



December 1, 2008

Mr. Paul Helliker, General Manager
Marin Municipal Water District
220 Nellen Ave.
Corte Madera, Ca 94954

Re: Water Supply Alternatives, and FEIR on Proposed Desalination Facility

Dear Mr. Helliker,

I want to thank you on behalf of the Marin Conservation League (MCL) for sharing the District's PowerPoint presentation on water supply alternatives at our recent board meeting on November 18, 2008. We believe it provides an informative overview of MMWD's supply needs and evaluates the available sources and combinations of sources according to a comprehensive set of criteria. We are also reassured that the District is undertaking a systematic public outreach program to bring this information to the public in a series of workshops. Water supply decisions have significant ramifications for both the natural environment and the future of our communities, and deserve to be made in a collaborative and informed manner.

We have one important reservation to the District's proposed program, however, namely, your intention to certify the Final EIR on the proposed Desalination Facility on December 17 without opportunity for further public review.

We fully understand that CEQA Guidelines (Sections 15089-15090) permit the lead agency to certify a Final EIR without public review beyond the DEIR. Your Board is an elected decision-making body and has that authority, without opportunity for appeal to a higher body. Although MCL has not yet taken a position on the environmental appropriateness of the proposed desalination plant, we repeat from our letter of comment on the Draft EIR: the public must be provided with enough information to make informed decisions regarding our future water supply options - including desalination. This should include opportunity for the public to review the District's responses to many detailed comments on the DEIR.

It has been an important feature of the County's environmental review procedures to frequently incorporate public review of the FEIR into the certification process, particularly in cases where issues are either controversial or have a high public profile. In the roughly parallel NEPA process (CEQA's "role model"), the public is allowed to review a Final EIS for 30 days. Even though not required by CEQA, we believe it would be poor public policy for the District not to allow from 30 to 60 days for the public to review this FEIR. The timeframe would fit generally within your overall schedule for public meetings so, to our knowledge, should cause no significant delays in your decision process.

Although MCL understands that the current DEIR is limited to addressing issues related to the construction and operation of a desalination facility and is not intended to provide an overarching picture of water supply options, further informed public discussion of this alternative should fit into the larger discussion before a final decision is made on which alternative, or combination of alternatives, best meets future water supply needs. Desalination is only one option for meeting these needs. The broader discussion of alternatives is now taking place. In that context, MCL is particularly interested in the responses of the FEIR to three very basic questions:

- 1) The need for a desalination plant
- 2) Potential environmental impacts of the proposed project (particularly energy impacts)
- 3) Reasonable alternatives to the proposed desalination project.

When MCL submitted these and more detailed comments, we believed, along with many other commentors, that the FEIR would have to show considerable revision and expansion of the draft document before being released. The public needs to review these responses in the FEIR as part of the larger public outreach *before* the District completes the CEQA process for such a significant project.

We therefore request that the certification of the FEIR be rescheduled to allow for a 30 to 60-day review period. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nona B. Dennis".

Nona Dennis, President

cc. Larry Russell, President
MMWD Board of Directors