

They may not realize it, but these children, playing in Papermill Creek at Samuel P. Taylor State Park are following a decades-long tradition of family recreation at the Park, which was initially acquired for the State through the tireless efforts of MCL founder Sepha Evers.



Bob Grace

## Task Force to Create New Green Building Standards

by Bob Brown

On the initiative of the San Rafael Community Development Agency, Marin Green BERST (Green Building, Energy Retrofit and Solar Transformation) was formed earlier this year as a collaborative effort involving all cities and the County of Marin to reduce energy use in buildings. Energy use in constructing and maintaining buildings accounts for about one-third of all local greenhouse gas emissions. A Task Force composed of a city councilmember or planning commissioner from each jurisdiction got underway in June and is continuing to meet throughout the summer and fall with the objective of recommending a model green building ordinance for new construction and remodeling that can be adopted by each agency in the county.

The Marin Builders Association has been very supportive of mandatory green building requirements, but has become concerned about the great variation among the six jurisdictions that have adopted such ordinances. The development of standards and code requirements common to all jurisdictions in the county could provide both the building industry and local government with consistent specifications for building permit applications.

*Continued on Page 2*

## MCL Challenges Conversion of Bill's Trail at S P Taylor Park to Multi-Use

On June 24, the Marin District of California State Parks filed a Notice of Exemption (NOE) for a plan to convert Bill's Trail, a single-track trail in Samuel P. Taylor State Park, to multi-use, thereby adapting it for use by mountain bikes. This trail is currently used by hikers and occasional equestrians, and illegally by mountain bikers. The District had filed the NOE with the State on May 22, which triggered a 35-day statute of limitations for filing an objection. According to California Environmental Quality Act (CEQA) Guidelines, an NOE means that a project has already been approved and has no impact on the environment. There is no public comment period, and only a legal challenge can alter the decision. Marin Conservation League objected and was therefore forced to proceed with a legal challenge.

Bill's Trail is located within the 101-square-mile (Devil's Gulch and) Lagunitas Creek watershed, all of which is designated as critical habitat for two federally listed endangered species – coho salmon and steelhead. The watershed is already

the subject of rigorous studies to identify sources and to control soil erosion and sedimentation that currently impacts that habitat. Any expansion of trail use could potentially increase sedimentation into the creek system and must be carefully evaluated under applicable environmental law – in this case CEQA.

Consideration of a change in the use of Bill's Trail is a process that began several years ago and has continued with limited public input or environmental review. MCL first learned about plans for converting Bill's Trail when the Superintendent of Marin's State Parks held an open house public meeting on May 31, 2007, to consider the multi-use opportunities on four single-track park trails within the Marin District: two were in Mt. Tamalpais State Park, including Easy Grade between Bootjack Camp and the Mountain Theater; one at Olompali State Historic Park; and one in Samuel P. Taylor State Park – the 3.75-mile Bill's Trail that ascends Mt. Barn-

*Continued on Page 6*

### In This Issue—

President's Message—Page 2

Status Updates—Page 3

Upcoming Events—Page 4

Summer Event Round Up—Page 5

Meet Your Board Members—Page 7

## A Message from the

## President-



Recently we asked you to participate in a survey to help us learn more about you, our members, and to guide us in responding to your interests. Special thanks to those

who took the time to respond! The results are still in raw form and will be a subject of discussion when the board convenes in September. I couldn't resist a quick scan. Survey data are always informative, but the verbatim comments reveal true feelings and offer thoughtful observations. Of course, I particularly appreciated comments like: "MCL's values match my values for preserving the environment." Nice! We must be doing something right. On the other hand, one member suggests that we "Take a stand, fight for it, mobilize!" while another admonishes us to "be open to the ideas of the opposition and to others." These are actually complementary – and MCL tries to do both!

One comment in particular caught my eye. Responding to the query: "What in particular about the organization attracted you to join?" one member wrote: "Advocacy, even

when I didn't agree." A diverse membership will not always agree with board positions on environmental issues, and that makes for rich discourse! Nor does the board always agree. Had the MCL Board decided in 1977 not to heed the North Marin Unit, who disagreed with the Board, we might still have an operational airfield at Hamilton! We know that we may gain members and lose some when we take stands on controversial issues. The current issue of oysters in the wilderness of Drakes Estero, Pt. Reyes National Seashore, is a case in point (see [www.marinconservationleague.org](http://www.marinconservationleague.org) for "Marin Voice," Marin IJ, July 30, 2009). The passionate arguments on both sides reveal differences in philosophy as well as in interpretations of ecology, sustainability, law, politics, and history – there is no single "truth" as one critic suggested there should be. Although not all our own board members agree, MCL's position that commercial oyster production should give way to wilderness when Drakes Bay Oyster Company's current right of use and occupancy terminates in 2012 is based, in part, on the League's lengthy historical involvement along with other conservation organizations in molding policy in the Seashore. It is also based on the Park's legislative history, and in widely held commitment to the 1964 Wilderness Act, which does not permit com-

**UPCOMING EVENTS**

*9/19: Coastal Clean Up, see pg. 7*

*10/01: Business–Environment Breakfast: "The Delta Next Door," see pg. 4*

*10/17: Walk Into History #3 - Angel Island Founder's Grove Replanting, see pg. 4*

*12/04: Save the Date!  
MCL's Annual Holiday Party,  
4:00–7:00 pm at the MCL offices*

mercial operations within wilderness. From that position, we believe Senator Feinstein's "rider" bill runs counter to the wilderness system, here and nationwide.

Finally speaking, however, we are all advocates for the environment! From time to time, we will differ in what that means and how we get there!

*Rose Blinnis*

## BERST from Page 1

Energy consumption in buildings is not the sole concern of the BERST initiative. The Task Force is being supported in its efforts by a 20-member Technical Advisory Committee composed of experts in the fields of construction, architecture, energy efficiency, water conservation and other environmental factors, realty, and government. Marin Conservation League is being represented by Vice-President Roger Roberts. In addition, Tim Rosenfeld, MCL board member, is providing technical expertise in the field of energy efficiency.

The second focus of the Task Force will be defining the parameters for an energy retrofit program for existing buildings. San Rafael hopes to reduce energy use in existing buildings by 20% over the next ten years. The centerpiece of the program will be what is known as AB811 financing. This mechanism allows the use of assessment district financing for funding energy and water con-

servation improvements to existing buildings. An interested property owner could choose to finance such upgrades with no up-front costs for between 5 and 20 years, and pay for the improvements as a property tax assessment, which can be passed

### *San Rafael hopes to reduce energy use in existing buildings by 20% over the next ten years*

along to future property owners. When done correctly, the assessment would ensure that annual energy cost savings exceed the financing costs.

Other aspects of both the new construction model ordinance and the retrofit program which will be considered by the Task Force include supportive public policies, workforce development (e.g., for energy auditors and home performance contractors) and clarified administrative requirements. An educational session on AB811 financing programs will be held on September 30,

6:30pm at San Rafael City Hall.

The Green BERST Task Force should complete its recommendations by the end of 2009. The long-term significance of this effort in helping to reduce energy and other resource consumption cannot be overestimated. In addition, it should provide the building industry with welcome predictability and set new standards for green building in Marin County.

*Bob Brown is the Director of the San Rafael Community Development Agency*



# Status Updates

## IPM Ordinance

On July 21st, the Board of Supervisors adopted a new revised Integrated Pest Management (IPM) Ordinance and Policy that had been developed by the IPM Commission over the past three years. MCL supported the adoption, which will greatly improve the transparency and administrative accountability of the County's IPM Program. Among other provisions the Ordinance and Policy will require pesticide-free zones at all County public parks, playgrounds, and picnic areas; development of a list of pesticides allowed for use on County property; advance postings of planned pesticide applications by location; and a goal of 10% per year reduction of pesticide use based

upon product, pest conditions, and funding. The adoption

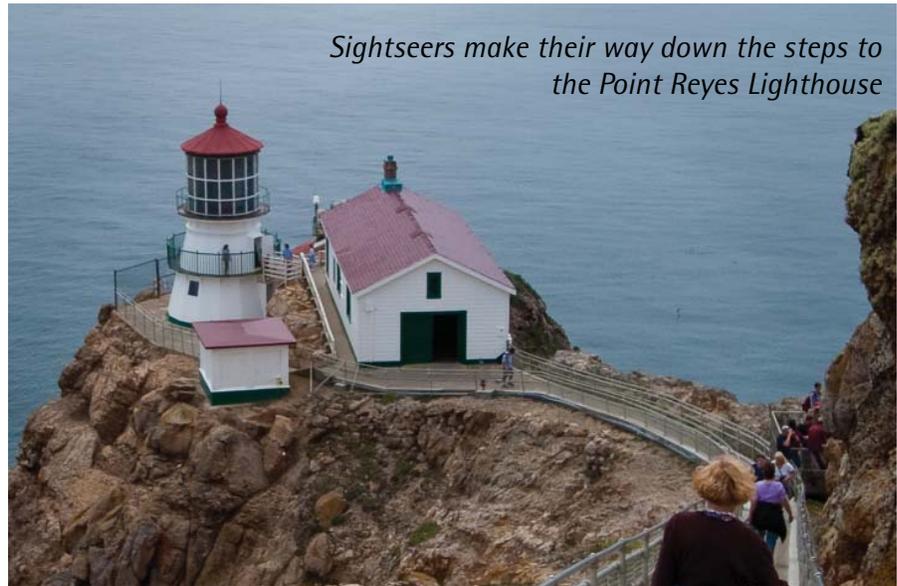
leaves several outstanding issues to be reviewed by a subcommittee

before IPM returns to the Board in September. For the

complete texts of the Ordinance and Policy see <http://www.co.marin.ca.us/depts/BS/Main/BOSagmn/ordinances/ord-3521.pdf>.

MCL's basic position is that Integrated Pest Management is the preferred method for abating plant and animal pests. It involves understanding pest biology, diagnosing damage, and selecting the most appropriate management tools. An IPM program does not necessarily eliminate pesticide use altogether; rather, it mandates that the least toxic measure be used where other non-toxic measures prove to be ineffective and that if a pesticide is used, it be applied according to "best management practices."

In approving the Ordinance, MCL also recommended that the IPM Commission be reconstituted, with an executive committee capable of making decisions; the position of IPM Coordinator be shifted to a different location within the county administration; and buffer zones be flexible and site-specific. MCL believes it is impractical to adopt a single pesticide-free policy for multi-use trails and paths, which often pass through different jurisdictions, different habitat and geographic zones and will require a variety of treatments, such as to eliminate invasive and fire-prone vegetation. Finally, if the new



*Sightseers make their way down the steps to the Point Reyes Lighthouse*

Bob Grace

revised IPM Ordinance and Policy are to be countywide, the Board of Supervisors, sitting as Boards for the Open Space District, Flood Control District, Community Service Areas, and the Marin Housing Authority, must also adopt a consistent Ordinance and Policy and adequately fund the program so that all site specific pest management plans can be established and regularly updated.

## Local Coastal Program

The Marin County Planning Commission is continuing the series of workshops that began in 2008 to identify issues and gain public input as Marin's Local Coastal Program goes through a long-overdue update. The LCP must be consistent with the California Coastal Act. Natural communities issues (wetlands, riparian areas, and other sensitive habitats) occupied two workshops in June and July, with a few outstanding issues remaining for a special meeting on August 24. The Commission's July 27 workshop in Pt. Reyes Station focused on agricultural issues. The meeting was well-attended by the West Marin farming community. Upcoming workshops will cover any carryover topics (September 28), and community development issues, including visitor serving uses, community design, and housing (October 26). MCL is collaborating with other members of the Community Marin group in submitting comments.

## San Rafael Rock Quarry

The long-awaited Board of Supervisors' first hearing on the Final EIR for the San Rafael Rock Quarry (SRRQ) is scheduled for August 25, too late for this Newsletter. However, it is likely there will be two more hearings, with the last one in early 2010. The project analyzed in the FEIR consists of two related actions: the permit to carry on the mining operation (Amended Surface Mining and Quarrying Permit; and the amended Reclamation Plan required for eventual closure of the Quarry. If, as appears likely, the Quarry is allowed to continue operating into the future (it has a vested right to do so), it must insure that there will be minimal impact on neighboring residents (e.g., noise, vibration, and dust from blasting and truck traffic). Impacts on adjacent Bay and wildlife habitats are also of concern. The San Pedro Road Coalition has voiced major objections to the FEIR and calls for a reduced alternative that would involve half the proposed daily truck trips (see [www.sprcoalition.org](http://www.sprcoalition.org)). MCL supports the Coalition's call for adoption of the "FEIR's Reduced Alternative with modifications."

## MMWD

On August 19, too late for press, the MMWD Board (now only four members) was scheduled to vote on a portfolio of water

*Continued on Page 7*

# Honor MCL Founders and Walk Into History on Angel Island

The celebration of MCL's 75th Anniversary continues with this event, the third of four free "Walks into Conservation History," which take MCL members into some of Marin County Open Space District (MCOSD) and California State Park lands MCL helped acquire for the public.

On Saturday, October 17, join us for a Day on Angel Island, and help honor the founders of Marin Conser-

*October 17*  
*RSVP to 415-485-6257*

vation League! MCL will particularly celebrate Caroline Livermore (the dedicated conservationist who led the campaign to create Angel Island

State park) by planting a new grove of native plants. We will also pay tribute to all the people who helped make Angel Island a State Park and explore the cultural and natural history of the Island.

The new grove will replace a group of four trees planted in 1974 on the occasion of MCL's 40th Anniversary. In the 35 years since, that grove has been overwhelmed by eucalyptus above and thistles below. The Park service has found a new location for "Founder's Grove" overlooking Ayala Cove and two benches will be placed on the site. An interpretive sign will signal the grove's presence and describe MCL's role in securing the island for the public's enjoyment.

To participate, catch either the 10:00 or 11:00 am ferry from Tiburon. If

you are coming from San Francisco, go to [www.blueandgoldfleet.com](http://www.blueandgoldfleet.com) or call 415-705-8200 for a schedule. Bring a picnic lunch and wear layers and comfortable walking shoes. Soft drinks and cake will be provided. The day's schedule: 11:30 to 12:30 Lunch; 12:30 to 1:30 Outdoor Ceremony and honorary planting; 1:45 to 3:30 *Walk into History*, led by Angel Island Association Docent and long-time member of MCL, Alan Miller. (The walk is on mostly level terrain). You may stay for some or all of the day's activities.

The return ferry to Tiburon departs at 2:20, 3:20, and lastly at 4:20 pm.

To reserve your place, call the MCL office at 415-485-6257 or email [mcl@marinconservationleague.org](mailto:mcl@marinconservationleague.org). Look for an announcement about the fourth and final walk of 2009 in the Fall.

## The Delta Next Door October 1 Business– Environment Breakfast to Focus on the Sacramento– San Joaquin Delta

The Delta Next Door is the timely topic for MCL's fall Business-Environment Breakfast, October 1, 7:30 to 9:30, at the Embassy Suites in North San Rafael. It is easy to think that because we in Marin do not get OUR water supply from the Sacramento-San Joaquin Delta it is not our concern. But, in fact, the Delta's problems are everyone's problems. The Delta is a system that must support multiple ecosystems – 40 percent of the state's watersheds drain into the Delta, through the San Francisco Bay and out to the vast Pacific Ocean. At the same time, the Delta's network of islands, sloughs and wetlands channels water to agriculture and municipalities that comprise two-thirds of the state, including much of the Bay Area. Everyone agrees that the system is profoundly broken.



*The four-person panel will include Assembly Member Jared Huffman and other experts on our water system*

Four experts representing diverse perspectives will give an overview of current proposals for repairing the ecosystem and bolstering the reliability of water supplies: Sixth District Assembly Member **Jared Huffman**, Chairman of the Assembly Committee on Water, Parks and Wildlife; **Greg Gartrell**, Assistant General Manager of the Contra Costa Water District, which delivers Delta

water to 550,000 people; **Cynthia Koehler**, Senior Consulting Attorney for the Environmental Defense Fund; and **Tina Swanson**, Executive Director of The Bay Institute.

To register, call **415-485-6257** or use the form on page 8. \$30 fee includes a full breakfast buffet. SPACE IS LIMITED, REGISTER TODAY!

Sacramento River Delta © Jason Gayman/istockphoto.com

# Picnic on the Porch and Walks Into History MCL's Summer Event Round Up

*Right: Hikers on the June 20 Walk Into History, led by County Parks and Open Space naturalist David Herlocker, start down the fire road at "North Ridge."*

*The second walk, on August 29 at Samuel P. Taylor State Park, was led by Barry Spitz and Jean Berensmeier and honored MCL co-founder Sepha Evers.*



Dru Parker



Jana Haehl

*Left: State Senator Mark Leno; below: Carla Bourque, Roger Roberts, Brett Powell and Ray Zerbe enjoy the grass-fed dogs and burgers on a beautiful day at the July 25 Picnic on the Porch.*



Jana Haehl

**THANK YOU** to these local companies for donations to MCL's annual Picnic on the Porch!

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## Bill's Trail

from Page 1

abe in the Devil's Gulch section of the park. "Multi-use" refers to trails that are open to all hiking, bicycling, and equestrian users. Parkland managers at all levels are receiving unrelenting pressure from the mountain bike lobby to open single-track trails to multi-use to meet the growing demand for this popular sport. As quoted in the Marin IJ in June, 2007, the Superintendent was hopeful that some, if not all four, proposals by Acces4Bikes, a Marin mountain bike lobbying group, could be implemented "...there's plenty of parkland in Marin to provide more trail access for bikers," he stated.

Conflicts among user groups all wanting to enjoy single-track trails are not new to the County. Park histories are full of episodes when proposed conversions to expanded use have prompted encounters, letters, public meetings, and so on. To minimize such conflicts, the proposal for Bill's Trail would allow bicycle use on odd-numbered calendar days, and hiker and equestrian use on even-numbered days, subject, of course, to adequate enforcement (Park rangers have been unable to enforce the current ban on bicycle use of trails such as Bill's.)

MCL submitted written comments following the 2007 meeting, emphasizing the need for the Park District to follow its own Trails Policy, which calls for examining the environmental impacts that might occur on soils, water quality, special status plant species, sensitive habitats, and other resources from expanded use of single track trails.

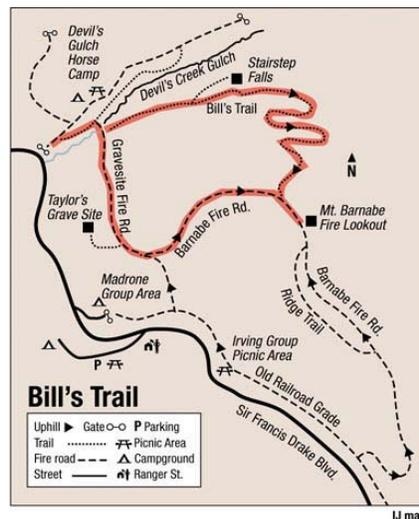
After the 2007 meeting, the District's planning process on Bill's Trail continued quietly. MCL learned only recently that in late 2007 and early 2008, park personnel had conducted surveys along Bill's Trail (e.g., "Trail Use Change Survey"; "Trail Log") to determine where and what alterations would be needed to adapt the trail to bicycle use. One such alteration would entail installing logs perpendicular to the slope, alternating from either side of the trail, creating "pinch points" at up to 100 locations to "mediate [bike] speed."

In the absence of any information on the status of planning, MCL, in February 2009, requested that documents be made available to the public and was told that they were still in draft form. Rumors abounded

but gave little indication of progress on the project.

Therefore, it was with some surprise that MCL received an e-mail from the Marin District on May 22 that a NOE for Bill's Trail Modification had been filed with the State CEQA Clearinghouse, citing two categories for exemption from environmental review. MCL believed that the NOE did not take into proper account the sensitivity of the location of Bill's Trail. According to CEQA Guidelines, a project that is environmentally insignificant in an ordinary area (and could therefore be exempt) may in a particularly sensitive environment, such as the Lagunitas Creek watershed, be significant and therefore not qualify for an exemption.

Environmental organizations were then faced with a 35-day window in which to file a petition that would require State Parks to



conduct further environmental review. Supported by other conservation organizations and with the help of environmental attorneys Shute, Mihaly & Weinberger – and after obtaining a field report from a professional hydrologist – MCL notified the California Department of Parks and Recreation (DPR) that the League intended to challenge the legality of the NOE as a violation of CEQA. Two days before the June 26 deadline, DPR responded by rescinding the project approval and NOE. The rescission eliminated MCL's need to file a formal petition, but not before we had run up considerable attorneys' and consulting fees. It was a difficult decision for MCL to threaten State Parks with a law suit, given MCL's long history of cooperation and significant role in securing these special lands for the public.

## 2008 ANNUAL REPORT CORRECTION

It has come to our attention that the list of MCL supporters published in the 2008 Annual Report omitted the following donors' names. We are very sorry for the error and thank all our supporters for your generosity. —*Dru Parker, Operations Manager, Jessica Grace, Operations Coordinator*

### \$100-\$249

Elizabeth and Robert Hart  
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It is MCL's position that, at a minimum, further planning on any of the trails considered for conversion should not proceed without environmental review under CEQA, as required by the Trails Policy outlined in State Park's Operations Manual.

By the time this Newsletter reaches readers, MCL and several other concerned organizations will have met with State Parks representatives on August 25 to discuss our differences and concerns. MCL certainly looks forward to working with Park personnel as they strive to balance the twin goals of protecting sensitive park lands while creating recreational opportunities that are suited to their location.

## Meet Your MCL Directors: Three of the Volunteers Working to Make a Difference!



**JANA HAEHL**, Corte Madera. Jana became politically active in the early 1970s. She was elected three times to Corte Madera Town Council, had two terms as mayor, was chair of LAFCO,

and served on various boards, commissions, and task forces over the years. A longtime MCL member and past President, Jana had key roles in various Corte Madera open space acquisitions and conservation efforts and represented MCL on the first Countywide Plan committee.

Jana joined Barbara Boxer's staff when Boxer was first elected to Congress in 1982, handled local press and environmental issues in the district until Boxer's Senate election, then managed special projects for the Senator until retiring in 1995.

A keen local historian, Jana has written a book on Corte Madera history and is a founder of the Corte Madera Community Center. She has been a resident of Corte Madera since 1963, and raised her two daughters in the town with her late husband, Jack, also a former MCL board member.

**MARJORIE MACRIS**, Mill Valley. Marge has been a professional city planner since the late 1950s and has served as planning director for both Marin County and Berkeley and as interim planning director for various other California cities. She is a returning MCL Board Member.

In the early 1970s, she guided the preparation of the Marin Countywide Plan, which pioneered the use of environmental principles in general plans.



She prepared the Berkeley Waterfront Plan, which assured preservation and limited development and was upheld by the United States Supreme Court.

In 1991 she received the APA Distinguished

Service Award, for career accomplishments and service to APA. She was inducted as a Fellow of the American Institute of Certified Planners in 2000.

She has taught various planning classes at UC Berkeley, and served as an officer in the American Planning Association, California Planning Roundtable, California Planning Foundation, and Sierra Club. She

is the author of *The Planning Commission and the California Dream*, Solano Press, 2004.

She raised two children, one now a planner and one an engineer, has run the Boston Marathon three times, and has also climbed Mt. Whitney.

**BRETT POWELL**, Mill Valley.

Brett grew up in Marin, and has always been passionate about protecting the natural beauty of the county.

Brett's professional background includes over two decades of leadership experience in sales, business development and alliances at leading technology companies. He is sharing this expertise in business and technology by leading the redesign of MCL's website.

He earned an MBA from the University of Washington and a BA from University of California, Los Angeles.

Brett lives in Mill Valley with his wife, Carla, two boys, Travis and Tanner, and their yellow lab, Stinson. He's an avid cyclist, runner, hiker, wild mushroom forager, and a member of CalTrout and Trout Unlimited.



## Status Updates

from Page 3

supply options for Southern and Central Marin, including a desalination plant. For results go to [marinwater.org](http://marinwater.org). The Board projects that existing water resources, even with rationing, will neither meet existing customers' water demand in a two or three-year drought nor accommodate growth. The recent Fryer report challenges several of MMWD's assumptions. Desalination is costly and energy intensive, and more water from the Russian River is environmentally unattractive. If the MMWD Board is truly committed to conservation, MCL believes it should have a chance to demonstrate its effectiveness before proceeding with desalination.

## Join MCL for the 25<sup>th</sup> Annual Coastal Cleanup, Saturday, September 19, 9 am–noon!

It's that time again! Last year, nearly 400,000 volunteers collected more than 6.8 million pounds of trash in 104 countries and 42 US states during the 2008 International Coastal Cleanup.

This year MCL will be coordinating cleanup efforts at 9:00 am from two locations: **the gazebo at Scottsdale Pond in Novato**; and at the main office at **1623-A Fifth Ave. (at F) in San Rafael**, where volunteers will then go to work at Mahon Creek and Starkweather Trail. Call 415-485-6257 for more information, or just show up with your hat, sunscreen and heavy shoes! Gloves and tools will be provided.



Dru Parker

**MARIN CONSERVATION LEAGUE  
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Periann Wood, Mill Valley

*Board of Directors meetings are held  
the third Tuesday of the month at 7:30  
PM and are open to all.*

**Staff:** Dru Parker, Operations Manager  
Jessica Grace, Operations Admin.

**Contact Information**

1623-A Fifth Avenue  
San Rafael CA 94901  
415.485.6257  
415.485.6259 FAX



mcl@marinconservationleague.org  
www.marinconservationleague.org

**Monthly Committee Meeting**

**Schedule** (subject to change):

*Land Use and Transportation:*  
1<sup>st</sup> Wed. of the month, 8:00 - 10:00 AM

*Parks & Open Space:*  
2<sup>nd</sup> Thurs. of the month, 3:00 - 5:00 PM

*North Marin Unit (NMU):*  
Call 415.485.6257 or see our website  
for meeting details.

*Meetings (except for NMU) are at  
1623-A Fifth Avenue, San Rafael*

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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**BUSINESS—ENVIRONMENT BREAKFAST: THE DELTA NEXT DOOR, OCTOBER 1, 2009**

**MARIN CONSERVATION LEAGUE REGISTRATION FORM**

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Phone: \_\_\_\_\_ Email \_\_\_\_\_

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*Ticket Price: \$30 per person  
Includes full organic breakfast buffet. Register by mail or at  
marinconservationleague.org by Sept. 24.  
Refunds given only if MCL cancels the event. Make checks payable to MCL, or pay total due by  
VISA or MasterCard. Mail to MCL, 1623—A Fifth Ave., San Rafael, CA 94901.*