 Contract Award to Ghilotti 9-6-11.docx

RECOMMENDED ACTION: Approve award of the contract to Ghilotti Construction and authorize the General Manager to execute an agreement with Ghilotti Construction.

FINANCIAL IMPACT: \$1,553,100 plus \$78,000 contingency (5%)

Background

The Segment 3 project includes installation of 10,300 feet of new 12-inch pipeline along Summers Avenue and portions of Olive Avenue and Lea Drive (see map in Attachment 1). The Board authorized bid advertisement for the above referenced project on July 5, 2011. The advertised date for this project was July 8, 2011 with a bid opening on August 16, 2011. The District advertised the project in the Marin IJ and mailed contract documents to thirty-six (36) interested contractors and builders exchanges in the greater bay area. Twenty two (22) contractors, including twenty (20) prime contractors, attended the mandatory pre-bid meeting on July 28, 2011. The bid period was for approximately five (5) weeks and included one addendum. Six bids were received ranging from a low of \$1,553,100 to a high of \$2,200,250.

	CONTRACTOR	BID
1.	Ghilotti Construction	\$1,553,100
2.	Sierra Mountain Construction	\$1,733,000
3.	Mountain Cascade	\$1,897,481
4.	Maggiora & Ghilotti	\$1,897,897
5.	Ranger Pipelines	\$2,044,000
6.	Preston Pipelines	\$2,200,250

The Engineer's Estimate was \$1,750,000. The bid span between the Number 1 and Number 2 low bidders Ghilotti Construction and Sierra Mountain Construction was at \$179,900 (for a variance of 12%).

Bid Evaluation

Ghilotti Construction of Santa Rosa, California (Ghilotti) submitted the lowest responsive bid of \$1,553,100 which is \$196,900 (11%) below the Engineer's construction cost estimate of

\$1,750,000. A bid evaluation (Attachment 2) was performed by The Covello Group, the District's construction manager for said project. Covello's bid evaluation confirmed Ghilotti's construction bid to be responsive and responsible. Staff received the approval of the State CWSRF staff to move forward with the award of the contract to Ghilotti prior to formal approval of SRF loan compliance of the contractor. Covello's bid analysis confirms that Ghilotti has made good faith effort in this regard. The attached analysis shows that the next lowest bidder Sierra Mountain Construction's financial information is not complete but no attempt has been made to request missing information at this time.

Project Financing and Update

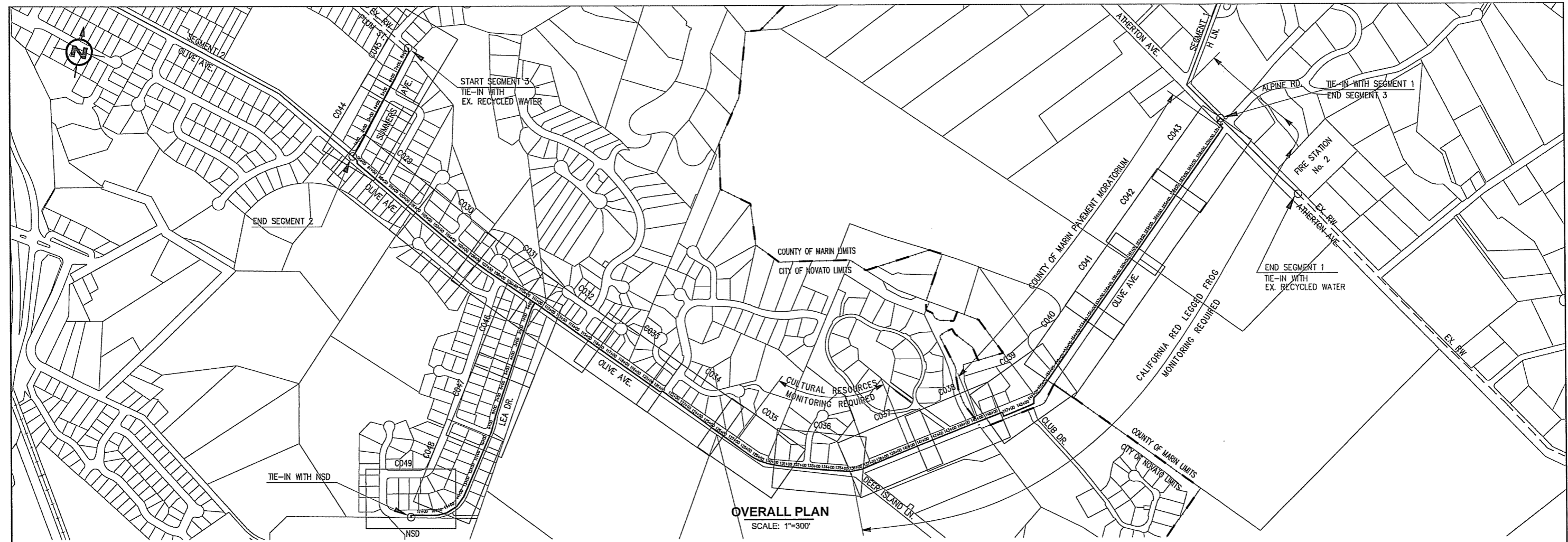
The overall Recycled Water North Service Area Project receives \$1.27M in federal grant funding from the American Recovery and Reinvestment Act of 2009 via Bureau of Reclamation awarded to the North Bay Water Reuse Authority coupled with the recent Prop 84 grant award of \$240,000. The project will also receive a \$3.825M State Revolving Fund loan to finance the bulk of the remaining cost of the project. With the current project cost estimate, it is apparent that another \$1.2M may be needed in additional SRF loan money and/or payment from the District's reserve funds. A more accurate update on total estimated project costs will be provided to the Board as soon as bids are received for the Segment 2 project.

With respect to the current SRF loan, State Water Resources Control Board (SWRCB) Division of Financial Assistance executed the Facilities Plan Approval (FPA) and the Preliminary Funding Commitment (PFC) for the Recycled Water Expansion North Service Area on July 6, 2011. After receipt of the PFC, the District staff issued the Notice to Proceed for Segment 1 pipeline construction project on July 11, 2011 and for Plum Street Recycled Water Tank Rehabilitation project on August 29, 2011. Staff will also award the Segment 3 project and advertise the Segment 2 pipeline project for bid (the last of the four North Service Area recycled water projects) subject to receiving board approval at this meeting. See Attachment 3 for a project cost summary.

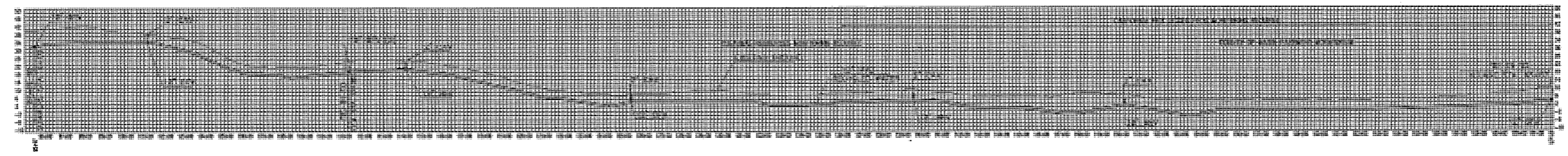
RECOMMENDATION

That the Board approve award of the contract to Ghilotti Construction and authorize the General Manager to execute an agreement with Ghilotti Construction.

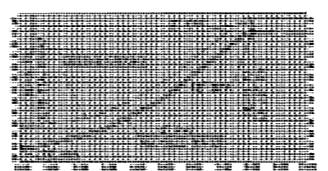
Jul 08, 2011 - 1:36pm W:\JOB\5_RECYCLED WATER\6055\3_ISSUED\A\Segment_3_OLIVE\60556012.dwg User: ACANTILLER



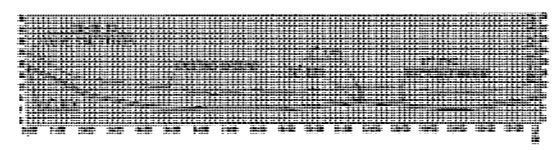
OVERALL PLAN
SCALE: 1"=300'



OLIVE AVE. PROFILE ~7630'



SUMMERS AVE. PROFILE ~820'



LEA DR. PROFILE ~1790'

OVERALL PROFILE
SCALE: HORIZ. 1"=300'-0"
VERT. 1"=30'-0"

NO.		DATE		ISSUED FOR BID		REVISION		BY		APP.	
NORTH MARIN WATER DISTRICT NOVATO, CALIFORNIA											
RECYCLED WATER EXPANSION PROJECT NORTH SERVICE AREA—SEGMENT 3 OVERALL PLAN & PROFILE											
DES	DR	CH	SCALE	: AS NOTED							
CC	AC		DATE	: 4/15/11							
APPROVED: CHIEF ENGINEER			SHEET NO.	: 4		OF		25 SHEETS			
R.E. C40936			SERVICE AREA	: 5		JOB NO.		: 6055		NO G012	



The
Covello
Group

August 31, 2011

Letter No. 005

Ms. Carmela Chandrasekera, P.E.
North Marin Water District
999 Rush Creek Place
Novato, CA 94945

PROJECT: NMWD – Recycled Water Expansions North Service Area
SUBJECT: Segment 3 Bid Evaluation - Clarification

Dear Carmela:

This letter is provided to clarify an item on the preceding Segment 3 Bid Evaluation letter (number 004, dated August 24).

The noted letter, in the Material and Equipment Manufacturers paragraph, incorrectly stated that Ghilotti Construction had listed Vinyl Tech as the manufacturer for the PVC push-on pipe. Ghilotti, in fact, listed Diamond as noted on the bid tabulation spreadsheet. The letter also requested that the District confirm that the manufacturer is an acceptable supplier. The District has confirmed that Diamond is on the Approved Materials List.

Also, attached for your use, is an updated bid tabulation noting that it has been confirmed that SRF Forms 1-5 are not required and that Ghilotti Construction has now submitted SRF certifications: 1) Nondiscrimination; 2) Non-Segregated Facilities; and 3) Drug-Free Workplace. (These certifications are due two weeks after award but are complete at this time.)

The conclusion as included in the above noted letter--*"Based on review of the bids it appears that the apparent low bidder, Ghilotti Construction, is responsive and responsible and it is therefore recommended that they be awarded the contract"*--remains unchanged.

Please contact me if you have any questions regarding this matter.

Sincerely,
The Covello Group, Inc.

Steven P. Wrightson
Construction Manager

cc:

2011.010-01.002.005



August 24, 2011

Letter No. 004

Ms. Carmela Chandrasekera, P.E.
North Marin Water District
999 Rush Creek Place
Novato, CA 94945

PROJECT: NMWD – Recycled Water Expansions North Service Area
SUBJECT: Segment 3 Bid Evaluation

Dear Carmela:

Bids for Segment 3 of the subject project were received August 16, 2011 at 3:00 P.M. Six bids were received. A bid tabulation summarizing the three bids with the lowest prices is attached for your use. Our evaluation is summarized as follows:

Pricing: Ghilotti Construction Company (Ghilotti) of Santa Rosa is the apparent low bidder. The second low bidder is Sierra Mountain Construction of San Francisco, CA and third low is Mountain Cascade of Livermore, CA.

Ghilotti's bid is \$1,553,100 which is \$179,900 or about 11.6% lower than the second low bid. Sierra Mountain's bid, the second low, is \$1,733,000 and Mountain Cascade's bid is \$1,897,481.

The bid schedule includes eight items. Comparison of the bid item amounts for the three lowest bidders revealed no unusual variations. Bid items 3, 4, and 5 request that the percentage by length of installation by Open Cut and HDD be identified. Ghilotti did not complete this information with their bid. Clarification was subsequently requested and they have confirmed the work is to be 100% open cut. The other two bidders evaluated both indicated that they planned to do 100% open cut.

Ghilotti's bid is 11% below the engineer's estimate.

Bid Forms: The bid forms for Ghilotti were submitted as required. Sierra Mountain submitted bid forms as required except for the Contractor's equipment list which they identified as "N/A". Mountain Cascade submitted bid forms as required.

ARRA Documentation: ARRA forms Attachment A, B, C, D and E were not submitted by Ghilotti with the bid however, they are not due until 5 (working) days after the bid opening per Section 00900-13. Covello contacted Ghilotti and they have submitted those forms.

The ARRA forms were not submitted by Sierra Mountain or Mountain Cascade and have not been requested.

SRF Documentation: The required documents include EPA Forms 6100-3 & 4, the Bidders List and DBE "Good Faith" documents demonstrating compliance with the prescribed steps beginning on page 19 of Section 00820. The EPA forms and the Bidders List are to be submitted with the bid and the Good Faith documents are to be submitted within 10 working days of the bid opening.

2011.010-01.002.004

Ghilotti submitted the required documents with their bid; however, there was some uncertainty about the DBE status of the listed bidders. Additionally, EPA Form 6100-4 did not list all subcontractors that are to be used as is required. Clarification was requested from Ghilotti and they have now submitted the missing information. Ghilotti has not met the DBE content target however they conducted a Good Faith Effort and have submitted documentation of the process. Those documents have been reviewed and it appears that a genuine good faith effort was made and the requirements have been met.

Sierra Mountain and Mountain Cascade submitted EPA forms 6100-3 & 4 with their bids but, like Ghilotti, neither listed all subcontractors on Form 6100-4. Also, neither of these bidders submitted the Bidders List and they have not submitted Good Faith Effort documentation. No clarification or additional information has been requested from these bidders.

Bidder and Subcontractor Experience: Ghilotti Construction submitted documents in accordance with Section 00460, Certification of Bidder's Experience and Qualifications, that appear to substantiate that they have the necessary experience, qualifications, and safety record to perform the work. One minor variation is that the listed project experience was not specifically recycled water pipelines however this is not considered a material issue. Given our knowledge of Ghilotti from prior projects and historically, it is believed that they are a capable contractor and therefore references have not been contacted.

Sierra Mountain submitted experience and qualification information however this information is not fully complete or evaluated. The referenced experience is not specifically recycled water or other pipelines but is generally water resources type work. Secondly they have not yet submitted financial information and the required letter from their surety. With clarification and complete information it is possible that Sierra Mountain may be able to qualify to perform the work however no additional information has been requested at this time.

Mountain Cascade submitted complete experience and qualification information however; they too did not provide complete recycled pipeline specific reference projects. Included with their qualification information is a lengthy list of projects that involve litigation. Subject to assessment of the litigation items, it is likely Mountain Cascade would qualify to perform the work. No additional information has been requested.

Subcontractors: Ghilotti and the other bidders identified subcontractors that they expect to perform work valued at more than one-half of one percent (0.5%) as required by the public contract code. Ghilotti listed Bayside Stripe & Seal for pavement striping and BKF/Carlenzoli for surveying. Ghilotti did not list a subcontractor for pavement saw cutting as did Mountain Cascade. Clarification was requested from Ghilotti and they have confirmed that they will self-perform that work.

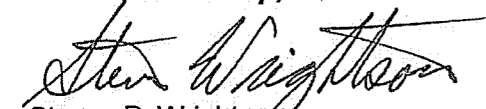
Material and Equipment Manufacturers: Ghilotti and the other bidders listed manufacturers for PVC push-on pipe. (All bidders plan to open cut with no HDD.) Ghilotti listed Vinyl Tech for this item. It has not been verified that this manufacture complies with District requirements and it is requested that the District confirm.

Conclusion: Based on review of the bids it appears that the apparent low bidder, Ghilotti Construction, is responsive and responsible and it is therefore recommended that they be awarded the contract.



Please contact me if you have any questions regarding this matter.

Sincerely,
The Coyello Group, Inc.


Steven P. Wrightson
Construction Manager

cc:



North Marin Water District

North Service Area Segment 3 Project

Bid Items From Bid Schedule (00310)			Engineer's Estimate		Ghiolotti Construction		Sierra Mountain Const		Mountain Cascade		
Item No.	Qty.	Unit	Description of Items	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	1	LS	Mobilization/demobilization		57,200		70,000		90,000		
2	1	LS	Trenching, sheeting, shoring, ...		23,400		20,000		10,000		
3	1	LS	12-inch recycled water pipeline, recycled water service and fire hydrant laterals in Olive Avenue from STA 95+47 to STA 171+71.		1,081,400		1,115,000		1,429,852		
4	1	LS	12-inch recycled water pipeline in Summers Avenue from STA 0+00 to STA 8+16.		125,000		170,000		120,000		
5	1	LS	12-inch recycled water pipeline in Lea Drive from STA 0+00 to STA 17+85.		240,000		310,000		220,000		
6	100	CY	Excavation of hard rock together with proper disposal.	10	1,000		100	20.00	2,000		
7	1	LS	Encroachment and environmental permitting compliance		25,000		35,000		24,129		
8	1	LS	Record Drawings		100		3,000		1,500		
Total Base Bid :					\$1,750,000	\$1,735,100	\$1,697,481				\$0

Bid Forms:	"N" Stamped before bid closing (00010)	No stamp; assume ok	No stamp; assume ok
Bid multiplies out and sums correctly	yes	yes	yes
Bid value in word agrees with numerals	yes	yes	yes
License Checks Out (00300). Possesses valid Class A	yes	yes	yes
Bid Form (00300) Addendum 1 acknowledged	yes	yes	yes
Bid Form - Signed by Authorized Individual (00300-5)	yes	yes	yes
Bid Form - Board Authorization Resolution (00300)	yes; provided	Not required	Not required
Bid Form - Material and Equipment Manufacturers	yes; provided	yes; provided	yes; provided
Bid Form - List of Subcontractors	yes; provided	yes; provided	yes; provided
Bid Form - Contractor's Licensing Statement	yes; provided	not completed; contractor entered "N/A"	yes; provided
Bid Form - Contractor's Equipment Available	yes; provided	yes; provided	yes; provided
Bid Bond (00415)	yes; provided	yes; provided	yes; provided
Bidders Experience and Qualifications (00460)	yes; provided; open items: 1. Reference projects are not recycled water. Subject to concurrence by NMWD, this is considered to be a minor variation; GCC is believed to have adequate prior project experience.	yes; provided; open items: 1. Reference project experience not recycled water pipelines; but may be acceptable. 2. MCI included a lengthy list of claims against owners; this would require further consideration if MCI were to be considered for award.	yes; provided; Open items: 1. Reference project experience not recycled water pipelines; but may be acceptable. 2. MCI included a lengthy list of claims against owners; this would require further consideration if MCI were to be considered for award.
Escrow Agreement (00490)	submitted; not requested	not submitted	submitted; not requested
Bidders Affidavit of Non-Collusion (00480)	yes; provided	yes; provided	yes; provided
ARRA Attachment A - SWIM Business Utilizer (00900) (Due 5 days after bid)	yes; provided	Not yet submitted	Not yet submitted
ARRA Attachment B - Statement of Compliance w/ SWIMBE (00900) (Due 5 days after bid)	yes; provided	Not yet submitted	Not yet submitted
ARRA Attachment C - Compliance Statement w/ EO 11246 (00900) (Due 5 days after bid)	yes; provided	Not yet submitted	Not yet submitted
ARRA Attachment D - Cert of Nonsegregated Facilities (00900) (Due 5 days after bid)	yes; provided	Not yet submitted	Not yet submitted
ARRA Attachment E - Cert of Drug-Free Workplace Requirements (00900) (Due 5 days after bid)	yes; provided	Not yet submitted	Not yet submitted
EPA Form 6100-3 (Submit with Bid; See Section 00495)	yes; provided	yes; provided	yes; provided
EPA Form 6100-4 (Submit with Bid; See Section 00495) Bidders List (Submit with Bid; See Section 00495)	yes; provided. However all subcontractor that are to be used are not listed as required by page 00820-22; form was subsequently resubmitted with all subs listed	yes; provided. However all subcontractor that are to be used are not listed as required by page 00820-22; need form resubmitted if contractor is under consideration.	yes; provided. However all subcontractor that are to be used are not listed as required by page 00820-22; need form resubmitted if contractor is under consideration.
SRF Loan Provisions - MBE/WBE Goals or Good Faith Effort (00820) - Good Faith Effort made and Documented? (Due within 10 working days of bid opening.)	not required.	not required.	not required.
SRF Loan Provisions - DBE Form 1: Submitted? (Due within two weeks of bid opening)	Same Comment as for DBE For 1 above.	Same Comment as for DBE For 1 above.	Same Comment as for DBE For 1 above.
SRF Loan Provisions - DBE Form 2: Submitted? (Due within two weeks of bid opening)	Same Comment as for DBE For 1 above.	Same Comment as for DBE For 1 above.	Same Comment as for DBE For 1 above.
SRF Loan Provisions - DBE Form 3: Submitted? (Due within two weeks of bid opening)	Same Comment as for DBE For 1 above.	Same Comment as for DBE For 1 above.	Same Comment as for DBE For 1 above.
CWSRF Form 4 Selected MBE (00810-BF31) (To be submitted with bid)	Same Comment as for DBE For 1 above.	Same Comment as for DBE For 1 above.	Same Comment as for DBE For 1 above.
SRF Loan Provisions - DBE Form 5: Submitted? (Due within two weeks of bid opening)	Same Comment as for DBE For 1 above.	Same Comment as for DBE For 1 above.	Same Comment as for DBE For 1 above.
SRF Loan Provisions - Certification of Nondiscrimination Clause: Submitted? (Due within two weeks of contract award) (See pages 00820-38 thru 00820-41)	Certification was requested from GCC and received 8/29/11	Not yet submitted	yes; submitted
SRF Loan Provisions - Certification of Non-Segregated Facilities: Submitted? (Due within two weeks of contract award) (See page 00820-47)	Certification was requested from GCC and received 8/29/11	Not yet submitted	yes; submitted
SRF Loan Provisions - Drug-Free Workplace Certification: Submitted? (Due within two weeks of contract award) (See page 00820-46)	Certification was requested from GCC and received 8/29/11	Not yet submitted	yes; submitted

Subcontractors:	Listed	Listed	Listed
Striping	Bayside Stripe & Seal	Chrisp Co.	
Survey Staking	BKF/Carlenzoli		
Paving		MCK Services	
Saw Cutting			Bayline Cutting & Coring

Material & Equipment Manufacturers:	Specified	Bid	Comply	Bid	Comply	Bid	Comply
PVC Pipe, Push-On (if applicable)	Diamond			Vinyl tech		Vinyl tech	
PVC Pipe, Fusible (if applicable)	N/A			N/A		N/A	
Fittings				Tyler Pipe		Tyler Pipe	
Valves				Pratt		Pratt	

NORTH MARIN WATER DISTRICT
WATER SYSTEM IMPROVEMENTS/SPECIAL PROJECTS
PROJECT SUMMARY
AS OF August 30, 2011

Job No.	Title:							
5.6055.00	Recycled Water Expansion - North Service Area							
Facility No.	Facility Type (Pipelines, Pump Stations, etc.)							
	Pipelines, Tank Improvements							
Description								
Construction of 5 miles of recycled water pipeline and the rehabilitation of the Plum Street Recycled Water Storage Tank Rehabilitation. Segment 1: 8-inch pipeline from FS No. 2 on Atherton Ave. to Valley Memorial Park Cemetary along H Lane (5,100 ft), Segment 2 : 12-inch pipeline from Firemans Fund (Wood Hollow Drive) along Redwood Blvd and Olive Ave to Summers intersection (10,000 ft), Segment 3: 12-inch pipeline from Summers Ave. to Olive Ave to Atherton Ave intersection and Lea Drive to NSD (10,300 ft).								
Project Justification								
The recycled water expansion project is per NMWD Recycled Water Implementation Plan and is also part of NBWRA regional project Phase 1.								
	Baseline Cost Estimate	2010 Estimate	As Of Aug 2011	Spent as of 8/30/11		Start	Finish (Est.)	Finish (Actual)
1	Development/Admin			\$124,482	Project Dev.	Jul-10	Aug-11	Aug-11
2	Prelim. Design				Design	Sep-10	Sep-11	
3	Fees and Permitting			\$300		Jun-10	Sep-11	
4	Environmental Consultant		\$63,000	\$25,000		Jun-10	Sep-12	
5	Eng. Design - In-house		\$400,000	\$278,025	Permitting	Jun-10	Oct-11	
6	Staff Admin/Bid Phase		\$40,000	\$30,892	Final Design	Jul-10	Oct-11	
7	Construction-NMWD		\$110,000	\$54,376				
7	Rehab. Plum Tank		\$380,380			Aug-11	Dec-11	
8	Const. Segment 1		\$582,225			Jun-11	Nov-11	
	Const. Segment 2		\$2,000,000			Nov-11	Aug-12	
	Const. Segment 3		\$1,553,100			Sep-11	Jun-12	
9	On-site Retrofits		\$435,450					
10	Eng. Servs. During Const.		\$60,000					
12	Const. Inspection/ Mat Testing		\$604,533	\$17,688				
13	Project Closeout		\$5,000		Project Closeout	Aug-12	Sep-12	
15	Project Subtotal		\$6,233,688					
16	Project Contingency		\$311,684					
	Sub-Total							
	Grand Total	\$5,100,000	\$6,545,372	\$530,762				
1. Includes legal costs, printing, geotech (\$21,440 to MPEG), Survey (\$60,739). 10. In-house Design Engineers time								

20

MEMORANDUM

To: Board of Directors

September 2, 2011

From: Ryan Grisso, Water Conservation Coordinator *RG*

Subject: Water Conservation Year End Report (July 2010 through June 2011)

\\nmwdsrv1\water conservation\Memos to Board\Quarterly Reports\Year End 10_11\Water Conservation FY 2010_2011 Year End Report.doc

RECOMMENDED ACTION: Information

FINANCIAL IMPACT: None

Water Conservation and Public Outreach Summary

This memo provides an update on all water conservation and public outreach activities implemented during Fiscal Year 2010/2011 (FY 11).

The District Water Conservation and Public Outreach Programs are operating according to the Water Conservation Master Plan, approved in June 2008. Water Conservation participation numbers through the end of the current and previous fiscal years are summarized in Table 1 below.

Table 1: Year End Water Conservation Program Participation (July through June: 2008 -2010)

Program	FY 11	FY 10	FY 09
Water Smart Home Surveys	345	330	305
Water Smart Commercial Surveys	20	39	22
High Efficiency Toilet Rebates (Residential)	568	541	511
High Efficiency Toilet Rebates (Commercial)	64	13	137
Retrofit on Resale (Dwellings Certified)	280	322	303
High Efficiency Washing Machine Rebates	468	476	543
Cash for Grass Rebates	50 ⁽¹⁾	99	57
Water Smart Landscape Rebates	15	23	21
Water Smart Irrigation Controller Rebates (Residential)	0	5	10
Water Smart Irrigation Controller Replacement (Commercial)	1	20	4
Swimming Pool Cover Rebates	2	2	20
New Development Approvals (Residential)	19	85	82
New Development Approvals (Commercial)	22	24	41
Large Landscape Audits (measured by number of accounts)	6	19	12
Large Landscape Budgets (measured by number of accounts)	433	433	431

(1) Cash for Grass participants removed 42,654 square feet of turf (Compared to 104,000 square feet in FY 10)

Water Conservation Programs

Water Smart Home Survey (WSHS) Program: This program is the cornerstone of the Residential Water Conservation Program and provides the customer with an in-depth analysis of both their indoor and outdoor water use. The WSHS provides the customer with water use analysis and water efficient recommendations to implement, but also provides staff with an opportunity to present available and applicable incentive programs to which the participating customer may be eligible (i.e. Cash for Grass and Smart Controller Rebate Program). WSHS participation has increased slightly with 345 WSHS completed during FY 11, compared to 330 in the previous year.

Water Conservation Fixture Distribution: The District continues to distribute water conserving fixtures at the front counter of the District Administration Building, on service calls and WSHS, and at various public outreach events (including Novato Farmer's Market). Fixtures include 2.0 gallon per minute (GPM) showerheads, 1.0 and 0.5 GPM sink aerators, hose nozzles (when available) and other related items. We also offer commercial establishments installation of 0.5 GPM sink aerators on all hand-washing sinks when conducting a Water Smart Commercial Survey.

High Efficiency Clothes Washer Rebate Program: During FY 11, the District issued rebates for qualified washing machines through a program administered "in house" in cooperation with other regional retail water contractors (Sonoma-Marin Washer Rebate Program). In FY 11, the District rebated 468 clothes washing machines. This participation level is consistent with last year indicating that the rebate level reduction from \$125 to \$75 was still sufficient incentive for customers to purchase the more water efficient machine. The District lowered the rebate level to \$50 per qualified washing machine as of 7/1/11.

Retrofit on Resale: The District currently requires ultra low flush toilets (1.6 gallons per flush), showerheads (2.0 gallons per minute) and bathroom sink aerators (1.5 gallons per minute) to be certified by the seller before the close of escrow of any property sold in the District service area. High Efficiency Toilet (HET @1.28 gallons per flush) rebates are available to customers to help ease any potential financial hardships from the requirement. In FY 11, the District received certificates for 280 dwellings sold in Novato. This is a significant reduction in received certificates from past years, but likely directly correlated to the poor real estate market.

High Efficiency Toilet (HET) Replacement Program: The District provided \$150 rebates for residential customers and \$200 for commercial customers, for purchase and installation of qualified HETs during the last fiscal year. During FY 11, the District rebated 568 residential HETs and 64 commercial HETs. Currently, Pini Hardware displays almost all qualified HET models instead of standard (1.6 gallons per flush) models. Other retailers are also converting a majority of their dis-

play models to qualifying HETs. Customer demand has been driven by above satisfactory performance levels in combination with rebate programs offered by water utilities. The District lowered the rebate level to \$75 for residential and \$100 for commercial effective 7/1/11.

Cash for Grass Rebate Program: The District's longest active rebate program, for removing irrigated turf and replacing with drought tolerant low water use landscaping, is still running strong in FY 11. The District rebated 50 Cash for Grass projects, removing a total of 42,654 square feet of automatically irrigated turf in FY 11. Cash for Grass program participation levels have fluctuated over the past few years, with a peak in FY 10, however, FY 11 participation numbers are more consistent with historical participation levels. The District will likely see further reduction in participation with the approved reduction in rebate value effective 7/1/11 (from \$1.00 per sq. ft. down to \$0.50 per sq. ft.).

Water Smart Landscape Efficiency Rebate (WSLE): The District rebates customers for improving landscape water use efficiency. Rebates are provided for drip irrigation installations, multi-stream/low volume sprinkler retrofits, mulch, rain sensors and other efficient retrofits. In FY 11, the District rebated 15 customers for participation in the WSLE program.

Water Smart Irrigation Controller Rebate Program: Rebates are available for purchase, installation and activation of District approved Smart Irrigation Controllers (Smart Controllers) at a minimum level of \$200, or \$25 per active station, up to \$1,000. This rebate also extends to large landscape customers on a per meter basis. To date, this program has been a very tough sell to customers. In FY 11 the District rebated only one qualified controller.

Swimming Pool Cover Rebate Program: During fiscal year 2008's Emergency Water Conservation Ordinance period (July through October 2007), the District enacted a requirement for all pools to be covered. To assist customers in purchasing these required covers, the District offered up to a \$50 rebate for purchase of a qualified pool cover. This program was extended as a part of the Water Conservation Master Plan. In FY 11, the District rebated two qualified swimming pool covers. This rebate was discontinued for FY 12.

Large Landscape Water Conservation Program: The Large Landscape Water Conservation Program consists of the Large Landscape Audit Program, the Large Landscape Budget Program, Water Smart Controller Rebate Program (previously covered in the Water Smart Irrigation Controller Rebate Program section) and the Large Landscape Water Smart Landscape Efficiency Rebate Program. All programs are aimed at assisting large landscape accounts (dedicated irrigation and large mixed use metered) to become more water use efficient in their landscape water management practices. In FY 11, the District audited 6 large landscape accounts and maintained water budgets for 433 dedicated irrigation meter accounts.

Commercial Water Conservation Program: The Commercial Water Conservation Program currently offers the HET Rebate Program (previously covered in the High Efficiency Toilet Replacement Program), Water Smart Commercial Survey (WSCS), and a High Efficiency Clothes Washing Machine Rebate. In FY 11, staff completed 20 WSCS and rebated 64 HETs.

Water Management Technology Education Center (WaMTEC): The District is currently involved in the development of WaMTEC in cooperation with College of Marin and Marin Municipal Water District, with a goal to research, develop and demonstrate new water management practices and technologies, and educate industry leaders and the workforce in state of the art landscape water management. The District's initial involvement in WaMTEC has been to help establish a California Irrigation Management Information System (CIMIS) station located at the Indian Valley Campus. The station was installed in early FY 11. The station provides a valuable tool for the students of WaMTEC learning about the weather factors involved in landscape water management. This CIMIS station has been useful for the District's Large Landscape Water Budget Program by providing representative weather data for the typically warmer western portion of the District's Novato service area.

New Development Requirements: The District New Development Requirements specify innovative and "state of the art" water efficiency measures consistent with the Water Conservation Master Plan 2008 and AB 1881, for all new construction in both service areas. These requirements are enforced through water service agreements and the District's signature requirement for all final permits with the City of Novato Building Department and Marin County Planning. In FY 11, staff inspected and approved 19 residential dwellings and 22 commercial projects.

Public Outreach and Conservation Marketing

The "Water Smart" branding has been used on the District conservation programs since the 2008, and the High Impact Mailer was re-initiated towards the end of FY 11 to generate interest in the Water Smart Home Survey Program.

The Fall 2010 "*Water Line*" issue was sent in mid November. This issue focused on water supply and the various District water use efficiency program offerings.

A Spring 2011 "*Water Line*" issue was mailed out in May. This year, the water use graph was removed and the letter was scaled down to a one page, two sided mailer. The focus of the letter was connecting current and future water supply with District projects and funding commitments to ensure adequate supply and the rates associated with those commitments. The Water Smart Home Survey Program was advertised along with the Water Smart Savings Program offerings (Cash for Grass, Water Smart Landscape Rebate, High Efficiency Toilet Rebate, and High Efficiency Clothes Washer Rebate). Again this year, the District Water Quality Report was also included in the mailer

packet with the "Water Line".

In addition to the Direct Mailer and "Water Line" newsletters, the District distributed water conservation postcards, newspaper advertisements, and staffed outreach events, such as the Nova-to Farmer's Market. The District is also actively maintaining a District Facebook page and is working on establishment of a YouTube video page LIMITED TO THE District website.

In the future, staff is recommending adopting use of the term "Water Use Efficiency" in lieu of the "Water Conservation". There has been negative a connotation associating "Water Conservation" to rate increases. The term "Water Use Efficiency" more accurately describes the District's Program, and also can be rationalized to customers easier by explaining that the District is asking our customers to use water efficiently. When the District comes into drought or water impairment situations, then the term Water Conservation can be appropriately used, but staff feels that using the term "Water Use Efficiency" allows for a better and more defensible explanation of the District's efforts.

Water Conservation Budget and Staffing

Table 2 summarizes and compares the year end budget expenditures between the last three fiscal years (FY 09, FY 10 and FY 11). FY 11 expenditures were substantially below budget, mainly due to a reduction in washer rebate levels and Cash for Grass participation.

Table 2: Water Conservation and Public Outreach Expenditures (July 2010-June 2011)

	FY09	FY10	FY 11
Total Budget	\$424,000	\$500,000	\$500,000
Actual Expenditures	\$507,260	\$478,618	\$382,901

Water Conservation is currently staffed by one full time Water Conservation Coordinator and one half time (temporary) Water Conservation Technician.

21

DISBURSEMENTS - DATED AUGUST 17, 2011

Date Prepared: 8/16/11

The following demands made against the District are listed for approval and authorization for payment in accordance with Section 31302 of the California Water Code, being a part of the California Water District Law:

Seq	Payable To	For	Amount
1	Ackerman, Gerald	Retiree Exp Reimb (Monthly Health Ins)	\$90.69
2	Advanced Reproduction Center	Plans & Specs (3 sets) (Balance Remaining on contract \$426)	242.01
3	Agrichem Services	Refund Security Deposit on Hyd Meter Less Final Bill	1,137.03
4	Alpha Analytical Labs	Lab Testing (Novato)	260.00
5	American Integrated	Refund Security Deposit on Hydrant Meter Less Final Bill	21.22
5	AT&T	Telephone Charges: Leased Lines (\$962), Local (\$86) & Minimum (\$93)	1,141.88
6	AWWA CA-NV SEC	Desalination Committee Workshop in Oakland (Jackson) (8/16/11)	135.00
7	Baker, Robert	Novato "Washer Rebate" Program	50.00
8	Bank of the West	Quarterly Service Charge on Operating Account (Apr - June)	2,291.36
9	Barrett, Mary	Novato "Washer Rebate" Program	75.00
10	Basic Chemical Solutions	Sodium Hypochlorite (875 gals) (RW)	3,171.23
11	Borges & Mahoney	pH Probe (STP)	325.08
12	Bradbery, Ronald	Retiree Exp Reimb (Monthly Health Ins)	90.69
13	Brush, Michael	Novato "Washer Rebate" Program	50.00
14	Bundesen, Gerald	Retiree Exp Reimb (Monthly Health Ins)	704.96
15	Butti, Lou	Retiree Exp Reimb (Monthly Health Ins)	704.96
16	Cagwin & Dorward	Refund Overpayment on Closed Account	108.55

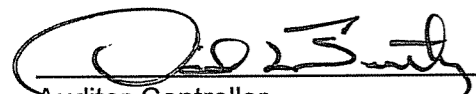
Seq	Payable To	For	Amount
17	California State Disbursement	Wage Assignment Order	1,478.50
18	Cervantes Const, S.E.	Remove Dirt Spoils from District Yard	2,520.00
19	Charter Peterbilt	Caliper Set for Hitch	10.76
20	Cohn, Jonathan	Refund Overpayment on Closed Account	18.30
21	Cook Paging	August Pager Rental (STP) (2)	16.49
22	Costello, Megan	Novato "Washer Rebate" Program	50.00
23	Cwirko, Mark	Novato "Washer Rebate" Program	75.00
24	DeFillippi, John	Novato "Toilet Rebate" Program	75.00
25	De Gabriele, Chris	Reimbursement for Rotary Dues (Budget \$175)	175.00
26	Derby, Richard	Retiree Exp Reimb (Monthly Health Ins)	90.69
27	Diggs, James	Retiree Exp Reimb (Monthly Health Ins)	704.96
28	Dionex	Analytical Column for IC Unit (Lab)	320.32
29	Edwards, Caitlin	Novato "Washer Rebate" Program	75.00
30	Eyler, John	Retiree Exp Reimb (Monthly Health Ins)	90.69
31	Feleo, Victoria	Novato "Washer Rebate" Program	50.00
32		Cafeteria Plan: Childcare Reimbursement	134.38
33	Groeniger	10" Couplings (2) (\$821), 3/4" Coupling & 2" Copper Pipe (180') (\$2,771)	3,614.16
34	Hach	Sulfamic Acid (100), Sulfite (100) (\$64), Lamp Replacement (\$112)	214.37
35	Hajny, Kim	Refund Overpayment on Closed Account	15.80
36	Harrington Industrial Plastics	2" Ball Valve (\$283), Bushing (3) (\$61), Coupling, 2" Flanges (2) (\$53) & Elbow (2)	438.18
37	Hertz Equipment Rental	Rental of Arrow Board (\$403) (6/21-7/21/11), Message Board (\$1,117) (6/21-7/21/11), Excavator & Bucket (\$426) (So Novato Blvd Project)	1,947.10
38	Hofmann, Renae	Refund Alternative Compliance Reg 15 Deposit	315.00


Seq	Payable To	For	Amount
39	IDI-Dupont	Sodium Chlorine (30,000 lbs) (STP)	19,565.00
40	Irish & Son's Welding	Welding Services (Circle Bank)	420.00
41	Johnstone, Daniel	Retiree Exp Reimb (Monthly Health Ins)	90.69
42	Karim, Mohhadd	Refund Overpayment on Closed Account	22.43
43		Vision Reimbursement	219.94
44	Kim, Curtiss	Refund Overpayment on Closed Account	22.04
45	Lab Safety Supply	Kim Wipes (2,100) (\$119) & Long Handle Shovels (6) (\$235)	354.59
46	Larsengines	Weed Eater String (\$60) & String Holder	93.95
47	Lincoln Life	Deferred Compensation PPE 8/15	9,384.83
48		Cafeteria Plan: Childcare Reimbursement	208.33
49	Madison, Jeff	Novato "Cash for Grass" Program	81.25
50	Marinscope	Novato Advance Subscription Renewal (DeGabriele) (9/11-9/12)	49.00
51	Maselli & Sons	Test Ball for Sewer Manhole (RW)	70.85
52	Matchette, Tim	Retiree Exp Reimb (Monthly Health Ins)	192.87
53	Mc Clanahan, June	Novato "Toilet Rebate" Program	75.00
54	Modena, Steve	Novato "Toilet Rebate" Program	75.00
55	Moshfeghi, Shahrzad	Novato "Washer Rebate" Program	75.00
56	National Deferred	Deferred Compensation PPE 8/15	750.00
57	Nave Motors	Towing Service for Construction During Main Break on Sunset & Monte Maria Dr (6/24/11)	75.00
58	Nelson, John O.	Retiree Exp Reimb (Monthly Health Ins)	90.69
59	HSBC Business Solutions	Torque Wrench (2)	107.38
60	North Bay Gas	Nitrogen (\$589) (STP), July Cylinder Rental (\$203), Argon, Helium & Acetylene (Lab)	835.18
61	North Marin Water District	NMWD Employee Association Dues-June & July	1,840.00

Seq	Payable To	For	Amount
62	Novato Builders Supply	Cement Nails & Flag Tape	28.50
63	Office Depot Business Service	Quarterly Office Supply Order: Deposit Bags (200) (\$45), Monitor Riser, Stamp Pad, Binders (5), Alphabetical Index & Post-it Flags (850) (\$63)	154.94
64	On Line Resource	Refund Overpayment on Closed Account	148.79
65	Pace Supply	Couplings (23) (\$3,638), Pipe Restraint (\$207), Service Saddles (12) (\$668), Tapping Sleeve (\$787), Box Lid, Corp Stop (40) (\$1,524), Union (20), Nipples (13) (\$74), Connect Ring (20) (\$49), Gasket (20), Ell (\$55) & Meter Boxes (20) (\$457)	7,548.42
66	Pape Material Handling	Pump (\$1,046), O-Ring, Hose & Gasket	1,115.11
67	Poiani, Pete	Retiree Exp Reimb (Monthly Health Ins)	90.69
68	Point Reyes Light	Display Ad: Rate Hearing for West Marin & Ordinance #25 for Oceana Marin	210.00
69	Protection Engineering	12 lb. Zinc Anode w/10' Lead Wire (70)	2,851.92
70	Edith Robbins	Engineering Services: Novato High School Cafeteria (Balance Remaining on Contract \$13,907)	7,277.06
71	Roberts & Brune	Couplings (10)	129.66
72		Cafeteria Plan: Uninsured Medical Reimbursement	121.25
73	Sartorio, Paul	Novato "Washer Rebate" Program	50.00
74	Sequoia Safety Supply	Brief Relief Urine Bags (100) (\$211), Insect Rep Towlettes (100) (\$76), Earplugs (400) (\$81), Eyeglass Cords (35) (\$79), Sweatbands for Hard Hats (24), Disposable Gloves (1,250) (\$139), Green Safety Vests (3) (\$70) & Antiseptic Wipes (160)	706.52
75	Siemens Water Technologies	Service on Deionized Water System	188.89
76	Smail, Catherine	Retiree Exp Reimb (Monthly Health Ins)	90.69
77	Smith, Terri	Refund Overpayment on Closed Account	273.88
78	Sonoma County Water Agency	Balance of FY11 NMWD Share of SCWA Debt Service for Collector 6 & Wohler Pipeline	11,613.53

Seq	Payable To	For	Amount
79	Sonosky, Norma	Retiree Exp Reimb (Monthly Health Ins)	90.69
80	Stern, Craig	Novato "Washer Rebate" Program	50.00
81	Syserco	Annual Service Contract for Office HVAC Controls (2/1/11-1/31/12)	2,005.00
82	Taylor, Melissa	Novato "Washer Rebate" Program	50.00
83	Terryberry	Service Awards (3)	452.33
84	Tornberg, Don	Novato "Washer Rebate" Program	50.00
85	Trahan, Catherine	Refund Overpayment on Closed Account	43.83
86	United Parcel Service	Delivery Service: Sent Meter Reading Scope for Repair	11.31
87	Velloza, Richard	Retiree Exp Reimb (Monthly Health Ins)	90.69
88	Westcoast Business Forms	Deposit Slips (600)	101.50
89		Cafeteria Plan: Childcare Reimbursement	1,190.45
		TOTAL DISBURSEMENTS	<u>\$94,464.03</u>

The foregoing payroll and accounts payable vouchers totaling \$94,464.03 are hereby approved and authorized for payment.

 8/16/11
 Auditor-Controller Date

 8/16/2011
 General Manager Date

DISBURSEMENTS - DATED AUGUST 24, 2011

Date Prepared: 8/23/11

The following demands made against the District are listed for approval and authorization for payment in accordance with Section 31302 of the California Water Code, being a part of the California Water District Law:

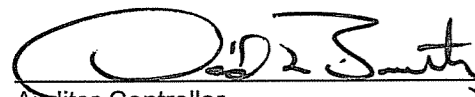
Seq	Payable To	For	Amount
P/R*	Employees	Net Payroll PPE 8/15	\$125,024.52
EFT*	Bank of the West	Federal & FICA Taxes PPE 8/15	45,544.17
1*	Manzoni, Alicia	Employee Computer Purchase Loan	905.98
2	Aberegg, Michael	Drafting Services: Stafford Outlet Tower Rehab Project (Balance Remaining on Contract \$18,107)	825.00
3	Able Tire & Brake	Tires (2) ('07 International 4300)	726.87
4	Airgas	Harness (\$288) & Lanyards for Climbing Tanks (3) (\$634)	922.26
5	Autoworld	Door Trim Plate ('02 Dodge Dakota)	38.63
6		Vision Reimbursement (\$66) & Cafeteria Plan - Uninsured Medical Reimbursement (\$5)	70.95
7	State of California	State Tax & SDI PPE 8/15	9,273.36
8	Calif Contractors Supplies	Reciprocating Saw Blades (9)	325.48
9	Cole-Parmer Instrument	Tubing for New Sodium Chlorite Feed (STP) (50')	99.00
10		Cafeteria Plan - Uninsured Medical Reimbursement	42.00
11	Enduroscope	Scope for Reading Submerged Meters	121.60
12	Charles Z. Fedak	Progress Payment #2: Financial Statement Audit FY11 (Balance Remaining on Contract \$13,375)	2,525.00
13	Ferreira, Mary	Novato "Toilet Rebate" Program	75.00
14	Fisher Scientific	Spore Strip for Quality Control & Lead Standard (\$77) (Lab)	139.14

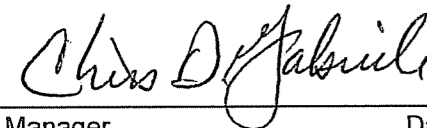
Seq	Payable To	For	Amount
15		Cafeteria Plan - Uninsured Medical Reimbursement	25.00
16	Grainger	Plug, Air Ratchet (2) (\$303), AAA Batteries (240) (\$63), Fuses (2), Measuring Tape (4) (\$38), Flow Switch (\$128), Connector & Faceshields (10) (\$165)	755.79
17	Groeniger	Hydrant Extension (\$87) & Angle Meter Stops (20) (\$481)	568.81
18	Hach	Alkaline Cyanide Reagent (STP)	99.77
19	Heck, Ken	Novato "Cash for Grass" Program	150.00
20	Hertz Equipment Rental	Rental of Message Board (\$312) (7/21-7/25/11) & Arrow Board (\$352) (6/28-7/28/11) (So Novato Blvd Project)	664.75
21	High-Purity Standards	Analytical Standards (Lab)	191.01
22	Jackson, David	Exp Reimb: Parking, Bridge Toll & Mileage - East Bay MUD Meeting (AWWA Desalination Workshop)	55.76
23	Katz, Robert	Refund Overpayment on Closed Account	195.75
24	Kemira Water Solutions	Ferric Chloride (9.56 tons)	7,070.38
25	Marin County Tax Collector	FY11 Possessory Interest Tax (Apartment-\$446 & 25 Giacomini Rd-\$578)	1,024.08
26	Marin County Recorder	Release of Lien (Deutsche Bank-Byrd) (7)	91.00
27	McLellan, WK	Misc Paving (Novato Area) (196 S.F.)	3,616.26
28	MegaPath	DSL Internet Service (8/12/11 - 9/11/11)	142.30
29	Miller, Mark	Novato "Washer Rebate" Program	50.00
30	Miller Pacific Engineering	Geotechnical Services: Recycled Water Expansion to North Service Area Project (Bal Remaining on Contract \$16,581)	7,740.00
31	MSC Industrial Supply	Utility Pumps (2) (STP)	478.98
32	North Bay Watershed Assoc.	FY11/12 Dues (Budget \$6,800)	6,452.62
33	Novato Disposal Service	July Trash Removal	403.40

Seq	Payable To	For	Amount
34	Pace Supply	Saddle Strap (4)	376.79
35	Pape Material Handling	Key for Forklift	14.94
36	Pape Machinery	Oil Filter, Filter Element, Air Filter (2) (\$52), Exhaust Pipe (\$181) ('09 Backhoe) & Fuel Tank Cap (\$79) ('04 Backhoe)	348.48
37	PERS Retirement System	Pension Contribution PPE 8/15	42,316.32
38	Phillips & Associates	July & August O&M of O.M. Wastewater Treatment System	10,202.48
39	Point Reyes Prop Mgmt Assn	August HOA Dues (25 Giacomini Rd)	118.91
40	Roberts & Brune	Box Lid (\$103) & Coupling (4) (\$187)	290.09
41	Rockwell, Donald	Refund Overpayment on Closed Account	80.11
42	Russell, Tim & Anne	Novato "Washer Rebate" Program	50.00
43	Sacramento Flow Control	Repair Parts for Fire Service	126.52
44	Sequoia Safety Supply	Poison Oak Treatment (6-4oz tubes)	63.89
45	SHI	Software Server License Upgrades (4)	6,247.11
46	Society for Human Resource Management	SHRM Membership Dues (9/1/11-8/31/12) (Landeros) (Budget \$170.00)	180.00
47	Siemens Water Technologies	Service on Lab Deionized Water System	216.49
48	Silva, Daniel	Novato "Cash for Grass" Program	50.00
49	Simpson, Matthew & Shannon	Novato "Washer Rebate" Program	50.00
50	Sonoma County Water Agency	July Contract Water	468,721.47
51	Testa, Mike	Novato "Washer Rebate" Program	75.00
52	Township Building Services	July Janitorial Service	1,714.00
53	United Rentals	Repair Parts for Water Trailer Pressure Pump	382.33
54	United Parcel Service	Delivery Service: Notice of Determination Documents for A.E.E.P. & Backflow Device for Repair	16.32
55	Univar	Sodium Hydroxide (990 gals)	3,580.13

Seq	Payable To	For	Amount
56	Warrenton-Smith, Ashley	Novato "Toilet Rebate" Program	150.00
57	Westcoast Business Forms	Operating & Payroll Checks (5,500)	583.94
58	West Marin Citizen	Subscription Renewal (8/11-8/12) (Budget \$50)	56.00
59	Wright, K. Dixon	Refund Overpayment on Closed Account	522.69
		TOTAL DISBURSEMENTS	<u>522.69</u> <u>\$752,968.63</u>

The foregoing payroll and accounts payable vouchers totaling \$752,968.63 are hereby approved and authorized for payment.

 8/23/11
 Auditor-Controller Date

 8/23/2011
 General Manager Date

DISBURSEMENTS - DATED AUGUST 31, 2011

Date Prepared: 8/30/11

The following demands made against the District are listed for approval and authorization for payment in accordance with Section 31302 of the California Water Code, being a part of the California Water District Law:

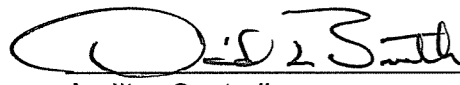
Seq	Payable To	For	Amount
1*	North Marin Water District	Close Bank of the West Account Into US Bank	\$38,146.18
2	Able Tire & Brake	Tires (2) ('03 Dodge Dakota)	141.71
3	American Water Works Assoc	Publication: Benchmarking Water Services (DeGabriele)	119.50
4	AT&T Mobility	Cellular Charges: Monthly (\$447) & Airtime (\$11) (15)	458.39
5	AT&T	Telephone Charges: Minimum	62.76
6	AT&T	Telephone Charges: Leased Lines (\$412), Local (\$9) & Minimum (\$714)	1,135.72
7	AWWA CA-NV SEC	Reg Fee: CA-NV AWWA Conference (McIntyre)	250.00
8	Bacons Auto Service	Smog Inspection (8 Vehicles)	414.00
9	Basic Chemical Solutions	Sodium Hydrochlorite (930 gals)	3,366.79
10	Bastogne	Refund Overpayment on Closed Account	50.00
11	Bender, Matthew	Gov't Codes Updates	225.18
12		Cafeteria Plan - Uninsured Medical Reimbursement	45.00
13	Bold & Polisner	July Legal Services: Aqueduct Reloc-Litigation (\$483), Aqueduct Reloc-Segment B1 (\$74), Aqueduct Reloc-Non-Reimb (\$331), Aqueduct Reloc-Loan Procurement Cost (\$1,821), RW Expansion North (\$18), RW Exp South (\$166), SCWA (\$136), Stafford Lake Basin Plan Designation (\$140) & Caltrans CEQA Compliance (\$6,617)	9,787.60
14	Business Card	Replacement Hinge Pins for '91 Int'l 5yd Dump Truck (\$527), Key Cabinet, Lock & Keys (\$274) (for Admin Office), Internet Pymt Fee (\$101), New Credit Card Machines (\$378) (2), Algebra Academy Lunch (\$99) & Birthday Breakfasts (\$68)	1,447.02


Seq	Payable To	For	Amount
15	California State Disbursement	Wage Assignment Order (3)	1,478.50
16	Charter Peterbilt	Caliper Set for Hitch	110.67
17		Cafeteria Plan - Uninsured Medical Reimbursement	332.00
18	Core Utilities	Consulting Services: July IT Support (\$5,000), SCADA (\$650), Website (\$50) & Build Table to Capture Tier & Seasonal Use in Utility Billing Program	6,200.00
19	Cornelius, John	To Replace Cancelled Check - Lost in Mail	300.00
20	Employer Resource Institute	Cal/OSHA Compliance Advisor Renewal (Clark) (9/11/11 - 8/31/12) (Budget \$310)	299.00
21	Fisher Scientific	Pipet Tips (500) & Fluoride (\$73) (Lab)	139.17
22	GFOA	Membership Dues (Landeros) (9/1/11-8/31/12) (Budget \$160)	160.00
23	Golden Gate Petroleum	Gasoline (\$3.66/gal) (\$4,044), Diesel (\$3.88) (\$3,654) & Air Compressor Oil (5 gals) (\$259)	7,957.93
24	Grainger	Fluorescent Lights (36) (\$275), 100 W Light Bulbs & Electrical Connectors	342.40
25	InfoSend	July Processing Fee for Water Bills (\$1,575) & Postage (\$3,877)	5,452.65
26	Irish & Son's Welding	Weld Sub Frame on '91 Int'l 5 yd Dump Truck	420.00
27	Jim-n-i Rentals	Traffic Plate Rental (6) (South Novato Blvd Project)	1,330.56
28	Kaiser Permanente	Pre-employment Physical (Temp employees-Lemos & Williams) (\$130) & DMV Physical (Sjoblom) (\$70)	200.00
29		Cafeteria Plan - Uninsured Medical Reimbursement	30.00
30	Lincoln Life	Deferred Compensation PPE 8/31	9,384.83
31	Maltby Electric	Sealing Compound for Telemetering Cable Splices (20)	937.44

Seq	Payable To	For	Amount
32	Marin Independent Journal	Subscription Renewal (1 yr) (DeGabriele) (Budget \$220)	211.62
33	Marin Conservation League	Reg Fee: Business Environment Breakfast (DeGabriele)	30.00
34	McAghon, Andrew	July Sludge Removal (13 loads) (\$3,640) & Top Soil for Crest Tank Trees (2 yds) (\$60)	3,700.76
35	McLellan, WK	Misc Paving: Novato Area (475.35 S.F.)	4,041.57
36	McIntyre, Drew	Exp Reimb: July Mileage & Novato Sanitary District Sewer Permit Fee-Plum St Tank	90.60
37	Microtech Scientific	Tryptic Soy Broth (Lab)	57.98
38	National Notary Association	Annual Dues (Young) (9/1/11-8/31/12) (Budget \$60)	39.00
39	National Deferred	Deferred Compensation PPE 8/31	750.00
40	Novato, City of	Fee to Review Easement Request to Cross City Property (Recycled Water Project)	1,000.00
41	NTU Technologies	Polymer (1,800 lbs)	2,628.00
42	Office Depot	Card Stock (\$62) & Wall Clock Gauge	74.76
43	Pace Supply	Couplings (13) (\$1,521), Clamp (10" x 2") (\$370), 3/4" Double Check Valve (\$180), Nipples (8) (\$37), Ells (2) (\$237), Reducers (3) (\$113) & Box Lids (3) (\$248)	2,707.05
44	Paganini Enterprises	Semi-Annual Uniform Order: Shirts (79) (\$1,123) & Hats (36) (\$494)	1,617.61
45	Parkinson Accounting Systems	Program & Test Modifications for CalPERS Payroll Reporting	1,897.50
46	PERS Health Benefits	September Health Ins Premium (Employees \$46,470, Retirees \$10,455 & Employee Contrib \$6,943)	63,869.40
47	Pfister Excavating	South Novato Main Break Pipe Bursting (400')	16,000.00
48	Pacific Gas & Electric	Extra Charge for Power for Motor Control Center Upgrade - San Marin PS	78.79
49	Preferred Alliance	Pre-employment Physical (Connolly)	42.00

Seq	Payable To	For	Amount
50	Questa Engineering	Septic System Monitoring (8/1/10-6/30/11) (25 Giacomini Rd)	253.01
51	Red Wing Shoe Store	Safety Boots (Arendell)	200.00
52	Rental Solutions	Air Compressor Filter	505.79
53	Edith Robbins	Engineering Services: San Ramon Elementary School (Balance Remaining on Contract \$10,410)	3,497.18
54	Rotary Club of Novato-Sunrise	Annual Dues (McIntyre) (7/11-6/12) (Budget \$150)	164.00
55	SHI	MS Office Pro 2010 Licenses (23) (Budget \$8,000)	7,926.03
56	Smart Motion Technology	Desk Chair (Grisso)	480.60
57	South Bay Foundry	6" Valve Caps (50)	945.00
58	SP Industries	Solenoid Valve & Parts to Repair Glassware Washing Machine (Lab)	401.34
59	Van Bebber Bros	Material to Make New Pin Retainers for '91 Int'l Dump Truck Body	107.25
60	Verizon	Telephone Charges: Leased Lines (\$723) & Minimum (\$27)	750.86
61	VWR International	Glass Flasks (2) (\$67) (Lab) & Nitrogen Purge Bottle (\$242) (STP)	309.00
62	Wiley Price & Radulovich	Consulting Services: CalPERS Sick Leave Policy	54.00
		TOTAL DISBURSEMENTS	<u>\$205,155.70</u>

The foregoing payroll and accounts payable vouchers totaling \$205,155.70 are hereby approved and authorized for payment.

 8/30/11
Auditor-Controller Date

 8/30/2011
General Manager Date

Sept. 23.

"The league should be improved overall this year," said Hickey, whose first season (2-8) is now a distant albeit painful memory. "Marin Catholic

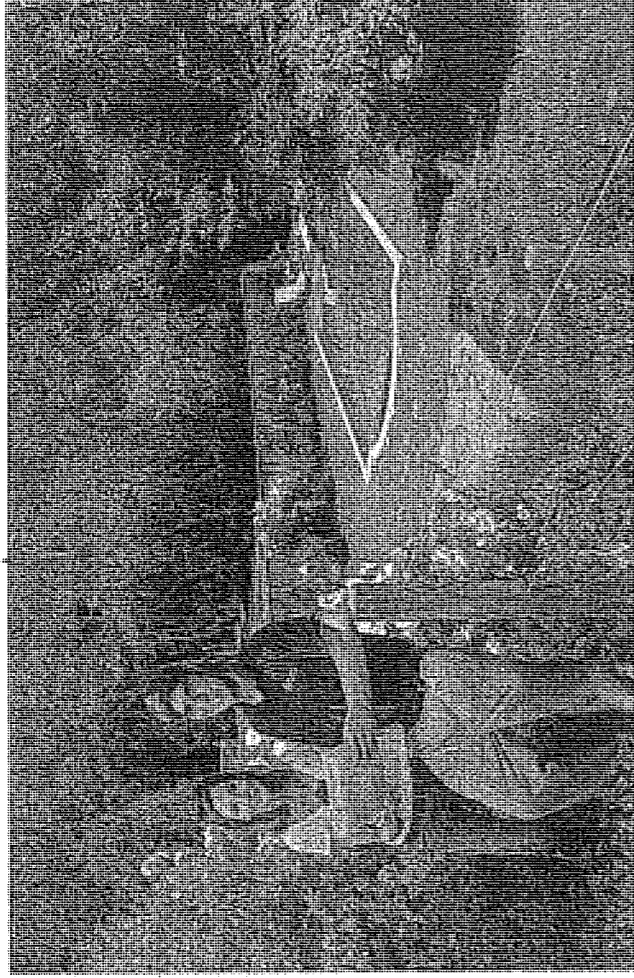
Danny Blackwell, brought up at the end of the season and a veteran of two NCS battles.

Hickey and his staff are looking to fill some gaps, including in the kicking

another NCS champion-ship.

"We had a great season and were still third best behind those other teams," laughed Hickey.

Practice started Monday



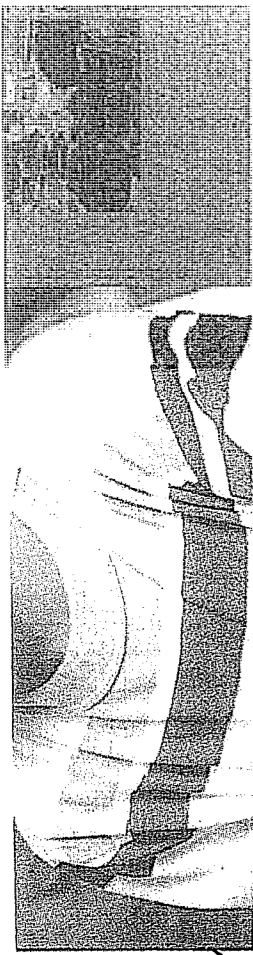
"My free Water Smart Home Survey was easy to schedule and I learned a lot."

Patti participated in the North Marin Water District's Water Smart Home Survey Program. This free service includes a home visit by a knowledgeable water conservation specialist to show you how to read your water meter, tune up your landscape irrigation system, and much more!



Learn more at www.savingwaterpartnership.org or call 415.897.4133 ext. 8421

BOD MISC



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NEXT STOP: BACK TO SCHOOL.**



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www.shopvintageoaks.com

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Payless ShoeSource
Justice
Gymboree
Tilly's
Marshalls
Panda Room
Supercuts
Claire's
Target
Costco

Plus 45 more
great shops and
restaurants

RECEIVED

AUG 25 2011

Ryan
BOD MISC



Chris

North Marin Water District
(Sacramento)

If they are looking at
investor-owned utilities, can
government-owned be
fair beh.?

North Marin Water District
PO Box 146
Novato, CA 94948-0146



Dear Participating Trade Professional,

Pacific Gas and Electric Company (PG&E) would like you to be aware of recent legislation that affects gas energy-efficiency incentives and rebates beginning **September 1, 2011**.

The recently approved State of California 2011-2012 Fiscal Year Budget (SB87) includes a provision that authorizes the transfer of funds from the Gas Public Purpose Program (PPP) Fund to the State General Fund. This provision was opposed by PG&E and significantly limits PG&E's ability to pay gas energy-efficiency incentives and rebates.

PG&E, together with San Diego Gas and Electric and Southern California Gas, is seeking approval from the California Public Utilities Commission (CPUC) to maintain a comprehensive energy-efficiency portfolio, which would enable PG&E to continue to pay both gas and electric incentives and rebates to our customers. However, the CPUC has not yet issued a decision.

As a result, PG&E will suspend payment of gas energy-efficiency incentives and rebates pending a decision from the CPUC authorizing funding for a comprehensive energy-efficiency portfolio.

PG&E recognizes that this suspension may impact our business and residential customers' gas energy-efficiency efforts. Be assured that PG&E is working with the other utilities to convince the CPUC to implement a solution that would minimize the impact of this legislation on our customers' gas energy-efficiency projects.

PG&E will suspend payment of customized (calculated) gas incentives for **projects that have not received a post-installation inspection prior to September 1, 2011**. PG&E will suspend payment of gas energy-efficiency rebates (also known as deemed or mass market rebates) for **applications not postmarked or submitted on-line prior to September 1, 2011**. Incentives for projects that have received a post-installation inspection and applications for rebates that are postmarked or submitted on-line prior to **September 1, 2011** will be processed in accordance with the terms of the respective applications and agreements. This deadline also applies to rebates and direct install programs processed through PG&E's online systems.

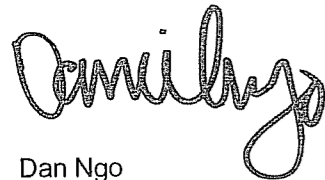
PG&E will continue to pay incentives and rebates for: 1) gas savings delivered under Energy Upgrade California; 2) customized projects which are the recipients of Federal Stimulus (or ARRA) funding; and 3) electric energy-efficiency savings. All payments will be in accordance with the terms of the respective applications and agreements.

continued on back

All other energy-efficiency incentives and rebates for gas savings will be affected. This includes all non-ARRA customized gas projects as well as gas rebates for: furnaces, clothes dryers, faucet aerators, showerheads, water heaters, pool heaters, pool covers, boilers, boiler tune ups, boiler control systems, pipe insulation, tank insulation, steam traps, ovens, griddles, fryers, broilers, steamers, and ozone laundry systems.

PG&E is committed to keeping our Trade Professionals informed. Visit www.pge.com/GasRebateInfo for a comprehensive list of rebates affected, more information and status updates. Please contact us at tradealliance@pge.com or contact your local trade professional manager if you have any questions.

Best Regards,



Dan Ngo
Supervisor
Trade Professional Alliance
Pacific Gas and Electric Company

Enclosure: Comprehensive Rebate List

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0006
(916) 319-2006
FAX (916) 319-2106

DISTRICT OFFICE
3501 CIVIC CENTER DRIVE, SUITE 412
SAN RAFAEL, CA 94903
(415) 479-4920
FAX (415) 479-2123

Assembly
California Legislature



JARED HUFFMAN
ASSEMBLYMEMBER, SIXTH DISTRICT

COMMITTEES
CHAIR, ENVIRONMENTAL
SAFETY AND TOXIC MATERIALS
APPROPRIATIONS
UTILITIES AND COMMERCE
WATER, PARKS AND WILDLIFE

RECEIVED

AUG 25 2011

North Marin Water District

August 23, 2011


✓ Chris DeGabriele, General Manager
John Schoonover, Board President
North Marin Water District
P.O. Box 146
Novato, CA 94948

Dear Friends: *Chris:*

Congratulations to the North Marin Water District for recently being recognized for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada. This being a nationwide recognition for your financial operations being well managed is an impressive achievement.

Please do not hesitate to contact me at my Marin County District Office if I can be any assistance to you in the future.

Sincerely,


JARED HUFFMAN
Assemblymember, 6th District

STATE CAPITOL
ROOM 5100
SACRAMENTO, CA 95814
TEL (916) 651-4003
FAX (916) 445-4722

California State Senate

SENATOR
MARK LENO
THIRD SENATORIAL DISTRICT



RECEIVED

AUG 29 2011

North Marin Water District

COMMITTEES:
BUDGET AND
FISCAL REVIEW
CHAIR
JOINT LEGISLATIVE
BUDGET
CHAIR
JOINT RULES
JUDICIARY
LABOR AND INDUSTRIAL
RELATIONS

DISTRICT OFFICES
455 GOLDEN GATE AVE.
SUITE 14800
SAN FRANCISCO, CA 94102
TEL (415) 557-1300
FAX (415) 557-1252

3501 CIVIC CENTER DRIVE
SUITE 425
SAN RAFAEL, CA 94903
TEL (415) 479-6612
FAX (415) 479-1146

SENATOR.LENO@SEN.CA.GOV
WWW.SENATE.CA.GOV/LENO

August 18, 2011

John C. Schoonover
President
North Marin Water District
P.O. Box 146
Novato, CA 94948

Dear President Schoonover:

Congratulations to you and the North Marin Water District (NMWD) Board on receiving a certificate of achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada.

Accurate and comprehensive governmental reporting and accounting are always important, but never more so than during challenging financial times. The residents and businesses that are served by the NMWD must be both gratified and reassured that the district is in such good hands.

I know I join everyone in your district in thanking you for a job well done!

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Leno".

MARK LENO
Senator, 3rd District

*Continued
success John.*

RECEIVED

AUG 29 2011

North Marin Water District

Dear N M W D,

We recently had an emergency break in our main water pipe coming from the service to

My husband and I are in our late eighties & have been in Novato for over forty years and never had to call N M W D for emergency repair.

Miguel Venegas was extremely punctual in responding to our emergency.

The repair was quite involved and Miguel worked very hard to correct our problem and insured the safety of our neighbors. He checked back with us and was very professional.

We commend the N M W D for such an outstanding employee and we feel extra secure with N M W D employees.

Your very truly
Tom Lorraine
Tucuma



999 Rush Creek Place
P.O. Box 146
Novato, CA 94948

PHONE
415.897.4133

FAX
415.892.8043

EMAIL
info@nmwd.com

WEB
www.nmwd.com

August 29, 2011

The Honorable Mark Leno
State Capitol, Room 5100
Sacramento, CA 95814

Re: AB 646 (Atkins) - Oppose

Dear Senator Leno:

I am writing on behalf of North Marin Water District (NMWD) to express our opposition to AB 646 which would authorize an employee organization to request that the terms and conditions of employment in a labor negotiation be submitted to a fact-finding panel if mediation in said labor negotiation is unable to reach a settlement within 30 days.

We believe the existing Meyers-Milias-Brown Act establishes a level playing field for negotiations between employee organizations and public agencies, and that the added steps proposed by AB 646 are unnecessary. AB 646 would enable employee associations an "upper hand" in negotiations as the employee organization could request the fact-finding panel without NMWD having an opportunity to contest such a request, and NMWD would be required to hold a public hearing on the negotiation impasse. Requirements proposed by AB 646 would be an infringement on local control which could prove to be both costly and a time delay in labor negotiations.

Additionally, use of such a fact-finding panel is clearly a new state mandate and would have to be paid for by the state. In these hard economic times, the state budget does not allow for increased costs, leaving NMWD in the position of complying with a new state mandate and little likelihood of reimbursement for such costs.

For these reasons, we respectfully request your "No" vote on AB 646.

Sincerely,

Chris DeGabriele
General Manager

CD:rr

Cc: Assembly Member Jared Huffman
Association of California Water Agencies
Joe Wiley, Wiley Price Radulovich

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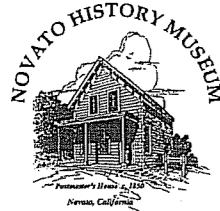
The Novato Historian

The Quarterly Publication of the
Novato Historical Guild, the Novato History Museum,
and the Hamilton Field History Museum

Preserving Novato's History

Feature Section

Contents © 2011 Novato Historical Guild, Inc.



July-September 2011

The Novato Historian

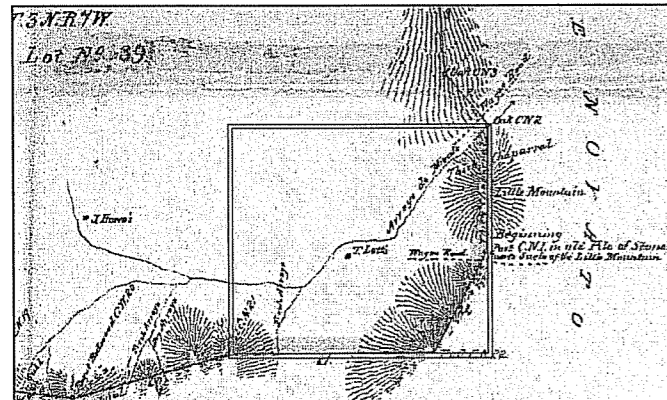
Volume 35, Number 3

The History of Stafford Lake

by May Rodgers Ungemach, 1993

In spring, Stafford Lake sparkling like a jewel in its setting of emerald green hills looks very much like a natural wonder. Actually, until just over four decades ago, that area now covered by the lake was the site of pioneer John Redmond's ranch home and pasture for dairy cattle as far as the eye could see.

John Bernard Redmond, born in Ireland in 1819, went to South America at the age of 26 where he worked for merchants Warlington & Templeman. Several years later, he moved to San Francisco when the firm opened a branch there. In 1850, he started his own mercantile business which he operated successfully for 14 years.



This map is from the Plat of the Rancho Corte Madera de Novato, dated July 1859. Depicted on the map is T. Lett's home, who was living on the property before Redmond bought the 640 acre parcel in 1864.

In 1853, John Redmond married Joanna Walsh and fathered seven children, five of whom survived. No doubt the welfare of their offspring inspired Mr. and Mrs. Redmond to leave the big city. In 1864, the family moved to a 640 acre ranch on Hicks Valley Road in Marin County. John Redmond may have been unaware that the land he had purchased was originally part of two Mexican land grants – Corte Madera de Novato and Rancho Nicasio.

In the years that followed his move to Marin County, J.B.

Redmond became known as one of the finest ranchers in the area. In 1888, the Marin Journal reported the Redmond "place is a delight to the eye – 640 acres in a square body, a portion of it under a high state of cultivation. Mr. R. is not at all bashful about using fertilizers. Everywhere about the place one sees indications of nature yielding bounteous returns to intelligent, liberal management – plenty to eat for man and beast. The barn, in which his horses and cows are housed, 104 x 68 feet, is the finest in the county. The walls of his dairy building, two feet thick, are filled in with sawdust with two feet of same on the roof. The temperature within in the hottest days of summer is that of an ice house. Under such conditions butter making is an assured success."

In addition to dairy cattle, there were on the Redmond Ranch "imported Southdown sheep, peacocks, golden pheasants, game chickens, quail and Indian curiosities as well as a number of willows raised from a slip cut from the one over Napoleon's tomb at St. Helena." Near the Redmond home, "two streams of delicious water in close proximity to each other burst forth from the hillside at the rate of 84,000 gallons a day. The flow could easily be increased to 100,000 gallons and there is no abatement of the supply on the hottest days of summer. A gentleman of wealth and leisure could gratify his wildest fancies here in the proprietorship of an artificial lake on 17 acres, filled with speckled trout, bordered with water lilies, and covered with miniature gondolas drawn by swans." As far as the lake is concerned, that reporter of more than a century ago would be amazed today to find much of his or her fantasy has become a reality.

In March 1888, John B. Redmond was appointed Postmaster at Black Point. (Novato Post Office was renamed Black Point from 1865 until 1891.) A Marin Journal reporter wrote: "The prospect is very good that if Mr. Redmond holds office the usual term of four years, he will see it grow to the third post office in amount of business in Marin County."

The 1888 edition of the Marin Journal noted that young Mary Redmond, an amateur astronomer, got up at 4 a.m. to observe Halley's Comet "about 20 degrees above the eastern

horizon, in the square of Pegasus." She was said to be the first person in Marin County to see the new comet.

After John Redmond's death in 1893, his daughter Bertha married neighboring rancher, Daniel James Ryan. The bride was 30 and the groom 41. Dan Ryan, a native of Limerick County, Ireland, came to California via the Isthmus of Panama at the age of 21, made a brief stop in Contra Costa County, and then located permanently in Marin County. The 1894 Great Register of Marin County voters describe him as 5'11" tall, with a dark complexion, gray eyes and hair.

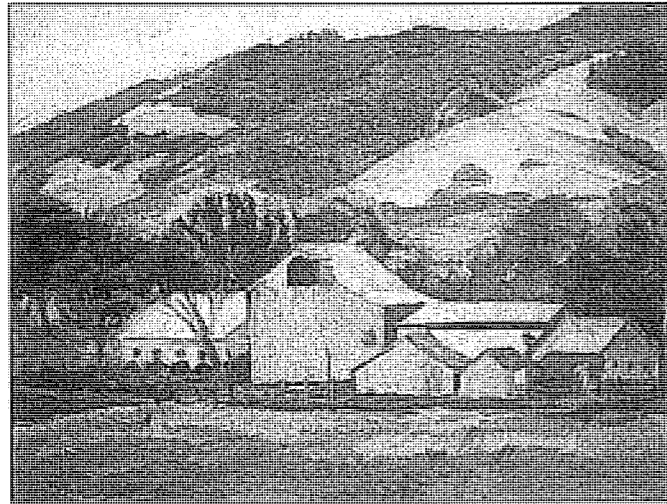


Photo courtesy of the Grossi family: This is an original painting of the ranch painted prior to 1952. The calf barn, lean-to shed and the bunk house were moved across Hicks Valley Road (now Novato Blvd).

Bertha and Dan Ryan assumed management of her family's ranch. Their children, Daniel, Jr., and Agatha, were born there and attended Novato Grammar School.

It appears Bertha's sister Agatha preceded their father in death since she was not named as an heir to his estate. Sisters Mieda Redmond and Mrs. Mary (Redmond) Zicovich became San Francisco residents. Several years after John Redmond's death, his son John, Jr., relinquished his share of the estate and apparently left Marin County at least until 1930 when his name appeared on the voter registry as a laborer residing in Novato. According to records, Dan Ryan eventually acquired the shares of the Redmond Ranch held by his wife's sisters.

It was around 1895 that Hermann Rudolff moved onto the Redmond/Ryan ranch, leasing a residence that had been built in 1861. (A fire destroyed the building in 1938.) The following year, Hermann's bride Martha joined him. After a couple of years of making cheese and butter on the ranch, Mr. Rudolff established his own business, the New York French Cheese Factory on Railroad Avenue in Novato. He became a Judge and one of Novato's most prominent citizens.

In 1903, Dan Ryan leased his Novato ranch to Dominico Grossi and moved to Santa Clara with his wife and children. Mr. Grossi operated a dairy on the property for 14 years, and then purchased his own ranch nearby.

At that time, Mr. and Mrs. Ryan leased their ranch to the

Mendonca family and rented an apartment in San Francisco. Weekends, however, found the Ryan family once again in their ranch home and daughter Agatha riding her horse over the familiar fields, hills and creek beds. Undoubtedly Dan Ryan, Sr., made additional trips to his ranch during the week to fulfill his responsibilities as a director of the first Novato Bank which opened for business in 1913, and as a trustee of the Burdell School District. Dan, Jr., remained in San Francisco where he operated a bar.

In the spring of 1934, Agatha and her parents left San Francisco and moved back to their ranch. Within days of their return, death claimed Daniel Ryan, Sr. His widow passed away the following year.

Dan, Jr., returned to the ranch to supervise the dairy operation. Those who remember him say he was a charming man who had incredibly bad luck with his investments causing him to come very close to losing the Ryan Ranch to creditors. Somehow, his sister Agatha rescued the property and took charge of the dairy with the help of Mr. Mendonca's son-in-law, Tony Martenz. Dan, Jr., is believed to have left the area. He died in 1964 and is buried with his parents in Mt. Olivet cemetery near San Rafael.

The formation of the North Marin Water District in 1948 to allow for purchase of the Novato Water Company brought permanent change to the Ryan Ranch. Soon after the District was created, voters of North Marin approved bond issues for improvement of the water system and construction of a dam. The excellent watershed and proximity to Novato Creek made the Ryan property an ideal site.

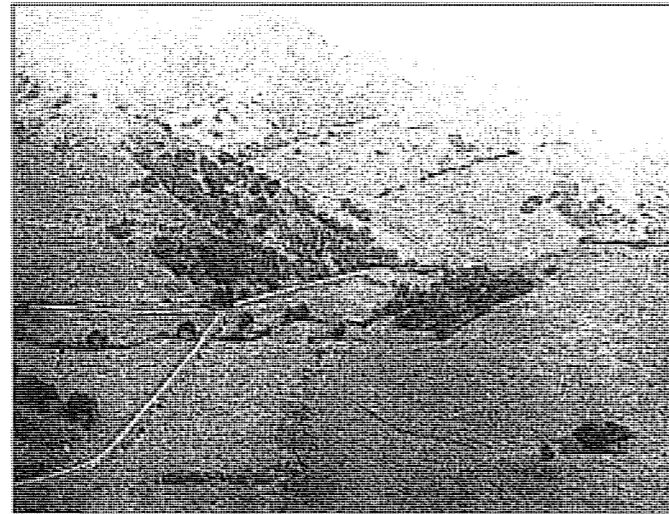
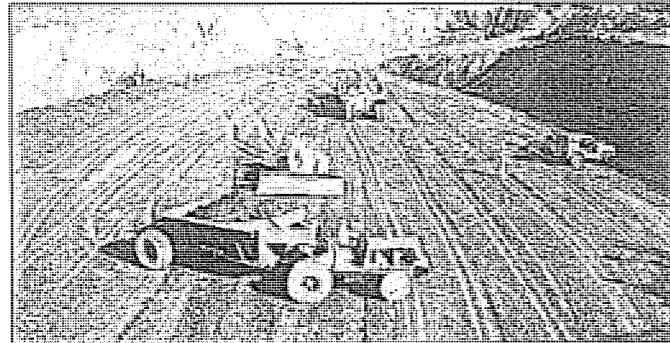


Photo showing Ryan Ranch boundary; the proposed dam site is in the middle of the picture. The road from the middle of the picture to the left is Novato Blvd.

Agatha was reluctant to part with her land but the best interest of the community prevailed. About 1950, she sold off the cattle and dairy equipment and built a new home on the hillside. An old friend, Mrs. Frances Bond McGlaufflin, paid Agatha a visit which she later described in her column "Down Memory Lane" in the Feb. 26, 1964 edition of the Novato Advance. She

wrote: "My brother and I were guests at the beautiful old Ryan Ranch in the Novato Hills... The sweeping vista seen from each well-placed window of the home looks out on rolling hills and peaceful valleys... Cattle browse peacefully at a distance and



Bulldozers and carryalls dig into the bed of Novato Creek in construction of the dam.

around all the encircling ring of the distant mountains of the Coast Range. The friendly dogs bounce to the gate to meet you and the surroundings are quiet with the unbroken stillness of good country living."

Miss Agatha, the last remaining member of the Ryan family of Novato, died in 1987, at the age of 91. The Redmond/Ryan ranch is presently owned by the Tocalino family.

Stafford Dam was completed in 1951. Before the new lake, called Novato Creek Lake, covered the valley, a few buildings were moved and the rest were torn down. One of the latter was the home of George and Mary Grossi. About 1953, they sold 66 acres of their land to the North Marin Water District for expansion of the lake. Mr. and Mrs. Grossi moved across the road into a house that had been located on First Street in downtown Novato. The owner was Elsie Andersen whose husband,



Photo of the Grossi home, which was moved from First Street to the Grossi ranch next to Stafford Lake. Here the house is about to cross the Novato Blvd. bridge.

Gordon, opened the first auto agency in Novato in 1926. Mr. and Mrs. Grossi bought the house from Mrs. Andersen around 1950 and moved it to their ranch across from the present Stafford Dam and Lake.

In the shadow of the dam, on David Leveroni's property, stood a small building that had been the Burdell Cheese Factory

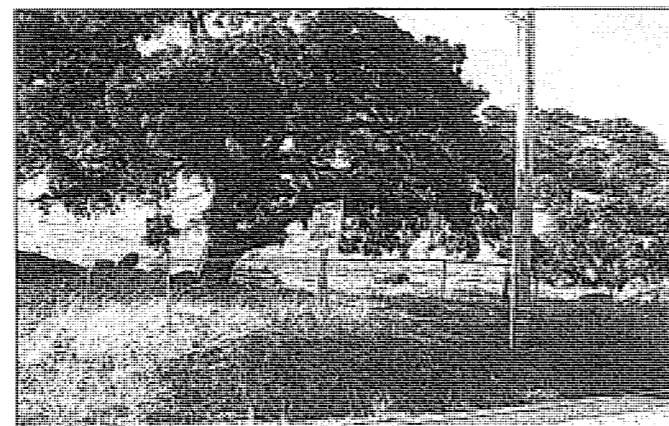
until it became the Burdell School in 1903. For safety reasons, the school was moved away from the dam, across the road onto a



Photo from the Grossi collection: The Burdell School was moved to a knoll on the Grossi Ranch overlooking Stafford Lake. On Sunday, November 23, 1958 a fire destroyed the historic one-room school.

knoll on Grossi land. The foundation and its twin sentinel trees still remain at their original location. The little one-room schoolhouse remained active until 1958 when it was torched by vandals.

The new dam and lake were not formally dedicated or named until November 1, 1955, when directors of the Water District unanimously approved the name Stafford Dam and Lake in honor of Dr. Charles D. Stafford. Dr. Stafford was President of the first North Marin Water District Board of Directors elected in 1948 and worked tirelessly throughout the difficult period of constructing the dam and improving Novato's water system. He continued to serve as President until his death in October 1955.

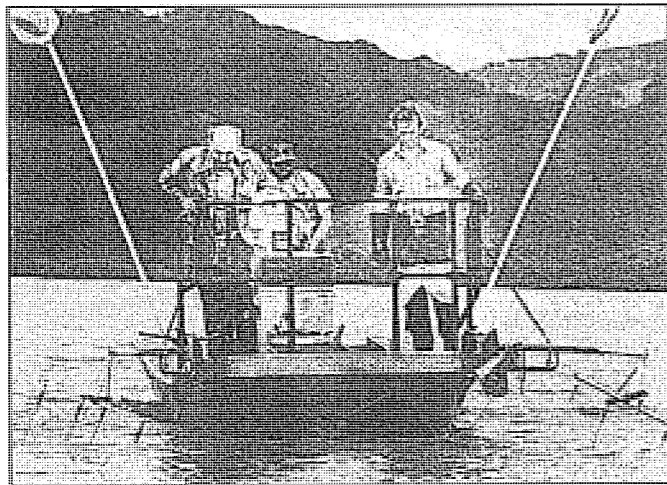


This recent picture is where the old school house was located when it burned. The location is just east of the entrance to Stafford Lake Park. The chain link fence which was installed around the burned school can still be seen. Look for the sign that says "fire wood for sale"; the school was right behind the Oak tree.

The Manager of the Water District and the five members of its Board of Directors have been extraordinarily diligent and farsighted in their efforts to protect and expand the water supply for North Marin residents. Development of the ranchlands surrounding Stafford Lake would threaten not only the purity of the lake but the very existence of its 8.3 square miles of watershed. To prevent that from happening, the District has entered into agreements with the ranchers in the area, allowing their cattle to graze on Water District lands and providing the ranchers with water in times of drought. As long as the ranchers are able to continue their family dairy operations, there will be no new development.

A portion of Water District property has been leased to Indian Valley Golf Club, Inc. for 99 years. The club provides an attractive recreational enhancement adjacent to the lake.

In 1971, acreage west of the lake purchased by Marin County and a portion of North Marin Water District property were combined to create Stafford Lake Park. The agreement signed by the County and the Water District allowed the County



State Fish and Game biologist Bill Cox (center) sends an electric current into the waters of Stafford Lake as Bill Wilson (left) and John Eyster of the North Marin County Water District watch for stunned carp to scoop up, tag and release. It was all part of a survey of rapid increases in the lake's carp population – a sore subject for both anglers and water district officials.

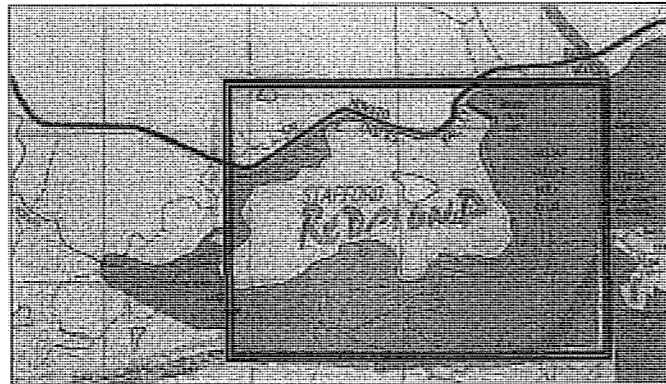
to maintain and operate a park for a period of fifty years subject to strict requirements intended to protect District facilities and the water supply. The 139-acre park can readily accommodate up to 3,000 people and provides fishing, barbecuing, nature trails, a children's play area and other amenities.

In 1984, it became necessary to raise the crest of the dam eight feet and to drain Stafford Lake in order to repair the toe drain at the base of the dam. Manager John O. Nelson had to rely on his ingenuity to solve the problem of removing and disposing of tons of fish, primarily carp that had accumulated in the lake. Many of the fish had at one time been pet goldfish deposited in the lake by people who couldn't or didn't care to keep them any longer. Having read about a former Vietnamese Colonel residing in California who was particularly adept in the art of fishing, Mr.

Nelson suggested giving the Colonel free rein to catch and keep as many as possible from the partially drained lake. The Colonel reaped a harvest of 30,000 lbs. of carp and everyone was well satisfied with the arrangement.

In keeping with the Water District's ongoing concern for the protection of the watershed, an extensive erosion control program was implemented in the mid-1980's.

Employees at the Stafford Treatment Plant began using a computer-based maintenance management program in 1990, to assure the continued excellence of water quality.

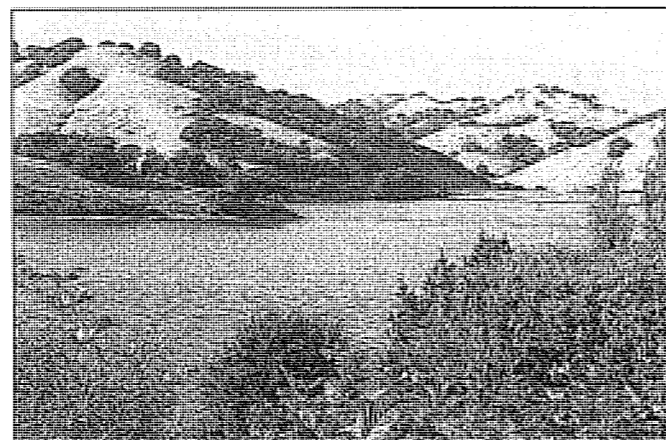


Current map shows where Redmond ranch was and where Stafford Lake is now.

Recently, the District commissioned a study of the seismic stability of Stafford Dam. An engineering firm concluded that the Dam could withstand an earthquake as powerful as the San Francisco quake of 1906.

From 1948 when there were just 500 consumers, to the 17,197 Novato consumers served today, the Manager and Board of Directors have guided the North Marin Water District with wisdom and foresight. If pioneer John B. Redmond were alive today, he would most certainly approve the manner in which his property has evolved and the thoughtful care that has been shown by its present custodians.

Stafford Dam and Lake will be a source of pride and pleasure for generations to come.



A view of Stafford Lake from Indian Valley Golf Club looking towards the dam.

business is conducted by a corporation: United Liquors, Inc. 3289640, 1556 4th St., San Rafael, CA 94901. This statement was filed with the County Clerk of Marin County on July 27, 2011, signed, J. Whitney, Deputy. Published in the Point Reyes Light August 4, 11, 18, 25, 2011.

Fictitious Business Name Statement
File No. 127381
The following person(s) is (are) doing business as: Whitney Worldwide, 61 Birch Avenue, Cortez, Mendocino, CA 94925. This business is conducted by a limited liability company: Whitney Worldwide, LLC, 61 Birch Avenue, Cortez, Mendocino, CA 94925. This statement was filed with the County Clerk of Marin County on July 26, 2011, signed, J. Whitney, Deputy. Published in the Point Reyes Light August 4, 11, 18, 25, 2011.

by a husband and wife: Gustavo Homos, 605 Rosal Way, San Rafael, CA 94903; 02: Javier Salomon, 605 Rosal Way, San Rafael, CA 94903. This statement was filed with the County Clerk of Marin County on July 28, 2011, signed, J. Whitney, Deputy. Published in the Point Reyes Light August 11, 18, 25, September 1, 2011.

Fictitious Business Name Statement
File No. 2011127461
The following person(s) is (are) doing business as: 01: Pat Stilling Professionals, 1385 N. Hamilton Parkway, #110, Novato, CA 94949; 02: Colapsible Bottle Sales, 1385 N. Hamilton Parkway, #110, Novato, CA 94949; 03: Lynne Coin Company, 1385 N. Hamilton Parkway, #110, Novato, CA 94949. This business is conducted by an individual: Lynne Downing, 1385 N. Hamilton Parkway, #110, Novato, CA 94949. This statement was filed with the County Clerk of Marin County on August 8, 2011, signed, O. Lobato, Deputy. Published in the Point Reyes Light August 11, 18, 25, September 1, 2011.

715 Mission Ave., San Rafael, CA 94901. This business is conducted by a corporation: Pacific Investment Associates, LLC, 1805 N. Carson St., Ste. X, Carson City, NV 89701. This statement was filed with the County Clerk of Marin County on July 25, 2011, signed, J. Whitney, Deputy. Published in the Point Reyes Light August 11, 18, 25, September 1, 2011.

Fictitious Business Name Statement
File No. 127487
The following person(s) is (are) doing business as: Mateo Terra, 7 Charro Way, Fairfax, CA 94930. This business is conducted by a husband and wife: 01: Javier A. Gomez Mangera, 7 Charro Way, Fairfax, CA 94930; 02: Maria Paula Laraburu, 7 Charro Way, Fairfax, CA 94930. This statement was filed with the County Clerk of Marin County on August 8, 2011, signed, O. Lobato, Deputy. Published in the Point Reyes Light August 11, 18, 25, September 1, 2011.

Fictitious Business Name Statement
File No. 2011127556
The following person(s) is (are) doing business as: Road Angel Media, 120 H St., San Rafael, CA 94901. This business is conducted by an individual: Mary E. Wallace, 120 H St., San Rafael, CA 94901. This statement was filed with the County Clerk of Marin County on August 12, 2011, signed, J. Whitney, Deputy. Published in the Point Reyes Light August 18, 25, September 1, 8, 2011.

Fictitious Business Name Statement
File No. 127497
The following person(s) is (are) doing business as: Framencaters Gallery, Greenbrae, 320 Bon Air Center, Greenbrae, CA 94904. This business is conducted by an individual: Krista Steinberg, 57 Tarnipais Ave., #9, San Anselmo, CA 94960. This statement was filed with the County Clerk of Marin County on August 8, 2011, signed, O. Lobato, Deputy. Published in the Point Reyes Light August 18, 25, September 1, 8, 2011.

Fictitious Business Name Statement
File No. 127455
The following person(s) is (are) doing business as: Chris DeGabriele, General Manager North Marin Water District

NOTICE
Salinity intrusion into the Point Reyes well supply serving the West Marin communities of Point Reyes, Olema, Inverness Park, and Paradise Ranch Estates has occurred beginning on August 16, 2011 and has caused sodium levels to increase from background levels of 15-50 milligrams per liter (mg/L). The table below lists most recent concentrations for sodium and chloride in the West Marin water supply:

Date	Sodium	Chloride	Units
08/16/2011	51	89	mg/l*

*milligrams per liter
Chris DeGabriele, General Manager
North Marin Water District
Published in the Point Reyes Light, August 18, 2011

located in the town of Sinson Beach, Marin County, California, on property owned by the District. The site is located at the District's office at 3785 Shoreline Highway, Sinson Beach, California 94970.

DESCRIPTION OF THE WORK: The Project generally includes the removal of the south side of the District Office roof (shingles, underlayment, and ridge cap, totaling approximately 800 square-feet) and replacement with new roofing materials to match the north half of the roof and installation of a 6.4 Kilowatt solar system (DC Rating), using 28 solar panels made by Canadian Solar (or equivalent) and an SMA inverter (or equivalent).

BID SUBMISSION: The District will receive sealed Bids no later than 2:00 p.m. on **MONDAY, AUGUST 22, 2011.**

BIDDING INSTRUCTIONS: Bidding instructions are provided in the Bid Documents. Bidders may obtain a copy of the Bid Documents for the Project by contacting the District's General Manager.

CONTACT INFORMATION:
Mr. Ed Schmidt, General Manager
Sinson Beach County Water District
3785 Shoreline Highway
Sinson Beach, CA 94970
Telephone: (415) 868-1333
Fax: (415) 868-9417
Email: edschmidtson-beach-cwd.dst.ca.us

Published in the Point Reyes Light July 21, 28, August 4, 11, 18 2011

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Brown Appoints Chuck Bonham as New DFG Director

Posted on 30 August 2011

By Dan Bacher



Governor Jerry Brown has appointed Charlton "Chuck" Bonham, 43, of Albany, as director of the California Department of Fish and Game

Bonham has served in multiple positions at Trout Unlimited, a national trout advocacy organization, since 2000, including California director and senior attorney, according to a August 26 news release from Governor Jerry Brown's Office.

He was an instructor and trip leader for the Nantahala Outdoor Center from 1994 to 1997 and was a small business development agent for the United States Peace Corp in Senegal, West Africa from 1991 to 1993.

Bonham was not available for comment at press time, but representatives of recreational and commercial fishing groups praised his appointment by Brown.

"I think he's a good choice," said Zeke Grader, executive director of the Pacific Coast Federation of Fishermen's Associations (PCFFA). "I hope that he's able to resolve the funding issues that plague the Department of Fish and Game. How can you run a department when there is no money for research and enforcement?"

Grader has worked with Bonham on Klamath River dam removal and hydroelectric relicensing. "We both appeared before Public Utility Commission to testify regarding permits needed for dam removal," said Grader.

He said he believes that Bonham is somebody that both recreational and commercial fishermen "can work with."

"I have known and worked with Chuck for a number of years," said Dick Pool, administrator of <http://www.water4fish.org> and Secretary/Treasurer of the Golden Gate Salmon Association (GGSA). "I have great respect for his capabilities and dedication to fishery issues. We look forward to working with him."

Troy Fletcher, acting Executive Director of the Yurok Tribe, also was pleased with Bonham's appointment.

"I've worked closely with Chuck for years," said Fletcher. "He's been very instrumental in working on Klamath River dam removal and other agreements. I've enjoyed working with Chuck as a person and a professional. I think he'll make a good fit and the Yurok Tribe looks forward to working with him in his new role."

Bonham has a number of controversial issues to deal with in his new position, lead by the deaths of millions of Sacramento splittail and hundreds of thousands of other fish species at the Delta pumps this year because of record water exports out of the Sacramento-San Joaquin River Delta.

Other controversial issues Bonham will have to address include the privately-funded Marine Life Protection Act (MLPA) Initiative, the campaign by the state and federal governments to build a peripheral canal, and the massive dewatering of the Scott and Shasta rivers every year by irrigators.

This position requires Senate confirmation and the compensation is \$150,112. Bonham is a Democrat.

~~~~~

*Dan Bacher is an editor of The Fish Sniffer, described as "The #1 Newspaper in the World Dedicated Entirely to Fishermen."*

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### Troubled SMART rail line taps Marin official as its leader

By Mark Prado  
Marin Independent Journal

Posted: 08/22/2011 06:04:52 PM PDT

Marin County public works chief Farhad Mansourian will take over as the general manager of the financially troubled Sonoma-Marine Area Rail Transit District after the rail board asked him to take the job.

The SMART board voted Monday to give the job to Mansourian, 57, after receiving 35 applications and interviewing just one applicant. Mansourian, who did not formally apply for the position, had been serving as the interim general manager and didn't interview for the post.

He was asked by SMART chairwoman Valerie Brown to consider taking the job.

"He has been interviewing for the last three months while he was doing the job," said Marin Supervisor Judy Arnold, vice president of the SMART board. "He has done so much to improve transparency and boost morale. We all thought he deserved a shot; he is doing a great job."

Since starting in May in his temporary role at SMART, Mansourian has crunched numbers, put out a new cost estimate and worked closely with the board to move the train plan forward.

"We felt he was the best person," said Novato Councilwoman Carole Dillon-Knutson, a SMART board member, adding that Mansourian did a good job sitting down with

each member to explain SMART's finances. "He made sure we all were on the same page."

David Heath, SMART's finance manager, took over initially as acting general manager after Lillian Hames resigned in January. Arnold and others on the board didn't feel Hames' style was

transparent enough and some felt left in the dark on key issues.

Mansourian will be paid \$246,000 annually as head of the rail agency. His base annual pay at the county of Marin last year was \$206,912. Hames was paid \$176,000.

"Farhad has done an exemplary job in moving SMART forward toward beginning operations," Arnold said when asked about the salary.

Mansourian has spent 31 years working for the county of Marin. He has headed the county's public works department for seven years and was chief assistant for 14 years before that. He has overseen numerous multi-million-dollar projects for the county

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including roads, bridges and other improvements. He managed operation of the Marin County Transit Agency for 12 years and served as executive director of the county's Congestion Management Agency for 14 years.

"While I am emotional in leaving my Marin County position, I am excited that in this new capacity I can serve the residents of both Marin and Sonoma counties by bringing SMART to our region," he said.

The original Cloverdale-to-Larkspur line — which voters approved in 2008 — collapsed in the poor economy, which weakened the sales tax base the system is fueled on. Cost overruns and miscalculation also have presented financial problems. Now a San Rafael to Santa Rosa line is planned, but it's not known exactly when it will start.

The project has become increasingly controversial in Marin and Sonoma counties as costs have mounted, and some opponents have launched a repeal effort.

Arnold said one of Mansourian's priorities will be to address the repeal campaign, which will involve public education. Issuing bonds to build the project, figuring out the initial segment of rail service and developing connecting bus service are also tasks Mansourian will face.

"SMART is the largest, most complex public works project ever undertaken in the North Bay," Mansourian said. "I am excited to be chosen to lead SMART at this critical juncture and help make sure that — despite the recession — the voters of Marin and Sonoma get the world-class rail project that they

approved in 2008."

Contact Mark Prado via email at [mprado@marinij.com](mailto:mprado@marinij.com)



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BO D MISC

**San Rafael and Novato water recycling plants get funding help**

By Mark Prado  
Marin Independent Journal

Posted: 08/19/2011 05:58:53 PM PDT

Two new water recycling plants in north San Rafael and Novato that will help save millions of gallons of fresh water got a financial boost from the state this week.

"Recycled water benefits the entire region by bringing jobs and an environmentally sound, cost-effective and a drought-proof water supply for irrigating agriculture and large landscapes, so potable supplies can be conserved," said Bill Long of Novato, chairman of the North Bay Water Reuse Authority, which received a \$2 million state grant this week.

The state Department of Water Resources provided the money to the authority to be divided among two projects in Marin and one each in Sonoma and Napa counties.

The authority is dispersing the money to the Las Gallinas Valley Sanitary District, Novato Sanitary District and the North Marin Water District to help pay for the two new Marin projects.

The Las Gallinas district expects to open construction bids early next month for a \$5.6 million recycling plant capable of handling 700,000 gallons of water a day.

The plant will send water north for landscape irrigation at Hamilton Field, including the Coast Guard housing area. The plant is expected to be finished by the end of

September 2012.

"This is a great source for water and water that shouldn't be wasted," said Mark Williams, Las Gallinas general manager. "We are very committed to recycling water."

The Novato Sanitary District received the grant money for

a new recycling facility now under construction, a \$5.2 million, 1.7-million-gallon plant. The project should be finished by June 2012.

That system will provide recycled water to large landscapes, including the Fireman's Fund Insurance Co. and Valley Memorial Park Cemetery sites in Novato, as well as commercial users west of Highway 101.

"It is great to get the grant, it's not easy to do so these days," said Beverly James, Novato Sanitary's general manager.

The North Marin Water District is a partner in both projects, providing a distribution system. Ratepayer fees and other state and

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federal dollars are combining to pay for the projects in addition to the grant.

Once completed, the projects will add 744 acre-feet of recycled water to Marin's irrigation water supply system annually, saving more than 240 million gallons a year, enough to supply about 2,200 single-family homes with water for a year.

Long noted more than half of the water used in the North San Pablo Bay region is for outdoor irrigation and that the new projects will cut into that use.

"Many people worked very hard and we are grateful to have gotten to this point," he said.

Contact Mark Prado via email at [mprado@marinij.com](mailto:mprado@marinij.com)



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BOB MISC

## Brown's decision means wide-open race in Sonoma County's 1st District

By BRETT WILKISON  
THE PRESS DEMOCRAT

Published: Tuesday, August 16, 2011 at 8:50 p.m.

Supervisor Valerie Brown said she made her announcement on Tuesday not to seek reelection in order to allow ample time for others considering a run for the First District seat.

"If you live in this district and you have a love of the county, this might be the thing for you," Brown said.



JOHN BURGESS/ PD

Two candidates already had decided they fit that bill. They are Gina Cuclis, a former City of Sonoma Planning Commissioner and communications consultant and Mark Bramfitt, an energy consultant and board member of the Valley of the Moon Water District and Sonoma Valley Citizens Advisory Commission.

Sonoma County Supervisor Valerie Brown hugs Sheriff Steve Freitas on Tuesday, August 16, 2011, after announcing she will not seek reelection for her Sonoma Valley seat.

With the incumbent bowing out, the race is wide open and bound to get even more competitive, political observers said Tuesday.

The contest could pit candidates from the district's two main geographic areas — Sonoma and Sonoma Valley on the one end versus east Santa Rosa and its outskirts on the other. It also may feature rivals backed by the county's two traditional political camps, centrist Democrats who cast themselves as business friendly versus more left-leaning politicians who campaign on pro-environment credentials.

"What this shapes up to be is a potentially very divisive race," said Dave McCuan, a Sonoma State University political scientist.

Other interested candidates include Santa Rosa councilman John Sawyer and Sonoma ecologist Will Pier. A number of city and school board officials also are rumored to be eyeing the seat.

Both Cuclis and Bramfitt said they expect to pick up support from those who were waiting to see what Brown would do.

On Tuesday, Bramfitt said he got the endorsement of three Brown allies, Sonoma councilman Ken Brown — no relation to the supervisor — Dick Fogg, a county planning commissioner and Steven Sharpe, a Bennett Valley Union school board member.

"I used to say that the campaign season kicks off around Labor Day," Bramfitt said. "That turns out to be about right."

Cuclis said she expects a bump in her endorsements and donations in the aftermath of Brown's announcement. A longtime Democratic party activist, Cuclis is seen by some as the progressive among current candidates. But she rejected the idea that ideological camps would control the race.

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"I don't think it's as clear as that," she said of speculation about the county's traditional election-year battle lines.

Bramfitt, Cuclis and Sawyer rejected the idea that the race could hinge on the geographical tilt of the district.

Changes recently endorsed by supervisors could shift the district's lines further into east Santa Rosa, possibly weakening what has been the historic base of voter support in Sonoma and Sonoma Valley.

Sawyer said those changes could play to his favor. The two-term Santa Rosa councilman was waiting to see what Brown would do. He is now seen by some observers as the favorite among pro-business backers.

Sawyer said he is evaluating his options.

"I think my chances are good," he said of a possible run. "If I didn't feel I had good support from the electorate I wouldn't consider it."

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