

Who's minding the San Rafael Rock Quarry?

by Kate Powers

"Who's Minding the San Rafael Rock Quarry?" is the title of a 2001 Marin County Grand Jury report. [The report](#) details the Grand Jury's investigation into the County's handling of neighbor complaints regarding silica dust, noise, vibrations from blasting, and truck traffic due to unpermitted intensification and expansion of the San Rafael Rock Quarry's (SRRQ) operations. The report recommended that the County pursue property reassessment and taxes owed; recommit to its responsibility for regulating quarry operations and expansion; and enforce compliance with reclamation plans and surface mining and quarrying permits. That was nearly 20 years ago. What preceded that report? And where does the quarry stand now?

A rocky history

The quarry is located on 750 acres in County jurisdiction just beyond San Rafael's eastern city limits off Point San Pedro Road. Once a dairy farm, the site was mined for shale and clay by McNear brickyard in the late 1800s, and has been quarried for rock since the early 1900s.

In 1975, California enacted the Surface Mining and Reclamation Act (SMARA), which regulates surface mining operations to ensure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition. As required by SMARA, Marin County adopted an ordinance that in part states:

Only "vested" surface mining operations may be exempt

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Time to update the 2007 Countywide Plan



Kristen Nolan

Miller Creek, near Lucas Valley Road. A key task of the Countywide Plan Update will be a Stream Conservation Area Ordinance.

by Nona Dennis

Two years after the Marin County Community Development Agency (CDA) initiated an update of the [2007 Countywide Plan](#), the CDA staff is dusting off and fine-tuning a work plan and budget for the Board of Supervisors' approval in mid-year, 2019. At the March meeting of MCL's Land Use and Transportation Committee, Tom Lai, CDA Assistant Director, sketched out the need for the update and outlined the proposed process. From the outset, Lai acknowledged that the current plan does not require comprehensive overhaul. "The 2007 Plan has 'good bones,'" he said. By several measures, however, its update is overdue. Lai anticipates that the overall process will take significantly less time than the eight years it took to produce the 2007 Plan!

MCL expects to devote its considerable experience in the County's long-term planning to help shape the Plan Update and its vision for the future.

2007 Plan has "good bones" to build on

General plans typically have a lifespan of 15 to 20 years. In California, cities and counties are encouraged to update their general plans every ten years, although the age of a general plan is not necessarily a measure of its adequacy. The 2007 Plan was cutting-edge at the time and was well-organized. It

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A Message from the President - A journey that continues

Dear Members and Friends,

On April 5, at its [Annual Dinner](#), Marin Conservation League (MCL) proudly commemorated 85 years since its founding. In late 1934, four women, members of the Marin Garden Club, were concerned that the projected 1937 completion of the Golden Gate Bridge, by connecting Marin to the San Francisco "mainland," would bring a deluge of people and their cars and soon overwhelm the county's natural beauty. These "green pioneers" – Caroline Livermore, Sepha Evers, Helen Van Pelt, and Portia Forbes – determined not to let that happen. They joined together to enable



MCL co-founder Caroline Livermore.

a county plan to guide Marin's future growth. These leaders and others who joined them actively worked to acquire for the public's benefit many of Marin's most memorable places, like Mt. Tamalpais State Park expansion, Samuel P. Taylor State Park, Stinson Beach, Shell Beach and other beaches on Tomales Bay, Richardson Bay lands, Angel Island, the Marin Headlands, and Point Reyes National Seashore, to name only a few.

Later, MCL turned its attention to protecting the places that had been saved. For example, in 1966, MCL laid out "Mt. Tamalpais Use Criteria," principles for how the public could enjoy the mountain while preserving its natural beauty. In 1971, Harold Gregg, MCL's first Executive Director, pressed for a logging ordinance and stood in the path of logging trucks to save Bolinas Ridge (see below). In 1972, three MCL women initiated the massive citizen effort that led to the passage of the tax measure that created the Marin County Open Space District. Such tales are endless! MCL continues to support land acquisition, confront threats to Marin's natural resources

and biodiversity, and model good stewardship of Marin's environment.

For decades, MCL has worked to educate Marin's residents and decision makers about the conservation legacy of the county – how threats to its beauty and natural resources have been countered – and about current environmental issues such as climate change. This outreach continues today through MCL's "Walks into History," Business and Environment Breakfasts, its newsletter, and through informed advocacy on current issues at countless public meetings. [Look for more events](#) and information about MCL and Marin's conservation legacy in the coming months as we continue to celebrate our 85th anniversary. We believe that when a community cares about its environment and joins with others to protect it, its natural assets can be protected for future generations.

With gratitude for the past, present and future,

Linda Novy

Another noteworthy page from Marin Conservation League's 85-year history

by John Hart

The recent passing of Linda Gregg, noted poet and Marin County expat, reminds us also of her father, Harold, voice of the Marin Conservation League in the key years 1966-73 and environmental activist long before that.

Born in Petaluma in 1906, Harold got his BA in architecture from Berkeley and a masters degree in art education from Columbia. In the early 1940s he returned with his family to California, got to know the founding generation of the Marin Conservation League, and went to work for Mary Summers in the newly established Marin County Planning Department. While there, he learned of the opportunity for state purchase of the Taylor property on Lagunitas Creek and represented the county in lobbying, along with League co-founder Sepha Evers. When the state sprang for the land but not, initially, for staff,

the Gregg family stepped in and spent many months camping under the redwoods in Samuel P. Taylor State Park.

In 1944, Harold and his wife Frances opened the Forest Farms summer camp in Forest Knolls, known as the first such west of the Mississippi to welcome kids of both sexes and all races and nationalities in an art and nature-based curriculum. This policy raised eyebrows in the neighborhood and apparently beyond; daughter Susan remembers the day when federal agents appeared to arrest Harold, holding him for a couple of mysterious weeks.

The Gregg daughters, Chloe, Susan, and twins Louise and Linda, had childhoods that were unconventional, somewhat isolated, and by all accounts, idyllic. The appreciation of nature, a deep current in all the family, is reflected especially in Linda Gregg's earlier



Harold Gregg, Marin Conservation League's first Executive Director.

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Editorial

Electric bikes - why the ongoing debate?

Public “natural” lands are Marin’s great asset – home to abundant and diverse native plant communities and wildlife habitats. They also afford unequalled opportunities for public recreation, enjoyed by thousands every day. Complementing these natural lands are the county’s park and multiuse path facilities where recreation, including bike travel, happens in a largely urban setting. A current issue that bridges – and separates – the two involves the use of electric bikes.

Bicycles powered by batteries (e-bikes) are appearing with increasing frequency on local paved roads and multiuse paths, such as the Mill Valley-Sausalito Multiuse Path (MUP). Owned and managed by Marin County Parks Department, that is one of the most heavily used multiuse travel routes in the county. Some bike commuters from Marin to San Francisco have transitioned to e-bikes for a less rigorous ride. Other riders use them for errands as a “clean” alternative to their cars. Several local bike shops sell e-bikes – in fact, aggressively promote them – or rent them to tourists for day-tripping. Electric mountain bikes are also appearing on natural roads and trails in open space preserves, watersheds, and public parklands, where natural resources are sensitive to human intrusion. At this time, the rules for allowing e-bikes on any of these facilities are confusing to the public and still being clarified.

After extensive study, County Parks staff determined that electric bikes could be safely accommodated on the County’s paved MUPs and proposed revising County Code to permit e-bikes on paved MUPs, subject to posted speed limits and other applicable regulations. The staff reasoned that these facilities are regulated by the State Vehicle Code, which, since January 2016, no longer considers Class I, Class II, or Class III e-bikes as “motorized vehicles” but rather as “bicycles” assisted by a battery. Class I and II require pedaling and are geared to maximum speed of 20 miles per hour. Class III also requires pedaling but has maximum speed of 28 mph and carries some restrictions. Under State Code, the first two classes are permitted on any paved path that permits conventional road bikes to share with pedestrians and equestrians,

subject, however, to local owner discretion and speed regulations.

Confusion in the press

The County Parks and Open Space Commission recently recommended that the Board of Supervisors accept the proposed code revisions. The Marin IJ duly reported the action. Hearings before the Board of Supervisors are pending. A subsequent editorial in the IJ ([March 30, 2019](#)) mistakenly stated that the commission had recommended allowing electric bicycles on roads and trails in the county’s open space preserves. Not so! These lands are the county’s natural resource reservoirs where recreation is encouraged but protection of natural resources is a priority. Further, these lands are shared by a multitude of hikers of all ages, dog walkers, equestrians, as well as human-powered mountain bikes. They do not fall under the State Vehicle Code; rather, as Open Space District lands, they are regulated by a different County Code that does not permit electric bicycles.

MCL sent a [letter](#) to the IJ, correcting its garbled facts and reiterating MCL’s established position that no electric bikes should be permitted on any of Marin’s public open space, watershed, or state or federal parklands, except as required under ADA law. MCL is concerned that opening the door to a technology that will continue to advance in unknown directions has the potential to further degrade the natural resources that we share with wildlife and to overwhelm visitors’ experience of the natural world. (See [MCL March–April 2018 Newsletter](#).) MCL is continuing to advocate this position before both the County Board and the MMWD Board of Directors, who are being pressured to open the watershed to e-bikers, notably by older riders.



Two cyclists on Mill Valley-Sausalito Multi-use Path observe speed limits that are too-often ignored and rarely enforced.

Enjoy Mill Valley

Speed limits – not always observed and rarely enforced

MCL is currently considering the pros and cons of the County’s proposed code revisions for paved MUPs. Those advocating for alternative, carbon-free transportation, favor electric bikes as a convenient option. Others caution that even under current use by conventional road bikes and with abundant signage, speed limits of 15 MPH (10 in congested areas) on MUPs are neither observed by many nor enforced. Without consistent enforcement, the addition of e-bikes with a speed range up to 20 MPH could exacerbate the risk of serious accident that already exists. MCL will continue to study the issue at least into May, 2019, before taking a position.

Nona Dennis, Editor

Putting a price on carbon

by Doug Wilson

On Friday morning, March 22nd fifty people filled MCL's large meeting room to discuss how to put a price on carbon. In the centuries since the Industrial Revolution human society has allowed industries to dump carbon dioxide (CO₂) freely into our atmosphere. A consequence of that buildup of greenhouse gases (GHGs) is a changing climate with its associated damages and costs to society and our environment.

Thus a burning question we face is how to effectively and rapidly limit our carbon emissions – and how to pay for it?

There is broad agreement that among the most effective ways to limit these emissions is to put a price on them. If the major sources of fossil fuel emissions are required to pay an increasing amount per ton of (mostly) CO₂ that they emit, they will be motivated to curtail or cease emitting. According to a New York Times article (April 5, 2019), the idea of putting a price on CO₂ emissions to help limit climate change has been spreading gradually around the globe for the past two decades.

How to price carbon emissions?

The Carbon Pricing Round Table in March was a collaboration of MCL with Sustainable Marin and other climate-active community groups. Opening presentations focused on the two primary mechanisms for pricing carbon. Chance Cutrano, member of the Sierra Club's National Climate Adaptation Task Force, described both the Cap-and-Trade model, a version of which California and several other states and countries have in place, and the Fee and Dividend model, embodied in a bill currently before Congress. He outlined some values and considerations essential in designing an effective pricing measure and then drew lessons from the carbon pricing experience of Massachusetts, California, Canada and Australia.

Cutrano explained that methane, NO₂, and hydrofluorocarbons, all greenhouse gases, are included in carbon pricing, with their GHG potency measured in an equivalent amount of CO₂ (for example, methane is 10 to 28

times as harmful as CO₂). He made the point strongly that all parts of society will not be affected equally by a changing climate, and that equity concerns must not be neglected. Not only are poorer populations more vulnerable to changes, but they spend a much higher proportion of their income on basic needs such as energy and water than do wealthy populations.

The Cap and Trade model, he explained, puts a definite cap on total emissions, usually for an industry, then allows businesses to buy and sell allowances to "pollute" (i.e., emit CO₂). A business which upgrades to cleaner production may thus have surplus allowances to sell to another business that is less able or willing to upgrade. As the total cap on allowable emissions by all industries is reduced over time, the price of remaining allowances rises, thereby increasing motivation to reduce emissions. The Cap and Trade model has the advantage of certainty in predicting the amount of future emissions reduction, but can be complicated to administer and vulnerable to political pressures. It has the disadvantage of uncertainty for businesses in predicting the future price of carbon as they plan investments.

Two members of Citizen's Climate Lobby (CCL) then outlined the Fee and Dividend bill which CCL is championing – HR763, recently introduced in the House. David Kunhardt, Corte Madera Councilmember, and Jonathan Marshall, former Economics Page editor for the San Francisco Chronicle described how, in their view, the approach taken by HR763 would be the most effective for putting a nationwide price on carbon emissions.



A burning question: how to effectively and rapidly limit our carbon emissions – and how to pay for it?

The Fee and Dividend model, or carbon tax, puts a set fee on emissions and allows the actual emissions to vary according to decisions made by businesses. The fee is set to rise at a given rate over time, allowing industry to plan investments and strongly motivating it to reduce emissions. The plan is to apply the fee as far "upstream" as possible – at the mine or refinery or power generation plant – so as to simplify the bureaucratic task of administering fees and be as comprehensive as possible. Increasing fees would be reflected in the rising prices of consumer goods throughout the economy, which, in turn, would be offset by distributing a dividend to all citizens. Unlike Cap and Trade, this model can predict the future price of carbon but not the amount of future emissions reductions.

Underlying both models is the principle that the societal costs for polluting must be internalized in the production process. If carbon emissions are properly priced, the incentive should be to invest in preventing pollution – that is, to innovate.

Following the presentations, participants spent nearly two hours exchanging views and answering questions.

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Gregg from page 2

verse. Attending San Francisco State University in the 1960s, she met the poet Jack Gilbert and spent six years as his companion. The family recalls Jack, less accomplished as woodsman than as writer, breaking his back in a tree-cutting accident on the ranch. Linda and Jack soon left the area, spending years in Greece.

In 1966, the family sold the camp and Harold stepped up his conservation work, first as President and then as the first Executive Director of the League. The League's battles of the day included establishing local control of logging. Harold is reported to have lain down in front of logging trucks on Bolinas Ridge. Led by Harold, the League partnered with Peter Behr in the 1969 Save Our Seashore (S.O.S.) campaign to free funds in Washington for acquisition of properties in Point Reyes National Seashore.

It was a period of profound change in vision for the future of West Marin. When Harold took the helm, the County's official plans still saw suburbia extending westward along several new freeways to blanket the hills from Stinson Beach to the Sonoma County line; by the time he left, the Supervisors were imposing the limits we know today, with the west devoted to farms and parks and urbanization confined to the 101 corridor. We take this setup for granted now and forget the battle



Courtesy Gregg Family

Poet Linda Gregg is shown with her twin sister Louise, mother Frances, older sisters Susan and Chloe, and her father Harold.

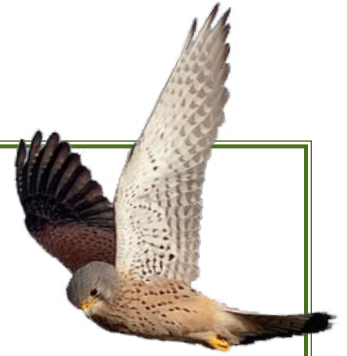
royal it took to put it in place. Harold was in the thick of it. At the end of 1973, Harold left MCL to take up work for the Trust for Public Lands in southern California. He died in 1980.

On her return from Greece, Linda's career developed mainly in the East; her delayed first book, *Too Bright to See*, appeared to acclaim in 1981, followed by many more and by numerous awards. She has been praised by the likes of W. S. Merwin, Czeslaw Milosz, Joseph Brodsky, and Gerald Stern. Her poetry was lauded as 'taut and vivid' in a recent New York Times obituary.

Of the four Gregg daughters, Louise and Susan still live in the area, and a granddaughter and family occupy the four-acre remnant of the original Forest Farms Camp in Forest Knolls. Harold's legacy lives on in the annals of Marin Conservation League and is surely reflected in the County's visionary 1973 Countywide Plan.

SKYLORD

*For Harold Gregg
(1906-1980)*



The small hawk flutters fiercely upright, shivering with great energy to stand so in air over hills and their declivities. Hunting mole, mouse and whom. Ally of wind, owner of sky, elegant lord embracing what is known and not known. A magnificence over us which plunges for small life to eat. Dear gods, you are dependent on the mouse that lives with the hill's heartbeat and knows more, much more by far, than your invisible school of latitude and longitude. You must study by compression of patience movement between eyelids blinking. Must learn racing between two heartbeats. And it takes you a long while and humility and failure. Each time you come close we look in awe of you that the sky too has its stomachs to feed and must come down to us and learn our ways. For you do. With splendor and work you learn how to kill and take what you must while the salmon rot after spawning in rain and in clarity. As we learn hovering and density from your necessity. We learn from you joy in the ground as you raise each prey in your claws from the dear lost earth.

Linda Gregg © 1981

Events

Celebrating and empowering Marin's environmental youth leaders

by Nancy Benjamin

Often in the past MCL has presented a Youth Award for Environmental Leadership to a deserving high school student at its Annual Dinner, along with the other awards for environmental achievement. This year, MCL received an unusual number of nominees for the Youth Award. All of the nominees excelled in environmental leadership showing boundless enthusiasm and dedication. As MCL marks its 85th anniversary, we decided to recognize one outstanding nominee at the April 5 Annual Dinner and to acknowledge each of the other students with a certificate of outstanding achievement at a second event on May 10.

Lori Gerstenfeld, a senior at Redwood High School, was presented with MCL's Youth Award for Environmental Leadership on April 5 for her extraordinary achievement in promoting community awareness, engagement, and environmental activism. Lori was nominated by Joe Stewart, teacher of Environmental Science and Sustainable Agriculture at Redwood High and advisor to Lori's Environmental Action Club (EAC).

Lori is deeply interested in environmental justice issues, such as air quality and healthcare access for California fire victims. She is also engaged in the Green New Deal / Sunrise Campaign and green transportation. Lori has organized Redwood's "Bike to School Day" and "Sustainability Week" and is committed to waste reduction and campus-wide composting. She has participated in Marin's Youth Climate Change Summit, an event designed to expose Marin middle and high school students to climate change impacts and ways to make a difference. Working with the Global Student Embassy, Lori participated in a community outreach project to restore and monitor marsh conditions. As a Richardson Bay Audubon intern, she conducted independent research, sampling and analyzing water quality from Piper Park Marsh. She is currently working to connect the Global Student Embassy fellowship with Pickleweed Kids Club, an after-school enrichment program

designed to bring appreciation and respect for nature to elementary school students in the Canal neighborhood in San Rafael. In the fall, Lori will attend Northwestern University to study environmental engineering.

Lori's fellow nominees for the Youth Award for Environmental Leadership are equally impressive and will be featured at [MCL's Business-Environment Breakfast on May](#)

[10, 7:30 – 9:00 a.m.](#), at the McInnis Park Clubhouse. Please join us to honor **Zachary Baum** (Marin Academy), whose research was used by the County's Bay Waterfront Adaptation and Vulnerability Evaluation (BayWAVE) steering committee and County staff to provide ongoing assistance to the County in planning for sea level rise. **Zoe Vavrek** (Drake High School) participated in One Tam's "Linking Individuals to their Natural Communities" (LINC) high school internship program and works with Fibershed. **Lucy London** (Marin School of the Arts at Novato High School) was a guest speaker at the North Bay Climate Conference at the Buck Institute last fall and opened Environmental Forum of Marin's recent program, "The Green New Deal: A Game Changer?" on April 23. **Camilla Taylor** (San Domenico School) lives in Pt. Reyes Station and advocates for local farming and sustainable practices as part of her work with 4H and MALT. **Milo Wetherall** and **Luci Paczkowski** (San Domenico School) co-founded Generation Our Climate, successfully advocated for the "Deep Greening" of all Marin municipalities,



Roger Harris

Lori Gerstenfeld, right, accepted the 2019 MCL Youth Award for Environmental Leadership at MCL's Annual Dinner April 5. Pictured with Carole Mills, aide to Senator Mike McGuire, far left, and MCL President Linda Novy, center.

and testified at the Bay Area Air Quality Management District on capping CO2 emissions from oil refineries. **Ben Hodgson** (Marin School of Environment Leadership (MSEL) at Terra Linda High School) worked with WildCare and Marin Sanitary Service. **Ana Ostrovsky, Cameron Evans** and **Eleanor Huang** (MSEL) all served on San Rafael's Climate Change Action Plan working group. Ana spoke at the Marin Sustainable Enterprise Conference, Marin Women's Hall of Fame Gala, Youth and Action Leadership Film and Speaker Series, and on the TAY Radio Earth Day Show. Cameron spearheaded the iMatter Youth Movement climate scorecard for San Rafael sustainability and presented the program at the first Drawdown Marin program. Eleanor was on a panel at the 2018 Global Climate Action Summit last fall.

We are inspired by these remarkable students' vision and know they will confidently face challenges with compassion and creativity to make our planet an even better place.

Events

Annual Dinner recap



Above: Celebrating the night, from left to right, David Lewis, Sally Gale, Jeff Stump, Leslie Ferguson, awardee Jeff Creque, Torri Estrada, awardee Rebecca Burgess, and Nancy Scolari.

Below: Ted Wellman Water Award recipient Beth Huning, left, with Meryl Sundove.



Keynote speaker Michael Wall, Co-Director of Litigation, NRDC

For more photos, visit MCL's Facebook page: facebook.com/marinconservationleague



Left: MCL President Linda Novy, Judy Teichman, Peter Behr Lifetime Achievement awardee Don Dickenson, Doug Lee.

photos by Roger Harris and Kirsten Nolan

Business-Environment Breakfast: Friday, May 10

Our BHAG: Why a Carbon-Neutral Dairy Farming System is Needed by 2022



Speaker: Albert Straus, Founder/CEO of Straus Family Creamery & Organic Dairy Farmer



When: Friday, May 10, 2019 7:30am - 9:00am

Where: McInnis Park Clubhouse, 350 Smith Ranch Rd., San Rafael

Register: www.mclstraus.eventbrite.com or call 415-485-6257

\$15 members/ \$20 non-members: Tickets include buffet breakfast.

Generously sponsored by the Marin County Farm Bureau.

Albert Straus is a leader in sustainable organic farming practices. He has invested in climate-positive dairy practices at the Straus Dairy Farm such as carbon farming, anaerobic (methane) digesters, renewable energy, on-farm composting and electric farm vehicles. Join us to learn more about their Big Hairy Audacious Goal!

Quarry *from page 1*

from lead agency “permitting” requirements, but they are not exempt from obtaining reclamation plans and financial assurances for all lands disturbed by mining activities since 1976.

In 1982, the Basalt Rock Company amended its reclamation plan, indicating that mining operations would likely cease in a decade or so. The County adopted the plan and rezoned the quarry from Industrial to Commercial/Residential. The quarry thus became a “legal nonconforming use,” which restricts its expansion and intensification of use. In anticipation of the quarry’s expected closure, several San Rafael neighborhoods surrounding the quarry were allowed to grow.

The Dutra Group, whose business began in 1904 to construct and maintain the Delta levee system, purchased SRRQ in 1986, and quickly increased the scope of operations. By the early 1990s, complaints were mounting. In 1996, the Bay Area Air Quality Management District (BAAQMD) cited the multi-million-dollar expansion done without permits. In 2000, the County’s Department of Public Works (DPW) cited multiple violations, including increasing the depth of the mining pit, ignoring the date for termination of mining, and significantly increasing truck traffic. Additional investigations revealed violations of air quality standards.

State designated resource

SRRQ is designated as an important state resource by the State Mining and Geology Board. It is the only waterfront mining operation in Northern California which enables transporting materials via barge to destinations in the Delta or along the coast. Quarry materials range from large rocks (“rip-rap”) to crushed drainage rock. Operations also include an asphalt batch plant. Thousands of tons of quarry material have been used in construction of the SMART rail, and recently, to repair Highway 37 and in Marin General Hospital renovations. According to Dutra, the quarry provides materials for approximately 90 percent of local Marin County projects.



Light Hawk Conservation Flying

The San Rafael Rock Quarry is the only waterfront mining operation in Northern California and is designated as an important state resource by the State Mining and Geology Board.

Community watchdog: Point San Pedro Road Coalition

The Point San Pedro Road Coalition (Coalition) was formed in 1999 to protect the environment and to safeguard the health of the community. It was inspired largely by complaints generated by the operations of SRRQ. In 2001, the year of the Grand Jury’s report, the Coalition, other neighbors, the County of Marin, and the State Attorney General sued SRRQ for operating beyond the scope of its legal nonconforming use status. The suit challenged SRRQ’s right to continue mining.

In 2004, the Marin County Superior Court found that SRRQ had a vested right to continue surface mining, but required the quarry to amend its reclamation plan in compliance with SMARA and to comply with interim operating conditions. An Environmental Impact Report (EIR) also was required by the County. After much negotiation, the Board of Supervisors (BOS) approved the Amended Reclamation Plan in 2010 with 172 Conditions of Approval that responded to neighbor complaints and impacts on air

quality, noise, seismic activity, biological resources and marsh restoration.

SRRQ’s Amended Reclamation Plans for reuse, once mining operations cease, envisioned 350 residential units, office and commercial space, a yacht club, and a marina on a lagoon to be formed by breaching the side of the quarry and flooding it with bay water. Ultimately, however, land use on the reclaimed site will be governed by the Marin Countywide Plan and the San Rafael General Plan. The present Operating Permit expires in



The Dutra Group

According to the Dutra Group, the quarry provides materials for approximately 90 percent of local Marin County Projects.

Quarry *from page 8*

2024 and allows mining to a depth of 400 feet below mean sea level.

Recent events

In 2013, the BOS approved an amendment to SRRQ's operating permit to allow the quarry to collect pavement "grindings" from Marin road projects, stockpile them at the quarry, and recycle them into asphalt products. The Coalition successfully sued both SRRQ and the County, contending that the importation of the asphalt grindings was an impermissible expansion of operations. The District Court of Appeals affirmed that these activities did constitute an impermissible expansion of a nonconforming use. The Coalition stressed that although it supports recycling and reducing greenhouse gas emissions, the ruling is an essential protection to the surrounding neighborhoods.

Other issues followed. In 2016, San Francisco Baykeeper, under its Bay-safe Industry campaign, sued SRRQ for discharging polluted storm water into the San Francisco Bay in exceedance of EPA standards. SRRQ has made improvements, but Baykeeper continues to monitor storm water. The quarry was recently required to enlarge its sediment basins for additional settling of pollutants prior to discharge.

During the summer of 2018, after years of delay due in part to the discovery of the federally-listed red-legged frog on the site, SRRQ began reclaiming seven acres of its northeast quadrant. Up to 150,000 tons of material will be moved during grading and a berm built to screen neighbors from noise and dust. The work will continue in 10-week periods over consecutive summers, during which times air quality will be monitored to ensure compliance with state and federal standards. SRRQ also began removing nonnative plant species in the on-site marsh as part of its 2012 Marsh Restoration Plan.

Application to extend mining

In an action that caught many by surprise, SRRQ recently applied to the County to amend its reclamation plan and permit to continue mining for an additional 15 years, through the year 2039. The allowable depth of rock mined would not change, but the reclamation would be phased over the longer timeframe.

If approved, a time extension would impact planning for reuse of the quarry site. It has long been contemplated that when the quarry ends operation, the property would be annexed to the City of San Rafael. The City is currently updating its General Plan 2040 and has requested major property owners who might apply for a General Plan Amendment in the future to consider the possibilities of major changes now, during the 2040 planning process. The Dutra Group has yet to respond.

SRRQ's requested time extension will likely require some new level of environmental review. Since the 2008 EIR was completed, conditions and legal requirements have changed, including SMARA regulations and CEQA Guidelines. The science and technology of mining and mitigating environmental impacts and measures for protecting the health and safety of neighbors have advanced. Traffic on 2nd and 3rd Streets in San Rafael has substantially increased and will be further impacted by the relocation of San Rafael's Transit Center and other downtown development. The County' has



San Rafael Patch

Community members queue to speak at the Board of Supervisors 2010 public meeting on San Rafael Rock Quarry's proposed amendment to its quarry permit and reclamation plan.

engaged a CEQA consultant to determine what is needed to update the 2008 EIR. Once the SRRQ agrees to fund the process, environmental review will begin.

MCL's concerns

MCL diligently monitored previous environmental review of quarry operations and reclamation planning. In anticipation of further amendments to the quarry's Reclamation Plan and operating permit, MCL supports a thorough updated review of environmental impacts under CEQA, with abundant opportunity for public comment. In addition, MCL shares the Point San Pedro Road Coalition concern that quarry reclamation activities, including marsh restoration, should not be delayed by an extension and must be backed by long-term financial assurances.

Correction: We would like to correct an error in the [MCL March/April 2019 Newsletter](#) article "Electric cars help slow climate change". The article stated, "The California Energy Commission reports that California drivers burned nearly 19 trillion gallons of gasoline and diesel in 2017 amounting to more than \$50 trillion in sales". It should read as billions instead of trillions.

Countywide Plan from page 1

continues to provide the County with a clear "blueprint" for the future.

Beginning with its precedent-setting 1973 Plan, Marin County has updated its Countywide Plan three times – in 1982, 1994, and, most recently, in 2007. A geographic organizing principle was set in 1973 when the 606 square miles that make up Marin County's land area were assigned to three environmental corridors: Eastern City-centered, Inland Rural, and Coastal. A fourth Baylands Corridor, long sought by the environmental community, was added to the 2007 Plan. The CDA has no plan to revise these designations. Furthermore, many sound policies for protecting the county's environmental quality and built environment have been carried forward and strengthened throughout the updates.

The 2007 Plan broke precedent with earlier plans with its forward-looking attention to climate change. It laid out an overarching theme of sustainability and incorporated sustainability into all aspects of the county's long-term growth, including habitat restoration, local food supplies, green building, green business, energy, transportation, and other conditions. Sustainability was the basis for calculating Marin's ecological footprint, inventorying greenhouse gas emissions, anticipating future sea level rise, and establishing long-term goals to reduce the County's environmental burden. While much new science and data are now available, the broad theme of sustainability is likely to continue to guide the Update. The 2007 Plan was also foresighted in including Environmental Justice in its scope. This is now a State-mandated element in all general plans.

What needs to be updated?

Assistant Director Lai foresees a limited although intense set of tasks to update the current plan. He briefly summarized the areas of focus.

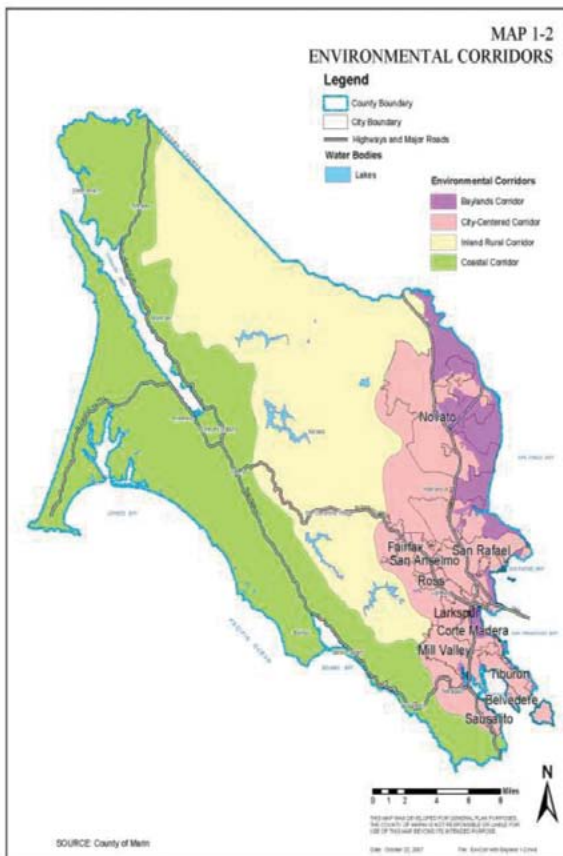
In general terms, some information and data used to support the 2007 Plan are no longer current. The upcoming 2020 Census will alter population and demographics statistics that could have a considerable impact on future funding of County programs. The rapidly evolving science of climate change will require updating scientific knowledge and data. Every section will need careful review to bring its data up to the present.

Legislation since publication of the 2007 Plan has added new requirements for general plans and will also affect how the Plan Update is reviewed under the California Environmental Quality Act (CEQA). After several years of extensive review, the State Office of Planning and Research (OPR) published revised General Plan Guidelines in 2017, the first major revision of these guidelines since 2003. Under the revised guidelines, climate change continues to be a high priority for any general plan update.

SB379 (2015) added a number of specific requirements related to climate change, planning for adaptation to sea level rise, and resiliency to other effects of climate change. These can be included in the general plan's Safety Element or in a local Hazard Mitigation Plan and incorporated into the Plan Update by reference. The Plan update must address wildfire hazard as well as climate resiliency and flood hazard, citing the county's recent work in identifying vulnerable assets along both ocean and bay shorelines, and preparing for wildfire in the Community Wildfire Protection Plan.

A number of new housing laws will require attention when the County's Housing element is updated in 2022, among them the treatment of density bonuses. AB 2501 (Bloom) requires local government to adopt procedures, documentation, timelines, and other provisions for processing a density bonus application. It also brings into question what constitutes "maximum density" for

Continued on page 11



With the addition in 2007 of the Baylands Corridor, the Plan Update will continue to incorporate the three environmental corridors adopted in the first countywide plan in 1973.

The 2007 Plan reorganized the mandatory general plan elements in previous plans into three broad elements: Natural Systems (biological resources, agriculture, hazards, and open space), Built Environment (housing, facilities, transportation, community development), and Socioeconomics (economy, education, health, arts and culture, environmental justice, and diversity). This organization will continue in the Updated Plan.

What is most likely to change is the process through which the 2007 Plan – launched in 1999 and finally adopted in November of 2007 – engaged the public. That program included four citizen committees and 115 public meetings, and involved more than 2,000 individuals. The level of public engagement was appropriate given the magnitude of the 2007 plan update. The engagement envisioned for the new update will be more reflective of the current budgetary climate and the more limited set of issues and priorities that the Update will address.

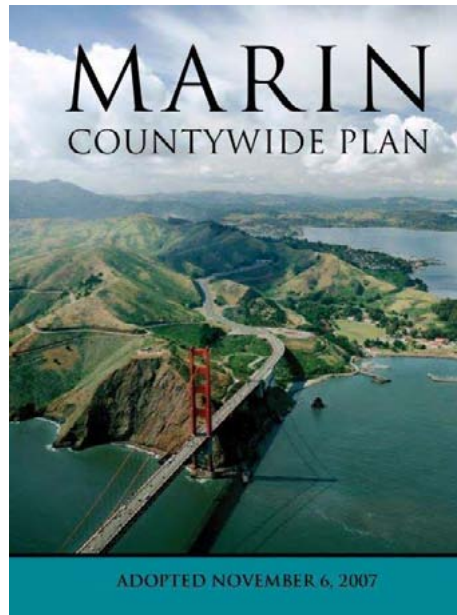
Countywide Plan from page 10

some sites – inclusive of density bonus or not? Other legislation could influence how CEQA is applied to high density housing proposals. This may or may not be relevant to the Plan Update and its CEQA review.

A particular focus of the 2007 Plan Update will be on drafting a stream conservation area ordinance, possibly in combination with a similar ordinance for wetlands. The ordinance would implement a key program in the 2007 Plan to strengthen the protection of the County's streams through zoning regulations that apply to development adjacent to streams. The CDA attempted to draft such an ordinance in 2013, but was hampered by a pending lawsuit. Lai suggested that a more holistic approach may be taken in this round – one that looks at streams and wetlands together in the context of watersheds as systems, and not as separate stream corridors and wetlands. It is also critical that policies adopted in the 2007 Plan are realistic when aligned with zoning districts that may vary among watersheds. Are the policies too ambitious? Substantial work accomplished in 2013 will inform this task.

Housecleaning tasks and new issues

The 2007 Countywide Plan was well organized, but it was overly ambitious in its promised implementation. The Plan identified a total of 741 programs to fulfill its goals and objectives. Of these, 281, or 38 percent, were the responsibility of the CDA, separated into high, medium and low priority categories. These include a variety of zoning actions, establishing standards or guidelines, modifying existing ordinances (e.g. tree ordinance), and studying the feasibility of future regulations (e.g., noise, assessing habitat fragmentation, or requiring LEED energy standard in non-residential buildings). These actions that were proposed will require a comprehensive review especially of those tasks that haven't been completed and their priorities.



The 2007 Plan incorporated sustainability into all aspects of the county's long-term growth. That theme is likely to continue in the Update.

What has not been done and why? Is it still important? The review should also examine the status of the 460 programs that were the responsibility of other county departments. Where do they stand in 2019?

Finally, new issues have arisen that may need attention in the Plan Update. The legalization of Cannabis as both medical and recreational substance raises a host of public health, environmental, and other considerations and challenges good land use principles. The advancement of the next generation of wireless telecommunications (5G) under federal jurisdiction cannot be avoided. The issue is how to retain local control and shape the permitting process, rather than ban installations outright.

Tom Lai's parting words were that the update process needs a disciplined approach, one that balances fiscal efficiencies with the open and engaging public process that the Marin public has come to expect. His hope is that, including CEQA review, the Updated Plan can be completed in less than five years.

Carbon from page 4

Questions raised

Details of the design for either model are critical. To be effective, the fee or cap can't be set too high or too low. Should flexibility in setting a cap or fee, or exempting certain industries be allowed for economic or political reasons? Question: What about competition from industries in countries that don't require a price for polluting? Answer: Tariffs will be needed on some imports to create a level playing field across borders. Countries wanting free access to US markets may be motivated to impose carbon pricing of their own.

The most extensive discussion, however, involved what should be done with the revenues received from either the cap or the fee; and what principles might be traded away in order to obtain any approvals in the present Congress. Kunhardt and Marshall emphasized the simplicity under the Fee and Dividend approach of distributing a dividend equally among all citizens (one share to every Social Security number, one half share to those under eighteen). They quoted George Schultz, Secretary of State under President Ronald Reagan, as saying: "If the government does not keep the money, it's not a tax." Such a scheme, they suggested, avoids wrangling over who gets how much and also is progressive because a thousand dollars will mean a lot more to a lower income person than to a rich one. Presumably this simplicity will also improve chances for passage in congress.

Other participants in the roundtable argued that revenues directed strategically to fund huge capital investments in emission technology might be more productive in reducing GHG emissions than distributing dividends. They also argued that revenue distribution should be "means tested" to be equitable. Even a low carbon tax could soon leave coal miners without jobs.

Finally, participants acknowledged that neither a carbon cap nor a fee can be effective in areas that are unresponsive to market forces. Regulation of carbon emissions, including performance standards, will continue to be needed, as will funding for research and development in innovative solutions to reduce carbon emissions.

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**Issue Committee Meeting Schedule
(subject to change—check website)**

Land Use and Transportation:

1st Wed. of the month, 9:00–11:00 AM

Parks and Open Space:

2nd Thurs. of the month, 3:00–5:00 PM

Fire and Environment Working Group:

2nd Mon. of the month, 1:00 PM–3:00 PM

Climate Action Working Group: 3rd Fri. of the month, 9:00 AM–11:00 AM

Agricultural Land Use: meets quarterly;

Water and Watersheds, North Marin Unit:

Check website for times and locations

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.

Editor: Nona Dennis

Design and Production: Kirsten Nolan

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Saturday, July 20, 2019