



NOTICE OF EXEMPTION

FILED

FILING REQUESTED BY AND WHEN FILED, RETURN TO:

04/27/2023

Marin County Parks and Open Space District
3501 Civic Center Drive, Suite 260, San Rafael, CA 94903
www.marincountyparks.org
(415) 473-6387

SHELLY SCOTT
MARIN COUNTY CLERK
By O. Lobato, Deputy
21 - 2023 - 071

To: Marin County Clerk
3501 Civic Center Drive, Suite 234
San Rafael, CA 94903

Date: April 27, 2023
Project Title: Sediment Basin Maintenance
Project Location: Little Mountain Open Space Preserve, Unincorporated Novato, Marin County, California
Assessor Parcel: 125-160-04

Description of Nature, Purpose, and Beneficiaries of the Project: Marin County Open Space District (MCOSD) is proposing to perform maintenance on four sediment basins located within Little Mountain Open Space Preserve (OSP) with the purpose of restoring the sediment basins to their original depth and functionality, to prevent failure of the detention basin during future winter storms, and perform regular maintenance to maintain the original design specifications, protect the adjacent creeks from overflowing, and protect the residential neighborhood from sediment and debris flows. During the winter of 2016/17, the storm events caused a substantial amount of sediment and debris built up in the retention basins and the perforated drainpipes. During storm events, MCOSD staff performed maintenance on the pipe to prevent blockages that would lead to use of the emergency overflow pipe. After maintenance, the detention basins would continue to operate the same as historical conditions.

There are ten sediment basins within Little Mountain OSP that were constructed in 1997 as part of the Little Mountain OSP Slope Stability and Drainage Improvement Project to address slope stability issues adjacent to a residential neighborhood. The four sediment basins that comprise the proposed project are located on an unnamed ephemeral/intermittent stream that drain to Novato Creek, which is a perennial stream and flows into San Pablo Bay. The jurisdictional features include the intermittent streams and the basins, which are wet during the rainy season. They are earthen berm retention areas with drainers, drainpipe, and emergency overflows. Each of the sediment basins include a 10-foot square area that are assumed to be wetlands that would be dredged to implement the proposed project. Approximately 1,000 cubic yards of sediment would be removed from each sediment basin for an approximate total of 4,000 cubic yards. This would be considered a temporary impact as the sediment basins would continue to function with the same characteristics post-project implementation as they do under existing conditions. The MCOSD agreed to contribute \$2,000 towards the Cal-IPC's high priority early detection species removal program to remove Algerian sea-lavender from one more tidal marsh in Marin County.¹ The MCOSD may implement a small wetland restoration project in lieu of a Cal-IPC contribution. This would be determined through the regulatory permitting process.

MCOSD staff would implement the proposed project utilizing a backhoe from the existing fire road to excavate approximately 10 cubic yards of sediment from each of the sediment basins to restore them to their original depth. The sediment would be placed in dump trucks, also operated from the existing fire road, and hauled to a local landfill or reused for another project. Additional equipment would include shovels and other handtools.

The project area is located in oak woodland and grassland. No tree removal would be required to implement the proposed project. A review of the California Natural Diversity Database (CNDDDB) was completed in 2017 which indicated the project area does not include known special-status species. MCOSD biologists have seen American badger nests and the northern slope of Little Mountain OSP contains suitable habitat for northern spotted owl however, no northern spotted owls were identified in surveys conducted in 2017.

Implementation of the proposed project would adhere to the MCOSD's Road and Trail Management Plan (RTMP) Best Management Practices (BMPs). Ideally beginning in 2023, project implementation would occur when the stream is dry between August 01 and September 30, consistent with RTMP BMP Water-6, Grading Restrictions, to prevent erosion during the rainy season. This window also avoids bird nesting season, including for northern spotted owl, consistent with RTMP

¹ San Francisco Bay Regional Water Quality Control Board, Notice of Applicability for Enrollment of the Little Mountain Sediment Detention Basin Maintenance Project under the Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction (General WDRs), CIWQS Place ID 844511, June 21, 2018.

BMP Special Status Wildlife – 3, Seasonal Restrictions During Bird Nesting Season. Project implementation would take place four days a week, Monday through Friday, from 7:00 a.m. to 6:00 p.m. and would require up to 2 to 3 MCOSD staff members for one week. Equipment would include a mini excavator, carriers, and hand tools including shovels. Staging areas would be restricted to existing MCOSD roads and trails or other areas that would avoid any significant impacts on sensitive natural resources as required by RTMP BMPs. Access to the project area for vehicles and equipment would be from Sir Francis Drake Boulevard. During construction, the MCOSD would limit trail access for safety purposes and would install signs at preserve entrances to notify trail users.

MCOSD staff will obtain necessary regulatory agency authorizations prior to project implementation and would comply with all permit conditions. MCOSD staff have obtained confirmation that the proposed project qualifies for California Department of Fish and Wildlife's Emergency Notification Process.² MCOSD would implement the proposed project consistent with prior San Francisco Regional Water Quality Control Board authorization under the General WDRs.³ The United States Army Corps of Engineers does not have jurisdiction because the General WDRs are for projects outside of federal jurisdiction.

Public Agency Approving Project: Marin County Open Space District

Name of Person or Agency Carrying Out the Project: Max Korten, General Manager

Reasons for Exemption: Marin County Parks has reviewed the project along with its environmental setting and has determined it to be categorically exempt from the California Environmental Quality Act under the following sections of the California Administrative Code:

Section 15269: Emergency Projects. The proposed project consists of an emergency repair to a publicly owned service facility necessary to maintain service essential to the public health and safety.

Section 15301: Existing Facilities. The proposed project consists of the maintenance of four existing sediment basins that would result in a negligible or no expansion of the existing use relative to the original design and function.

Implementation of the project would not result in cumulative impacts; significant impacts on the environment due to unusual circumstances; or affect the significance of historical resources. Although implementation of the proposed project would result in a temporary impact to approximately 4,000 cubic feet of area assumed to be wetlands, this is not considered a significant or permanent impact because the sediment basins would continue to function with the same characteristics post-project implementation as they do under existing conditions. The MCOSD agreed to contribute \$2,000 towards the Cal-IPC's high priority early detection species removal program to remove Algerian sea-lavender from one more tidal marsh in Marin County. The MCOSD may implement a small wetland restoration project in lieu of a Cal-IPC contribution. This would be determined through the regulatory permitting process. The proposed project is not located within an officially designated scenic highway or on a hazardous waste site pursuant to Government Code Section 65962.5.

Lead Agency Contact Person:

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² Email communication with Alex Single, Environmental Scientist, CDFW, January 18, 2023

³ San Francisco Bay Regional Water Quality Control Board, op cit



NOTICE OF EXEMPTION – PROJECT LOCATION

LITTLE MOUNTAIN OPEN SPACE PRESERVE – SEDIMENT BASIN MAINTENANCE PROJECT

April 27, 2023

