



**NORTH MARIN  
WATER DISTRICT**

**NORTH MARIN WATER DISTRICT  
AGENDA - REGULAR MEETING  
October 5, 2021 – 6:00 p.m.  
Location: Virtual Meeting  
Novato, California**

**Please note: the Three Month Outlook under Miscellaneous has been revised.**

Information about and copies of supporting materials on agenda items are available for public review at 999 Rush Creek Place, Novato, at the Reception Desk, or by calling the District Secretary at (415) 897-4133. A fee may be charged for copies. District facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed, please contact the District Secretary as soon as possible, but at least two days prior to the meeting.

**ATTENTION: This will be a virtual meeting of the Board of Directors pursuant to Executive Order N-29-20 issued by the Governor of the State of California.** There will not be a public location for participating in this meeting, but any interested member of the public can participate telephonically by utilizing the dial-in information printed on this agenda.

**Video Zoom Method**

**CLICK ON LINK BELOW:**

Go to: <https://us02web.zoom.us/j/82191971947> OR

Password: 466521

**SIGN IN TO ZOOM:**

Meeting ID: 821 9197 1947

Password: 466521

**Call in Method:**

Dial: +1 669 900 9128  
+1 253 215 8782  
+1 346 248 7799  
+1 301 715 8592  
+1 312 626 6799  
+1 646 558 8656

Meeting ID: 821 9197 1947#

Participant ID: #

Password: 466521#

For clarity of discussion, the Public is requested to MUTE except:

1. During Open Time for public expression item.
2. Public comment period on agenda items.

*Please note: In the event of technical difficulties during the meeting, the District Secretary will adjourn the meeting and the remainder of the agenda will be rescheduled for a future special meeting which shall be open to the public and noticed pursuant to the Brown Act.*

Est. Time	Item	Subject																				
6:00 p.m.		<b>CALL TO ORDER</b>																				
	1.	<b>APPROVE MINUTES FROM REGULAR MEETING</b> , September 21, 2021																				
	2.	<b>GENERAL MANAGER’S REPORT</b>																				
	3.	<b>OPEN TIME: (Please observe a three-minute time limit)</b>  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.	<b>STAFF/DIRECTORS REPORTS</b>																				
		<p><b>CONSENT CALENDAR</b></p> <p>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.</p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><b>Consent - Approve Water Agreement</b></th> <th style="text-align: center;"><u>Type</u></th> <th style="text-align: center;"><u>DU</u></th> <th style="text-align: center;"><u>EU</u></th> </tr> </thead> <tbody> <tr> <td>5. High Pressure Water Service Agreement - 59 Bridge Road, APN 143-200-23</td> <td style="text-align: center;">SF</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td></td> <td></td> <td></td> <td style="text-align: right;">Resolution</td> </tr> <tr> <td>6. <b>Consent - Approve:</b> : Text for Fall 2021 West Marin “<i>Waterline</i>” Issue 20</td> <td></td> <td></td> <td></td> </tr> <tr> <td>7. <b>Consent - Approve:</b> Auditor-Controller’s Statement of Investment Policy</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	<b>Consent - Approve Water Agreement</b>	<u>Type</u>	<u>DU</u>	<u>EU</u>	5. High Pressure Water Service Agreement - 59 Bridge Road, APN 143-200-23	SF	0	0				Resolution	6. <b>Consent - Approve:</b> : Text for Fall 2021 West Marin “ <i>Waterline</i> ” Issue 20				7. <b>Consent - Approve:</b> Auditor-Controller’s Statement of Investment Policy			
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7. <b>Consent - Approve:</b> Auditor-Controller’s Statement of Investment Policy																						
		<b>ACTION CALENDAR</b>																				
	8.	<b>Approve:</b> Board of Directors – Meetings by Teleconference <span style="float: right;">Resolution</span>																				
		<b>INFORMATION ITEMS</b>																				
	9.	Temporary Urgency Change Proposal (TUCP) for Lagunitas Creek - MMWD																				
	10.	Marin County’s Request for Emergency Drinking Water																				
	11.	Overview of Redistricting Based on the 2020 Census																				
	12.	Gallagher Well No. 2 – Update on Coastal Permit Appeal to California Coastal Commission (County ID P3010)																				
	13.	<b>MISCELLANEOUS</b> Disbursements - Dated September 23, 2021 Disbursements – Dated September 30, 2021 Point Reyes Light – Salinity Notice September 16, 2021 Point Reyes Light – Salinity Notice September 23, 2021 Point Reyes Light – Salinity Notice September 30, 2021 Three-Month Outlook Temperature and Precipitation Probability Assembly Member Marc Levine – Conserve Water. Preserve California. - Mailer Disposal of Surplus Equipment																				
		<u>News Articles:</u> Marin IJ – Marin County Drought Tracker Marin IJ – Dam Downsides – WATER SUPPLY																				

<b>Est. Time</b>	<b>Item</b>	<b>Subject</b>
		AWWA – U.S. tap water consumer poll: high satisfaction, though a quarter struggle to pay bills
		Marin IJ – State falls short on water savings
		Marin IJ – Marin Voice - Desalination is not the answer to district water shortage
		Marin IJ – Novato drawing new boundaries
<b>7:30 p.m.</b>	<b>14.</b>	<b><i>ADJOURNMENT</i></b>

1

**DRAFT**  
**NORTH MARIN WATER DISTRICT**  
**MINUTES OF REGULAR MEETING**  
**OF THE BOARD OF DIRECTORS**  
September 21, 2021

6 **CALL TO ORDER**

7 President Grossi announced that due to the Coronavirus outbreak and pursuant to  
8 Executive Order N-29-20 issued by the Governor of the State of California this was a virtual  
9 meeting. President Grossi called the regular meeting of the Board of Directors of North Marin  
10 Water District to order at 6:00 p.m. and the agenda was accepted as presented. President Grossi  
11 added that there was not a public location for participating in this meeting, but any interested  
12 members of the public could participate remotely by utilizing the video or phone conference dial-  
13 in method using information printed on the agenda.

14 President Grossi announced in the event of technical difficulties during the meeting, the  
15 District Secretary will adjourn the meeting and the remainder of the agenda will be rescheduled  
16 for a future special meeting which shall be open to the public and noticed pursuant to the Brown  
17 Act.

18 President Grossi welcomed the public to participate in the remote meeting and asked that  
19 they mute themselves, except during open time and while making comments on the agenda items.  
20 President Grossi noted that due to the virtual nature of the meeting he will request a roll call of  
21 the Directors. A roll call was done, those in remote attendance established a quorum.  
22 Participating remotely were Directors Jack Baker, Rick Fraitcs, Jim Grossi, Michael Joly and  
23 Stephen Petterle.

24 President Grossi announced all public attendees will be invited to speak and will need to  
25 use the raised hand icon in Zoom or dial \*9 to be called upon.

26 Mr. McIntyre performed a roll call of staff, participating remotely were Drew McIntyre  
27 (General Manager), Tony Williams (Assistant GM/Chief Engineer), Terrie Kehoe (District  
28 Secretary), Robert Clark (Operations/Maintenance Superintendent), Tony Arendell  
29 (Construction/Maintenance Superintendent) and Nancy Holton (Accounting Supervisor). Also  
30 participating remotely were consultant Elizabeth Drayer (West Yost Inc.) and IT consultant Kevin  
31 Cozart (Core Utilities).

32 President Grossi announced for those joining the virtual meeting from the public to identify  
33 themselves and there was no response.

34 **MINUTES**

35 On motion of Director Joly seconded by Director Petterle the Board approved minutes  
36 from the September 7, 2021 Regular Board Meeting by the following vote:

37 AYES: Director Baker, Fraites, Grossi, Joly and Petterle

38 NOES: None

39 ABSTAIN: None

40 ABSENT: None

41 **GENERAL MANAGER'S REPORT**

42 West Marin Salinity and Gallagher Well No. 2 Updates

43 Mr. McIntyre apprised the Board that the last four weekly water samples have been just  
44 below 50 mg/L sodium. He stated on a related matter staff is gearing up for the second year of  
45 operating the test well for Gallagher Well No. 2. Mr. McIntyre noted testing will start on Monday,  
46 September 27<sup>th</sup> and end on Wednesday, October 6<sup>th</sup>. He added our testing protocol also includes  
47 temporarily shutting off Gallagher Well No. 1 for two twelve-hour periods during this ten-day test.  
48 Mr. McIntyre informed the Board that this could result in an increase in sodium concentrations in  
49 Point Reyes Station. He added accordingly, staff are moving forward with testing and disinfection  
50 of the low saline bottle fill station at the Coast Guard Housing property should it need to be  
51 activated.

52 Inverness Public Utility District (IPUD)

53 Mr. McIntyre reported that on Wednesday, September 15<sup>th</sup>, he and Mr. Williams had a  
54 virtual meeting with IPUD management related to their request for a small amount of water should  
55 MMWD move forward with their Richmond-San Rafael Bridge pipeline project. He stated this  
56 concept was summarized in a Marin Voice article by Jerry Merrel that was included under  
57 Miscellaneous in the September 7<sup>th</sup> NMWD agenda. Mr. McIntyre added the concept, which has  
58 been explored in previous droughts, centers around MMWD releasing excess flows in Lagunitas  
59 Creek, then NMWD capturing those flows for treatment and subsequent delivery to IPUD through  
60 our existing intertie connection. Mr. McIntyre noted the discussions are very preliminary at this  
61 time.

62 Supervisor Rodoni's Dillon Beach Office Hours Meeting on September 17th

63 Mr. McIntyre informed the Board that on September 17<sup>th</sup> he and Mr. Williams participated  
64 in Supervisor Rodoni's Dillon Beach office hours virtual meeting from 5:00 to 6:30 p.m. He added  
65 besides the routine updates by public safety and utilities, the meeting also focused on the kick off  
66 of the Dillon Beach Village Wastewater Study being performed by Questa Engineers. Mr.

67 McIntyre also noted that both Cal Water, formerly Coast Springs and Estero Mutual Water are  
68 struggling to provide water to their customers during this drought.

69 Op-Ed

70 Mr. McIntyre announced related to the water supply communications plan that was  
71 discussed at the first Board Meeting in September, he is working on submitting a Water Supply  
72 Op-Ed piece to the Marin IJ to coincide with Board approval of the local water supply  
73 enhancement study. Mr. McIntyre added the Op-Ed will focus on the District's long tradition of  
74 proactive water supply management in Novato.

75 **OPEN TIME**

76 President Grossi asked if anyone from the public wished to bring up an item not on the  
77 agenda and there was no response.

78 **STAFF/DIRECTORS REPORTS**

79 President Grossi asked if any Directors or staff wished to bring up an item not on the  
80 agenda and the following were discussed.

81 Ms. Kehoe announced the District's IT support will be working on a software update over  
82 the weekend and each iPad will need to be updated. She requested each Director to drop off  
83 their iPad sometime during the week before Friday so the necessary changes can be made.

84 Mr. Ramudo announced staff has detected algae toxins in Stafford Lake, the state  
85 recommends warnings to visitors on shore to not swim or allow animals to drink from the lake.  
86 He noted signs have been placed at the road, on the park side of the lake, at the top of the dam,  
87 and on the golf side of the lake. These are areas visitors use recreationally for fishing. Mr.  
88 Ramudo stated staff continue to test the drinking water and lake weekly for toxins. He reported  
89 there are no toxins in the drinking water and even though there is no risk to the public the District  
90 will continue to test as a precautionary measure. Director Joly asked if the dogs should not be  
91 drinking from our water supply. Mr. Ramudo replied dogs should not drink the water directly from  
92 the lake as the toxic algae is on the surface of the lake, but drinking water distributed after  
93 treatment is perfectly safe. He also noted dogs are not allowed at the lake. Mr. Clark added the  
94 toxic algae can only be found on the surface of the lake, and the raw water did not reach a level  
95 of concern to inform people, noting the existing rules prohibit bodily contact with the surface water  
96 at Stafford Lake. Director Joly asked if this was a result of the capacity of the lake that was  
97 causing a unique algae situation. Mr. Ramudo replied there is normally some algae in Stafford  
98 Lake and it is unclear why and at what point they start to produce toxins. He stated it is most  
99 likely an environmental trigger that has to do with temperature and nutrients in the lake, however  
100 maybe the water in the lower lake levels gets hotter and creates a more favorable condition for

101 algae blooms.

102 **MONTHLY PROGRESS REPORT**

103 The Monthly Progress Report for August was reviewed. Mr. McIntyre reported that water  
104 production in Novato was down 22% from one year ago. In West Marin, water production was  
105 down 32% from one year ago. Recycled Water production was up 9% from one year ago.  
106 Stafford Treatment Plant production was down 47% from the last fiscal year. Mr. McIntyre noted  
107 20% of our total potable water supply is solely due to backfeeding water into Stafford Lake last  
108 winter. Additionally, the volume of recycled water produced closely matched the amount of water  
109 produced from Stafford Lake Treatment Plant. The Board was apprised that Stafford Lake is at  
110 34% capacity, Lake Sonoma is at 47% and Lake Mendocino is at 27% capacity. In Oceana Marin  
111 effluent volume was 0.527MG for August compared to 0.632MG one year ago. Under Utility  
112 Performance there were no unusual trends. Under Safety and Liability, we had 40 days without a  
113 lost time injury. On the Summary of Complaints and Service Orders, the Board was apprised that  
114 total numbers are up 29% from August one year ago. Mr. McIntyre also apprised the Board that  
115 COVID-19 costs, which included labor and vendor expenses, were up \$3,900 from last month  
116 with a total cost of \$216,800 to date; and water bill delinquency impacts were up \$3,000 from last  
117 month with a total outstanding balance of \$134,000.

118 Ms. Holton reported on the August 2021 Investments, where the District's portfolio holds  
119 \$25.2M earning a 0.34% average rate of return. Ms. Holton noted that during August the cash  
120 balance increased by \$940,058. She also noted the LAIF rate is 0.22% the same as the previous  
121 month. Ms. Holton reported two CD's were purchased in August, a 2-year earning 0.35% and a  
122 2 ½ - year earning 0.45%.

123 Director Joly had a question about the summary of complaints and service orders. He  
124 noted the total was 116 versus 90 last year and wanted to know if it was related to consumer  
125 system problems. Mr. McIntyre replied that the higher number was related to service line leaks  
126 and because of the drought many more consumers are signing up for Watersmart seeking help  
127 with unusual water use which has resulted in more calls.

128 **CONSENT ITEMS**

129 Director Joly had a question about Item 6 and therefore it was removed from the consent  
130 calendar for additional discussion.

131 **ITEM 7 - BASE SALARY SCHEDULE REVISION**

132 The base salary schedule revision was based on the San Francisco Bay Area All Urban  
133 Consumer Price Index which increased 3.7% over the twelve months ending August 31, 2021.  
134 The CPI increase is within the approved range per the MOU and will be effective October 1, 2021.



135 On the motion of Director Petterle, and seconded by Director Joly the Board approved the  
136 on the consent calendar the base salary schedule revision by the following vote:

137 AYES: Director Baker, Fraités, Grossi, Joly and Petterle

138 NOES: None

139 ABSTAIN: None

140 ABSENT: None

141 **ITEM 6 - FALL 2021 NOVATO "WATERLINE" TEXT ISSUE 47**

142 This issue of the Waterline included information on the drought and related future water  
143 supply reliability planning, a summary of the District's historical proactive water supply reliability  
144 efforts, recycled water expansion recap, AMI water use access, water conservation program  
145 offerings, and advertises a third Drought Drop-By even scheduled for October 9<sup>th</sup>.

146 Director Joly stated the reason why he pulled Item 6 off the consent calendar was because  
147 he felt it needed a bolder statement about developing new water supplies. He thought it should  
148 be mentioned that we backfed Stafford Lake last winter and we plan on doing it again. Director  
149 Joly said no one knows how much water we will get this winter and we need to give the public  
150 some hope. He added the production numbers for recycled water is great to talk about and we  
151 should continue to expand on that. Mr. McIntyre replied that he is glad to get input and has noted  
152 Director Joly's suggestions. Director Grossi commented that outreach should be done frequently,  
153 every couple of weeks in different social media venues or formats. Director Petterle stated the  
154 best way to put the message out is to make is fast, snappy and current; give them information in  
155 one sentence and direct them to find additional information if they wish. He added the District  
156 has short term water supply issues with the current drought, but we will also be looking at long  
157 term supply. Director Petterle noted that we must send out our message with caution so the  
158 public understands the long-term supply issue cannot be resolved in two to five years; and we  
159 would be lucky to accomplish it in ten. Director Petterle stated he was pleased when he read  
160 through the scope of the enhancement study to see consideration of the Bowman Canyon run off  
161 and thought this was impressive and promising.

162 On the motion of Director Fraités, and seconded by Director Petterle the Board approved  
163 the Text for the Fall 2021 Novato "Waterline" Issue 47 on the consent calendar with some minor  
164 revisions by the following vote:

165 AYES: Director Baker, Fraités, Grossi, Joly and Petterle

166 NOES: None

167 ABSTAIN: None

168 ABSENT: None

169 **ACTION ITEMS**

170 **WEST YOST, INC. AGREEMENT FOR LOCAL WATER SUPPLY ENHANCEMENT STUDY**

171 Mr. Williams apprised the Board of the scope of services included the evaluation of various  
172 alternative water supply options. Mr. Williams stated staff reached out to water resources firms  
173 and received three good proposals. He added he, Mr. Clark and Mr. McIntyre reviewed the criteria  
174 for the RFP and the top score went to West Yost, Inc. Mr. Williams introduced consultant  
175 Elizabeth Drayer, who is the principal in charge of the study and had developed a comprehensive  
176 scope of work. Mr. Williams stated there will be a Board Workshop in January to help us build a  
177 contingency plan and look at some of the alternatives that the Board may want to dive in deeper.  
178 He added if approved, a facility tour with the team members of West Yost will kick off the study  
179 to look at the Treatment Plant and alternative modifications and feasibility of the spillway of the  
180 dam.

181 President Grossi asked if any Directors had any questions or comments and the following  
182 were discussed.

183 Director Grossi stated in reference to a long-term solution, he recommended that Leveroni  
184 Ranch, which is a little higher elevation should also be looked at in addition to Bowman Canyon.  
185 Director Joly thanked Mr. Williams for the informative memo and liked the different ideas  
186 presented. He asked if the Board will see SCWA's Regional Water Supply Resiliency Study  
187 results in October. Mr. McIntyre replied that the consultants will finish up their Technical  
188 Memorandum by the end of October, then it will be presented at the first WAC/TAC meeting in  
189 November and then back to the NMWD Board at the second meeting in November. Director Joly  
190 asked when the West Yost report will be reviewed by the NMWD Board. Mr. Williams replied the  
191 final technical memo is scheduled for March of 2022, however the summary of all the alternatives  
192 and how they are ranked will be presented at the Board Workshop in January.

193 Director Petterle commended Mr. Williams and staff for doing a good job at putting the  
194 memo together.

195 President Grossi asked if anyone from the public had any questions or comments and  
196 there was no response.

197 On the motion of Director Petterle, and seconded by Director Joly the Board approved a  
198 budget augmentation of \$74,600 for the current fiscal year, FY 2021/22, and authorized the  
199 General Manager to execute an agreement with West Yost for a not to exceed fee of \$224,600  
200 by the following vote:

201 AYES: Director Baker, Fraites, Grossi, Joly and Petterle

202 NOES: None

203 ABSTAIN: None

204 ABSENT: None

205 **LETTER RE COMPLAINT ABOUT BACKFLOW PROTECTION COMPLIANCE PER DISTRICT**  
206 **REGULATION 6**

207 Mr. McIntyre summarized the draft response letter to Mr. Brown in reference to backflow  
208 protection and compliance per NMWD Regulation 6. He stated Mr. Brown is a customer that  
209 takes his water use very seriously and when he built his house he did so to minimize his overall  
210 water use. Mr. McIntyre noted for all onsite supplemental water sources we must review the  
211 system and make sure there is no backflow potential. He added that the District must fully comply  
212 with state regulations as they relate to cross-connection and backflow protections. Mr. McIntyre  
213 commented that most of the gray water systems don't have pumps and therefore we have no  
214 further requirements. However, because Mr. Brown's system is stored and pumped he was  
215 required to pay for the installation of a backflow device and to pay a bimonthly charge.

216 President Grossi asked if any Directors had any questions or comments and the following  
217 was discussed.

218 Director Petterle stated he has received emails about gray water and in his opinion, there  
219 is too much bureaucracy around it. He added our customers need to understand we don't have  
220 control of this and the state legislature needs to look at it. Mr. McIntyre stated the regulations are  
221 in place to protect potable water quality and it is important we comply with the regulations.

222 President Grossi asked if anyone from the public had any questions or comments and  
223 there was no response.

224 On the motion of Director Petterle, and seconded by Director Fraites the Board approved  
225 the customer response letter in reference to backflow protection compliance per NMWD  
226 Regulation 6 by the following vote:

227 AYES: Director Baker, Fraites, Grossi, Joly and Petterle

228 NOES: None

229 ABSTAIN: None

230 ABSENT: None

231 **INFORMATION ITEMS**

232 **SPECIAL WAC/TAC MEETING – SEPTEMBER 12, 2021**

233 Mr. McIntyre informed the Board about the WAC/TAC meeting held on September 13,  
234 2021. He provided the minutes of the meeting which included an update to 2014 Water Shortage  
235 Allocation Methodology; a draft of the SCWA Climate Adaption Plan; water supply conditions and

236 a Temporary Urgency Change Order; an update on the Sonoma Marin Saving Water Partnership;  
237 a Biological Opinion status update and the Potter Valley Project relicensing.

238 Mr. McIntyre stated he, Tony Williams, Director Baker and Director Grossi attended the  
239 meeting. He noted there was a special WAC meeting with the intent to vote on an update to the  
240 2014 Water Shortage Allocation Methodology. He added it was a successful meeting as all eight  
241 contactors were present and there was a unanimous WAC vote in favor of the update to the 2014  
242 model. Mr. McIntyre stated the 2021 update considers residential and  
243 commercial/industrial//institutional water use separately with residential water use solely adjusted  
244 for demand hardening.

245 Mr. McIntyre also updated the Board on the Potter Valley Project. He reported the  
246 partnership submitted a letter with FERC on September 2<sup>nd</sup> requesting an extension until May 31,  
247 2022 to perform more work in terms of due diligence, studies and fundraising. The partnership  
248 will use the time to address several questions related to risk, ownership costs and feasible  
249 restoration work and will also seek state and federal funding. Mr. McIntyre stated funding was  
250 not available like they thought it would be through PG&E; however, there is still hope state grants  
251 of \$2M will be obtained to fund the due diligence efforts during the abeyance period.

252 Director Joly asked how the Potter Valley Project impacts long-term water supply for all of  
253 us. Mr. McIntyre replied if the Potter Valley Project ceases operation it would be a serious water  
254 supply impact for the upper Russian River customers, because it puts water in Lake Mendocino.  
255 Director Fraites commented Friends of the Eel River are a powerful lobby group, they are  
256 committed to be sure the water stays in their watershed and it has been a long hard battle.

257 **NBWA MEETING – SEPTEMBER 10, 2021**

258 Director Fraites reported on the NBWA meeting that was held on September 10, 2021. He  
259 noted the presentation was done by Jeremy Lowe from the Resilient Landscapes Program for the  
260 San Francisco Estuary Institute. Director Fraites stated the presentation included strategies to  
261 restore habitat, reduce flood risk and increase resilience to sea-level rise and included a  
262 discussion focused on the Hwy 37 corridor.

263 Director Petterle asked if they considered privatizing the Highway 37 project to speed up  
264 construction and include a toll road. Director Fraites replied they are still deciding on the toll road,  
265 but Caltrans will still be the operator. He added the project will cost hundreds of millions of dollars,  
266 but it has to be done, because if they don't do anything the sea level rise will close down the  
267 highway.

268 **MISCELLANEOUS**

269 The Board received the following miscellaneous items: Disbursements – Dated

270 September 9, 2021, Disbursements – Dated September 16, 2021, Point Reyes Light – Salinity  
271 Notice September 9, 2021, Point Reyes Light – Salinity Notice September 16, 2021 and City of  
272 Novato – Sustainability News – September 2021.

273 The Board received the following news articles: Marin IJ – Marin County Drought Tracker;  
274 Point Reyes Light – Marin launches Dillon Beach wastewater study; Point Reyes Light – Gallagher  
275 well appealed to state agency; Marin IJ – Editorial – Multipronged approach vital to water supply;  
276 Marin IJ – High water use penalty proposed – MARIN MUNICIPAL; Marin IJ – Competitive 2022  
277 elections await water district seats and Marin IJ – Wednesday Soapbox – North Marin Water  
278 District at critical junction.

279 The Board received the following social media posts: NMWD Web and Social Media  
280 Report – August 2021.

281 Director Joly stated the increase of hits on the website is excellent and shows a real  
282 interest on behalf of our consumers. Director Petterle stated it is good to get out ahead of things  
283 and give people the opportunity to become better informed. He added he still gets occasional  
284 questions about MMWD, but the number of inquiries are getting fewer which is an indication that  
285 our customers are realizing who we are. Director Petterle also expressed that he is pleased Kiosk  
286 is involved.

287 **ADJOURNMENT**

288 President Grossi adjourned the meeting at 7:17 p.m.

289 Submitted by

290

291

292 Theresa Kehoe  
293 District Secretary

294

2

3

**4**



**5**

## MEMORANDUM

To: Board of Directors  
From: Tony Williams, Assistant GM/Chief Engineer *AW*  
Subject: High Pressure Water Service Agreement – 59 Bridge Road  
APN 143-200-23

October 1, 2021

R:\Folders by Job No\2800 Jobs\2850 59 Bridge\BOD Memos\_Agmt\2850 BOD Memo.doc

**RECOMMENDED ACTION:** Approve authorization of this agreement

**FINANCIAL IMPACT:** None (Developer funded)

The 59 Bridge Road project includes construction of a single-family home upon a 0.6-acre parcel located on the end of Bridge Road (see attached map, Attachment A). The existing service was established in 1949 and is a high pressure service for one residence. This agreement includes installation of a new 1-inch potable water service and a residential fire hydrant.

New Zone 1 water facilities include approximately 85 feet of 6-inch PVC main, a residential fire hydrant and one (1) 1-inch high pressure service and meter for the residence. The existing 5/8-inch service will be killed. This project is projected to have no new water demand since the existing service was for a residence.

Sewer service will be provided by a private onsite septic system. Design Review for this project was approved by County of Marin on March 3, 2021.

Environmental Document Review

The County of Marin determined that this project is exempt, under Section 15303, Class 3.

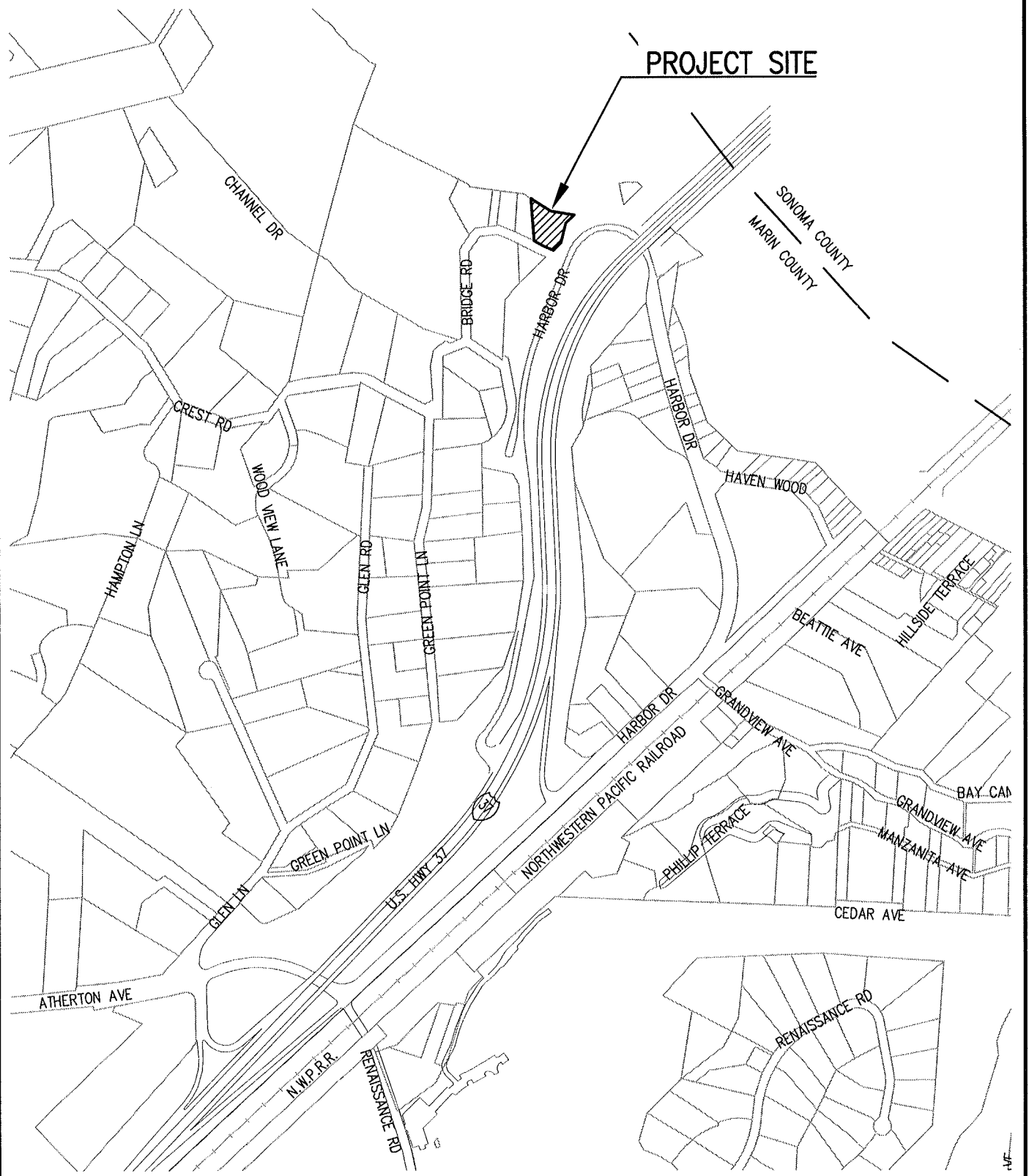
RECOMMENDATION

That the Board approve authorization of this agreement.

Approved by GM *AW*Date 10/1/21

Sep 24, 2021 - 9:39am W:\JOB\1\_NOVATO\2850 59 Bridge Road\3\_ISSUED\A\2850\_Vicinity Map.dwg User: SDOVE

PROJECT SITE



**59 BRIDGE ROAD  
 APN 143-200-23  
 NEW WATER FACILITIES**

DATE	SCALE	JOB. NO.	DWG. NO.
9/24/2021	NTS	2850	MAP

RESOLUTION NO. 21-  
AUTHORIZATION OF EXECUTION  
OF  
WATER SERVICE FACILITIES CONSTRUCTION AGREEMENT  
WITH  
59 BRIDGE ROAD

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BE IT RESOLVED by the Board of Directors of NORTH MARIN WATER DISTRICT that the President and Secretary of this District be and they hereby are authorized and directed for and on behalf of this District to execute that certain water service facilities construction agreement between this District and Cliff Clark and Susanna Mahoney, both individuals, providing for the installation of water distribution facilities to provide domestic water service to that certain real property known as 59 Bridge Road, Novato, Marin County Assessor's Parcel Number 143-200-23, NOVATO, CALIFORNIA.

\* \* \*

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 5th day of October, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

(SEAL)

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Theresa Kehoe, Secretary  
North Marin Water District

PART ONE  
HIGH PRESSURE  
WATER SERVICE FACILITIES CONSTRUCTION AGREEMENT  
FOR  
59 BRIDGE ROAD

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*THIS AGREEMENT*, which consists of this Part One and Part Two, Standard Provisions, attached hereto and a part hereof, is made and entered into as of \_\_\_\_\_, 2021, by and between NORTH MARIN WATER DISTRICT, herein called "District," and CLIFF CLARK AND SUSANNA MAHONEY, both Individuals, herein called "Applicant."

*WHEREAS*, the Applicant, pursuant to District Regulation 1, the State of California Subdivision Map Act and all applicable ordinances of the City of Novato and/or the County of Marin, has pending before the City or County a conditionally approved Tentative Subdivision Map, Precise Development Plan, Tentative Parcel Map or other land use application for the real property in the District commonly known as Marin County Assessor's Parcel Number 143-200-23 and the project known as 59 BRIDGE ROAD, consisting of one (1) lot for residential development; and

*WHEREAS*, prior to final approval by the City or County of a Subdivision Map, Precise Development Plan, Parcel Map or other land use application and recording of a final map for the project, the Applicant shall enter into an agreement with the District and complete financial arrangements for water service to each lot, unit or parcel of the project; and

*WHEREAS*, the Applicant is the owner of real property in the District commonly known as 59 Bridge Road, Novato (Marin County Assessor's Parcel 143-200-23); and

*WHEREAS*, water service to this parcel was established in December 13, 1949 and the District installed a 5/8" meter.

*NOW THEREFORE*, the parties hereto agree as follows:

1. The Applicant hereby applies to the District for water service to said real property and project and shall comply with and be bound by all terms and conditions of this agreement, the District's regulations, standards and specifications and shall construct or cause to be constructed the water facilities required by the District to provide water service to the real property and project. Upon acceptance of the completed water facilities, the District shall provide water service to said real property and project in accordance with its regulations from time to time in effect.

2. Prior to the District issuing written certification to the City, County or State that financial arrangements have been made for construction of the required water facilities, the Applicant shall complete such arrangements with the District in accordance with Section 5 of this agreement.

3. Prior to release or delivery of any materials by the District or scheduling of either construction inspection or installation of the facilities by the District, the Applicant shall:

a. deliver to the District vellum or mylar prints of any revised utility plans approved by the City or County to enable the District to determine if any revisions to the final water facilities construction drawings are required. The proposed facilities to be installed are shown on Drawing No. 1 2850.001, entitled, "59 BRIDGE ROAD", a copy of which is attached, marked Exhibit "A", and made a part hereof. (For purposes of recording, Exhibit "A" is not attached but is on file in the office of the District.)

b. grant or cause to be granted to the District without cost and in form satisfactory to the District all easements and rights of way shown on Exhibit "A" or otherwise required by the District for the facilities.

c. deliver to the District a written construction schedule to provide for timely withdrawal of guaranteed funds for ordering of materials to be furnished by the District and scheduling of either construction inspection or construction pursuant to Section 5 hereof.

4. Except for fire service, new water service shall be limited to the number and size of services for which Initial Charges are paid pursuant to this agreement. Initial Charges for new services, estimated District costs and estimated applicant installation costs are as follows:

**Initial Charges**

Meter Charges (Domestic) (Included in Estimated District Costs) .....	One 1-inch @	\$ 0.00	\$ 0.00
Reimbursement Fund Charges (Domestic w/fire sprinklers)....	One @	\$ 420.00	\$ 420.00
Facilities Reserve Charges (Domestic).....	One @	\$ 28,600.00	\$ 28,600.00
Credit for Existing Services To Be Removed 5/8" Meter, \$420 RFC and \$28,600 FRC.....	One @	\$ 29,020.00	\$ <29,020.00>
<b>Subtotal - Initial Charges.....</b>			<b>\$ 0.00</b>

**Estimated District Costs**

Pipe, Fittings & Appurtenances.....	\$ 7,726.00
District Construction Labor.....	\$ 22,196.00
Engineering & Inspection.....	\$ 3,915.00
Bulk Materials.....	\$ 1,933.00
<b>Subtotal –Estimated District Costs.....</b>	<b>\$ 35,770.00</b>

**Estimated Applicant Installation Costs**

Installation Labor.....	\$ 0.00
Contractor Furnished – Pipe Fittings & Appurtenances.....	\$ 0.00

Bulk Materials.....	\$	0.00
<b>Subtotal- Estimated Applicant Installation Costs.....</b>	<b>\$</b>	<b>0.00</b>
<b>TOTAL ESTIMATED WATER FACILITIES COSTS.....</b>	<b>\$</b>	<b>35,770.00</b>

(Bulk materials are such items as crushed rock, imported backfill, concrete, reinforcing steel, paving materials, and the like, which are to be furnished by the contractor performing the work.)

5. Financial Arrangements to be made by the Applicant shall consist of the following:

Initial Charges and Estimated District Costs

The Applicant shall either pay to the District or provide a two (2) year irrevocable letter of credit in form satisfactory to the District and payable at sight at a financial institution in the Novato area the sum of Initial Charges and Estimated District Costs as set forth in Section 4 hereof in the amount of **\$35,770**. If the Applicant provides the two (2) year irrevocable letter of credit, the District shall immediately draw down Initial Charges and shall draw upon the remaining funds guaranteed by the letter at any time the District deems appropriate to recover the Estimated District Costs which normally will be at least thirty (30) days prior to the anticipated start of construction for the ordering of materials to be furnished by the District.

Estimated Installation Costs

Installation By District: Due to the proprietary nature of construction required to install said facilities, the District reserves the right to install the facilities utilizing District construction forces. The Applicant shall either pay to the District the total Estimated Installation Costs set forth in Section 4 hereof in the amount of **\$35,770** or shall include such amount in the irrevocable letter of credit provided for the Initial Charges and Estimated District Costs set forth first above. The District shall draw upon installation funds guaranteed by the letter at any time the District deems appropriate which normally will be at least thirty (30) days prior to the anticipated start of construction.

6. High pressure water service will be rendered to this lot in accordance with District Regulation 12 entitled "High Pressure Service". The Applicant shall install a private pressure regulating device for each service to said lots as required by local ordinances and plumbing codes prior to occupancy of any structures, shall inform the buyer or buyers of said lots of the water service conditions herein described, and shall provide each buyer a copy of this agreement prior to any final sales transaction. Said private pressure regulating devices shall be in accordance with District Standard 28 but shall not be a part of the District's water system. The maintenance and operation of said devices shall be the responsibility of the property owners.

7. Water service through the facilities to be installed pursuant to this agreement will not be furnished to any building unless the building is connected to a public sewer system or to a waste water disposal system approved by all governmental agencies having regulatory jurisdiction. This restriction shall not apply to temporary water service during construction.

8. New construction in the District's Novato service area is required to be equipped with high efficiency water conserving equipment and landscaping specified in Regulation 15 sections e. and f.

9. The District has adopted an emergency Water Conservation Ordinance (No. 41) that suspends new or enlarged connections (including second units). Connections of new services will only be approved if the Applicant agrees to defer landscape installation until after the suspension period. Upon the expiration of the suspension period, the District will make connections to its water system in accordance with its regulations and connection agreement terms for all said applications approved during the suspension period.

10. All estimated costs set forth in this agreement shall be subject to periodic review and revision at the District's discretion. In the event the Applicant has not completed financial arrangements with the District in accordance with Section 5 hereof prior to expiration of six (6) months from the date of this agreement, all Initial Charges and estimated costs set forth in Section 4 hereof shall be revised to reflect then current District charges and estimates. In the event the Applicant has not secured final land use approval for the project from the City of Novato or County of Marin, recorded a final map and diligently commenced construction of improvements required by those agencies and the District prior to expiration of one (1) year from the date of this agreement, the District may, at its option, either retract financial certifications issued to City, County and State agencies and terminate this agreement or require amendment of this agreement and review of all Initial Charges and estimated costs contained herein. The Applicant shall pay any balance due upon demand or furnish a guarantee of such payment satisfactory to the District.

11. All extensions of time granted by the City of Novato or the County of Marin for the Applicant to comply with conditions of land use approval or to construct improvements pursuant to a subdivision improvement agreement shall require concurrent extensions of this agreement and shall be cause for review and revision of all Initial Charges and estimated costs set forth in Section 4 hereof. The Applicant shall apply to the District for extension of this agreement prior to approval of the Applicant's requests for such extensions by either the City of Novato or the County of Marin.



12. In the event of sale of this parcel, the Applicant shall provide to the buyer(s) a copy of this Agreement so that there is complete disclosure of the limited nature of the water service. In addition, upon execution of this Agreement, District shall have it recorded.

13. This agreement shall bind and benefit the successors and assigns of the parties hereto; however, this agreement shall not be assigned by the Applicant without the prior written consent of the District. Assignment shall be made only by a separate document prepared by the District at the Applicant's written request.

**NORTH MARIN WATER DISTRICT**  
"District"

**NOTARIZED:**

\_\_\_\_\_  
James Grossi, President                      Date

\_\_\_\_\_  
Theresa Kehoe, Secretary

(SEAL)

**CLIFF CLARK**  
An Individual  
"Applicant"

(SEAL)

\_\_\_\_\_  
Cliff Clark, Owner                              Date

**SUSANNA MAHONEY**  
An Individual  
"Applicant"

(SEAL)

\_\_\_\_\_  
Susanna Mahoney, Owner                      Date

**NOTES:** *If the Applicant executing this agreement is a corporation, a certified copy of the bylaws or resolutions of the Board of Directors of said corporation authorizing designated officers to execute this agreement shall be provided.*

*This agreement must be executed by the Applicant and delivered to the District within thirty (30) days after it is authorized by the District's Board of Directors. If this agreement is not signed and returned within thirty days, it shall automatically be withdrawn and void. If thereafter a new agreement is requested, it shall incorporate the Initial Charges (connection fees) and cost estimates then in effect.*

**\*\*ALL SIGNATURES MUST BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.**

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## MEMORANDUM

To: Board of Directors  
From: Ryan Grisso, Water Conservation Coordinator *RG*  
Subject: Approve Text for Fall 2021 West Marin "Waterline" Issue 20  
V:\Memos to Board\Fall 2021 West Marin WaterLine Text.doc

October 1, 2021

**RECOMMENDED ACTION:** Approve Fall 2021 West Marin "Waterline" Text  
**FINANCIAL IMPACT:** \$900 (Included in FY 2021/2022 WM Budget)

Draft design and text for the Fall 2021 West Marin "Waterline" Issue 20 is attached for your review. This issue focuses on the West Marin water shortage situation, District response to the salinity intrusion in the West Marin Service Area, and water conservation programs available to customers. Also included is a piece on the continuation of the Flume device program for incentivizing the installation of private line water use monitoring and leak detection devices. Should any Board member have individual comments on the text, please provide them to the General Manager at the Board meeting on October 5, 2021. It is expected the Fall 2021 West Marin "Waterline" will be mailed in mid-October 2021.

RECOMMENDATION

Board authorize General Manager to approve final text and design of the Fall 2021 West Marin "Waterline" Issue 20.

Approved by GM



Date

*10/1/21*

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Water your  
landscape efficiently.  
Follow ordinance  
rules for when  
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NORTH MARIN  
WATER DISTRICT

## The Waterline

West Marin Area Newsletter | Issue 20



NORTH MARIN  
WATER DISTRICT

### Water supply update Fall 2021

Drew McIntyre, General Manager

In previous Waterlines we reported on unprecedented salinity intrusion levels occurring in two wells which North Marin Water District uses as sources of drinking water in the West Marin system. These wells, located near the former Coast Guard housing property in Point Reyes Station, have experienced periodic and seasonal salinity intrusion for many years but reached new highs in the 2020-2021 drought period. In 2015, NMWD completed permitting and construction of a well and pipeline that brings water from a different source, out of the reach of tides. This third well is situated a mile and a half east of Point Reyes station adjacent to the Gallagher ranch. Unfortunately, the third well is unable to produce enough water to meet 100% of the summer month volume demands and the salinity intrusion at the Coast Guard wells has continued to worsen. North Marin Water District continues to actively work on permitting approval to construct a second well at the Gallagher ranch site to provide an additional supply of water that is not prone to salinity intrusion. Although permitting delays have slowed our schedule, we are doing all we can to have this new source constructed and available for water supply in 2022.

Emergency water conservation measures remain in place as dry year conditions continue on Lagunitas Creek. This was the first time there have been two consecutive dry years since Water Right Order 95-17 was adopted by the State Water Board in October 1995, and 2014 was the only other prior single dry year condition. In 2020, as a result of dry year conditions, the Board of Directors declared a water shortage emergency



PRE tank 4 construction

in NMWD's West Marin Service Area on May 5, 2020, and an Emergency Water Conservation Ordinance was adopted (No. 39).

The water shortage emergency condition declared by the Board of Directors last year remains in effect this year. Beginning on July 1, 2021, a mandatory 25% reduction in water use (Stage 2) went into effect (when compared to the corresponding billing period in 2013). Customers are also required to implement other measures to help eliminate waste and conserve water. We are pleased to report that West Marin customers are exceeding this goal in 2021 (above 38%) and have conserved 29% more water than in summer 2020. Thank you very much for your effort to conserve water use during this second drought year.

The drought is not over, and customers are encouraged to use water efficiently this fall and participate in NMWD Water Use Efficiency Programs described below and at [nmwd.com/drought](http://nmwd.com/drought).

## The Water Smart Savings Program can help you save water

North Marin Water District wants to help customers use water efficiently. That's why we've put all of our water saving promotions under one umbrella. The Water Smart Savings Program encompasses all you need to get started on saving water and saving money. Rebate levels were recently increased in most programs in response to the current drought. Call 415-761-8944 for program details or visit [nmwd.com](http://nmwd.com).

### Water smart home survey

This free service includes thorough indoor and outdoor water efficiency checks. Virtual surveys or phone guidance offered at this time.

### Water smart landscape rebate

Rebates available for water-efficient landscape equipment, such as a new drip irrigation system replacing a spray system or a rain shut off device.

### Pool cover rebate

Rebates are available for replacement pool covers.

### Cash for grass rebate

Get cash for removing irrigated and maintained lawn and replacing it with low water use plants. Pre-qualification is required.

### High-efficiency clothes washer rebate

NMWD offers a rebate to customers when they purchase a qualifying high-efficiency clothes washer.

### Rainwater catchment/greywater rebates

Rebate for rainwater catchment and greywater system installation.

### High-efficiency toilet rebate

Customers who replace an old water-guzzling toilet with a high-efficiency toilet may be eligible for a rebate.

### Weather-based irrigation controller rebate

Rebate for weather-based irrigation controllers that use weather data and site information such as plant type and sprinkler system output to automatically adjust watering times and frequency.

## Proactive actions to address increased salinity levels

Pablo Ramundo, Water Quality Supervisor

North Marin Water District is committed not only to serving water to customers that meets or surpasses all state and federal standards for quality, but also tastes good. Significant investments are being made for the permitting and construction of a new source well that is not vulnerable to salinity intrusion and is capable of meeting the production demands of the system.

Unfortunately, due to permitting delays beyond our control, this new source well was not available for use this Summer when salt levels were expected to increase again. Since a portion of NMWD's customers with severe sodium restrictions may again find it necessary to use alternative sources of water, NMWD planned to provide a source of low saline water via a filling station.

The filling station is located near our treatment facilities at the former Coast Guard Housing Property in downtown Point Reyes Station.

The target threshold to activate a filling station will be when salinity reaches a concentration of 115 mg/L. This threshold represents 10% of the recommended daily intake value for sodium presented by the FDA dietary guidelines.

Due to conservation efforts and strategic production from our wells, we have not yet had the need to activate the filling station this summer, however NMWD staff continue to carefully monitor the salinity levels and will activate the station this fall should the threshold be reached.

## Water use monitoring and leak detection device pilot program

The District is continuing to offer a pilot program for the shared cost purchase and use of a water monitoring and leak detection device called Flume. These devices attach to your meter and relay real-time water use data and leak alerts through your Wi-Fi.

If you are interested in participating, please email your contact information and service address to [waterconserve@nmwd.com](mailto:waterconserve@nmwd.com), and staff can provide you with the website link for the shared cost purchase.

This pilot program is available to West Marin Service Area customers only.



**7**

## MEMORANDUM

To: Board of Directors

October 1, 2021

From: Julie Blue, Auditor-Controller *JB*

Subj: Approve Auditor-Controller's Statement of Investment Policy

\\nmwdsrver1\administration\aclword\invest\22\policy memo 2022.docx

**RECOMMENDED ACTION:** Approve the Investment Policy as Presented.**FINANCIAL IMPACT:** None

Following is the District's Statement of Investment Policy which is presented to the Board annually for review. There are no changes proposed in the Investment Policy from that approved by the Board last year:

***NORTH MARIN WATER DISTRICT STATEMENT OF INVESTMENT POLICY***

- 1) Investment of sinking fund or reserve money of the North Marin Water District shall be made in securities in which North Marin Water District is legally empowered to invest such funds in accordance with Section 53601 of the Government Code, taking into consideration the probable income as well as the probable safety of said funds, exercising the judgment and care, under the circumstances then prevailing, which individuals of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of said funds.
- 2) As far as possible, all money shall be deposited for safekeeping in financial institutions insured by the Federal Deposit Insurance Corporation or may be invested as provided in Section 53635 of the Government Code, pertaining to local agency pooled money investments.
- 3) Money may be invested in the Local Agency Investment Fund in accordance with Section 16429.1 of the Government Code.
- 4) A minimum of 20% of the District's investment portfolio shall remain liquid (i.e., in demand deposit accounts or equivalent) at all times. In addition, the weighted average life of the portfolio shall not exceed 2½ years.
- 5) No investments shall be made in financial futures or financial option contracts that are otherwise allowed pursuant to Section 53601.1 of the Government Code.
- 6) Interest earned through investment of the pooled District treasury shall be credited to the various water, sewer, and reserve account funds in direct proportion to their percentage of the total District treasury.
- 7) Accounts shall be maintained in North Marin Water District accounting records to record the reserve and inactive funds invested at all times in accordance with the State Controller's chart of accounts as authorized by Section 53891 of the Government Code.
- 8) Reserve fund account balances shall be maintained separately and shall reflect at all times the balance in each reserve fund in a manner consistent with generally accepted accounting practices.
- 9) Depositories having custody of North Marin Water District funds shall be directed to forward copies of all correspondence concerning North Marin Water District funds to the Auditor-Controller of North Marin Water District. In the Auditor-Controller's absence, the General Manager of the District shall serve as Treasurer. In addition to the Auditor-Controller, the General Manager and the Accounting Supervisor shall be signatories on all investment accounts maintained by the District. Banking Institutions shall require authorization from two signatories to execute any non-recurring wire transfer.
- 10) Verification that moneys have been on deposit at all times and collateralized in amounts equal to or in excess of funds designated by the Board of Directors as reserve funds shall be made in the annual

October 1, 2021

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Approved by GM *[Signature]*Date *10/1/21*



audit of records.

11) The Auditor-Controller shall render a monthly investment report to the Board.

12) Criteria for selecting investments and the absolute order of priority shall be: (a) safety, (b) liquidity, (c) yield.

13) No more than two-thirds of District deposits in a depository shall be collateralized by non-government guaranteed mortgage backed securities, with the remainder to be backed by government guaranteed mortgage backed securities or non-mortgage backed securities.


14) The Auditor-Controller shall maintain a list of authorized broker/dealers who are approved for investment purposes. All authorized broker/dealers must certify that they have received and read the District's Investment Policy and will follow the guidelines therein, and must submit a copy of their firm's most recent audited financial statement annually. Staff shall investigate broker/dealers who wish to do business with the District to verify their experience with California public sector agencies, verify that they are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission or other applicable self-regulatory organizations.

#### RECOMMENDATION

Approve the Investment Policy as presented.

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## MEMORANDUM

To: Board of Directors  
From: Drew McIntyre, General Manager   
Subject: Board of Directors - Meetings by Teleconference  
\\gm\bod misc 2021\board of directors meetings by teleconference 10.1.2021\_final.doc

October 1, 2021

**RECOMMENDED ACTION:** Adopt Resolution No. 21-XX: "Resolution Finding Proclaimed State of Emergency, That Local Officials Continue to Recommend Physical Distancing, and that Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees; and Authorizing Meetings by Teleconference of Legislative Bodies of North Marin Water District from October 5, 2021 through November 4, 2021 Pursuant to Brown Act Provisions".

**FINANCIAL IMPACT:** None

As authorized by the Governor's Executive Order N-29-20, Board meetings have been held virtually over the past eighteen months to protect attendees, including members of public, District employees, and Board members, from potential exposure to the novel coronavirus disease 2019 ("COVID-19"). On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinded these temporary modifications to the Brown Act, effective September 30, 2021. On September 16, 2021, the Governor signed Assembly Bill 361 (2021) ("AB 361") amending the Brown Act to allow local legislative bodies to continue to conduct meetings virtually under specified conditions and pursuant to special rules on notice, attendance, and other matters. AB 361 took full effect on October 1, 2021.

AB 361 authorizes the Board of Directors to meet virtually during declared states of emergency without noticing the location of individual Board Members or requiring such locations to be open to the public if certain findings are made and certain procedures are followed. Where a virtual meeting is held pursuant to AB 361, the members of the public must be able to observe and participate during the meeting.

The Governor's March 4, 2021 declaration of a State of Emergency remains in effect and the State currently requires masks for all unvaccinated individuals and recommends all vaccinated individuals wear masks indoors. Marin County Health Orders currently require all people to wear masks in indoor public settings to slow the spread of the more contagious Delta variant. CDC, Cal/OSHA, and OSHA continue to recommend physical distancing of at least six feet to protect

against transmission of COVID-19. Marin County continues to recommend following CDC guidance on physical distancing as a layer of protection against transmission of COVID-19. On September 29, 2021, Marin County Public Health announced it has launched a COVID-19 booster dose vaccination clinic at Northgate Mall. Therefore, the current circumstances support a determination by the Board that meeting in person would present imminent risks to the health and safety of attendees.

If adopted, Resolution No. 21-XX will allow the Board to meet virtually for 30 days, after which the Board will need to reconsider its findings and confirm the need to hold virtual meetings. This reconsideration and confirmation will need to occur every thirty days until the Board determines it is safe to meet in person.

RECOMMENDED ACTION:

Adopt Resolution No. 21-XX: "Resolution Finding Proclaimed State of Emergency, That Local Officials Continue to Recommend Physical Distancing, and that Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees; and Authorizing Meetings by Teleconference of Legislative Bodies of North Marin Water District from October 5, 2021 through November 4, 2021 Pursuant to Brown Act Provisions".

## RESOLUTION NO. 21-XX

### RESOLUTION OF THE BOARD OF DIRECTORS OF NORTH MARIN WATER DISTRICT FINDING PROCLAIMED STATE OF EMERGENCY, THAT LOCAL OFFICIALS CONTINUE TO RECOMMEND PHYSICAL DISTANCING, AND THAT MEETING IN PERSON WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES; AND AUTHORIZING MEETINGS BY TELECONFERENCE OF LEGISLATIVE BODIES OF NORTH MARIN WATER DISTRICT FROM OCTOBER 5, 2021 THROUGH NOVEMBER 4, 2021 PURSUANT TO BROWN ACT PROVISIONS

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**WHEREAS**, all meetings of the legislative bodies of the North Marin Water District (“District”) are open and public, as required by the Ralph M. Brown Act (“Brown Act”), Government Code Section 54950, *et seq.*, and any member of the public may observe, attend, and participate in the business of such legislative bodies; and

**WHEREAS**, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the rapid spread of the novel coronavirus disease 2019 (“COVID-19”); and

**WHEREAS**, on March 10, 2020, the Board of Supervisors of the County of Marin ratified proclamations of health and local emergency due to COVID-19; and

**WHEREAS**, on March 16, 2020, the City Council of the City of Novato ratified and confirmed a proclamation of local emergency due to COVID-19;

**WHEREAS**, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means, after which District staff implemented virtual meetings for all meetings of legislative bodies within the District; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which terminated the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means effective September 30, 2021; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) (“AB 361”), which amended the Brown Act to allow local legislative bodies to continue to conduct meetings by teleconference under specified conditions and pursuant to special rules on notice, attendance, and other matters; and

**WHEREAS**, AB 361, pursuant to Executive Order N-15-21, took full effect on October 1, 2021, and requires the Board of Directors to make specific findings to continue meeting under special teleconference rules; and

**WHEREAS**, in addition to finding the Governor has declared a State of Emergency pursuant to Government Code section 8625, such findings include that state or local officials recommend measures to promote physical distancing, and that the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, Governor Newsom has declared a State of Emergency due to COVID-19, state and local officials have imposed or recommended measures to promote physical distancing, and the Board of Directors have determined meeting in person would present imminent risks to the health and safety of attendees, including members of the public and District employees; and

**WHEREAS**, on August 3, 2021, in response to the emergence of the highly contagious Delta variant of COVID-19, which caused an increase in COVID-19 cases throughout the United States, State, and Marin County, the Marin County Health Officer issued an order for nearly all individuals to wear masks when inside public spaces; and

**WHEREAS**, the Centers for Disease Control and Prevention (“CDC”) and Marin County continue to recommend physical distancing of at least six feet from others outside of the household; and

**WHEREAS**, Title 8, Section 3205, subdivision (c)(5)(D) of the California Code of Regulations, promulgated by the Division of Occupational Safety and Health of the California Department of Industrial Relations (“Cal/OSHA”), employers to provide instruction to employees on using a combination of “physical distancing, face coverings, increased ventilation indoors, and respiratory protection” to decrease the spread of COVID-19; and

**WHEREAS**, “Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace,” promulgated by the Occupational Safety and Health Administration (“OSHA”) under the United States Department of Labor, provides that “[m]aintaining physical distancing at the workplace for [unvaccinated and at-risk] workers is an important control to limit the spread of COVID-19” and recommends that employers train employees about the airborne nature of COVID-19 and importance of exercising multiple layers of safety measures, including physical distancing, and that employers implement “physical distancing in all communal work areas for unvaccinated and otherwise at-risk workers,” including physical distancing from members of the public, as a “key way to protect such workers”; and

**WHEREAS**, due to the continued threat of COVID-19, the District continues to implement multiple layers of protection against COVID-19, including physical distancing, for the safety of employees and members of the public; and

**WHEREAS**, the Board of Directors recognizes the recommendations by state and local officials to use physical distancing as a layer of protection against COVID-19 and desires to continue to provide a safe workplace for its employees and a safe environment for the open and public meetings of the District’s legislative bodies; and

**WHEREAS**, the Board of Directors hereby finds that the presence of COVID-19 and the increase of cases due to the Delta variant would present imminent risks to the health or safety of attendees, including members of the public and District employees, should meetings of the District’s legislative bodies be held in person; and

**WHEREAS**, the Board of Directors and the General Manager shall ensure meetings of the District’s legislative bodies comply with the special teleconference rules under the Brown Act, as amended by Assembly Bill 361.

**THEREFORE, BE IT RESOLVED** by the Board of Directors of the North Marin Water District as follows:

1. The above recitals are true and correct and hereby incorporated into this Resolution.
2. In compliance with the special teleconference rules of Section 54953 of the Government Code, as established by Assembly Bill 361 (2021), the Board of Directors hereby makes the following findings:
  - a. The Board of Directors has considered the circumstances of the state of emergency; and
  - b. The states of emergency, as declared by the Governor, County of Marin, and City of Novato, continue to impact directly the ability of the District's legislative bodies, as well as staff and members of the public, to safely meet in person;
  - c. The CDC, Cal/OSHA, OSHA, and the County of Marin continue to recommend physical distancing of at least six feet to protect against transmission of COVID-19; and
  - d. Meeting in person would present imminent risks to the health and safety of members of the public, members of the District's legislative bodies, and District employees due to the continued presence and threat of COVID-19.
3. The District's legislative bodies may continue to meet remotely in compliance with the special teleconference rules of Section 54953 of the Government Code, as amended by Assembly Bill 361 (2021), in order to protect the health and safety of the public.
4. The Board of Directors will review these findings and the need to conduct meetings by teleconference within thirty (30) days of adoption of this resolution.

\* \* \* \* \*

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 5th day of October 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

---

Theresa Kehoe, Secretary  
North Marin Water District

9



## MEMORANDUM

To: Board of Directors October 1, 2021  
 From: Tony Williams, Assistant GM/Chief Engineer *AW*  
 Subject: Temporary Urgency Change Proposal (TUCP) for Lagunitas Creek - MMWD  
R:\CHIEF ENG\Misc BOD Memos\10-5-2021\MMWD TUCP 2021 BOD memo.doc

**RECOMMENDED ACTION:** Information Only

**FINANCIAL IMPACT:** None at this time.

### Background

Marin Municipal Water District (MMWD) controls and coordinates water supply releases from Peters Dam (Kent Lake) in accordance with the provisions of State Water Board Order 95-17, which the State Water Resources Control Board (SWRCB) adopted on October 26, 1995. Order 95-17 specifies the minimum instream flow requirements for Lagunitas Creek, which vary based on hydrologic conditions of Lagunitas Creek watershed. Based on these conditions, there are two main water year classifications, normal year and dry year, which are based on the amount of rainfall received at the Kent Lake rain gage. The January 1 water year classification is based on the total rainfall measured during the preceding 15-month period. If the total rainfall during this period is less than 48 inches, dry year flow requirements are maintained from January 1 through March 31. The April 1 water year classification is based on the total rainfall during the preceding 6-month period. If the total rainfall during this 6-month period is less than 28 inches, dry year flow requirements are maintained from April 1 to the first upstream fish migration flow in November. Normal water year requirements exist whenever dry year conditions are not present.

MMWD's Water Rights under various permits require a minimum flow of 6 cubic feet per second (cfs) in Lagunitas Creek at the USGS gage located at Samuel P. Taylor State Park (Park Gage) under all water supply conditions. Throughout the year, Order 95-17 (Order) requires minimum flows at this location as shown in the table below:

Calendar Period (any given year)	Minimum Flow at Park Gage (cfs)	
	Normal Year	Dry Year
November 1st or 15th through December 31	20	20
January 1st to March 15th	25	20
March 15th to March 31st	20	20
April 1 <sup>st</sup> through April 30th	16	14
May 1st through June 15th	12	10
June 16th through November 1st or 15th	8	6

The November 1st or 15th 20 cfs minimum flow schedule begins following the first storm that produces a "trigger" flow (runoff from a storm or series of storm events) of 25 cfs as measured at the

Park Gage. In the absence of a storm causing a “trigger” flow, the 20 cfs flow requirement begins on November 15th of each year. Additionally, to facilitate upstream fish migration, the Order requires four 35 cfs pulse flows that are to occur between November 1st and February 3rd at roughly the beginning of each month. The various release requirements described above under the Order are depicted in the figure provided as Attachment 1 (excerpt from the Order).

MMWD’s Temporary Urgency Petition (TUCP)

On September 10, 2021 MMWD filed a TUCP with the State Water Resources Control Board, Division of Water Rights) requesting temporary changes to their required releases from Kent Lake in light of drought conditions and historical low levels in the reservoir. A copy of the public notice for the TUCP is included as Attachment 2. Specifically, MMWD is requesting the following changes:

Calendar Period (any given year, Normal or Dry)	Requested Minimum Flows at Park Gage (cfs)
November 1st through 15th	6
November 16 <sup>th</sup> through November 30 <sup>th</sup>	6*
December 1 <sup>st</sup> through March 31	16
April 1 <sup>st</sup> through April 30th	14
May 1 <sup>st</sup> through October 31 <sup>st</sup>	No change

\* as modified based on trigger event (see below)

The proposed change from November 16th through November 30th includes an adaptive management component that is dependent on a “trigger” flow of 25 cfs as measured at the Park gage. If a flow greater than 25 cfs occurs, then the minimum flow would increase to 10 cfs and monitoring for coho spawning would take place for one week following the flow event. If no coho spawning is observed within the one-week period, a minimum flow would return to 6 cfs. If coho spawning is observed within the one-week period, minimum flow would increase to 16 cfs for the remainder of this period. The TUCP additionally proposes to extend the trigger date to December 1st or 15th for the minimum flow of 16 cfs following the first storm that produces a “trigger” flow of 25 cfs as measured at the USGS gage. In the absence of a storm causing a “trigger” flow, the 16 cfs flow requirement shall begin on December 15th. This requested change is graphically depicted in Attachment 3 using the same figure from the Order as provided in Attachment 1.

The requested changes to the Kent Lake releases is based on a comprehensive study conducted earlier this year (Lagunitas Creek Instream Flow Study dated September 2021, ESA). The focus of the study was to show that the change requested will not result in an unreasonable effect on the Coho, Steelhead and Freshwater Shrimp species listed as protected pursuant to Order

95-17. As part of the study, MMWD staff engaged stakeholders and resource agencies to seek input into the study parameters, review progress, and to solicit feedback on the flow release modifications and monitoring and adaptive management plan. This included a special Subcommittee of the Lagunitas Technical Advisory Committee (TAC) which met four times since the study was initiated (May, June, July, August). NMWD was a member of the Subcommittee and staff attended all four meetings. Prior to submitting the TUCP to the state, staff from MMWD held a teleconference with Tony Williams and Robert Clark to review the proposed changes and the associated adaptive management components. Note that the adaptive management will include measuring certain water quality parameters at the Gallagher Gage site and MMWD agreed to share that data with NMWD.

Without comprehensive watershed scale hydraulic and groundwater modeling it is difficult to say if the TUCP will have an effect on NMWD's Gallagher Well No. 1 or the Coast Guard wells. However, historical Lagunitas Creek flows prior to the implementation of the flow requirements in the 95-17 Order were as low as 1 cfs for extending periods of time with no impacts to District wells in operation. In addition, the stream flow changes that are proposed don't lower the dry year minimum flows during the May through October time frame. Additionally, the changes are only temporary (1 year likely depending on the state's approval) and would resort back to the current release requirements under the Order.

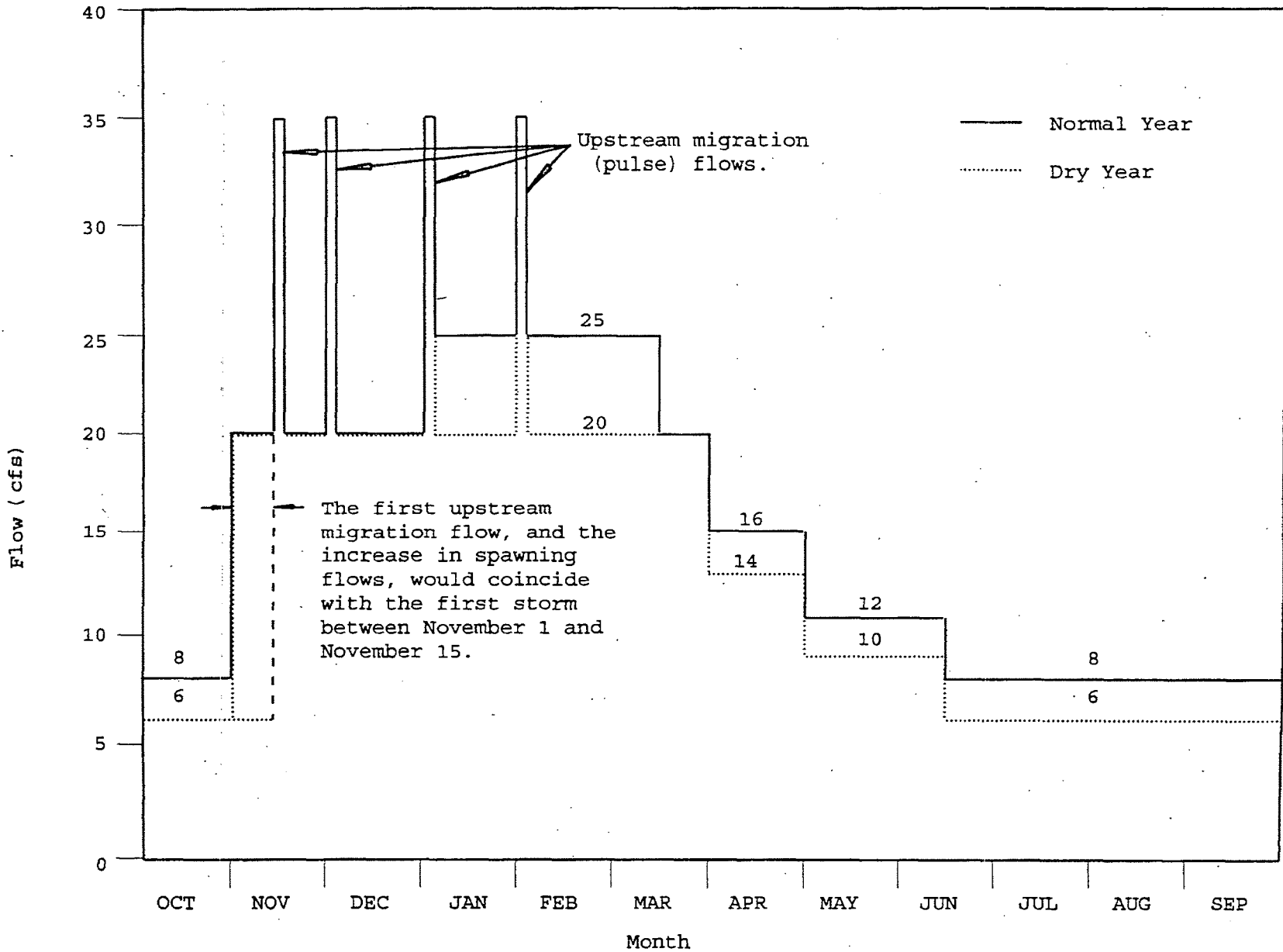
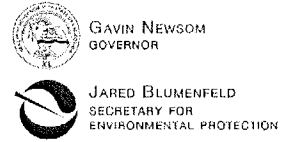


Figure 22. Proposed Instream Flow Regime



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## State Water Resources Control Board

### NOTICE OF TEMPORARY URGENCY CHANGE PETITION FOR PERMITS 5633, 9390, AND 18546 (APPLICATIONS 9892, 14278, AND 26242) OF MARIN MUNICIPAL WATER DISTRICT

On September 10, 2021, Marin Municipal Water District (District) filed a temporary urgency change petition (TUCP) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) requesting approval of temporary changes to water right Permits 5633, 9390, and 18546 (Applications 9892, 14278, and 26242) pursuant to California Water Code section 1435. The TUCP was submitted to address the current severe drought conditions and historically low storage levels in the District's reservoirs. With the TUCP, the District seeks authorization to temporarily modify streamflow schedules included in State Water Board Order 95-17 that were incorporated into the District's Permits 5633, 9390, and 18546. The District determined it was necessary to file the TUCP to conserve water supplies for fish, wildlife, and municipal uses within the District for water year 2021-22.

Pursuant to Water Code section 1438, subdivision (d), any interested person may file an objection to the temporary changes. Objections filed in response to this notice should be submitted to the persons listed below and must be received by the Division by 4:30 p.m. on **September 30, 2021**. All objections to the TUCP submitted during the noticing period will be considered by the State Water Board.

State Water Resources Control Board  
Division of Water Rights  
Attn: Kate Gaffney  
P.O. Box 2000  
Sacramento, CA 95812-2000  
[kathryn.gaffney@waterboards.ca.gov](mailto:kathryn.gaffney@waterboards.ca.gov)

Molly MacLean, General Counsel  
Marin Municipal Water District  
220 Nellen Avenue  
Corte Madera, CA 94925-1169  
[mmaclean@marinwater.org](mailto:mmaclean@marinwater.org)

To request a copy of the TUCP or for more information regarding this matter please contact Kate Gaffney at [kathryn.gaffney@waterboards.ca.gov](mailto:kathryn.gaffney@waterboards.ca.gov). Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Kate Gaffney, P.O. Box 2000, Sacramento, CA 95812-2000.

DATE OF NOTICE: **September 15, 2021**

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E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

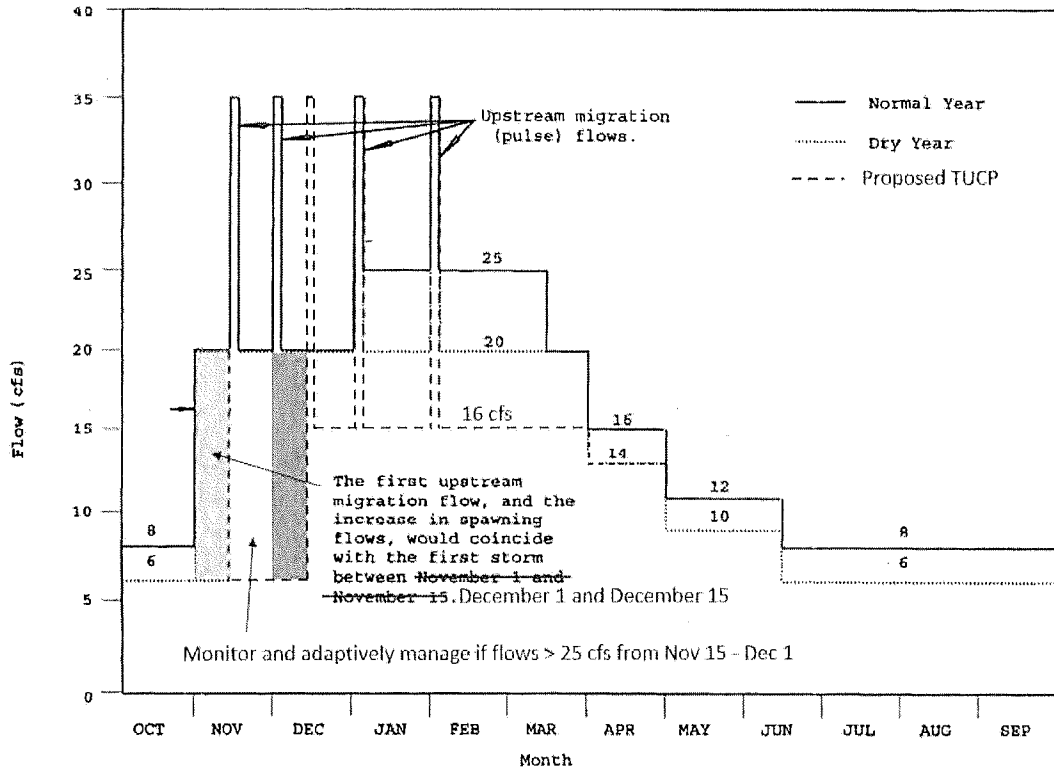


Figure 22. Proposed Instream Flow Regime


SOURCE: WR 95-17, TUCP modifications by ESA.

**Figure ES2**  
WR 95-17 Instream Flow Schedule for Lagunitas Creek and Proposed TUCP Changes

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## MEMORANDUM

To: Board of Directors

From: Tony Williams, Assistant GM/Chief Engineer 

Subject: Marin County's Request for Emergency Drinking Water  
R:\CHIEF ENGMisc BOD Memos\10-5-2021\Emergency Water\County Emergency Water BOD memo.doc

October 1, 2021

**RECOMMENDED ACTION:** Information Only

**FINANCIAL IMPACT:** None at this time.

### Background

Staff from Marin Municipal Water District (MMWD) and North Marin Water District (NMWD) attended a special meeting facilitated by Supervisor Rodoni and attended by staff from the Marin County Office of Emergency Services, Agriculture, Weights and Measure, Environmental Health Services and Health and Human Services departments on September 10, 2021. At the meeting, County staff identified a small number of County residents, located outside of either water district boundary, that may need access to potable water for health and human needs over the next several months. The total number and location of residents in need is not fully determined but likely locations identified at the meeting include Nicasio Valley, Lucas Valley, San Geronimo Valley and other areas in West Marin (Marshall).

The County is working on criteria and requirements for residents to be eligible for emergency water supply. The County will provide delivery to eligible residents by directly hiring a water hauler and purchasing the water from either water district directly via hydrant meter. At the meeting NMWD made it clear that the District's West Marin water supply would not be able for this emergency use due to the limited capacity and water quality concerns. The County Agriculture Department currently pays for Novato Service Area potable water via a hydrant meter located on San Antonio Road on behalf of agricultural users in Marin County for specific use. Use of this existing metered hydrant for emergency residential needs was discussed.

### Emergency Water Program

The total amount of water provided under this emergency program is not known but estimated to be less than 1-acre feet over a 4-month period and based on a 55 gallon per day person allocation. As previously stated, the District would only sell water directly to the County via the existing San Antonio Road metered hydrant and the County is responsible for delivery and water quality. The District is dealing with drought conditions and associated reduced allocations of water from Sonoma County Water Agency and your Board approved Emergency Water Conservation Ordinance 41 for the Novato Service Area which currently requires a mandatory 20% water use reduction for our customers. Despite these conditions, the total estimated amount of water that would be supplied under the County's program is very small (less than 1 acre-feet). Staff will closely monitor the volume of water that the County draws from the San Antonio Road hydrant meter.



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## MEMORANDUM

To: Board of Directors  
From: Drew McIntyre, General Manager  
Morgan Biggerstaff, BPMNJ



October 1, 2021

Subject: Overview of Redistricting Based on 2020 Census

t:\gm\california voting rights act cvra- 2021\california voting rights act - 2021\overview of the redistricting process 10.01.21 final.doc

**RECOMMENDED ACTION:** Information Only

**FINANCIAL IMPACT:** None

After a series of public hearings held between April and July 2019, the District adopted corrected Ordinance No. 38 on August 6, 2019, thereby transitioning from "at-large" to "by-division" elections of its Board of Directors (Board) and establishing the boundaries of each division. Elections Code Section 22000 et seq. requires the Board to adjust its electoral division boundaries based on the federal census that occurs every ten years to ensure that electoral divisions are, as far as practicable, equal in population and comply with federal voting laws. The results from the 2020 Decennial Census have recently been released, enabling the District to begin its redistricting process to adopt new division boundaries. Prior to making any adjustments to the boundaries of an electoral division, the Board must hold at least one public hearing on the proposal to adjust the boundaries of the electoral division. On September 27, 2021, Governor Newsom signed SB 594 into law, thereby requiring the Board to adopt adjusted division boundaries no later than April 17, 2022.

Staff and counsel conferred on the redistricting process and staff expressed a preference to utilize the same demographer and special counsel as in 2019. Counsel recently engaged Olson Remcho as special counsel and Redistricting Partners as demographer to assist in the redistricting process. Staff and counsel have confirmed calendar dates for holding the requisite public hearings and anticipates conferring with Olson Remcho and Redistricting Partners in the near future. Staff and counsel anticipate providing the Board with a presentation on the redistricting process at the December 7, 2021 Board Meeting. Staff also anticipates holding a public hearing on proposed adjustments to the District's electoral division boundaries at the January 18, 2022 Board Meeting. Based upon the input received on January 18, 2022, staff and its consultants will further refine any proposed adjustments to the electoral division

boundaries and bring an item back for further discussion at a second public hearing to be held at the February 15, 2022 Board Meeting. At the second public hearing, the Board may adopt the proposed electoral division changes, or determine that additional public hearings are needed to allow for public input and deliberation before any changes are adopted by the Board.

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## MEMORANDUM

TO: Board of Directors October 1, 2021  
 FROM: Drew McIntyre, General Manager   
 SUBJ: Gallagher Well No. 2 – Update on Coastal Permit Appeal to California Coastal  
 Commission (County ID P3010)

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**RECOMMENDED ACTION:** Information Only  
**FINANCIAL IMPACT:** \$ 42,000 (through August, 2021)

### Background

Although the environmental impact of Gallagher Well No. 2 was thoroughly examined in 2009, the passage of time and new evaluation requirements informed the decision to prepare an Addendum to the 2009 IS/MND. At the March 2, 2021 meeting, the Board approved the CEQA Addendum for the 2009 Gallagher Wells and Pipeline Project and adopted a Resolution finding that the conclusions, impact determinations, and the proposed mitigation measures were consistent with the previously approved 2009 Mitigated Negative Declaration for the Project and Staff filed a Notice of Determination with the county on March 5, 2021. No litigation was timely filed during the 30-day posting period. Because this project is located within the state approved Marin County Coastal Zone, a Local Coastal Permit from Marin County is required. As reported to the Board at the April 16, 2021 meeting, the District submitted a Local Coastal Permit (LCP) application to the Marin County Community Development Agency (CDA) which is responsible for processing a Coastal Permit application.

### Coastal Permit Process Summary

At the August 17, 2021 meeting, staff provided a summary of the Coastal Permit Process and subsequent appeals as follows:

1. Deputy Zoning Administrator Action - The Marin County CDA held a public hearing on March 25, 2021 for the Project's coastal permit and the Deputy Zoning Administrator (DZA) approved the Use Permit at the same hearing. A timely appeal to the Marin County Planning Commission was filed by Save Our Seashore (SOS) on April 1, 2021.
2. Planning Commission Action - As a result of the April 1 SOS appeal, the Marin County Planning Commission held a public hearing on May 24, 2021 to take public testimony and consider the project. Final action at the meeting was by a 4-1 vote to deny the SOS

appeal and approve the Coastal Permit. An appeal was submitted by Save Our Seashore on May 28<sup>th</sup>, within the five-day window.

3. Marin County Board of Supervisors Action - As a result of the May 28<sup>th</sup> SOS appeal to the Marin County Board of Supervisors (BOS), a public hearing was held during the regularly scheduled BOS meeting on July 13<sup>th</sup>, 2021 to take public testimony and consider the project. Final action at the meeting was by unanimous vote to approve the Coastal Permit. On July 28<sup>th</sup> a California Coastal Commission (Commission) staff member sent an email informing the District that a timely appeal was submitted to the Commission by Save Our Seashore.

#### Appeal to California Coastal Commission

As outlined at the August 17<sup>th</sup> meeting, the next step is for the Commission to consider the appeal. The Commission's consideration of appeals is a two-step process. The first step is determining whether the appeal raises a substantial issue regarding whether the development is consistent with the certified Local Coastal Plan (and, in certain circumstances, the Coastal Act's public access and recreation provisions). Under the pertinent regulations, this determination is based on whether the Commission finds that a such a substantial issue exists that is significant enough to warrant taking jurisdiction over the Local Coastal Permit application. This step is referred to as the "substantial issue" phase of an appeal.

In practice, the "substantial issue" phase of an appeal proceeds as follows. At the substantial issue hearing, Commission staff will make a recommendation for the Commission to find either "substantial issue" or "no substantial issue". If staff makes the former recommendation, the Commission will not take testimony at the hearing and a "substantial issue" is automatically found. If Staff makes the latter recommendation the Commission will take testimony. If, following testimony and a public hearing, the Commission determines that the appeal does not raise a substantial issue, then the first step is the only step, and the LCP approval by Marin County stands. However, if the Commission finds that a substantial issue exists, the Commission takes jurisdiction over the LCP application, and the appeal heads to the second phase.

In the second phase of the appeal, the Commission must determine whether the Gallagher Well No. 2 project is consistent with the Local Coastal Plan. This is a "de novo"

determination, meaning that the Commission will review the entirety of the proposed project, essentially starting the conformity analysis anew.

NMWD staff was informed on Friday, September 24<sup>th</sup> that Commission staff had completed their review and has issued a staff report recommending that the Commission determine that the appeal contentions do not raise a substantial Local Coastal Program conformance issue and that the Commission decline to take jurisdiction over the coastal permit application for the proposed project.

The Commission staff report is provided in Attachment 1 and the “remote” hearing date is scheduled for Friday, October 15. Staff, legal counsel and our environmental consultant, ESA, are preparing a response to: (1) address SOS’ most recent appeal and (2) support Commission Staff recommendations so that it can be submitted to the Commission in advance of the Commission Appeal Hearing.

Installation of Gallagher Well No. 2 continues to be delayed due to this appeal.

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
 455 MARKET STREET, SUITE 228  
 SAN FRANCISCO, CA 94105  
 PHONE: (415) 904-5260  
 FAX: (415) 904-5400  
 WEB: WWW.COASTAL.CA.GOV

**F18a**

Appeal Filed: 7/23/2021  
 Action Deadline: None  
 Staff: Sara Pfeifer - SF  
 Staff Report: 9/24/2021  
 Hearing Date: 10/15/2021

## **STAFF REPORT**

### **SUBSTANTIAL ISSUE DETERMINATION**

**Appeal Number:** A-2-MAR-21-0053

**Applicant:** North Marin Water District

**Appellant:** Save our Seashores

**Local Government:** Marin County

**Local Decision:** Marin County Coastal Development Permit Number P3010 approved unanimously by the Marin County Board of Supervisors on July 13, 2021

**Project Location:** Along Lagunitas Creek where it flows through the Gallagher cattle ranch located at 14500 Point Reyes Petaluma Road in western Marin County in unincorporated Point Reyes Station

**Project Description:** Construction of a new municipal water well adjacent to Lagunitas Creek, decommissioning an existing and no longer in use municipal water well located within Lagunitas Creek, and additional related development

**Staff Recommendation:** No Substantial Issue

**IMPORTANT HEARING PROCEDURAL NOTE**

Please note that this is a substantial issue hearing only, and testimony will be taken *only* on the question of whether the appeal raises a substantial issue. Such testimony is generally limited to three minutes total per side (although the Commission's Chair has the discretion to modify these time limits), so please plan your testimony accordingly. Only the Applicant, Appellant, persons who opposed the application before the local government, the local government, and their proxies/representatives are allowed to testify during this substantial issue phase of the hearing. Other interested parties may



## **A-2-MAR-21-0053 (North Marin Water District Well)**

submit comments in writing. If the Commission finds that the appeal raises a substantial issue, then the Commission takes jurisdiction over the underlying coastal development permit (CDP) application and will then review that application at a future Commission meeting, at which time all persons are invited to testify. If the Commission finds that the appeal does *not* raise a substantial issue, then the local government CDP decision stands, and is thus final and effective.

### **SUMMARY OF STAFF RECOMMENDATION**

Marin County approved a coastal development permit (CDP) authorizing the construction of a municipal water well, a 500-foot pipeline to connect the proposed well to an existing pipeline that transports water to Applicant's (North Marin Water District, or NMWD) water treatment plant, and decommissioning an out of service existing well. The project is necessary to supplement existing municipal water supply needs that support the small community of Point Reyes Station and would not be designed to promote any additional or new development. The Appellant contends that the County-approved project raises LCP conformance issues related to habitat, sensitive species, and water resources protection. Specifically, the Appellant contends that the approved development is inconsistent with the Marin County LCP, alleging that the proposed development would lead to loss of sensitive wildlife nursery habitat; would not minimize impacts to stream functions and sensitive fisheries habitat; would substantially alter riparian habitat; would lead to cumulative impacts that have not been addressed; and would not adequately mitigate for impacts nor enhance stream resources. Staff has evaluated these contentions and does not believe that the appeal raises a substantial LCP conformance issue.

The LCP limits stream diversions to necessary water supply projects, but only where flows sufficient for stream/fisheries health can be maintained, and where other related coastal resources are adequately protected. In this case, the County's record shows that the water supply project is needed to address an acute water supply shortage in the Point Reyes Station community, and that it has been conditioned to ensure that impacts will be avoided or mitigated, including related to riparian habitat and species protections in Lagunitas Creek.<sup>1</sup> Potential instream flow fisheries issues are addressed through required compliance with State Water Resources Control Board (SWRCB) instream flow requirements that include minimum flow requirements to protect sensitive fish species; all work in and around the Creek will be temporary and subject to California Department of Fish and Wildlife (CDFW) standards; and groundwater aquifers are not anticipated to be impacted as a result of the project. The County's approval includes appropriate requirements to protect coastal resources, including the requirement for SWRCB and CDFW signoff prior to commencing construction.

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<sup>1</sup> Importantly, the new well is not actually located within Lagunitas Creek itself, rather it is located about 65 feet away from it, so it should have limited direct effect on the Creek. However, it is designed to pull water from the subsurface creek flows, and this would indirectly pull water from the Creek. The project also includes removal and proper decommissioning of a no longer in service well that is actually located *in* the Creek, which should help to better protect Creek resources.

**A-2-MAR-21-0053 (North Marin Water District Well)**

Accordingly, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP application for the proposed project. The single motion to do so is found on page 5 below.

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**EXHIBITS**

- Exhibit 1 – Project Location Map
- Exhibit 2 – Project Site Photos
- Exhibit 3 – County-Approved Project Plans
- Exhibit 4 – Marin County Final Local CDP Action Notice
- Exhibit 5 – Appeal of Marin County CDP Action
- Exhibit 6 – Detailed Site Map

## **1. MOTION AND RESOLUTION**

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission would not take jurisdiction over the underlying CDP application for the proposed project, and would not conduct further hearings on this matter, and that the local government decision to approve the local CDP stands and is thus final and effective. To implement this recommendation, staff recommends a **yes** vote on the following motion which, if passed, will result in a Commission finding of no substantial issue. Failure of this motion will result in a finding of substantial issue and the Commission will instead take jurisdiction over the subject CDP application for future hearing and action. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-2-MAR-21-0053 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and I recommend a yes vote.*

***Resolution to Find No Substantial Issue:** The Commission hereby finds that Appeal Number A-2-MAR-21-0053 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Marin County Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

## **2. FINDINGS AND DECLARATIONS**

### **A. Project Location and Description**

The proposed project is located on a 330-acre property used for cattle ranching, known as the Gallagher Family Ranch, located at 14500 Point Reyes Petaluma Road in unincorporated western Marin County, approximately 1.5 miles northeast of the unincorporated community of Point Reyes Station. The ranch is used for cattle grazing and agricultural uses, contains two existing municipal water wells,<sup>2</sup> and is adjacent to Lagunitas Creek, which flows into Tomales Bay approximately 2 miles downstream from the project site. The site is designated C-APZ-60 (Coastal, Agricultural Production Zone) in the LCP, and is surrounded by agricultural and agricultural-residential uses, including grazing and active farming. See **Exhibit 1** for a location map, and see **Exhibit 2** for photographs of the site and surrounding area.

The County-approved project would allow for North Marin Water District (NMWD) to construct a new municipal water well (Gallagher Well No. 2) with a 300 gallon-per-

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<sup>2</sup> North Marin Water District already owns two municipal water wells on the Gallagher property, including Gallagher Well No. 1, constructed in 1992, and the abandoned Downey well, proposed to be decommissioned as part of this project.

## **A-2-MAR-21-0053 (North Marin Water District Well)**

minute (gpm) pumping capacity,<sup>3</sup> at a depth of 59 feet below grade and located within about 100 feet of Lagunitas Creek, approximately 500 feet north of existing Gallagher Well No. 1. Specifically, the well site would be located on the south bank of the Creek, near the east end of the private Gallagher Ranch bridge. In addition, the project includes the decommissioning of the existing Downey Well, located approximately a half mile southwest of the proposed well site. Decommissioning the inoperative well would include extraction of approximately 3 feet of upper well casing material located within the creek bed surface and capping of the well. Other ancillary project elements include connecting the proposed well (No. 2) to the NMWD system with a 6-inch, 500-foot pipe. See **Exhibit 3** for the County-approved project plans.

### **B. Marin County CDP Approval**

On March 25, 2021, the Marin County Deputy Zoning Administrator approved CDP P3010 authorizing the above-described development at the subject site. This approval was subsequently appealed (by the current Appellant before the Coastal Commission) to the County's Planning Commission. On May 24, 2021, the Marin County Planning Commission denied the appeal and approved the development by a 4-1 vote. The Planning Commission's decision was subsequently appealed (again by the current Appellant) to the County Board of Supervisors, and the Board subsequently unanimously upheld CDP approval on July 13, 2021. The County's notice of the Board of Supervisor's final CDP action was received in the Coastal Commission's North Central Coast District Office on July 22, 2021 (see **Exhibit 4**), and the Coastal Commission's ten-working-day appeal period for this action began on July 23, 2021 and concluded at 5pm on August 5, 2021. One valid appeal (discussed below and shown in **Exhibit 5**) was received during the appeal period.

### **C. Appeal Procedures**

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This County CDP decision is appealable to the Commission because the project site is

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<sup>3</sup> Gallagher Well No. 1 was designed for a 300 gpm capacity, but currently only delivers approximately 150 gpm. The capacity for the proposed Gallagher Well No. 2 would be 300 gpm, however it is anticipated to have an operational flow capacity of approximately 150 gpm. NMWD proposes to utilize a maximum of 300 gpm *combined* while both wells are operational.

## **A-2-MAR-21-0053 (North Marin Water District Well)**

located within 100 feet of a stream (Lagunitas Creek), and because the project is not designated as the principally permitted use under the LCP.<sup>4</sup>

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP and/or to Coastal Act public access provisions. For appeals of a CDP denial, where allowed (i.e., only allowed in extremely limited circumstances – see description of appealable actions, above), the grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions.

The Commission's consideration of appeals is a two-step process. The first step is determining whether the appeal raises a substantial issue that the Commission, in the exercise of its discretion, finds to be significant enough to warrant the Commission taking jurisdiction over the CDP application. This step is often referred to as the "substantial issue" phase of an appeal. The Commission is required to begin its hearing on an appeal and address at least the substantial issue question within 49 working days of the filing of the appeal unless the applicant has waived that requirement (which the Applicant in this case has), in which case there is no deadline for Commission action.

The Coastal Act and the Commission's implementing regulations are structured such that a substantial issue is presumed when the Commission acts on this question unless the Commission finds that an appeal does *not* raise a substantial issue, and the Commission generally considers a number of factors in making that determination.<sup>5</sup> At this stage, the Commission may only consider contentions raised by the appeal. At the substantial issue hearing, staff will make a recommendation for the Commission to find either substantial issue or no substantial issue. If staff makes the former recommendation, the Commission will not take testimony at the hearing on the substantial issue recommendation unless at least three Commissioners request it, and, if no such full hearing is requested, a substantial issue is automatically found. In both cases, when the Commission does take testimony, it is generally (and at the discretion of the Commission Chair) limited to three minutes total per side, and only the Applicant, persons who opposed the application before the local government, the local

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<sup>4</sup> Public water facilities are conditionally permitted in the C-APZ-60 zoning designation.

<sup>5</sup> The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (California Code of Regulations, Title 14, Section 13115(b)). Section 13115(c) of the Commission regulations provides, along with past Commission practice, that the Commission may consider the following five factors when determining if a local action raises a substantial issue: (1) the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and the Coastal Act's public access provisions; (2) the extent and scope of the development; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government's decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

## **A-2-MAR-21-0053 (North Marin Water District Well)**

government, and their proxies/representatives are allowed to testify, while others may submit comments in writing.

If, following testimony and a public hearing, the Commission determines that the appeal does not raise a substantial issue, then the first step is the only step, and the local government's CDP decision stands. However, if the Commission finds a substantial issue, the Commission takes jurisdiction over the underlying CDP application for the proposed project, and the appeal heads to the second phase of the hearing on the appeal.

In the second phase of the appeal, if applicable, the Commission must determine whether the proposed development is consistent with the applicable LCP (and in certain circumstances the Coastal Act's public access and recreation provisions). This step is often referred to as the "de novo" review phase of an appeal, and it entails reviewing the proposed project in total. There is no legal deadline for the Commission to act on the de novo phase of an appeal. Staff will make a CDP decision recommendation to the Commission, and the Commission will conduct a public hearing to decide whether to approve, approve with conditions, or deny the subject CDP. Any person may testify during the de novo phase of an appeal hearing (if applicable).

### **D. Summary of Appeal Contentions**

The Appellant contends that the County-approved project raises LCP conformance issues related to habitat, sensitive species, and water resources protection. Specifically, the Appellant contends that the approved development is inconsistent with the Marin County LCP,<sup>6</sup> alleging that the proposed development would lead to loss of sensitive wildlife nursery habitat; would not minimize impacts to stream functions and sensitive fisheries habitat; would substantially alter riparian habitat; would lead to cumulative impacts that have not been addressed; and would not adequately mitigate for impacts nor enhance stream resources. See full appeal contentions in **Exhibit 5**.

### **E. Standard of Review**

The standard of review for considering these appeal contentions is the certified Marin County LCP (comprised of a certified Land Use Plan (LUP) and a certified Implementation Plan (IP)) and the public access policies of the Coastal Act (which include Coastal Act Sections 30210 through 30224). This CDP application was approved by Marin County pursuant to LCP policies in the effect at that time. Subsequently, on July 13, 2021, the County's updated LCP took effect. Accordingly, in assessing whether the appeal raises a substantial issue as to whether the County's approval is consistent with the LCP and public access policies of the Coastal Act and, in particular, whether there is factual and legal support for the County's decision, the

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<sup>6</sup> The Appellant does not actually cite to any LCP provisions, rather the Appellant refers only to other non-LCP County plans, none of which can be used as the standard of review for CDP application decisions. That said, and consistent with the Commission's standard and long practice, the Commission here considers the Appellant's contentions broadly to determine if they raise a substantial issue as to consistency with policies of the LCP.

## A-2-MAR-21-0053 (North Marin Water District Well)

Commission considers the LCP policies in effect when the County approved the project.

### F. Substantial Issue Determination

#### 1. Stream/Creek Protection

##### **Applicable LCP Provisions**

The LCP includes provisions related to streams and riparian habitat that are relevant to this project given its proximity to Lagunitas Creek. LCP Natural Resource policies generally mimic Coastal Act 30236 regarding water supply projects, and specifically refer to Coastal Act Sections 30230 and 30231, which discuss the protection of marine resources and water quality. The LCP states:

**Natural Resource Policy 3:** (a) Stream alterations. Stream impoundments, diversions, channelizations, or other substantial alterations shall be limited to the following purposes: (1) Necessary water supply projects, including those for domestic or agricultural purposes; ... Before any such activities are permitted, minimum flows necessary to maintain fish habitat and water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, spawning habitats, etc.) and downstream users shall be determined by the Department of Fish and Game and the Division of Water Rights of the State Water Resources Control Board. New impoundments which, individually or cumulatively, would decrease streamflows below the minimum shall not be permitted.

(b) Conditions. The alteration of streams allowed for the purposes listed in (a) above shall be held to a minimum to protect streamwater quality and the volume and rate of stream flow. All such developments shall incorporate the best mitigation measures feasible, including erosion and runoff control measures, and revegetation of disturbed areas with native species. Disturbance of riparian vegetation shall be held to a minimum.

(c) Stream Buffers. Buffers to protect streams from the impacts of adjacent uses shall be established for each stream in Unit II. The stream buffer shall include the area covered by riparian vegetation on both sides of the stream and the area 50 feet landward from the edge of the riparian vegetation. In no case shall the stream buffer be less than 100 feet in width, on either side of the stream, as measured from the top of the stream banks.

(d) Development in Stream Buffers. No construction, alteration of land forms or vegetation removal shall be permitted within such riparian protection area. Additionally, such project applications shall identify a stream buffer area which shall extend a minimum of 50 feet from the outer edge of riparian vegetation, but in no case less than 100 feet from the banks of a stream. Development shall not be located within this stream buffer area. ... The design process shall also address the impacts of erosion and runoff, and provide for restoration of



## **A-2-MAR-21-0053 (North Marin Water District Well)**

*disturbed areas by replacement landscaping with plant species naturally found on-the site. ...*

*Coastal Act policies 30230 and 30231 provide for the protection of marine resources and water quality. ... The LCP recommends that the impacts from diversion projects, especially on the two major tributaries to Tomales Bay, Walker and Lagunitas Creeks, be fully studied through the EIR process before they are permitted to proceed and that in all cases, mitigation and enhancement measures be required to ensure that coastal resources influenced by freshwater inflows are not significantly damaged.*

### **Analysis**

As described earlier, the Appellant generally contends that the approved development would adversely impacts Lagunitas Creek and its related resources, including fisheries resources (see full appeal contentions in **Exhibit 5**). The LCP limits stream diversions to necessary water supply projects, but only where flows sufficient for stream/fisheries health can be maintained, and where other related coastal resources are adequately protected. In terms of the first question, the County's record shows that the water supply project is needed to address an acute water supply shortage in the Point Reyes Station community. Specifically, the County's findings explain that the Point Reyes Community water source is currently subject to saltwater intrusion in the two NMWD Coast Guard wells located further downstream, in the upper tidal reach of Lagunitas Creek toward Tomales Bay.

With respect to potential resource impacts, the new well is proposed to be sited approximately 65 feet from the bank of Lagunitas Creek and between 20 to 65 feet from the nearest riparian vegetation (see **Exhibit 6**). Although these buffer distances are less than generally required by the LCP's creek buffer provisions (i.e., LCP Natural Resources Policy 3 generally requires at least a 50-foot buffer from riparian vegetation and at least a 100-foot buffer from the stream bank itself), LCP Natural Resource Policy 3 also specifically allows alterations directly in streams for necessary water supply projects. As a result, and as is common in LCPs when there are both general and specific prescriptions, the more specific provisions of Policy 3 apply to this project, which means that subsection (a) of Policy allows this necessary water supply project as long as the conditions of subsection (b) are satisfied, i.e., the stream alterations allowed for the project are "held to a minimum to protect streamwater quality and the volume and rate of stream flow," that the project "incorporate the best mitigation measures feasible, including erosion and runoff control measures, and revegetation of disturbed areas with native species," and disturbance of riparian vegetation is held to a minimum.<sup>7</sup>

The County's findings demonstrate that the project complies with subpart (b) of LCP Natural Resource Policy 3. Specifically, as to the potential for the well to draw down the Creek in a way that affects its health, including native fish species, such as Coho

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<sup>7</sup> The 50- and 100-foot buffers would apply to non-water supply projects.

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Salmon and Steelhead Trout,<sup>8</sup> NMWD monitors flow levels daily to maintain consistency with State Water Resources Control Board (SWRCB) requirements for Lagunitas Creek (which, for the protection of sensitive salmonid species, only allows a maximum diversion rate from Lagunitas Creek of 0.67 cubic feet per second from May 1 to November 1) including through a water license and two water rights permits. In other words, the Applicant is not allowed to take water from Lagunitas Creek at levels that would harm resident salmon species.<sup>9</sup> The County also imposed a condition on the project requiring approval by SWRCB and the California Department Fish and Wildlife (CDFW) to further ensure compliance with Natural Resources Policy 3 (which explicitly identifies both these agencies as the proper entities to ensure that “minimum flows necessary to maintain fish habitat and water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, spawning habitats, etc.) and downstream users” are maintained). Therefore, as conditioned by the County, the project is expected to maintain stream levels and flow sufficient to protect aquatic resources in Lagunitas Creek, including Coho Salmon and Steelhead Trout.

As to other project components, the project includes decommissioning NMWD’s existing Downey well that is located within the Creek but that is no longer in service. Removal of the upper 2- to 4-foot portion of the existing well requires that an excavator, working from the top of the bank on the existing well access road, pull the existing wellhead from the ground, and cap the wellhead. In order to do so the stream would be temporarily diverted for two days by installing sandbags directly around the existing wellhead. According to the County’s record, no riparian vegetation would be disturbed as part of these operations, but disturbance of the creek could result in incidental, temporary siltation downstream. These potential impacts would be mitigated by incorporating best management practices (including that heavy equipment and staging would occur from the already-developed Downey Road, incorporating traffic and dust control measures, and minimizing sedimentation as much as possible by using silt fencing, fiber roll barriers, swales, and sediment basins and traps). The County also required the Applicant to obtain a CDFW Streambed Alteration Agreement so that CDFW could provide any additional needed safeguards.<sup>10</sup>

In sum, the County appropriately recognized this as a necessary water supply project, and ensured through CDP terms and conditions that its installation and use (as well as former well decommissioning) would not significantly adversely affect Lagunitas Creek resources, by minimizing stream alterations that could affect aquatic species and imposing best mitigation measures feasible to minimize impacts to riparian habitat.

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<sup>8</sup> Lagunitas Creek at this location is known to provide habitat for Coho Salmon and Steelhead Trout.

<sup>9</sup> As a practical matter, NMWD also has an agreement with the Marin Municipal Water District to release water from upstream Kent Lake into Lagunitas Creek as needed to maintain adequate instream flows for fisheries.

<sup>10</sup> CDFW’s Streambed Alteration Agreement is a permit for the installation, repair, and maintenance of water diversions or any modification of a streambed, and outlines the measures required to protect species and habitat from impacts of such activities.

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Therefore, the Appellant's contentions do not raise a substantial LCP conformance issue with regard to LCP stream/creek protection provisions.

### **2. Groundwater and Aquifer Protections**

#### ***Applicable LCP Provisions***

The LCP provides specific development standards for the construction of new municipal water wells, including as related to the impacts of withdrawal on water resources:

***Public Services Policy 2(e)(3):*** *New community or mutual water wells or other sources serving 5 or more parcels shall demonstrate by professional engineering studies, including as necessary, long-term monitoring programs, that such groundwater or stream withdrawals will not adversely affect coastal resources, including groundwater basins, aquifers, and streams. Such engineering studies shall provide the basis for establishing safe sustained yields from these sources.*

#### ***Analysis***

The Appellant asserts that NMWD does not address the cumulative impact of both Gallagher Wells operating together simultaneously. The County addressed the potential cumulative effects of operating a new well in its permit decision and based its findings regarding cumulative impacts on a 2020 Sutro Science aquifer survey.<sup>11</sup> The survey found that the project would not decrease stream flows, either individually or cumulatively, at a pumping rate of 300 gpm total for the simultaneous operation of Gallagher Wells No. 1 and 2. In addition, consistent with LCP Public Services Policy 2 requirements, the Applicant's IS/MND, relied upon by the County, describes that the survey determined that the project's groundwater withdrawal would not substantially reduce stream flow or lower the water surface to a level that would adversely impact stream habitat. Specifically, survey results represented the worst-case scenario rather than typical conditions, and these results demonstrated a low likelihood of impacts to surface water levels even under stressed conditions. In addition, the County-approved project includes contingencies for maintaining surface stream water flows at the minimum levels as required by the SWRCB. These contingencies, reflected in conditions of the County-approved permit, include releases of water from Kent Lake, about 8 miles upstream. The County findings explain that the project would offset pumping from NMWD's Coast Guard Wells only when they are unavailable due to saltwater intrusion, and the amount of water pumped from all NMWD wells would remain within the limits set by SWRCB permits, as described in Condition 3 of the County CDP. Thus, the Appellant's contentions do not raise a substantial LCP conformance issue with regard to LCP groundwater and aquifer provisions associated with water wells, or related impacts to sensitive habitat, as the County's decision addresses and includes measures to avoid the potential cumulative effects of constructing and operating the proposed well.

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<sup>11</sup> Sutro Science, Groundwater and Streamflow Response Analysis at NMWD Gallagher Well Site, Lagunitas Creek, Marin County, California. December 21, 2020.

### **3. Substantial Issue Conclusion**

When considering a project on appeal, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over the CDP application for such development. At this stage, the Commission has the discretion to find that the project does or does not raise a substantial issue of LCP and Coastal Act (where applicable, such as in this case) conformance. The Commission has in the past and, pursuant to Section 13115(c) of its regulations, considered the following five factors in its decision of whether the issues raised in a given case are "substantial": (1) the degree of factual and legal support for the local government's decision; (2) the extent and scope of the development as approved or denied by the County; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the County's decision for future interpretations of its LCP; and, (5) whether the appeal raises only local issues as opposed to those of regional or statewide significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

In this case, these five factors, considered together, support a conclusion that the appeal does not raise a substantial issue as to the County-approved project's consistency with the LCP. As found by the County, the project would not lead to loss of wildlife habitat, including riparian habitat, and would minimize impacts to stream functions and fish habitat, consistent with protections for such resources as required by the LCP. The project IS/MND analyzes the cumulative impact of the new well on habitat and water quality and the County conditioned the project to adequately address any potential resource impacts, including through best management practices related to siting and operation of equipment, construction staging, seasonal timing and duration of activities, erosion and siltation controls, and revegetation, consistent with LCP requirements. As approved, impacts to coastal resources will be minimized, avoided, and mitigated, and the project does not significantly threaten coastal resources.

First, there is ample legal and factual support for the County's decision. As demonstrated in the above findings, potential impacts on habitat and water supply were clearly evaluated, and as conditioned by the County, the project is required to maintain creek flows, including as directed by SWRCB and CDFW.

Second, as to project scope, the proposed development is limited to the installation of a municipal water well that is intended to replace a well that is no longer operable and, along with other wells in the area, would provide water to a limited area (782 service connections), and is not designed to supply water for any new increase in development within the service area. Rather, the purpose of the project is to continue to serve the existing community. In addition, the County appropriately conditioned the project to minimize impacts to coastal resources, including Lagunitas Creek, aquatic species, and groundwater resources, as described above, ensuring that the impacts of the project will be held to a minimum, as required by the LCP. When combined with the first factor, this second factor weighs in favor of finding no substantial issue.

## **A-2-MAR-21-0053 (North Marin Water District Well)**

The third factor, namely the significance of coastal resources affected, also supports a finding of no substantial issue. To that point, Lagunitas Creek is a significant coastal resource of importance. However, the County conditioned the project to ensure that construction and operation of the proposed municipal well will not lead to significant adverse impacts on Lagunitas Creek nor its adjacent habitat or dependent species; on Tomales Bay downstream; or on the groundwater aquifer, and it is sited and designed to avoid, minimize, and mitigate any resulting resource impacts. No significant coastal resources are threatened by the County-approved project, supporting a finding of no substantial issue.

Fourth, the County's decision should not set an adverse precedent for future interpretations of the County's LCP. The project overall is consistent with the requirements of the LCP to protect sensitive coastal resources, including streams, wetlands, ESHA, water quality, and water supply. Importantly, the County LCP was recently updated, and that new LCP is in effect (as of August 12, 2021) and will apply to new projects moving forward. The new LCP includes additional and updated policies related to biological resources and the development of public services in the coastal zone, limiting the potential impact of future interpretations of the policies. The fourth factor also supports a finding of no substantial issue.

Finally, the project does not raise issues of regional or statewide significance, including related to water resources, as it is site specific, is proposed to fulfill a critical local water supply need, and is consistent with LCP policies that allow for the development of such public service if found consistent with other coastal resource protection provisions. As such, the fifth factor also supports a finding of no substantial issue.

In this case, these five factors, considered together, support a conclusion that the County's approval of a CDP for this project does not raise a substantial issue of LCP conformance. The proposed project would develop a new municipal water well and decommission an existing, abandoned well, and is not expected to lead to significant adverse impacts to coastal resources. For the reasons stated above, the Commission finds that Appeal Number A-2-MAR-21-0053 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

### **3. APPENDICES**

#### **A. Substantive File Documents<sup>12</sup>**

- Marin County CDP File P3010

#### **B. Staff Contacts with Agencies and Groups**

- Marin County Community Development Agency
- State Water Resources Control Board

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<sup>12</sup> These documents are available for review from the Commission's North Central Coast District office.

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**DISBURSEMENTS - DATED SEPTEMBER 23, 2021**

Date Prepared 9/21/21

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 9/15/21	\$156,977.53
90419*	Internal Revenue Service	Federal & FICA Taxes PPE 9/15/21	66,210.79
90420*	State of California	State Taxes & SDI PPE 9/15/21	15,376.54
90421*	CalPERS	Pension Contribution PPE 9/15/21	40,239.84
1	ADTS, Inc.	Annual Random Compliance (Sjoblom)	69.50
2	Allied Mechanical	Front Office HVAC Repairs	2,359.57
3	Alpha Analytical Labs	Lab Testing	570.00
4	A.S.T.I.	Annual Fire Service Testing	950.00
5	Athens Administrators	August Indemnity Review Fee	105.00
6	AT&T	Leased Lines	66.68
7	Backflow Distributors	6" Backflow Assembly	3,678.15
8	Bank of Marin	Bank of Marin Loan Principal & Interest (Pymt #119 of 240) Aqueduct Energy Efficiency Project	46,066.67
9	Bold & Polisner	July Legal Fees - General (\$11,948) & Potter Valley FERC-NMWD Portion (\$248)	12,195.00
10	Boucher Law	July Labor & Law Employment Matters	2,275.00
11	Clipper Direct	Commuter Benefit Program	29.00
12	Consolidated CM	Prog Pymt#3: Construction Management Services for NMWD Building Renovation Project (Balance Remaining on Contract \$113,463)	34,818.00
13	Diesel Direct West	Diesel (334 gal) (\$1,474) & Gasoline (657 gal) (\$2,717)	4,190.25
14	Easi File	Vertical File System for As-Builts (Eng)	39,143.70

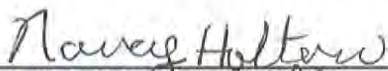
Seq	Payable To	For	Amount
15	Eurofins Eaton Analytical, Inc	Lab Services for UCMR4 Monitoring	1,050.00
16	Evoqua Water Technologies LLC	Service on Deionization System (Lab)	296.71
17	Fishman Supply Co	Surveyor Vests (4)	72.39
18	Flume Water	Flume 2 Smart Home Water Monitors (10) (West Marin)	1,519.00
19	Free, Lisa	Refund Security Deposit on Hydrant Meter Less Final Bill	654.39
20	GHD Inc.	Prog Pymt#16: Kastania Pump Station Project (Balance Remaining on Contract \$30,635)	919.00
21	Grainger	Reciprocating Saw Blades (3) (\$125), Heat Gun (\$291), Anti-Seize for Bolts (10-8oz cans) (\$265), Water Hose Assembly (\$347), Nozzles (3) (\$206) & Miscellaneous Maintenance Tools & Supplies (\$216)	1,450.26
22	Hildebrand Consulting LLC	Prog Pymt#3: Financial Model Training (Balance Remaining on Contract \$315)	1,890.00
23	InfoSend, Inc.	August Processing Fee for Water Bills (\$1,276), Postage (\$3,539) & August Support Fee (\$852)	5,666.75
24	Kaiser Foundation Health Plan	DMV/DOT Physicals (Kehoe, Northen, Ponikvar- Dolney) (\$295) & Pre-employment Physical (Ochoa) (\$115)	410.00
25	Kehoe, Theresa	Exp Reimb: Notary Test Fee	40.00
26	Kelly Services, Inc.	Organic Chemist Temp Services (Lab) (62 hours)	3,770.55
27	Kennedy Jenks	Prog Pymt#1: NMWD On-Call Hydraulic Modeling Project (Balance Remaining on Contract \$42,962)	2,038.05
28	Kiosk Creative LLC	Prog Pymt#1 (July) (\$3,419) & Prog Pymt#2 (August) (\$2,768): Provide Social Media Support (Balance Remaining on Contract \$53,813)	6,187.00
29	Lincoln Life	Deferred Compensation PPE 9/15/21	9,390.71
30	Manaay, Arlita	Refund Overpayment on Closed Account	73.80




Seq	Payable To	For	Amount
31	Samantha and/or Taylor Mansir	Refund Excess Advance over Actual Job Cost (647 Plum Street)	668.93
32	County of Marin	Replacement Payment. Original Check Damaged. (Encroachment Permit-285 Montego Keys)	448.54
33	McLellan Co, WK	Misc Paving	27,452.26
34	McPhail Fuel Company	Propane Piping for Tahiti Way Lift Station	715.16
35	McSweeney, Terence	Refund Excess Advance Over Actual Job Cost (101 Drakes View Dr)	611.63
36	Nationwide	Deferred Compensation PPE 9/15/21	1,020.00
37	NSI Solutions, Inc.	QC Samples	226.00
38	Open Spatial Americas Incorporated	Open Spatial Standard Edition Annual Lease (\$10,074) & Support Hours for Facility Map GIS/Autocad (\$4,250)	14,324.00
39	O'Reilly Auto Parts	Brake Cleaner (\$154) & Miscellaneous Maintenance Tools & Supplies (\$83)	236.91
40	Pace Supply	Bushings (2) (\$135) & Clamp (\$170)	304.63
41	Parkinson Accounting Systems	Accounting Software Support (10/1/21 - 12/31/21)	1,500.00
42	Point Reyes Light	Legal Notice on 9/2-Salinity Intrusion into Pt. Reyes Well Supply	174.00
43	Point Reyes Prop Mgmt Assn	September HOA Fees (25 Giacomini Rd)	75.05
44	PumpMan Norcal	Pump for North Street Lift	1,779.40
45	R & B Company	1" Meter Boxes (10)	358.04
46	RH & Sons Water Services	Backflow Tests (52)	3,380.00
47		Vision Reimbursement	138.98
48	Small, Lynn	Refund Overpayment on Closed Amount	187.00
49	Soiland Co., Inc.	Asphalt Recycling (11 tons) (\$170) & Rock (16 yds) (\$497)	666.45
50	Sonoma County Water Agency	August Contract Water	582,137.87

Seq	Payable To	For	Amount
51	SPG Solar Facility XII, LLC	August Energy Delivered Under Solar Services Agreement	5,566.57
52	Thatcher Company of California, Inc.	Ferric Sulfate (23 tons)	9,533.30
53	Township Building Services	August Janitorial Services	2,035.48
54	Unicorn Group	Drought Mailer for West Marin (716)	615.17
55	Univar	Sodium Hypochloride (425 gal) (O.M.)	1,072.72
56	Vaughan-Lee, Dr.	Refund Overpayment of Open Account	1,557.00
57	VWR International LLC	Cold Packs (10)	51.08
58	White & Prescott	Prog Pymt#1: AEEP Easement Support B2 Reach A (\$2,070), Prog Pymt#2: ROIC California (\$90), Prog Pymt#3: 385 Bel Marin Keys Water Line Easement (\$225) & Prog Pymt#4: Residence Inn Water Line Easement (Balance Remaining on Contract \$27,080)	2,565.00
59	ZORO	Grease (Maint of Vehicles)	151.87
		<b>TOTAL DISBURSEMENTS</b>	<b><u>\$1,120,302.87</u></b>

The foregoing payroll and accounts payable vouchers totaling \$1,120,302.87 are hereby approved and authorized for payment.

  
 Auditor-Controller *WDB* \_\_\_\_\_ Date 09/21/21

  
 General Manager \_\_\_\_\_ Date 09/21/21

## DISBURSEMENTS - DATED SEPTEMBER 30, 2021

Date Prepared 9/28/21

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
90422*	CalPERs	October Health Insurance Premium (Employer \$49,835, Retirees \$11,847 & Employee Contribution \$11,143)	\$72,824.96
90423*	US Bank Card	Hotel Lodging for OSHA Training (Kane) (8/22-8/26) (\$514), Green Building Standards Code Reference Book (Eng) (\$141), Lunch for Marin Sanitary Manager's Meeting (\$61), Zoom for Board Meeting (\$47), Water for Construction Crew (\$10) & Microsoft Software for 365 Email Project (\$20)	792.43
1	All Star Rents	Compressor Rental (1 Day)	207.92
2	Alpha Analytical Labs	Lab Testing	1,780.00
3	Amazon/Genuine-Hardware	Clock & Planner (\$36), Stethoscope for FSR (\$16), Lumbar Support Pillow (\$30), Dry Erase White Board (\$347), PLC Cables (\$34), Logitech Speaker System (STP) (\$26), Respirator Masks (2) (STP) (\$453), Whiteboard Marker & Eraser Holder (\$21), Labeler Tape (\$23), Lithium Batteries for Cordless Drill (\$332) & Safety Gloves (\$238)	1,555.41
4	American Water College	Distribution Exam for Prep Grade 3 (Simpson)	41.67
5	AT&T	September Internet Service	90.25
6	Automation Direct	AI Cards for Programmable Logic Controllers	429.66
7	Buck's Saw Service	Chain Saw Blades (2) (\$58) & Hat	69.15
8	Comcast	Sept Internet Connection	144.92
9	Core Utilities, Inc	Consulting Services: August IT Support (\$6,000), Chlorine Probe (\$450), SCADA Novato (\$50), CORE Billing Maintenance (\$375), Exchange 365 Migration (\$475), Front Office Network Design Review (\$550) & Board Meeting Assistance (\$425)	8,325.00

Seq	Payable To	For	Amount
10	Cummings Trucking	Delivery of Rock (73 yds) (\$735) & Sand (47 yds) (\$700)	1,435.00
11	CWEA	Membership Renewal (Nommsen) (10/21-10/22) (Budget \$190)	192.00
12	Digital Prints & Imaging	Velum Paper (Lab) (40)	130.66
13	Dirienzo, Jon	Novato "Washer Rebate" Program	100.00
14	Electrical Equipment Co	Bathroom Fan & Pump Control Panel for Pump & Motor Testing (\$978)	993.53
15	Fenn, Beth	Novato "Pool Cover" Rebate Program	75.00
16	Fisher Scientific	Buffer Solution (Lab)	71.99
17	Grainger	Wildland Fire Protection Pump (5 gal) (\$273), Smoke Alarms (2) (\$62), Safety Gloves (1,004) (\$488) & D-Rings for Equipment	865.33
18	Higgs, Kathy	Novato "Cash for Grass" Program	800.00
19	Home Depot	Rapid Set Concrete (50-60 lb bags)	706.87
20		Vision Reimbursement	219.98
21	Kelly Services, Inc.	Organic Chemist Temp Services (Lab) (30 hrs)	1,862.19
22	KP Promotions	Semi Annual Uniform Order	6,219.59
23		Vision Reimbursement	257.50
24	Mallory Safety and Supply LLC	Oxygen Sensors for Gas Monitors	427.85
25	Maselli & Sons	Nipples (4) & Plug	4.98
26	McLellan Co, WK	Misc Paving	2,875.16
27	McGill, Jennifer	Novato "Cash for Grass" Program	800.00
28	McMaster-Carr Supply Co	Plumbing Parts for Lab	145.76
29	Mutual of Omaha	Oct Group Life Insurance Premium	1,026.53
30	Newman, Christy	Novato "Toilet Rebate" Program	125.00
31	North Bay Petroleum	Grease for Motor Operated Valve	130.95
32	Office Depot	Misc Office Supplies	317.97

Seq	Payable To	For	Amount
33	O'Reilly Auto Parts	Battery for STP Forklift	99.51
34	Pace Supply	Copper Gasket (54) (\$135), Valves (60) (\$1,372), Valve Handles (60) (\$431) & Meter Stops (2) (\$468)	2,404.76
35	Pearlman, Avram	Exp Reimb: September Mileage	113.23
36	Point Reyes Light	Legal Notice on 9/9/21. Salinity Intrusion into the Pt. Reyes Well Supply	174.00
37	Preferred Alliance, Inc.	Pre-Employment Physical (Ochoa)	42.00
38	PumpMan Norcal	Replacement Pump/Motor for Trumbull P/S	6,510.00
39	Sanco Pipelines	Refund Recycled Water Deposit-Permit 2021-06	100.00
40	Skewes-Cox, Amy	Prog Pymt#11: Environmental/CEQA Support on Office/Yard Refurbish (Balance Remaining on Contract \$19,211)	240.00
41	Soiland Co., Inc.	Asphalt Recycling (11 tons)	159.90
42	SRT Consultants	Prog Pymt#16: Consulting Services to Complete Stafford Sanitary Survey (Balance Remaining on Contract \$926)	10,120.00
43	State Water Resources Control	D5 Certification Renewal (Stompe) (Budget \$105) (3/22-3/25)	105.00
44	Sullivan, David	Novato "Pool Cover" Rebate Program	75.00
45	Syar Industries Inc	Sand (16 yds)	944.95
46	Thatcher Company	Ferric Sulfate (23 tons)	9,597.00
47	Unicorn Group	Postage for Novato Waterline (25,387)	4,239.63
48	United Parcel Service	Delivery Services: Lab Tests	219.77
49	VWR International LLC	Titration Chemical & Chloride Standard (\$106)	125.56

Seq	Payable To	For	Amount
50	Waste Management	Green Waste Removal	123.12
		<b>TOTAL DISBURSEMENTS</b>	<b><u>\$141,438.64</u></b>

The foregoing payroll and accounts payable vouchers totaling \$141,438.64 are hereby approved and authorized for payment.

Nancy Halton \_\_\_\_\_  
Auditor-Controller for JB Date 9/27/21

[Signature] \_\_\_\_\_  
General Manager Date 9/27/2021

**Notice:**

Seasonal salinity intrusion has occurred into two of North Marin Water District's wells serving the West Marin communities of Point Reyes Station, Olema, Inverness Park, and Paradise Ranch Estates. Now that sodium has reached 50 mg/L, North Marin Water District will be publishing this notice weekly to keep you informed about the sodium concentration in drinking water so you may be able to make informed dietary choices.

The table below lists the most recent concentrations for sodium in the West Marin water supply. While there is no direct health concern from salt for most people at this concentration, customers that are on sodium restricted diets should consult their physicians to see if additional sodium is a concern for them.

Date	Sodium	Chloride	Units
9/12/21	49.7	96.9	mg/L*
9/5/21	34.1	67.2	mg/L*
8/29/21	36.7	37.7	mg/L*
8/22/21	110	307	mg/L*

\*milligrams per liter

If the sodium concentration reaches 115 mg/L (a value representing 10% of the recommended daily intake for sodium) NMWD will start making treated drinking water with a lower salt content available to those customers on sodium-restricted diets. This water will be available at bottle filling stations on the former Coast Guard housing property, at the end of Commodore Webster Drive. When the sodium concentration reaches the threshold, information about this program will be found at [www.nmwd.com/wq](http://www.nmwd.com/wq) where you'll also find the annual report about high quality of the drinking water we serve to your tap.

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Date	Sodium	Chloride	Units
9/19/21	37.4	73	mg/L*
9/12/21	49.7	96.9	mg/L*
9/5/21	34.1	67.2	mg/L*
8/29/21	36.7	37.7	mg/L*

\*milligrams per liter

If the sodium concentration reaches 115 mg/L (a value representing 10% of the recommended daily intake for sodium) NMWD will start making treated drinking water with a lower salt content available to those customers on sodium-restricted diets. This water will be available at bottle filling stations on the former Coast Guard housing property, at the end of Commodore Webster Drive. When the sodium concentration reaches the threshold, information about this program will be found at [www.nmwd.com/wq](http://www.nmwd.com/wq) where you'll also find the annual report about high quality of the drinking water we serve to your tap.



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Date	Sodium	Chloride	Units
9/26/21	55.8	140	mg/L*
9/19/21	37.4	73	mg/L*
9/12/21	49.7	96.9	mg/L*
9/5/21	34.1	67.2	mg/L*

\*milligrams per liter

If the sodium concentration reaches 115 mg/L (a value representing 10% of the recommended daily intake for sodium) NMWD will start making treated drinking water with a lower salt content available to those customers on sodium-restricted diets. This water will be available at bottle filling stations on the former Coast Guard housing property, at the end of Commodore Webster Drive. When the sodium concentration reaches the threshold, information about this program will be found at [www.nmwd.com/wq](http://www.nmwd.com/wq) where you'll also find the annual report about high quality of the drinking water we serve to your tap.

# Three-Month Outlooks

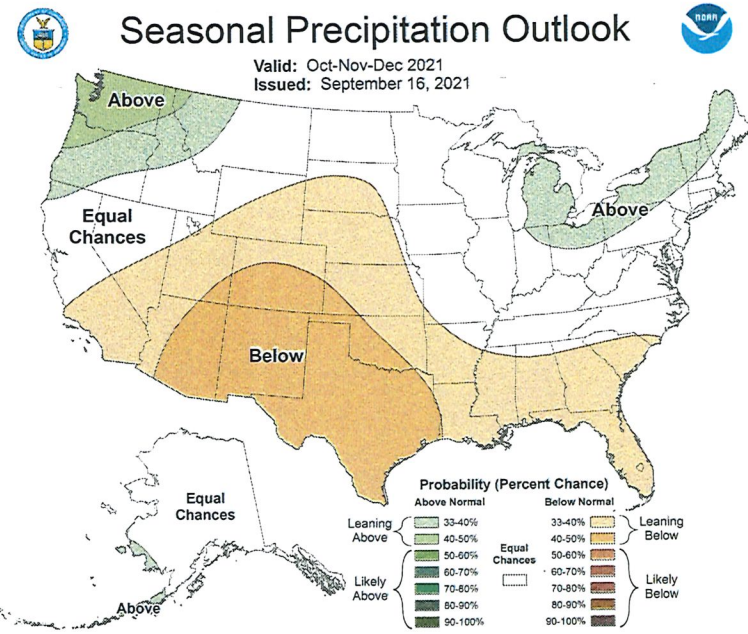
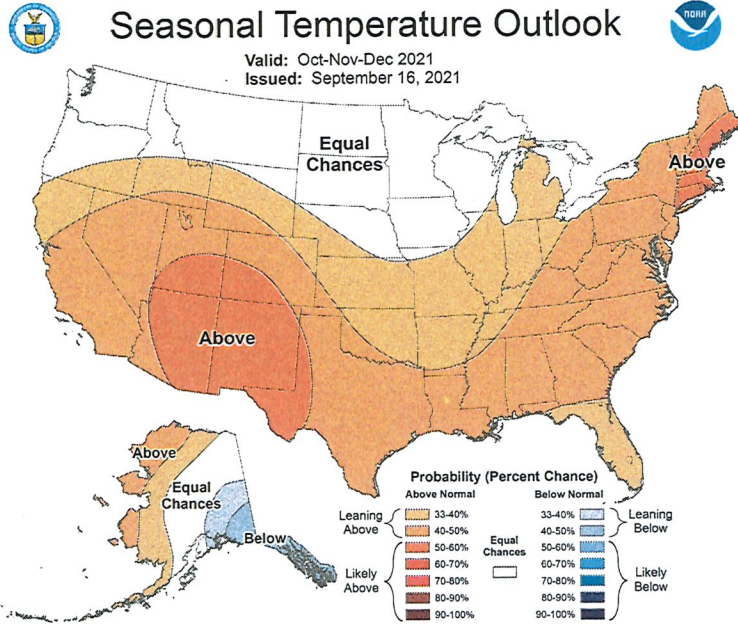
Revised OFFICIAL Forecasts

September 2021

Precipitation Probability

(October-November-December\_ 2021/22)

[Climate Prediction Center - Seasonal Outlook \(noaa.gov\)](https://www.noaa.gov/climate-prediction-center-seasonal-outlook)



**UPDATED MONTHLY FORECASTS SERVICE CHANGE NOTICE**  
**EXPERIMENTAL TWO-CLASS SEASONAL FORECASTS**

# WATER SAVING RESOURCES

💧 CALIFORNIA DEPARTMENT OF WATER RESOURCES  
[water.ca.gov](http://water.ca.gov)

💧 CALIFORNIA WATER EFFICIENCY PARTNERSHIP  
[calwep.org](http://calwep.org)

💧 SONOMA-MARIN SAVING WATER PARTNERSHIP  
[savingwaterpartnership.org](http://savingwaterpartnership.org)

💧 SAVE OUR WATER (COALITION)  
[saveourwater.com](http://saveourwater.com)

💧 NORTH MARIN WATER DISTRICT  
[nmwd.com](http://nmwd.com)

💧 LOCAL DROUGHT RESOURCES  
[asmdc.org/savewater](http://asmdc.org/savewater)

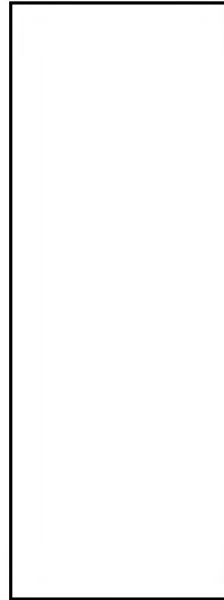
💧 NATIONAL INTEGRATED DROUGHT  
INFORMATION SYSTEMS  
[drought.gov](http://drought.gov)

💧 MARIN WATER  
[marinwater.org](http://marinwater.org)

💧 ENVIRONMENTAL PROTECTION AGENCY  
[epa.gov/watersense](http://epa.gov/watersense)



PPSRT STD  
U.S. POSTAGE  
**PAID**  
STATE OF CALIF.  
ASSEMBLY



ASSEMBLYMEMBER, 10TH DISTRICT  
**MARC LEVINE**  
3501 Civic Center Drive, Room 412  
San Rafael, CA 94903



 Open for  
information  
on how you  
can help  
save water.



# CONSERVE WATER. PRESERVE CALIFORNIA.



REDUCE TOILET WATER  
USAGE



FILL THE BATHTUB  
HALFWAY



DO NOT LEAVE THE TAP  
RUNNING



USE A GLASS OF WATER  
WHEN BRUSHING YOUR  
TEETH



California State Assembly  
**MARC LEVINE**  
 ASSEMBLYMEMBER, 10TH DISTRICT

*Dear Friends,*

**California is experiencing one of its periodic droughts after two consecutive years of below-normal precipitation.** This period will have a significant impact on California's water supply and increases the risk of wildfires.

State agencies have been working together to address drought impacts and to protect people, natural resources, and economic activity.

**You can help too!** By cutting down on personal water use and advocating for water efficiency reform, the water future can be protected.

It's time to conserve water and preserve California.

As always, it is a pleasure to be of service.

**DISTRICT OFFICES:**  
 County of Marin Civic Center Building  
 3501 Civic Center Drive, Room 412  
 San Rafael, CA 94903  
 (415) 479-4920 | Fax: (415) 479-2123

Rattigan State Building  
 50 D Street, Suite 301  
 Santa Rosa, CA 95404  
 (707) 576-2631 | Fax (707) 576-2735

**CAPITOL OFFICE:**  
 State Capitol  
 P.O. Box 942849  
 Sacramento, CA 94249-0010  
 (916) 319-2010 | Fax: (916) 319-2110

**WEB SITE:**  
[asmdc.org/levine](http://asmdc.org/levine)

## SAVING WATER INDOORS

### Fix Leaks

- Verify that your home is leak free. Read your water meter before and after a two-hour period when water is not being used. If the meter does not read the same, there is a leak.
- Repair dripping faucets. This can save up to 20 gallons a day per leak.
- Check your toilet for leaks. Put a few drops of food coloring in the tank. If color appears in the bowl without flushing, there is a leak.

### In the Kitchen

- Fully load the dishwasher and washing machines.
- When washing dishes by hand, fill the sink with soapy water, then quickly rinse under a slow-moving stream from the faucet or fill the second sink with rinse water.
- Rinse vegetables in a filled sink or pan instead of under running water.
- Do not use running water to defrost frozen foods. Use a microwave or leave food in the refrigerator overnight.

### In the Bathroom

- Turn off the water while brushing your teeth. Use a glass of water for rinsing.
- When shaving, fill the bottom of the sink with water for use when rinsing.
- Install water-saving shower heads or flow restrictors.
- Take shorter showers or only fill the bathtub half full.
- Flush the toilet less often. Throw tissues and other such waste in the trash.
- Install an ultra-low-flush toilet. This can cut the amount of water that goes down the drain by 50 percent of each flush.

## SAVING WATER OUTDOORS

### In the Yard

- Plant drought-tolerant trees and plants.
- Water the lawn and plants in the morning or evening to avoid evaporation.
- Raise the lawn mower blade to at least 3 inches. Taller grass holds water better.
- Use mulch to retain moisture in the soil.
- Avoid over-fertilizing your lawn. Apply fertilizers that contain slow-release, water insoluble forms of nitrogen.

### Hoses, Cleaning and Pools

- Do not water your street, driveway or sidewalk. Use a broom to clean these areas. Position sprinklers so water lands on lawn and plants, not paved areas.
- Use a hose with a shut-off nozzle that can be adjusted down to a fine spray. Turn it off at the faucet to avoid leaks.
- Consider using a commercial car wash that recycles water. If you wash your own car, park on the grass to do so.
- If you have a swimming pool, use a water saving pool filter.



**MEMORANDUM**

To: Board of Directors  
From: Nancy Holton, Accounting Supervisor *NH*  
Subject: Disposal of Surplus Equipment  
x:\maint sup\2022\bod\bod memo vehicle auction 082621 - final.doc

October 1, 2021

**RECOMMENDED ACTION:** None  
**FINANCIAL IMPACT:** \$26,144.40 income

As part of the adopted FY 2021/22 and the previous FY Equipment Budgets, staff has continued with our agreement with the Enterprise Fleet Management group leasing 1 ton and smaller vehicles. This past year we identified the need to replace six vehicles, however with covid restrictions we decided to keep three of the older vehicles in order to allow staff to drive independently. We also had various equipment we could no longer use reliably.

Staff sold the surplus equipment through 1st Capitol Auction, a bonded resale agent located in Dixon on August 26, 2021 and the actual amount received (sale price less 4% commission) is shown below. This was the tenth year we have sold equipment through this vendor, always with good results.

Equip. No.	Description	Mileage	Est. Auction Value	Actual Amount Received
54	2004 Chevrolet 1500, 2WD	110,122	\$2,500	\$6,350
504	2007 Chevrolet Colorado Pickup,	89,726	\$3,200	\$5,390
52	1999 Ford F350 Dump Truck	98,786	\$1,800	\$12,350
	Skid Steer Attachment		\$3,000	\$1,920
	2001 Quincy QR-25 Air Compressor		\$500	\$134.40
			<b>Total</b>	<b>\$26,144.40</b>

# Marin County Drought Tracker

## Marin Independent Journal

The Marin County Drought Tracker features water supply and water conservation numbers for the Marin Municipal Water District, the North Marin Water District and Sonoma Water.

### Marin Municipal Water District

Total reservoir supply as of Sept. 16: 35.7%; 28,363 acre-feet Average water supply for Sept. 16: 71.8%; 57,149 acrefeet Water conservation, Sept. 10 to 16\*: 27.5% (0.5% decrease from prior week) MMWD's mandated conservation target: 40%

### North Marin Water District

Stafford Lake water supply as of Sept. 17: 31%; 1,336 acre-feet Average water supply for Sept. 17 (since 1994): 45%; 1,909acre-feet Note: NMWD fed about 1,100 acre-feet of Russian River water into Stafford Lake from February to April. Novato water conservation as of Sept. 15\*\*: 23% (3% decrease from prior update) Novato mandatory conservation target: 20% West Marin water conservation as of Sept. 15\*\*\*: 36% (no change from prior update) West Marin mandatory conservation target: 25%

### Sonoma Water

(Supplies 25% of MMWD's supply and 75% of NMWD's supply) Lake Mendocino supply: 25%; 16,995acre-feet Lake Sonoma supply: 45.8%; 112,279acre-feet \* conservation % is based on collective use compared to three-year average water use for this time period for 2018-2020 \*\* Novato conservation % compared to June 2020water use \*\*\* West Marin conservation % compared to water use in June 2013, the last normal water year

Sources: MMWD, NMWD, Sonoma Water

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# DAM DOWNSIDES

## WATER SUPPLY

Despite drought, Marin reservoir expansions seen as unlikely

### *Marin Independent Journal*

By Will Houston

[whouston@marinij.com](mailto:whouston@marinij.com)

As Marin County faces depleting water supplies because of the drought, some residents have questioned why officials don't just dredge existing reservoirs or raise dams rather than invest tens of millions of dollars in emergency pipelines or desalination plants. The last time the county faced running out of water, during the drought of 1976-77, residents who were once reluctant to increase the supply — because of the possibility it would drive more community growth — quickly got on board to build or expand new reservoirs. That led to the creation of the Soulajule Reservoir in 1980 and a project that doubled the capacity of Kent Lake in 1983.

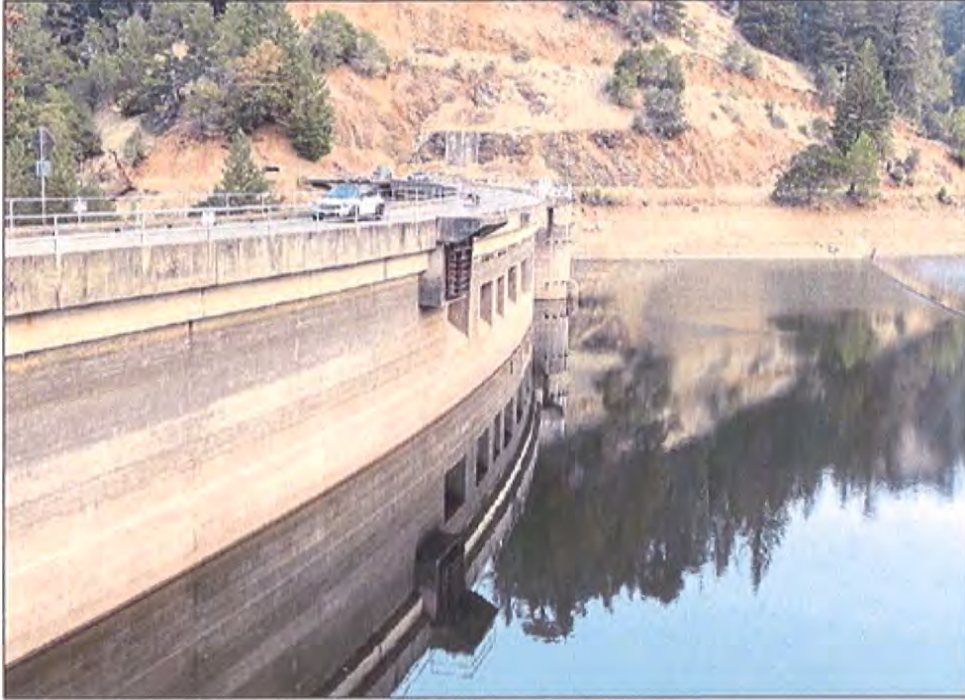
But no significant reservoir projects have occurred in Marin since then, and the county again faces the possibility the water supply will evaporate.

Local officials and water experts say there are several reasons why such projects haven't taken place, from the high costs to environmental challenges to a greater focus by water suppliers to reduce demand through means such as recycled water systems.

“In the modern era in California, urban water agencies are tending to take what they call a portfolio approach where you have a different mix of water supply such as a mix of cooperation with neighboring water suppliers, conservation, use of groundwater basins and trading water,” said Jay Lund, co-director of the Center for Watershed Sciences at the University of California, Davis. “A good district will have a big long list of options that they're always looking at.”

**'We should really look at how we are using our water resources and are we really being innovative in the ways we can stretch the resources that we have.'**

— *Newsha Ajami, Stanford University*



A car crosses the Alpine Lake dam last month in the Mount Tamalpais watershed. The lake is one of seven Marin Municipal Water District reservoirs.

SHERRY LAVARS — MARIN INDEPENDENT JOURNAL



Marin Municipal Water District ecologist Eric Ettliger hikes through Lagunitas Creek to look for coho salmon eggs and fish last winter. Any project to deepen the district's reservoirs would have implications for the struggling fish population.

SHERRY LAVARS — MARIN INDEPENDENT JOURNAL

New or expanded reservoirs are not entirely off the table, but the cost and complications associated with them would not work to address the current water shortage, officials said.

“I’ve never heard anybody talk about it as a good idea or even an idea at all over the years,” Paul Sellier, operations director at the Marin Municipal Water District, said of



building a new reservoir. “I think we should do our due diligence as part of our long-term water supply planning. We would want to go back through the historical materials and understand exactly where they left off.”

The district is the county’s largest water supplier and serves 191,000 residents in central and southern Marin. It is unique compared to other Bay Area water agencies in that the bulk of its supply is sourced from seven reservoirs in the Mount Tamalpais watershed. The reservoirs make up 75% of the district’s supply, with the other 25% coming from Russian River water imports.

The seven reservoirs hold nearly 80,000 acre-feet of water, about two years of supply. An acre-foot is the amount of water needed to cover an acre of land under one foot of water, or close to 326,000 gallons. Residents used about 28,200 acre-feet in 2020.

Should the district build a new reservoir or expand an existing one, the state would more than likely require a large portion of the new supply to be released for the benefit of fish, Sellier said. That’s because of a 1995 state order that required about half of the new water supply built at Kent Lake to be released into Lagunitas Creek for the benefit of endangered coho salmon, threatened steelhead trout and other species, Sellier said. A similar agreement is in place for the Soulagule reservoir, Sellier said.

While Sellier said the order does not specifically impose the same requirements on future reservoir projects, the state would more than likely impose similar or possibly stricter measures.

“The writing is on the wall, so to speak, with that last process,” he said.

Any reservoir project, especially the construction of a new reservoir, would also likely meet strong resistance, especially among environmental advocates, said Larry Minikes, a member of the Marin Conservation League board.

“That’s never going to happen,” Minikes said. “You can imagine the uproar if we were trying to dam one of the other streams around here. It’s a really difficult issue and that’s why it hasn’t been on the table.”

The price tag for a new reservoir is also a significant factor.

“We’ve already built 1,500 reservoirs at the cheapest, most cost-effective locations,” Lund said. “The remaining locations are more expensive and they yield less water per dollar that you invest in the project.”

Reservoirs are usually built in valleys with waterways that can be dammed and do not require significant excavation. The populated Lucas Valley is one of the last places in Marin with these ideal landscape characteristics, Sellier said “There’s a few people there. It would be an unpopular move,” Sellier said with a laugh.

So why not dig existing reservoirs deeper rather than go through the hassle and expense of building a new one or raising dams?

Doing so would require a significant amount of sediment to be removed to gain a small percentage of increased supply, Sellier said.

Dredging the 22,000 acre-foot Nicasio Reservoir, the district’s second largest reservoir, to add 1,000 acre-feet of storage would require 1.6 million cubic yards to be trucked away, Sellier said. Hauling that much dirt would require 40,000 trips using standard dump trucks, Sellier said.

“I’m not really sure where we would put that dirt,” Sellier said.

For comparison, the construction of the Hoover Dam in the 1930s required about 5.5 million cubic yards of sediment to be excavated.

Then there is the price. A landslide repair project at the district’s Ross Reservoir in recent years excavated 13,500 cubic yards of sediment at a cost of about \$45 per cubic yard, Sellier said. At a similar price, dredging 1.6 million cubic yards out of Nicasio would cost nearly \$75 million.

The emergency water pipeline the district is considering building over the Richmond-San Rafael Bridge to pump in Sacramento Valley water is estimated to cost \$65 million to \$90 million. The pipeline could pump in as much as 46 acre-feet of water per day, but would require the district to rely on a water rights holder selling their water allotments to Marin.

Aside from finding a place to put the dredge spoils, there is also a concern about whether the dredging might introduce new contaminants into the water supply, Minikes said.

Raising dams, and therefore raising the elevation of the water, would come with other complications, including the potential need to relocate roads, utility equipment and even homes.

One factor to consider is how often certain reservoirs fill to capacity and begin spilling, Sellier said. A dam that spills more frequently might indicate that there is

runoff that could be captured, but Sellier said that is largely not the case in the Lagunitas Creek watershed.

Even with reservoirs such as the Nicasio Reservoir that regularly fill to capacity, raising the dam and water elevation comes with its own issues.

“If you raise Nicasio Dam, the town of Nicasio might go away,” Sellier said.

Changing rainfall patterns, especially from the effects of climate change, add complexity to these projects, said Newsha Ajami, Stanford University’s director of urban water policy.

“You can buy a bigger bag but that doesn’t mean there will be enough money to put into there,” Ajami said. “First you have to think about what is the flow that brings that water to you and are you going to be able to harness more water if you build a bigger dam or raise the existing ones.”

Ajami said the state is moving into a new era of water resource management of working to reduce overall demand through recycled water infrastructure, landscaping restrictions and investment water efficiency “instead of trying to conquer nature.”

“We should really look at how we are using our water resources and are we really being innovative in the ways we can stretch the resources that we have,” Ajami said.

One approach being studied by the North Marin Water District in Novato aims to store more water in its lone reservoir, Stafford Lake, without having to dredge it or raise the dam. The district, which serves about 60,000 residents in Novato, is exploring whether it could install an adjustable gate across the Stafford Lake dam spillway.

After the heavy winter rains, the gate could be raised to block the spillway during the spring, when water runoff is still entering the lake, but not at risk of causing the dam to overflow. The project could allow the district to store an additional 700 acre-feet of water that would otherwise pass through the spillway, said Drew McIntyre, the district’s general manager.

The project would take two to three years to complete, McIntyre said. State mandated water releases into Novato Creek would continue as normal, he said.

The Marin Municipal Water District is also working on a project that would allow it to tap more water from its smallest reservoir, Phoenix Lake. The lake, which makes up about 0.5% of the district’s supply, is usually only used during dry periods, Sellier

said, and does not have permanent pump stations and pipes to transfer water to a treatment plant. Instead, crews spend about four weeks setting up temporary pipes and pumping stations and another few weeks disassembling them.

The district aims to install a permanent pumping station and pipelines, which Sellier said would allow it to access two to three times more water from the lake than it normally would. The project could be completed by Oct. 31, Sellier said.



The Stafford Lake dam lines part of the reservoir on Friday in Novato. The lake is the only reservoir in the North Marin Water District.

ALAN DEP — MARIN INDEPENDENT JOURNAL

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## American Water Works Association

*Dedicated to the World's Most Important Resource®*

# U.S. tap water consumer poll: high satisfaction, though a quarter struggle to pay bills

September 9, 2021  
Connections Article, Publications



**71%** of respondents indicate they **trust their water utility**

6-2021 AWWA/Morning Consult Poll

More than seven in ten Americans (71%) served by a water utility say they are satisfied with their tap water, according to a recent [survey](#) conducted by Morning Consult on behalf of the American Water Works Association (AWWA), although that figure is eight points lower than last year.

The survey about public perceptions of tap water, conducted in June 2021, follows a similar survey conducted in June 2020. Respondents over age 65 and those with higher incomes had the most positive opinions about safety. Seventy-four percent felt their tap water is safe, a drop of seven points from last year.



"It's encouraging that confidence in tap water safety and quality remain high," said Adriana Lamar (*pictured right*), a member of the project steering

committee and chief of the office of public engagement for Miami-Dade Water and Sewer Department. “We can’t say with certainty why these ratings were lower than last year. However, it may be that people appreciated the public health benefits of water service in a particular way during the early stages of the pandemic.”

Respondents were interviewed online, and the data were weighted to approximate a representative sample of U.S. adults served by a water utility based on gender, educational attainment, age, race and region.

A majority of the respondents reported that their water safety has remained about the same over the past five years while a fifth (20%) said the safety of their water has gotten better. Higher-income adults are the most likely to report the safety of their water has gotten better.

The percentage of respondents who perceived the quality of water at their faucet as excellent or good remains high (68%), although again lower than in 2020. The perception of water quality decreased by nine points overall and was most evident among Black adults.



6-2021 AWWA/Morning Consult Poll

The survey also indicated higher satisfaction (85%) among people who recall receiving communication from their water utility in addition to their bill in the last year. This includes those who report their water as safe (86%) and those who say their water quality is excellent/good (84%).

However, of the respondents who live in multi-family buildings such as condos and apartments, 82% said they hadn’t heard from their utility in the past year. Their results consistently lagged behind other respondents in positive ratings for water safety, quality and satisfaction, as well as trust in their utility.



“This survey shows that the majority of the respondents have confidence in their tap water, yet as a sector we have opportunities to improve our performance by better communicating with customers, including those living in apartments and condos, and addressing affordability issue and other customer concerns,” said AWWA President Chi Ho Sham (*pictured right*).

Matt Junker, public relations specialist with Municipal Authority of Westmoreland County in Pennsylvania and another member of the survey’s steering committee, said the survey highlights the ‘hard to reach’ segment of consumers who don’t pay their water bill directly to their water provider.



“The 2021 survey starts to quantify the benefit to water utilities of doing the hard work necessary to connect with that segment through proactive communications,” said Junker (*pictured right*).

In addition, the latest survey found that a majority of respondents (76%) were able to pay their water bill. Of the 24% who said they struggled to pay their water bill, most were younger adults or had lower incomes.

Many respondents said they were willing to pay more for water service improvements or to assist others. More specifically:

- 58% were willing to pay more for service improvements in their community, with two-thirds of those willing to pay between \$1 and \$20 more per month
- 46% were willing to pay more to help others pay their water bill
- 43% were willing to donate to help others pay their water bill

The two polls were initiated to provide AWWA members with more data about consumer trust in tap water. They were paid for through AWWA's member-supported Water Industry Technical Action Fund.

Other 2021 survey findings included:

- 71% of respondents are in favor of the federal government helping to pay water bills for those who struggle to do so
- The race and ethnicity of respondents were not significant once income, education and region were controlled for in the survey; however, there are significant income and educational disparities across U.S. ethnic and racial groups to consider when reviewing the study results

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# State falls short on water savings

## JULY REPORT CARD

Newsom sought 15% cutback; urban reduction at just 1.8%

### **Marin Independent Journal**

**By Paul Rogers**

*Bay Area News Group*

Facing a severe and deepening drought, California received its first report card for water conservation on Tuesday. And the news wasn't good.

Driven by a lack of conservation in Southern California, the state's largest cities and water districts cut statewide urban water use by just 1.8% in July compared to July, 2020 — far short of Gov. Gavin Newsom's call for a 15% statewide voluntary reduction.

Of 376 cities and water districts that reported numbers to the State Water Resources Control Board, only 26, or 7%, met or exceeded the target.

"This drought is very serious," said Karla Nemeth, director of the State Department of Water Resources. "In particular, how quickly it has developed. So we need people to be paying attention and acting now."

The North Coast region of the state was the only one of 10 that met the target, reducing water use 16.7% amid some of the most severe water shortages in California. Next was the Bay Area, which cut use 8.4%, followed by the Central Coast, at 5.2%.

Most of Southern California showed no significant conservation. The South Coast region, which includes Los Angeles, Orange County and San Diego, cut water use by only .1%.

Water experts said that if this winter is dry, many parts of the state will be in an emergency.

"The new conservation numbers are both extremely disappointing and not surprising," said Peter Gleick, founder of the Pacific Institute, a non-profit water research organization in Oakland. "They show that unless there is really a strong message from

the top about the need to conserve, the public doesn't respond. And we didn't get that strong message either from the governor's office or from the Southern California water agencies."

Southern California received slightly more rain than much of Northern California this winter. And local officials have noted new supply projects built in the past 20 years, including Diamond Valley Reservoir in Riverside County and a \$1 billion ocean desalination plant in Carlsbad near San Diego, have helped.

But much of Southern California relies on water from the northern part of the state.

And after the two driest years since 1976-77, many of Northern California's largest reservoirs are dangerously low. On Tuesday, the largest, Shasta Lake, was just 25% full. The second largest, Lake Oroville in Butte County, was at 22% capacity, the lowest level since it was built in 1969. More locally, the 10 reservoirs in Santa Clara County are just 12% full. Marin County's reservoirs are projected to run completely dry by next summer.

Nemeth said that Gov. Gavin Newsom is not planning to announce statewide mandatory water conservation targets right away, however, the way Gov. Jerry Brown did in 2015 during the state's last drought. Those rules — which came after lackluster voluntary conservation but resulted in the state hitting its goal of 25% savings by 2016 — were controversial, she noted. Some cities said then that they had sufficient supplies, and Brown's cutbacks cost them millions of dollars in lost water sales.

Instead, this time Newsom and other state leaders plan to wait until November to see how cities and water districts ramp up conservation on their own, she said. Many are still allowing lawn watering three or more days a week. "They said 'we can manage our own supplies,'" Nemeth said of local water districts. "If they want to do it, they should do it. But make no mistake. Gov. Newsom will step in with something mandatory if they are not able to meet their numbers and we continue to see these trends deepen."

Nemeth also said Tuesday that cities and farms across the state should brace to receive no water next year from the State Water Project if this winter is dry again.

Some communities did report dramatic savings, particularly in Sonoma and Mendocino counties, which saw some of their driest conditions in recorded history the past two winters.

Statewide, Healdsburg saved the most, cutting water 54% this July compared to the prior July. Because of state cutbacks on pumping from the Russian River, city

officials in Healdsburg banned all lawn watering this summer, with fines of up to \$500 for violators. Also leading the pack statewide was Cloverdale with 37%, Daly City with 36%, Santa Cruz with 31% and Petaluma with 25%.

The cities farthest from the goal were Chowchilla, in the Central Valley, which increased water use 35% in July compared to July 2020, and El Segundo in Los Angeles County, which increased by 31%.

There were major differences between Northern California and Southern California.

Residents of Los Angeles increased water use by 1%. So did San Diego.

The Bay Area went in the other direction. The 1 million people who receive water from San Jose Water Company cut their use by 11%. Similarly, San Francisco cut by 10%, the East Bay Municipal Utility District saw an 8% drop, Contra Costa Water District reported a 7% drop, and the Alameda County Water District cut by 6%.

The State Water Resources Control Board said several water providers missed the deadline to provide their data, including Marin Municipal Water District. The Marin Municipal Water District's acting Communications Director Emma Detwiler said the district submitted both its July and August conservation data to the state but did not have information available as to when the district submitted the data.

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# *Desalination is not the answer to district water shortage*

**Marin Voice**

**Marin Independent Journal**

**By Laura Effel and Robert Miltner**

Many of our county's residents claim the Marin Municipal Water District can solve our drought problem with desalination. These people believe in the process, but we don't think they understand what is involved.

Desalination is no magic bullet.

Even if MMWD pursued desalination, it would be years before we would see any benefit. The San Diego County plant in Carlsbad is often cited as an example of how it can work here. Its planning began in 1993 but was delayed due to environmental objections and at least five lawsuits based on energy consumption, brine discharge, fish killed in the system and operating costs.

Construction finally began in 2012. After spending \$1 billion, the plant was operational in mid-2016. With or without lawsuits, a desalination plant in Marin would make no difference in whether Marin runs out of water next winter.

Expense should be a huge consideration. The current water district board has mismanaged its finances over the years, resulting in large rate increases this past year. A very expensive desalination project would challenge its ability to manage and there is no way to know how much it would increase our water bills.

Desalination is so costly it has been put on the back shelf by larger Bay Area water agencies in counties like Santa Clara. Instead, leaders formed the Bay Area Regional Desalination Project to supply its members from a cooperative plant. MMWD did not join the project.

A regional desalination effort makes the most sense because the enormous costs of building and operating a desal plant can be shared by a larger group of customers. If larger water agencies within the Bay Area won't build their own unit, it seems unwise for Marin to be the first to do so.

Congress' infrastructure bill does not substantially improve prospects for funding a desalination plant, as it would provide only \$260 million for the entire country.

Finding a site for a desalination plant is another issue that bears no easy solution. Where in Marin would a massive manufacturing plant like this be welcome?

All seawater desalination plants like the one in Carlsbad are, naturally enough, located on or have wide access to oceans. This provides vigorous water circulation and fresh seawater. By contrast, MMWD tried to push a desal plan 10 years ago with a pilot plant located on the backwaters of San Rafael Bay.

The pilot was small and operated less than a year. The results would not be considered scalable today for brine disposal, death of marine life and actual cost per gallon of output.

Since then, in 2015, the state water board directly addressed the need for more stringent desalination constraints and guidelines by adding a desalination amendment to its Ocean Plan, approved by the Environmental Protection Agency in 2016.

Many provisions and requirements in these specifications did not exist when MMWD ran its test. If the water district proceeded with desal today, it would be the first to build a plant on a location well inside a bay, with no basis to assume it could meet current environmental standards.

The enormous amount of energy consumed by reverse osmosis desalination is a major issue.

Locally, Pacific Gas and Electric Co. and MCE (formerly known as Marin Clean Energy) barely supply our existing needs.

The impact on global warming from hundreds of future desal plants is now seen as a serious obstacle to attaining target reductions in greenhouse gases. Less energy-intensive desalination technology is now in development. It is being funded by partnerships with the U.S. Department of Energy. The new technology is worth waiting for.

Meanwhile, the water district should be examining all its options, not just conservation and buying farm allocations.

Increasing storage capacity should be explored. MMWD should be working closely with the Central Marin Sanitation Agency on a wastewater purification plan that would be much less expensive than reverse osmosis desalination and could be ready much sooner. *Laura Effel is an arbitrator. Robert Miltner is a food scientist and engineer. They live in Larkspur.*

**A very expensive desalination project would challenge its ability to manage and there is no way to know how much it would increase our water bills.**

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# Novato drawing new boundaries

## REDISTRICTING PROCESS

Some residents could be placed in new voting districts next year

**Marin Independent Journal**

**By Will Houston**

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Novato has launched an initiative to draw new election district boundaries that will affect the representation of residents for the next decade.

The city adopted its first district election map in mid-2019, but with the 2020 census complete, governments must draw new district boundaries based on changes in population. The City Council has until April 17 to complete the process.

Based on Novato's 2020 census data, a few hundred residents might find themselves in new election districts next year because state law requires the districts to contain roughly equal portions of the population.

This could result in some residents being unable to participate in a City Council election for nearly five years, while others might vote in two council elections within three years, according to city staff and council members.

"There could be a scenario where you are taking somebody out of a district to put them in another one and then they don't get to vote again," Mayor Pro Tem Eric Lucan said during the council's discussion on Tuesday.

Prior to 2019, City Council candidates were elected by citywide vote. In recent years, under threat of litigation, Novato and many other governments in the state switched to by-district elections. Legal advocates said at-large elections violate the California Voting Rights Act by diluting the votes of protected voter classes such as Latino residents.

Under a by-district election system, the city is divided into districts and representatives are elected only by voters living in their respective districts. Proponents say the system reduces campaign costs and provides greater representation for protected voter classes.

The redistricting process must comply with various state and federal laws. One state requirement is for election districts to contain roughly equal portions of the population. The courts

forbid the difference between the highest and lowest populated districts to be greater than 10%.

For Novato, the 2020 census data shows the deviation to be about 13.5%, with District 5 in the Hamilton, Pacheco Valle and Loma Verde neighborhoods having the lowest population and District 3 in the downtown area recording the highest population, according to city consultant Doug Yoakam of the National Demographics Corp.

Yoakam recommended that the council limit the total deviation to about 1% to be on the safe side.

To be equal, the city's five districts should each have around 10,645 people, Yoakam said. District boundaries will either need to be moved or even completely redrawn to achieve this.

According to the recent census, the Novato district populations are: District 1: 11,040; District 2: 10,612; District 3: 11,469; District 4: 10,070 and District 5: 10,034.

City Council members said Tuesday that they hope to use their 2019 map as a baseline and not make significant changes. That is in part because of the mandates that election maps must comply with such as both the state and federal Voting Rights Act. These include requiring districts to be compact geographically contiguous areas with easily identifiable boundaries. The map also cannot favor or discriminate against a political party and must keep established neighborhoods and communities of interest intact. So far, the city's 2019 map has not been challenged in court.

The city held its first by district election in November 2019. Susan Wernick, Lucan and Amy Peele were elected to fill the District 1, 3 and 5 council seats, respectively.

The first by-district race for the District 2 and 4 seats will be held in November 2022. The seats are held by Councilwoman Denise Athas and Mayor Pat Eklund.

The layout and boundaries of the districts prompted concern from Lucan, especially for the areas with the lowest populations: districts 4 and 5 at the southern end of the city.

District 5, in the southeast, largely shares its border with District 4 to the west in areas such as Ignacio Valley and the Marin Country Club. To equalize the populations, it is likely that some District 4 residents might need to be moved into District 5 and residents from other districts moved into District 4 based on these boundaries, Lucan said.

As a result, these former District 4 residents, who were not able to vote in the November 2019 council election, would also miss out on the November 2022 council election.

“If we take individuals from District 4 and add them to District 5 we create a scenario where someone might not be able to vote in a five-year period of time,” Lucan told the council.

The City Council and staff are calling on the public to weigh in over several meetings in the coming months and submit their own maps and ideas for district boundaries.

“It gives an opportunity for the community to weigh in on something very important to our vital democracy,” Assistant City Attorney Holly Whatley told the City Council on Tuesday.

The city plans to hold its next of at least four public hearings on the redistricting process on Oct. 26. The city will also release a digital map-making tool to the public that day.

The deadline to submit maps will be Jan. 11.

More information about the redistricting process can be found at [novato.org/elections](https://novato.org/elections).

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