

Planning for recreation on MMWD's watershed:

an update

by Nona Dennis

Marin Water (MMWD, or District) is mid-way into developing a plan for managing recreation on its 22,000-acre watershed(s)¹. The intent is to define what sustainable recreation would look like on wildlands that attract up to 1.8 million visitors annually, primarily to recreate – a daunting challenge for a public utility whose primary responsibilities are to produce high quality, reasonably-priced water supply and protect the well-documented biodiversity and cultural resources of Mt. Tamalpais amidst the uncertainties of a changing climate.

To carry out the intent, the District has engaged a broad community of interests in the *hope of developing a plan that can feasibly accommodate diverse recreational activities consistent with protection of natural resources*— a

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Photo: Winson Lobo/AllTrails

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Drawing: Northgate Town Center Residential (building) 3, Merlene Geier Partners

The Northgate Town Center project proposes a phased, mixed-use redevelopment of the current mall with gathering spaces, retail, and up to 1441 residential units.

HOUSING MARIN — Why it's important for conservation

by Paul Jensen

In Marin, conservation has long played an influential role in planning for land uses, particularly for housing. The best example is Marin's 1973 Countywide Plan, which took the unique approach of establishing three "planning corridors" – the Coastal Corridor, the Inland Rural Corridor, and the City Centered Corridor (located along US 101). A Baylands Corridor was added in 2007. This Plan helped establish the County's growth patterns and urban limits for the next five decades. Nearly all growth has occurred in the City Centered Corridor, which has enabled conservation of open space and protection of agriculture lands in the other three corridors. With the current housing crisis and pressure to develop new housing for the region, some have criticized that this approach has stifled housing development in Marin. Even with the pressure on Marin to produce more housing, conservation need not be compromised in providing our fair share of housing . . . but we must expect and accept there will be some change.

As a conservation organization, MCL's focus has not traditionally been on housing.

Nonetheless, MCL has drawn on its 1995 housing position policy in vetting housing development projects through a conservation lens. A lot has changed since 1995, however, bringing new challenges to planning for future housing in Marin. Today, most of the Marin communities are nearly built out. Second, it's a pivotal time to plan for a changing climate and to strive for sustainability. Third, the employment boom that followed the Great Recession of 2008 significantly increased demand for housing. In Marin, the most acute housing need is for the lower-wage workforce that either struggles to pay the high cost for housing or is required to travel great distances between jobs and places where housing is affordable. The need for social equity, diversity, and inclusion, particularly for underrepresented communities, is also in the forefront of policy planning. These current factors, coupled with the MCL's longstanding mission to protect and enhance the natural assets of Marin County, are all being considered as an MCL

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President's Message

Current issues, and goodbye for now

Marin Conservation League's

advocacy work "happens"

in issue committees! An unexpected benefit of the Covid-19 "Zoom era" has been MCL's ability to widen the range of speakers as well as the cohort of attendees at these meetings. Zoom will continue to support MCL's issues committees as they study, track, and advocate on a wide variety of issues. Attending MCL issue committee meetings still provides the best way to stay informed, ask questions of presenters, and contribute to discussion. We encourage you to contact the MCL office to regularly receive meeting agendas. Also, in our effort to keep our members and the public informed, we are accelerating the reconstruction of MCL's website and soon will be able to provide easier access to MCL policies, advocacy letters, and YouTube recordings of speakers at committee meetings.

Recent **MCL issue committee meetings** included the following:

The July 2022 MCL Parks and Open Space (POS) Committee meeting addressed two timely and important issues: reducing wildfire risk through vegetation management while protecting native habitats and helping Marin Water plan for recreation on Mt. Tamalpais watersheds. Experts from the Marin Wildfire

Prevention Authority (MWPA) and Marin County Parks and Open Space District described the **Greater Ross Valley Shaded Fuel Break Project**¹: 1,300 acres, 38-miles-long and up to 300-foot-wide – part of MCL's ongoing effort to keep environmental stakeholders and the public informed as the MWPA develops and implements, segment by segment, plans for the fuel break. MCL actively participated in developing the **Ecologically Sound Practices (ESP) Partnership's "best practices" in vegetation management**² that the MWPA Board recently approved as guidance for its work. The MWPA has been conducting tours of vegetation management work areas – a great way to see work first-hand and ask questions.

At the same meeting, Shaun Horne, Marin Water Watershed Manager, reviewed progress in the three-year **Watershed Recreation Management Plan** process. MCL recently sent a letter to Marin Water detailing MCL's interests in a conservative approach to the plan (see article page 1).

Meanwhile, MCL's Land Use, Transportation and Water Committee has been tracking planning for the reconstruction of the current **State Route 37** in Caltrans' effort to address congestion, flooding, and sea level rise (see article page 6). The committee has also been providing comments on Marin jurisdictions' **Housing Element updates** as they rush to

meet State deadlines (see article page 1). The Climate Action Working Group is partnering with others in supporting strong **building electrification ordinances** that reduce greenhouse gas emissions. And, several agencies focused on restoring portions of the **Walker Creek watershed** recently presented their work at MCL's Agricultural Land Use Committee.

On another note, it is with a mix of regret and admiration that we say goodbye to MCL's 1st vice president, Madeline Kellner, as she and her husband, Clint, return to their Peace Corps service in Peru after a two-year hiatus due to the pandemic. Among many other things, Madeline helped MCL plan for improved member outreach and communications, and she participated on the MCL Housing subcommittee. As we wish them well, we are hoping Madeline will return to MCL's board after her Peace Corps service is complete.

Bob

Robert Miller



¹ <https://www.marinwildfire.org/project/shaded-fuel-break-planning-project>

² <https://firesafemarin.org/wp-content/uploads/Ecologically-Sound-Practices-for-Vegetation-Management-1-1.pdf>

Watershed recreation from p. 1

plan that also educates and encourages safe and resource-conscious behaviors and engenders the appreciation and stewardship necessary to sustain over time the unequaled assets that the mountain's watersheds afford.

Impetus for a Recreation Plan

The Watershed Recreation Management Plan ("Plan"), now underway, is the outcome of a District Board retreat held in late September 2020. Six months into what we continue to call "The Pandemic," the District, along with the other public lands of Marin, was experiencing record numbers of visitors escaping

from home confinement into the relative safety and health of the outdoors (MCL Newsletter Jan-Feb 2021). Even before the COVID-induced spike in numbers, exponential growth in outdoor recreation, traditionally welcomed on the watershed since the utility's founding in 1912, was in danger of overwhelming the capacity of staff resources to deal with problems as basic as sanitation facilities, parking overflows, increasing trail conflicts, and numerous other public safety issues. Short-term actions to improve the capacity of visitor facilities could not resolve longer-term systemic issues needing further board consideration. The board had recently attempted to address the addition of

electric bikes to the recreational mix, only to end in stalemate and find that phenomenon, too, was part of a larger set of recreational issues.

At the retreat, staff outlined for a receptive board the need for a longer-term plan intended to protect watershed biodiversity, water quality, and environment, at the same time accommodating safe and diverse access for recreation through improved facilities, strategic management, more effective education, and heightened enforcement of regulations. This was a tall assignment for a board that is well-versed in producing high quality and

Watershed recreation, cont. p4

What is Marin County Parks' "Environmental Roundtable"?

by Nona Dennis

It's 10:00 a.m. on the first Monday of the month. Over the next two hours a group of 10 or so local environmental activists will meet (currently by Zoom) with a contingent of natural resource staff from the Marin County Parks Department (MCP) to discuss the environmental implications of current County plans and projects and vegetation management activities on the county's 34 open space preserves, and in its regional and local parks. For example, how will rare serpentine habitat identified in resource surveys of the recently acquired Bowman Canyon property be avoided as alignments for visitor connections to neighboring Mt. Burdell open space are being studied? How will known nesting territories of the endangered Northern spotted owl be avoided as staff plans vegetation fuel breaks to reduce the risk of wildfire to neighborhoods that adjoin open space? What precautions are being taken to protect, enhance, or otherwise improve habitat for the foothill yellow-legged frog, a Federal and State Species of Special Concern, in Cascade Canyon Preserve? And, how might a realignment of the popular but steep and unsustainable Memorial Trail better connect Terra Linda neighborhoods with Ridgewood Fire Road without fragmenting habitat in the Terra Linda-Sleepy Hollow Preserve?

Convened by Jon Campo, MCP Principal Natural Resource Planner, Roundtable meetings are roughly divided between plans and actions primarily involving recreational access on the preserves, and the MCP responsibilities in managing vegetation with to reduce the risk of wildfire to adjacent communities. These latter responsibilities are being carried out in collaboration with county fire agencies and the Marin Wildfire Prevention Authority (MWPA). Roundtable meetings offer attendees the opportunity to hear directly from responsible staff on the status of their work and to provide feedback, often in the form of spirited discussion of relative benefits and drawbacks, for example, of goat grazing as a favored tool for reducing grass and brush fuel.

The Roundtable attendees represent a half-dozen environmental non-profits who for many years have served as active citizen-guardians over Marin's extensive public parklands, open spaces, and watersheds. In a constructive exchange with MCP's natural resource professionals, they study maps, critique preliminary plans and designs, and meet in the field to test concepts and further engage with staff proposals. The group serves as an effective sounding board for MCP staff on environmental aspects, notably during early conceptual phases of plans while alternatives are open and before concepts become crystallized into preliminary design – and before the legal formalities of CEQA review and agency permitting. The Environmental Roundtable is certainly not the only public group that MCP staff solicits for input to project proposals. The perspectives of recreational visitor groups such as Marin County Bicycle Coalition's Off-road program, Marin Horse Council, and groups representing hikers, trail runners, and others are also sought by MCP staff.

Removing bumps from the planning process

The now-established routine of convening the Environmental Roundtable monthly, along with other public outreach, has immeasurably benefited a planning process that got off to a rocky start (see MCL Newsletter May-June 2021 ["Roads and Trails on County Preserves: Six years of progress"](#)). The Road and Trail Management Plan, several years and 16 public workshops in the making, was designed to guide



An Environmental Roundtable site visit to Bowman Canyon.

trail development and other visitor uses of the County Open Space Preserves for about 15 years, or the foreseeable future. It does not otherwise offer a future vision for the preserves except the promise that the total environmental footprint of all roads and trails will be incrementally reduced with every decommissioning of a redundant and/or illegal or unsustainable trail in conjunction with each improvement to a system trail. Nor does the RTMP contain any visionary "final" maps of the preserves; rather, it is a compendium of goals, policies, design standards, and best practices. It also outlines a semi-quantitative scoring methodology for evaluating potential road and trail improvement proposals (fortunately abandoned as too rigid and complex), as well as an overall internal review process roadmap, from project conception to CEQA review and approval.

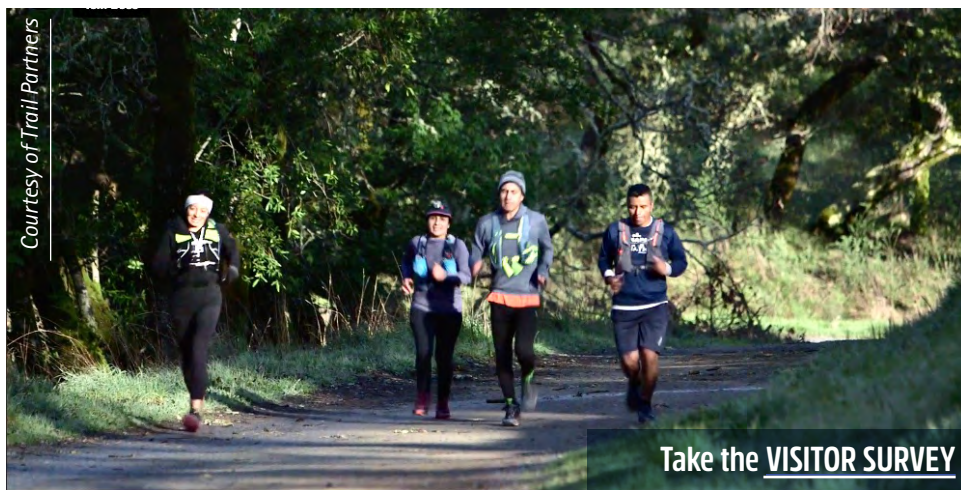
The detailed guides in the final document did not lead to smooth planning in the early years. Within a year of initiating the RTMP, two trail improvement proposals had been challenged by environmentalists for failure to consider impacts to Northern spotted owl in an adequate CEQA document. A third challenge was threatened the following year. In year four, Campo, then a new senior open space and trail planner with strong natural resource credentials, joined the MCP staff and took over management of the RTMP process. Very quickly the general tenor shifted as he developed new strategies for engaging the public. Notably, he approached the disgruntled environmental organizations with an offer to meet. Informal meetings then became regular and the "Roundtable" strategy evolved.

By focusing on environmental issues rather than user conflicts, and by working through different approaches to projects with staff members who are actually doing the analysis, the Roundtable group and MCP staff have developed a level of mutual trust that continues to pay dividends in smooth processes and environmentally acceptable trail projects. This does not always translate to public acceptance, however. Even an environmentally well-designed project can run into local neighborhood or other stakeholder opposition.



¹ Marin Conservation League, Marin Audubon Society, Sierra Club-Marine Group, Friends of Corte Madera Creek, California Native Plant Society – Marin Chapter, and Environmental Forum of Marin.

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reasonably-priced water supply but not equally prepared to manage throngs of the public enjoying the out-of-doors – even after decades of empirical recreation management. Further, District resources in both ranger personnel and finances have failed to keep pace with demand.

Managing the watershed

The District is not lacking in plans to manage its watersheds! Numerous plans have been developed over the years that continue to guide the management of vegetation, sensitive habitats and species and forest health, as well as roads and trails, and other resources and facilities on the watershed. Only one addresses recreational uses directly, however – viz., a 2012–2013 Visitor Survey. The Road and Trail Management Plan (RTMP, 2004) contains a complete inventory of roads and trails, focusing almost exclusively on their conditions as sources of sediment – both a threat to the integrity of water quality and reservoir capacity within the reservoir complex, and a pollutant to salmonid-bearing and aquatic habitat of streams in all watersheds on the mountain. The RTMP says nothing directly about recreational usage, but does allude to its impacts in a cautionary vein, worth noting as the Recreation Plan moves forward:

"Roads and trails can have many undesirable effects on the environment. They can increase the number of visitors and intensify human use in seldom-visited areas. They can provide migration routes for non-native invasive plants into previously un-infested areas...fragment habitats...physically remove habitat...disturb or destroy, directly or indirectly, plants or

animals that are legally protected... Furthermore, *an increase in the density and amount of human presence in previously untrammelled or seldom visited areas leads to an increase in the severity of effects and a proliferation of additional effects.*"

Recreation Plan in process

The year following board approval of the Plan was spent hearing from the public and defining a scope for the proposed Plan. A consultant was engaged in early 2022 and the planning process was launched with a public workshop in June. In addition to managing the project, the consultant was tasked with reviewing applicable literature and the practices of other comparable water districts and neighboring land managers, and updating a 2012–2013 survey of the District's watershed user patterns. As this year progresses, District staff and their consultant are continuing to engage interested communities of visitors in envisioning desired future conditions including: examining stewardship, outreach and partnering opportunities, assessing condition and needs of existing recreational facilities, considering how visitor use might be managed (such as through adjustments to the current system of roads and trails, or time and mode of use), determining means (staff and financial resources) to accomplish outcomes and developing appropriate management actions and operations, and outlining an approach to a plan that can adapt to changing conditions over time.

At a July meeting of MCL's Parks and Open Space Committee, Shaun Horne, Marin Water Watershed Manager, reviewed the status of

the Watershed Recreation Management Plan and the schedule for public input. Two virtual public workshops in June and July focused on building a foundation for the Plan: what would be desired conditions and what is needed to reach such conditions. August was scheduled to update the 2012–13 Visitor Survey through intercept surveys, supplemented by installed trail counters and other app-related data sources like Strava. The third of six planned workshops will follow on September 14, #4 on October 12, and #5 and #6 on February 8 and April 12, 2023. A field visit on July 6 focused on sensitive resources the District currently manages that are vulnerable to recreational impact. A second field visit will be held on November 9. The Final Plan is expected in Fall of 2023. In the meantime, updates are available on the project web site: marinwater.org/WatershedRecPlan.

MCL Perspectives on the Plan

At mid-point in the planning process, it is premature to draw conclusions or foreclose options. At the same time, it is foolhardy to let the popularity of any particular recreational modes on the watershed create unrealistic expectations as the District attempts to accommodate public wishes. Aided by social media, the popularity of the watershed extends well beyond Marin County and continues to grow unabated, straining the capacity and condition of facilities and furthering behavioral conflicts on roads and trails. The land itself is finite, the water sources it supports are limited, and threats of drought, wildfire risk, disease, and invasive species are real and costly to manage. The financial resources, including personnel, that the District can commit to activities secondary to its primary mission are highly constrained. These pervasive limitations must be acknowledged as the District "rethinks" recreation on the watershed. MCL has suggested the following approaches:

Plan within the limits of available resources. For some, the Plan boils down simply to opening some of the 60 miles of restricted narrow, natural surface trails on the watershed to mountain bikes (notwithstanding their daily illegal use). The issues, we contend, are far more complicated. Given the historic failure of financial resources, including ranger personnel, to keep pace with the expanding visitor demand, a practical approach for the

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An eroded segment of the popular Cataract Trail requires stabilization to reduce sediment entering the creek.

Watershed Recreation Management Plan would be to adopt the theme . . . "Manage what we have – but do it better." This means focusing first on correcting ("fixing") existing problems and enforcing existing regulations, before venturing into possible conversions of narrow trails to multiuse.

Shift the recreational focus. One way to "manage what we have" would be for the District to step back and take a longer view of the Mt. Tam watershed – its lakes, forested ridges, woodlands, meadows, and spectacular views – and through interpretive activities and communication, reemphasize District lands as water source, as refuge for wildlife, and as a welcome respite for people's passive enjoyment, not simply as the District's free and active playground for public amusement.

Redefine and expand existing volunteer programs as "stewardship recreation." In shifting the recreational focus away from the "playground" mentality, leverage existing volunteer programs, including cooperation with One Tam's "citizen science" programs, by engaging a broader public, notably underserved communities and young people, in interactive volunteerism.

Resist pressure to facilitate more recreational travel into remote wild areas of the watershed.

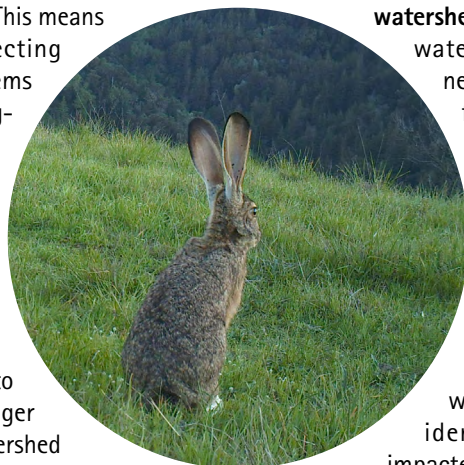
Remote areas of the watershed offer a "wilderness" that serves the vital function of refuge for wildlife sensitive to human activity. Opening these refuge areas to ever-expanding intrusion of all recreation modes, including riding and running at night, runs counter to widely documented evidence that animals are impacted by recreation in complex ways and need habitat areas and times of day and night to carry out life functions in a permanently preserved, undisturbed setting.

Resist pressures to "reconstruct your way out of" a perceived shortfall in bike-legal trail miles. Across the landscape of Marin's public lands, some 600 miles of roads and trails offer opportunities for diverse recreational access. All evidence points to the potential impacts and costs of reconstruction that would be necessary to bring existing narrow trails up to sustainable standards for mixed use, including bikes and horses, in addition to people on foot.

Put more "eyes" on monitoring trails and roads. Mountain bikers complain about dogs off leash, people on foot complain about

speeding bikes (the major source of conflict on the watershed, followed by illegal use of restricted trails and dogs off leash), and some complain about the presence of horses on the trail. Although these may represent a minority of trail encounters, they are sufficiently frequent to destroy the experience for many visitors and even displace them from popular roads and trails. Peer-to-peer communication through a robust volunteer patrol – a "Trail Ambassador" program – would be an effective way to gain buy-in on observing rules and the needs of other visitors.

Support educational programs with meaningful enforcement. Finally, education alone cannot manage the behaviors of the most renegade visitors. Ranger enforcement must be strategic, carry meaningful sanctions, and be supported by a committed Board that bad behavior will not be tolerated.



*Circle photo above: Jackrabbit near Bald Hill
Courtesy: Marin Water*



The watershed has over 90 miles of fire roads for cycling.

In conclusion, while no one is expecting perfection in the forthcoming Watershed Recreation Management Plan, nor is MCL closed to compromise, MCL believes that a shift in overall attitudes in visitor use of the watershed would be a worthy outcome of the new Watershed Recreation Management Plan.



¹ The Marin Water "Watershed" typically refers to the main forks of Lagunitas Creek, whose waters are captured by five reservoirs and, with two other reservoirs, support water production for roughly 190,000 residents of Marin. In reality, the District includes three other significant watersheds that drain Mt. Tamalpais into significant fish-bearing streams.

The future of State Route 37 and historic baylands depends on funding and political will

by Kate Powers

Can the reconstruction of State Route 37 (SR 37) into an elevated four-lane causeway be accelerated in time to not only reduce congestion and protect the highway from sea level rise, but also for tidal wetlands to re-establish before inundation?

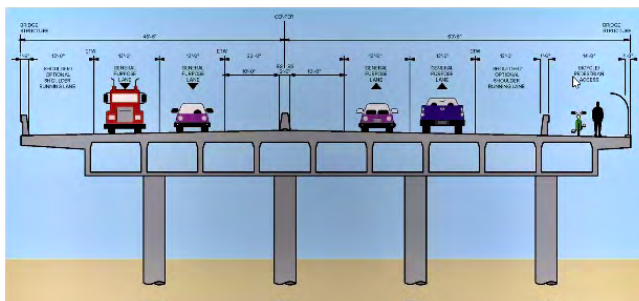
That is the billion-dollar question.

Much has been written of late about SR 37, the North Bay highway that runs across the historic baylands of Marin, Sonoma, Napa and Solano counties. While the highway serves much of Marin's workforce that commutes from affordable homes in Solano County to well-paying jobs in Marin, it regularly experiences substantial peak period congestion due to a 10-mile stretch from Sears Point to Mare Island that narrows from four lanes to two, one lane in each direction. It currently has no transit options or carpooling incentives. In addition to travel delays, the highway experienced closures (in 2017 and 2019) due to flooding and is subsiding. The California Department of Transportation (Caltrans) predicts that, due to rising sea levels, large stretches of **SR 37 will be under water by the year 2040.**

A sea level rise adaptation "Ultimate Project"

The 21-mile highway has been the focus of many concurrent studies and planning efforts over the last several years. The most recent, Caltrans' Planning and Environmental Linkages (PEL) Study, is planning for a sea level rise adaptation Ultimate Project. To date, the study has evaluated almost a dozen potential re-alignments and transportation alternative solutions using a broad range of environmental, traffic, design, and feasibility criteria. The PEL study is expected to conclude by year end.

At a recent Resilient SR 37 Policy Committee¹ meeting, Caltrans presented the **PEL preferred alternative – a mostly elevated causeway along the current right-of-way.** The causeway would touch down only at a couple of ridgeline elevations. The preferred alignment best meets PEL's Purpose and Need, and avoids "new location impacts" to wetlands, critical habitat, and/or the bay floor. The causeway's design will accommodate bicycles and pedestrians on or near the structure; include access to locations on both sides of the facility through



Causeway design: an expressway with two travel lanes in each direction, shoulder running lanes for peak period use, and posted speed of 60 mph.

redesigned interchanges and intersections; and allow for removal of fill of the existing roadway. Current estimates for the Ultimate Project are between **\$6 and \$8 billion.** Opportunities to lift the existing railway out of the Baylands and possibly co-align it with the causeway are also being considered. Caltrans will update the public on the PEL process at a [virtual meeting](#) on Wednesday, September 14, 5:30 – 7 pm.

The clock is ticking

The landscape over which SR 37 travels is comprised of a mosaic of historic baylands all along the northern edge of San Pablo Bay. While much of San Francisco Bay's tidal marshes have disappeared, many of the North Bay's wetlands have slowly but deliberately been acquired or protected and are being brought back to life. The San Pablo Baylands (Baylands) are unique in restoration opportunities due to the patchwork of large parcels in the hands of a relatively few public, private, and nonprofit landowners. Included in the historic Baylands are Petaluma Marsh, the largest prehistoric tidal marsh remaining in California; and seven former salt production ponds, now managed to provide habitat for shorebirds and dabbling ducks. The Baylands continue to be a major destination along the Pacific Flyway.

The most critical time for restoring the Baylands is now. By 2030, Highway 37 will be subject to frequent flooding. Tidal marshes that are well established will more likely flourish and provide ongoing benefits, including habitat resilience, carbon sequestration, and flood protection as sea levels rise.

For history of San Pablo Bay, see John Hart's "[Highway to the Flyway](#)" in July 2007 issue of Bay Nature magazine.

The impacts to wetland restoration from Interim projects

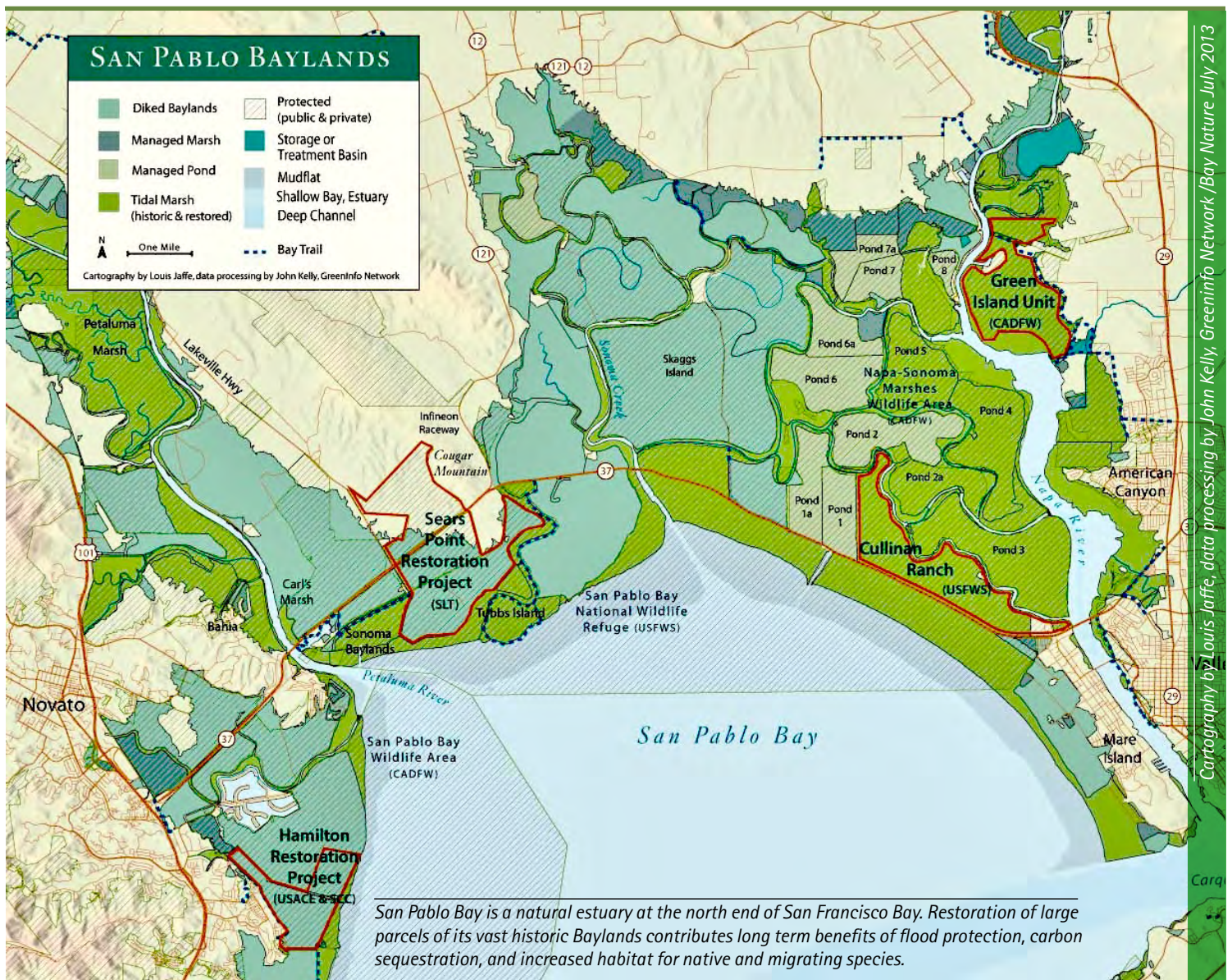
Two concurrent interim projects are also in progress. They are considered **temporary**, as neither are designed to ultimately address sea level rise. One, a Flood Reduction Project, proposes to elevate the segment of SR 37 from US 101 to SR 121 and to reconstruct the

segment's bridges to address near-term flooding. Preparation of that draft environmental document was paused until the PEL process draws to conclusion. Construction is planned to begin in 2027 depending on funding availability.

A second project that is further along in the planning process, the **Sears Point to Mare Island Improvement Project**, is receiving lots of attention. Its purpose is to relieve congestion by widening the roadbed and the Tolay Creek Bridge (one of the worst traffic areas in the corridor); increase vehicle occupancy by providing a commuter/transit express lane; and address roadway subsidence by raising pavement. A draft environmental impact report was released in January. All of the "build" alternatives widen the roadway and would require acres (thousands of truckloads) of in-water and upland fill and additional impervious surface that would impact sensitive marshlands, and cause loss of wetlands communities, and non-listed special status, threatened, and endangered species according to the report. Some alternatives would require acquisition of small portions of San Pablo Bay National Wildlife Refuge. Comments on the draft were due February 28.

If the Sears Point to Mare Island interim project is permitted, the proposed mitigation for the project is to lengthen Tolay Creek Bridge which would broaden the channel and enable ecological restoration of Tolay Creek—a time sensitive and critical restoration priority for the Baylands. Additional mitigation could include restoration of a roughly 700-acre strip marsh along the segment, south of the highway. The strip marsh is important natural infrastructure that protects the highway from inundation and

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provides critical habitat. **Construction for the interim project is planned to begin in 2025 with an estimated price tag of \$430 million**, though permitting hurdles for mitigation may increase delivery time and expense. (The cost to remove the added fill and asphalt from the interim project, once an Ultimate Project causeway is constructed, is not included in the estimate.)

Funding

In November 2020, the Biden administration announced it would prioritize **"shovel-worthy" projects** for federal funding. Shovel-worthy are long-term solutions to complex and expensive critical infrastructure challenges. They often don't qualify for "shovel-ready" funds. In

November 2021, President Biden signed the Five-year Bipartisan Infrastructure Law (BIL). It's expected to fund a "once-in-a-generation" investment in U.S. infrastructure and includes **\$110 billion in new competitive grant funding** for roads, bridges and major projects.

In addition to federal competitive grant opportunities, California will receive **\$10 billion in new (additional to existing) federal formula funds** for transportation over the next 5 years. The state is poised with a \$100 billion state budget surplus and California's Five-year Infrastructure Plan to leverage and maximize federal funds. During the 2022-23 State Budget process, the Bay Area Caucus, including Senator McGuire and Assemblymember Levine, submitted a funding request to the legislature that included \$6 billion for SR 37. To date, the 2022-23 state budget has committed little

more than \$100 million for the Interim and Ultimate Projects combined.

The Metropolitan Transportation Commission (MTC) is pursuing state and federal competitive grants for the Sears Point to Mare Island interim project. However, SB 1050, State Senator Dodd's tolling legislation that would have authorized high-occupancy toll lanes or other toll facilities on SR 37, died in Appropriations Committee. The toll revenue would have provided the necessary local match for project funding.

Accelerating shovel-worthy to shovel-ready

While transportation agency partners agree that SR 37 will need to be replaced before 2040, and that the highway needs to be

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Housing Marin *from p. 1*



A residential community masterplan proposal for the Fireman's Fund former Novato office site.

subcommittee works to update its 1995 housing policy position, currently underway.

Dramatic changes in state laws related to housing

Despite recent reports that residents are leaving California, there remains an affordable housing shortage throughout the state. Although the state has recently invested more in affordable housing from its budget surplus, redevelopment funds, which once helped subsidize affordable housing development, were lost in 2011 when the State abolished redevelopment agencies. Current housing shortages are due to many economic factors, including availability of financing, labor and materials shortages, and construction costs, but it is factors like discretionary zoning and prolonged planning approvals that are being targeted by the State legislature. By streamlining zoning and planning approval processes, the State is hoping to meet its housing goals.

Since 2017, more than eighty new housing laws have been passed to reduce barriers to housing development. These laws have included streamlined project review, such as the "by-right" review processes that for certain housing projects bypass conventional public review altogether. To better understand these complicated new laws, in January 2022, MCL hosted "MCL After Hours – Demystifying California's Housing Legislation." Guest speaker Barbara Kautz, a Bay Area attorney who specializes in affordable housing and land use laws provided a summary of the key housing legislation. (A [recording of the webinar](#) is available on YouTube.)

Planning for housing rooted in state-mandated housing element

Long-standing State laws require that every local jurisdiction (County, city, town) in California adopt a Housing Element as a mandatory

element of the local jurisdiction's General Plan. The Housing Element includes goals and policies, as well implementing programs. It is the sole General Plan element that requires certification by the California Department of Housing & Community Development (HCD) and it must be updated every eight years.

The eight-year update cycle corresponds with HCD's distribution of the Regional Housing Needs Allocation (RHNA) to regional planning agencies (e.g., in the San Francisco Bay Region, the Association of Bay Area Governments, or ABAG), who, in turn distribute a "fair share" allocation to each county, city and town in the region. The RHNA is a calculated number of housing units in affordability categories (e.g., low-income household) that each jurisdiction must include in its Housing Element. Due to recent State laws, the current eight-year Housing Element update cycle has significantly increased the RHNA for Marin jurisdictions. Additionally, meeting this obligation historically meant merely adopting the appropriate property zoning to permit residential development. Now, it must be demonstrated that housing development is not only approved but also built within the eight-year cycle period.

MARIN'S REGIONAL HOUSING NEEDS ALLOCATIONS (RHNA)

JURISDICTION	2015 RHNA	2023 RHNA
Belvedere	16	160
Corte Madera	72	725
Fairfax	61	490
Larkspur	132	979
Mill Valley	129	865
Novato	415	2090
Ross	18	111
San Anselmo	106	833
San Rafael	1,007	3,220
Sausalito	79	724
Tiburon	78	639
Unincorporated	185	3,569

Marin housing element updates – the mad scramble

For the Bay Area, the deadline is early 2023 for each local jurisdiction to complete and adopt its Housing Element. HCD is tasked with certifying each Draft Housing Element prior to its final adoption. During this process, HCD will carefully review an inventory of "opportunity sites" suitable for housing development to meet the RHNA numbers. As a consequence of recent changes in State laws, each local jurisdiction must now demonstrate to HCD that: a) adequate public outreach and participation has been completed; b) the inventory of opportunity sites includes a "buffer" of additional housing sites over and above the RHNA; and c) the element now must include an analysis of "Affirmatively Furthering Fair Housing," which fosters fair and equitable measures for housing available at all income levels and housing types, particularly to meet the needs of underrepresented populations. This latter analysis is intended to minimize segregation.

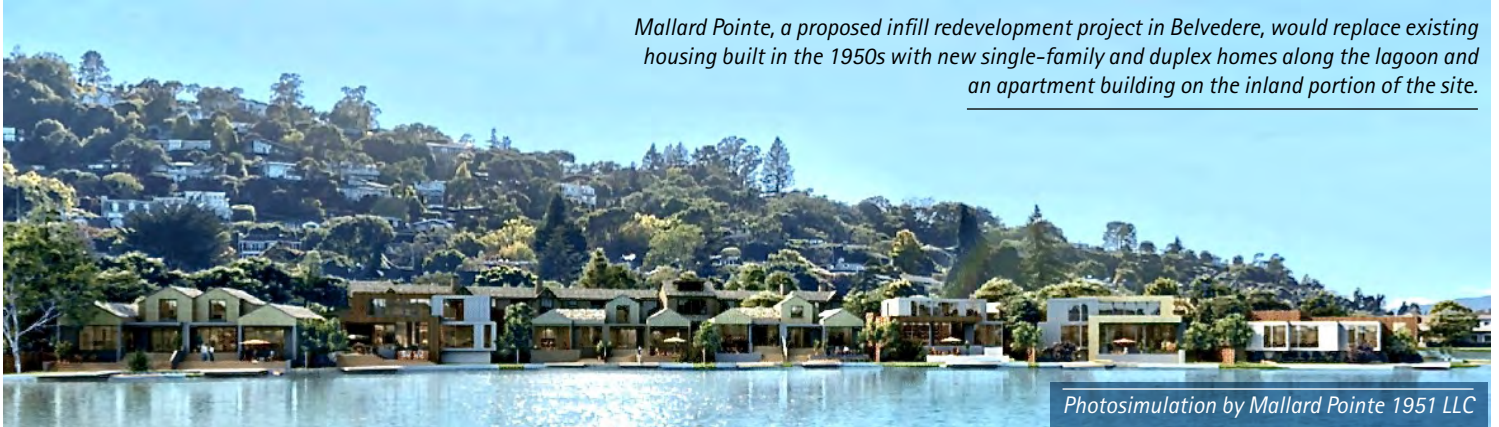
To date in Marin County, Draft Housing Elements have been released for public review by the County of Marin, Mill Valley, Tiburon, and Corte Madera. These jurisdictions have done a noble job in tackling the State's tall orders, their biggest challenge being the significant increase in the RHNA for each. For Marin County preserving the purpose of the four "planning corridors" of the Marin Countywide Plan, including limiting most housing to the City Centered Corridor, is critical. Any proposals to expand new housing opportunities outside that corridor, therefore, will probably require amending the Countywide Plan.

Mill Valley, Tiburon, and Corte Madera have a different challenge as they have little undeveloped land. To meet their RHNA, the most obvious opportunity sites lie in re-purposing existing commercial and underdeveloped sites where the demand for and value of the current land use are declining (e.g., office and retail). One example is Macy's retail site at the Village Center in Corte Madera, which has been identified as an opportunity site that could accommodate 300 housing units. We can expect to see this approach in other Marin cities and towns. San Rafael's recently adopted Downtown Precise Plan anticipated and planned a significant increase in housing through similar

Housing Marin cont. next page

Housing Marin *from previous page*

Mallard Pointe, a proposed infill redevelopment project in Belvedere, would replace existing housing built in the 1950s with new single-family and duplex homes along the lagoon and an apartment building on the inland portion of the site.



reuse and redevelopment. Areas such as the proposed Northgate Mall development are currently following this trend. This approach raises the question of whether these sites can realistically be redeveloped within the next eight-year cycle. A number of market and property factors will determine their "readiness" for reuse. In order to meet the RHNA, we can expect taller buildings and more dense development on these sites.

Expect there will be change – the State is watching

For a long time, Marin's reputation has been "just say no to development," particularly where housing development is proposed in neighborhoods where residents do not want change in character. The State has taken note of Marin's track record, however, and consequently the County has become the "poster child" in prompting the need to reform housing

laws. It's unlikely that the State is going to back off from its housing charge.

Southern California jurisdictions are several steps ahead of the Bay Area in updating their Housing Elements. To date, many of their draft elements have been rejected by HCD. Very few have been approved for certification. In at least one case, the State has sued a city (Huntington Beach) for non-compliance with the housing laws. If this is any sign, the State is not going to be soft in reviewing Marin's Housing Elements. In fact, the State is likely to come back and want more. Hopefully, Marin's housing element planning will be acceptable without significant compromise to the County's long-standing commitments to preserving natural resources, open space, and productive agricultural lands.

Being active at the policy level

There is value in being active at the forefront of local, community policy planning. Most

of us get involved only when reacting to a real project proposed in our neighborhood. That is too late because the ground rules and expectations have already been established at the policy level. Public outreach during Marin's Draft Housing Element processes has been good. The opportunity to get involved now, when policy is set at the front end, will ensure that critical elements in future housing development are carefully planned and not overlooked. In doing so, however, we must be mindful and open to the facts that: a) housing is needed for our local workforce, particularly for the lower-wage earners; b) new infill housing development is inevitable and can avoid encroaching into the agricultural and open space lands we value; but c) there will be some inevitable changes in Marin's urban and suburban environments.



CALIFORNIA COASTAL CLEANUP – in-person, on site, Saturday, September 17, 9 – noon



Photo: Sylvia Barry

MCL and the Novato Sunrise Rotary gather at Scottsdale Pond

IT WILL RAIN THIS WINTER!

It's important that we clean up trash in the environment before it washes to the ocean or Bay, and there are many cleanup sites in Marin. Go to coastalcleanupday.org to find a location near you.

MCL SPONSORED SITES:

SAUSALITO WATERFRONT AT THE BAY MODEL NORTH

Contact: Vicki Nichols,
subvw1@gmail.com

NOVATO CREEK/WARNER CREEK AT SCOTTSDALE POND

Meet at the Gazebo at Scottsdale Pond on Redwood Blvd. near Rowland Blvd.
Contact: Susan Stompe,
ssstompe@aol.com

Wear footwear that can get wet; bring gloves & water. Collection bags supplied. Big thanks to Recology for dumpsters for Novato and Sausalito cleanups!

State Route 37 from p.7



Congressman Huffman speaks with other elected officials and agency staff on a Baylands Tour organized by Sonoma Land Trust.

elevated. MTC has argued that the current interim projects are critical initial phases of the Ultimate Project. Several stakeholders fail to agree, asking Caltrans to focus on accelerating the Ultimate Project, fearing the longer the wait, the more it will cost.

Congressman Jared Huffman, who serves on the House Transportation and Infrastructure Committee and Select Committee on the Climate Crisis, has championed shifting SR 37's priorities to building the causeway. He's expressed concern that interim widening could politically undermine chances for securing federal funds for the Ultimate Project.

Readying shovel-worthy projects for delivery not only requires funding. Preparation for

environmental assessment and permitting can require thousands of hours and cost millions of dollars. The extent to which regulatory and permitting agencies work together to prioritize review of critical infrastructure projects, the less costly and more promptly they will be built.

Coalescing political will

The State Route (SR) 37-Baylands Group¹ is composed of practitioners, and others, interested in and responsible for the conservation, management, and restoration of the San Pablo Baylands. As a participating organization, MCL signed on to the Baylands Group's SR 37 Position Paper. It:

- Supports building a causeway in the current SR 37 right-of-way and accelerating the Ultimate Project to enable timely flood risk management and wetland restoration;
- Emphasizes the self-mitigating nature of the Ultimate Project (as opposed to mitigations that would be needed by the proposed interim projects) and recent regulatory agency policies that help "cut the green tape" to accelerate implementation of multi-benefit, climate change adaptation projects. This increases the likelihood that the Ultimate Project would move quickly through environmental compliance and permitting;

- States SF Bay Regional Water Quality Control Board's commitment to lead permit coordination of the Ultimate Project with the region's other regulatory agencies including the US Army Corps of Engineers, US Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Wildlife, and the San Francisco Bay Conservation and Development Commission; and
- Requests that all interim projects be low-cost, low-impact fixes, or serve as logical, substantial steps towards implementation of the causeway.

With the restoration communities and regulatory agencies aligned, accelerating implementation of the Ultimate Project seems possible. It's time to undo the damage from generations past, and to focus investment strategies on funding a shovel-worthy transportation and environmental win. Restoring the connections of wetlands to the San Pablo Estuary will serve both climate change adaptation and mitigation efforts, on a landscape scale. Opportunities like these are few and far between but they require combined and coordinated commitment for success.

¹ For info on SR 37 Policy Committee and the SR 37 Baylands Group, see article in [MCL's Jan-Feb 2022 newsletter](#).



Inspired by a recent, highly successful East Bay Green Home Tour, the first Marin Green Home Tour will showcase what Marin residents are doing to combat climate change, improve air quality, generate clean power, save water, and move toward a safer and more resilient future. It will feature new homes, major remodels, gradual retrofits, and low-cost, low-tech, do-it-yourself solutions for both homeowners and landlords/renters.

The Tour will include short presentations by experts, with links to information and local resources. Each 8-minute video tour of a home will be followed by a live

Q&A with the homeowner or landlord or renter. A panel of local experts will be on hand to answer questions. The Tour will be recorded and available on YouTube following the live event.

As we know, the climate crisis requires urgent local action to reduce greenhouse gas emissions. Marin's buildings are responsible for 34% of local emissions. Removing fossil fuels from both existing and new buildings, and improving their energy efficiencies, are important elements of Marin's climate action plans. This event will provide strategies that each of us can adopt in creating a greener home— a healthier and more comfortable home that contributes to a more sustainable future for all.

Marin Green Home Tour – a free 2-evening virtual tour of 10 new and renovated Marin County homes.

The Marin Green Home Tour is free and made possible by sponsors and individual donors interested in advancing the transition to a clean energy future. It is a sponsored project of Sustainable Marin and is supported by many partners throughout the county including Marin Conservation League.

To register for the event, please see the Marin Green Home Tour's webpage: www.maringreenhometour.org

For more information or to become a sponsor, contact MCL board member and Marin Green Home Tour Coordinator, Pamela Reaves: 415-450-5616, pamela1reaves@gmail.com

MCL Welcomes Three New Board Members



BELLE COLE

Belle, a resident of San Rafael since 2006, has had a long career as a public policy specialist bringing workable and lasting solutions to complex issues.

She took on new challenges in Marin County — organizing for climate change and other progressive causes (OFA Marin); forming a coalition of leading environmental and climate action groups (Lead on Climate); advocating for Measure C and helping establish the Ecologically Sound Practices Partnership (ESP); and winning endorsement and funding for the Marin Biomass Project. Belle joined the MCL Board in 2022 appreciating the value of working closely with dedicated, experienced specialists in formulating positions for MCL.

Previously, Belle was Director of Research and Public Policy at the University of California and, together with her late husband, Professor David Wilson, founded and led Planning Management and Research Group Inc, a science policy consulting firm. She has studied with leading economists and worked on economic development abroad and in Washington DC. She has a BA from Mount Holyoke College and a MA degree from the Johns Hopkins School of Advanced International Studies.



GEORGIA MCINTOSH

Georgia is a nonprofit management and marketing communications executive with extensive experience in strategy development, team leadership, brand and advocacy communications, change management, and research. For the first part of her career, she held strategic planning positions at the global marketing communications firms BBDO and J. Walter Thompson, working with private sector and nonprofit clients such as YWCA, Big Sisters, Telus Canada, and B.C. Ministry of Forests.

She served many years at Earthjustice, the national nonprofit environmental law organization, as VP of Marketing & Program Communications, leading a period of significant growth. She currently serves as Managing Director of Special Projects at Trust For Public Land with a focus on organizational development.

If left to choose what to do on a nice day, she might be found surfing with her husband and two daughters or hiking with her dog on Mt. Tamalpais. As an MCL board member she hopes to support the organization as an effective advocate in addressing increasingly complex environmental challenges and to assist in building public support for the work.



NANCY HUGHES

Nancy is the executive director of The California Urban Forests Council which envisions thriving and prosperous California communities transformed by healthy trees and green spaces. CaUFC advances smart investment in green infrastructure through education and outreach, community-based activities, and collaborative action.

Nancy has instructed Public Service in America at the Thurgood Marshall College at UCSD. She is an Executive Oversight Committee member for the Los Angeles Center for Urban Natural Resources Sustainability Center as well as a board member of the Britton Fund - supporting research and education to promote excellence and advancement in the field of arboriculture for the public good. Nancy earned a BA in Communications from Rowan University in New Jersey.

Regarding MCL, "I was surprised and honored to be invited to join the MCL Board. MCL is iconic. Over the decades MCL's dedicated board and volunteers have advocated for and contributed to the preservation and enhancement of Marin's unique and precious natural resources. I hope to lend my administrative and programmatic expertise to the forward motion of the organization."

Save the Date! **MARIN'S FIRST CREEK SYMPOSIUM**

Saturday, October 29, 2022 10 AM to 4 PM

College of Marin, Kentfield Campus Cafeteria

There are many overlapping similarities and differences among Marin's creeks—their histories, their current conditions, and their restoration potential.

Lessons Learned from People with Boots on the Ground

Sharing Reports of Successes and Challenges from All Over Marin

For more information, contact:

info@friendsofcortemaderacreek.org

Register for the Creek Symposium at [Eventbrite](https://www.eventbrite.com).



Photo: Photo: Stepheng3

**MARIN CONSERVATION LEAGUE
BOARD OF DIRECTORS**

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Board of Directors meetings are held at 6:00 PM on the 3rd Tuesday of the month.

Issue Committee Meeting Schedule

(subject to change—check website)

Land Use and Transportation:

1st Wed. of the month, 10:00 AM—12:00 PM

Parks and Open Space:

2nd Thurs. of the month, 3:00 PM—5:00 PM

Fire and Environment Working Group:

2nd Mon. of the month, 3:00 PM—5:00 PM

Climate Action Working Group:

3rd Fri. of the month, 9:00 AM—11:00 AM

Agricultural Land Use:

Meets quarterly, 4th Fri. of the month,
9:30—11:30 AM

North Marin Unit: Check website for times

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Marin Conservation League was founded in 1934 to preserve, protect and enhance Marin County's natural assets. MCL is a non-profit 501(c)3 organization. All contributions and memberships are tax-deductible to the extent allowed by law.

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NEWS FROM MARIN CONSERVATION LEAGUE

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San Rafael, CA 94903**

RETURN SERVICE REQUESTED

PICs from the PICNIC!

*A sincere thank you to all
who joined us for our annual
Picnic on the Patio.*

A special thank you to MCL's Events and Programs Chair, Vicki Nichols (*far left*), for organizing a relaxed barbeque for our conservation community.



Fall and Holiday event planning is underway. We hope to see you all (again) very soon!

