

From: [Sandra Guldman](#)
To: [Elysha Irish](#)
Cc: [Board Comment](#); [Sara Azat](#); [Dan Logan](#); [Darren Howe](#); [Xavier Fernandez](#); [Holly Garber](#); [Matthew McCarthy](#); [Alex Single](#); [Sarah Phillips](#)
Subject: Comments on Final IS/MND Phoenix Lake - BonTempe Connection
Date: Sunday, June 16, 2024 1:35:15 PM
Attachments: [Comments on Final MND20240616.docx](#)

The Marin Water Board proposes to approve the IS/MND at its meeting Tuesday, 6/18. See our comment letter attached.

Sandy



June 16, 2024

Elysha Irish
Marin Water
220 Nellen Avenue
Corte Madera CA 94925
eirish@marinwater.org

RE: Phoenix-Bon Tempe Connection Project
Initial Study/Mitigated Negative Declaration

Dear Ms. Irish,

Seeing the adoption of the Final IS/MND for the Phoenix-Bon Tempe Connection Project on the agenda for approval is disturbing. We appreciate that the timing of pumping has been modified. This addresses our concern about depleting the water supply in the spring when the creek is beginning to dry, but the analysis continues to ignore the impacts of Phoenix Lake and its poor water quality on salmonids in Ross Creek.

Permitting and Water Quality

The response to comments, in Appendix D to the Final IS/MND states:

Pursuant to MMWD's existing water rights, Marin Water may convey water between the two watersheds and store, on a temporary basis, water from Phoenix Lake in Bon Tempe Reservoir and release that water down Lagunitas Creek or serve it to its water customers; consequently, the State Water Resources Control Board is not listed in Table 2-6.

Did the SWRCB evaluate the impacts of the operation of Phoenix Lake on water quality in Ross Creek when it approved the temporary conveyance of water from Phoenix Lake into Bon Tempe Reservoir? When was this approval granted? This is not just a matter of water flow, but the poor water quality in the hypolimnion of Phoenix Lake and its direct impact on water quality in Ross Creek. A review of this issue by the SWRCB and other permitting agencies is appropriate.

Marin Water Policies

The response to Friends' comment that conditions in Ross Creek violate Board policies states:

Marin Water is committed to adhering to its policies, including Board Policy No. 7, which guides its operation and decision-making processes. Board Policy No. 7 says protection of water quality is the overriding goal for the management of the Mt. Tamalpais watershed, and that Marin Water is committed to restoring and sustaining biological diversity on District lands. The Phoenix – Bon Tempe Connection Project, part of Marin Water's Strategic Water Supply roadmap, aims to increase operational efficiency and improve drought resiliency. The analyses presented in the Initial Study indicate that the Project would not be inconsistent with Board Policy 7, and would help implement Board Policy 1, to provide a long-term reliable water supply for customers.

This response turns a blind eye to the very real impacts of Marin Water operations on the aquatic habitat in Ross Creek, which is part of District lands. The fact that once water is released into Ross Creek it is

no longer part of the water supply is irrelevant. Failing to address the poor water quality leaving Phoenix Lake is in direct conflict with Board policies.

There is a disconnect between the sentence in the response that "...Marin Water is committed to restoring and sustaining biological diversity on District lands." And the next sentence "The Phoenix—Bon Tempe Connection Project...aims to increase efficiency and improve drought resiliency." Both are goals of Marin Water, but just because a project is designed to increase efficiency and improve drought resiliency does **not** mean that it also restores and sustains biological diversity. This response makes no sense. Claiming that the project will "provide a long-term reliable water supply for customers" is a poor excuse for continuing to allow the degradation of Ross Creek.

There are actions that Marin Water could incorporate in the project to improve water quality in Ross Creek, like installing a bubbler in the lake to mix the water column and aerate the hypolimnion or aerating the water in the vault of the low-level release valve. It should not be beyond the capabilities of Marin Water engineers to devise a solution.

Conclusion

We are aware that the Phoenix-Bon Tempe Connection Project is considered "low-hanging fruit" that can be implemented quickly and at modest expense, compared to other water supply projects. However, the improvement in the water supply is modest; the main purpose appears mainly to be to satisfy complaints from the public that Phoenix Lake is not adequately used and not to make a significant contribution to the water supply.

Friends requests that the District take seriously its stated policies as an opportunity to improve conditions for aquatic life in the creek fed by Phoenix Lake, consistent with its policies, and should not side-step this opportunity and responsibility.

Sincerely,



Sandra Guldman, President

c: Marin Water Board of Directors
NOAA Fisheries (*Sara Azat, Dan Logan, Darren Howe, Bob Coey, Dan Wilson*)
SFRWQB (*Xavier Fernandez, Holly Garber*)

SWRCB (*Matthew McCarthy*)
CDFW (*Alex Single*)
Marin RCD (*Sarah Phillips*)