

July 29, 2015

President Jack Gibson and Board of Directors
Marin Municipal Water District
220 Nellen Avenue
Corte Madera, CA 94925



Re: WPHIP, Invasive Plant Control, and the CEQA Process

Dear Directors:

Marin Conservation League believes the MMWD board erred in eliminating consideration of herbicidal control of invasive plants from the IPM tools discussed in the Draft Wildfire Protection and Habitat Improvement Plan and in discontinuing work on the environmental impact report. Further, we were taken aback by the lack of appropriate public process preceding your hasty vote.

Aside from informal conversations with staff, the only hint to the public at large that this dramatic policy redirection was being considered came at the June 19, 2015, District Operations Committee. That committee approved the change with a recommendation that it be placed on the Consent calendar (reserved for matters considered to be routine) at the next regular meeting of the board. This was on July 7, 2015. At that time the board essentially "rubber-stamped" the change, and staff made no comment.

We are aware that a vocal advocacy group has pressured the board to take this action for many years; nevertheless, your board has always stood by the need to base decisions on science, and to adhere to a complete CEQA process. The reason given for the change at this time was that the World Health Organization's International Agency for Research on Cancer (IARC) recently listed glyphosate, one of the most widely used ingredients in some (not all) herbicides, as a "probable human carcinogen." The IARC, however, has not released its monograph on this listing, and other agencies that also assess health threats from chemicals have not reassessed or aligned with the IARC's recent shift.

The IARC listing should not have precipitated the rapid about-face on science and CEQA process that you undertook. In addition, the County of Marin will be participating with the San Francisco Department of Environment and other Bay Area open space managers in continuing to study the WHO action to provide a rational basis for decision-making. Further, in abruptly ceasing the costly EIR, which ratepayers have funded, you have not given the public an opportunity to review the information that nearly-completed document contains.

Moving forward, an evaluation of herbicides as one of the recognized IPM tools must be considered in the environmental study process you undertake for vegetation management on the watershed lands. CEQA requires consideration of "a reasonable range of potentially feasible alternatives that will foster informed decision making . . ." (C.C.R. 15126.6). We are aware that after a decade of not using herbicides, the District has found aggressive non-native invasive plant species that cannot be controlled adequately by any of the costly and labor-intensive non-chemical strategies that have been attempted. The June 19 staff report in fact provides the

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rationale for considering all alternatives by stating:

"...The combination of Sudden Oak Death and drought have intensified the risk of catastrophic wildfire and contributed to declining forest and grassland health. The spread of economically and ecologically disruptive invasive species has been exponential. The District needs to take action now to safeguard our communities and the environment."

As the District moves forward, the board must provide the necessary funds to maximize the effectiveness of alternative weed control actions to which you are committing District ratepayers. The draft WPHIP estimates that implementing weed control effectively without the use of conventional herbicides could amount to nearly \$5,800,000 per year.

In your upcoming budget and rate adjustment discussions, the board should fully advise the public of the realistic financial needs for the vegetation management program as currently conceived, and the costs for which ratepayers could be responsible.

The June 19 report on which you based your action also states:

"Assuming Board approval, staff is planning to complete the plan revision and environmental review process within one year. The revisions will incorporate analyses and public input received to date. There will be a public workshop in advance of the initiation of the EIR process. There will be multiple opportunities for public input going forward."

We look forward to participating in the public process and EIR – in particular the scope of alternatives – on which you must soon re-embark, and on the eventual implementation of a vegetation management regimen that accomplishes the goals you have espoused to do the following:

- Protect Marin's communities, water supply, and natural resources from catastrophic wildfire;
- Preserve habitats, plants, and animals into the future; and
- Prepare for and adapt to future climate changes.

Yours truly,


Kate Powers, President

cc: Krishna Kumar, MMWD General Manager
Crystal Yezman, MMWD Facilities & Watershed Division Manager
Dain Anderson, MMWD Environmental Services Officer