Marin Conservation League NEWS

NOVEMBER–DECEMBER 2004

WHERE WE STAND

Vote for Congestion Relief, GMO Ban; Reject Lawsuit Restrictions

The MCL board has analyzed current ballot measures affecting environmental preservation, and recommends the following votes on Nov. 2:

NO Proposition 64: Limits on Private Enforcement of the Unfair Business Competition Law

Proposition 64 would severely curtail the ability of environmental groups and citizens to sue businesses that are damaging the environment.

The initiative, financed largely by big businesses, would amend key provisions of the state's 70-year-old unfair business competition law to permit only the California attorney general's office, local district attorneys, and people who have suffered personal injuries or financial losses to file suits charging companies with unfair or deceptive practices. In addition, individuals pursuing claims on behalf of others would have to comply with the more difficult and complicated requirements of class-action suits.

Currently, any citizen can use the unfair competition law to bring a suit against a polluter when public prosecutors opt not to (an increasingly frequent choice in these days of declining enforcement budgets). Over the years, advocates have successfully sued to enforce a wide array of health and environmental laws by arguing that violators obtained an unfair advantage in the marketplace by breaking state laws protecting water resources, air quality, consumer safety, and so on.

Weakening this law would deprive California citizens of an important enforcement tool at a time when public enforcement efforts are more and more limited.

MCL opposes Proposition 64.

YES Measure A: Traffic Relief and Better Transportation Act

The Transportation Authority of Marin's Measure A authorizes a half-cent sales tax in the county to fund a 20-year transportation plan designed to reduce traffic congestion.

The tax is expected to generate about $19 million a year. The plan would maintain and improve bus services, including special services for seniors and disabled people; fully fund and complete Highway 101 carpool lanes through San Rafael; maintain and improve roads, bikeways, sidewalks, and pathways; reduce school-related congestion; and provide safe access to schools. Plan expenditures would be subject to annual audits and review by an independent, 12-member Citizens Oversight Committee.

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Bolinas Plan Raises Gentrification Issue

The issue of gentrification of agricultural lands in West Marin is heating up over plans for an 84-acre parcel on the north side of Bolinas. The owners want to build a new 2,996-square-foot residence and a large garage, convert the former owner's home to a guest house, and make other modifications; the result will roughly double the total square footage of buildings on the property.

At a Planning Commission hearing in August, staff recommended approval in exchange for an easement designating the land primarily for agricultural operations. However, commissioners found problems with the draft Agricultural Conservation and Production Easement, Declaration of Restrictions, and Agricultural Management Plan accompanying the application. The vote was a 3–3 tie, and the hearing was continued to Oct. 25, when the commissioners will review revised documents.

As MCL pointed out during the hearing, one potential problem is that the documents say agricultural use will continue only as long as the present ranch manager (who lives in the existing house and keeps about 20 cattle on the property) works the land.

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From the Executive Director

Voting and Environmental Care Go Hand in Hand

Dear members,

I've got a four-letter word for you to remember on Nov. 2: VOTE!

In this issue of *Marin Conservation League News*, we've summarized the key environmental issues facing Marin voters in an effort to simplify what can be a daunting evaluation process and make it easier for you to cast votes for the environment.

Even citizens who care passionately about conserving Marin's natural treasures sometimes forget the critical role the electoral process plays in protecting the environment. In many ways, conservation begins at the ballot box. It is there that we take charge of our destiny by embracing the status quo or mandating bold new directions.

First, we elect officials who make funding and policy decisions that can affect Marin's environment for many years to come. Because of the disproportionate impact these leaders have, it is essential that they share our vision of a healthy and sustainable Marin.

Second, in some cases the ballot gives each of us a direct voice in determining environmental policies that will affect our lives on a daily basis. As detailed in "Where We Stand" (page 1), the November ballot contains three initiatives that could have a dramatic impact on Marin residents' quality of life. Please read up on these issues and take action.

An educated and engaged electorate goes to the heart of MCL's guiding principle: Encourage people and communities to practice environmentally responsible behaviors. For the reasons cited above, voting and environmental responsibility are inextricably linked. Each of us has a hand on the rudder that's steering Marin into the future. We must pull together to ensure that we head in the right environmental direction.

I'll see you at the ballot box Nov. 2!

Yours in conservation,

J. Scott Feierabend
Executive Director

P.S. By now you should have received your 2005 MCL membership renewal notice. Some of you have already responded—many thanks for your promptness and generosity. If you have not yet renewed your membership, please do so now. *Thank you!*

Bicycle Lights May Disturb Park Wildlife

MCL is investigating whether the high-intensity lights that bicyclists use for night riding have adverse effects on wildlife.

The lights are used by increasing numbers of mountain bikers and bike groups on public lands in areas that are otherwise unlit. Wildlife biologists say there may be evidence that high-intensity lights stress and interrupt wildlife during nocturnal activities.

Night riding is permitted on Marin County Open Space preserves, but not in state or federal parks or on Marin Municipal Water District lands. This inconsistency has created confusion among cyclists and added to the enforcement burden for the other agencies—a burden that MCL believes could be relieved by extending the ban.

Linda Novy, a member of MCL's Parks and Open Space Committee who serves on the Marin County Parks, Open Space, and Cultural Services Commission, has brought the issue before the commission.

Agency Profile: Marin County Open Space District

Ensuring that public policies preserve and protect Marin's environment is the heart of MCL's advocacy work, and we track the activities of myriad agencies and organizations—as well as partner with them—to accomplish this goal. This article is the first in an occasional series profiling the agencies that serve as stewards for roughly 160,000 acres of publicly owned land in Marin—almost half the 520-square-mile county. Understanding the roles these organizations play in managing this land is important if we are to help them preserve habitats and biodiversity, thereby enhancing the quality of life for Marin citizens—in the present and in the future.

The Marin County Open Space District (MCOSD), part of the Marin County Department of Parks, Open Space, and Cultural Services, manages 33 preserves totaling more than 14,000 acres. Voters created the agency in 1972; its mission is to "enhance the quality of life in Marin through the acquisition, protection, and responsible stewardship of ridgelands, baylands, and environmentally sensitive lands targeted for preservation by the Marin Countywide Plan."

The District is governed by the Parks, Open Spaces, and Cultural Commission and a five-member board of county supervisors. It's funded primarily through property taxes (just under 1 percent of all property tax revenue goes to the MCOSD), as well as special taxes, assessments, grants, and donations.

The MCOSD's focus is on protecting and preserving open spaces while accommodating low-impact visitor access and recreation; its 25-plus staff members work on land acquisition, land and trail maintenance, development proposal reviews, habitat restoration and management, education, and resource planning, among other responsibilities. The District partners with other agencies at the federal, state, and local levels, as well as nonprofit organizations. It also has a volunteer corps that assists with restoration and maintenance projects.

Public Input Opportunities MCOSD provides ample opportunity for public input and is responsive to citizens as well as nonprofit groups. For instance, the MCOSD's biggest current initiative is the review of its 30-year-old land management policies, which are in the final revision stages after many months of workshops and meetings to gather public input. MCL is helping to shape those policies though the public-input process (see page 5 of the May-June issue for more); MCL also is tracking the district's draft management plan for the Cascade Canyon and White Hill preserves and the possible Bolinas Lagoon restoration.

The District's Web site (www.marinopenspace.org) has agendas and reports for commission meetings, board of supervisors meetings, and special committee meetings; all are open to the public. You can "subscribe" to these pages to receive an e-mail notice when the District updates information.

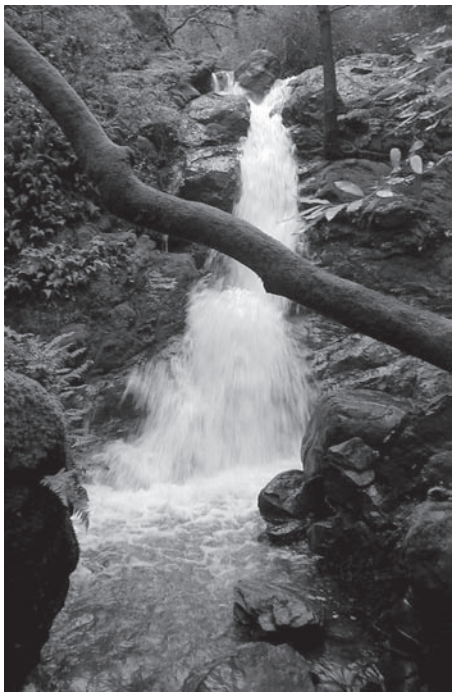

PHOTO: MARIN COUNTY OPEN SPACE DISTRICT

Cascade Canyon, in the hills above Fairfax, is one of 33 open space preserves under the Open Space District's management. The 500-acre site encompasses Cascade Falls, a variety of habitats, and unusual native plants.

MCL Endorses Measures A and B, Recommends No on 64

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Congestion relief and improved transportation alternatives are essential to Marin's environmental health and quality of life. These strategies would improve traffic circulation and transit in the developed areas of the county and thus reduce expansion pressure on open and less-developed areas. Measure A would support significant progress on these fronts, and ensure that the tax money is wisely spent. MCL recommends that you vote yes.

YES Measure B: Ban on Growing Genetically Modified Organisms

Marin County's Measure B would make it illegal to grow genetically modified organisms (GMOs)—plants and animals produced by inserting genes from one species into another—in the county, except for medical research and treatment.

The environmental effects of introducing these organisms are unpredictable and inadequately studied. GMOs pose a number of potential dangers to Marin's environment and agricultural economy. Among them: GMO pollen drift could contaminate Marin's traditional farms, compromising their economic viability because GMO-infested fields could no longer be considered organic, and many export markets and food suppliers will not accept genetically modified products.

GMOs could also displace native plants and animals, wreaking havoc on the ecosystem. And the long-term effects of GMO consumption on human health are unknown.

Because of the risk of serious—in some cases irreversible—harm from GMOs, MCL supports Measure B.

Issue Watch

Loch Lomond Development Should Protect Wetlands

MCL is working to make sure proposed development at the Loch Lomond marina site on San Pedro Point in San Rafael will provide adequate protection for baylands and wetlands and preserve the site's current emphasis on recreational use, and will not add to the city's traffic congestion problems.

While the site is a relatively underutilized area that the city believes needs development, the proposed plan—which includes 88 new housing units, a two-story facility for the harbor master, a minimarket-type retail store, and other facilities—provides no protective buffer zone between development and the wetlands along the eastern edge of the site and de-emphasizes the site's current recreational use. It also would eliminate the neighborhood's sole grocery store in 2013, forcing residents to drive to the Montecito shopping district. MCL estimates that the new project and loss of the market could generate up to 1,000 additional trips per day in an area already suffering traffic congestion problems.

The city's Planning Commission and Design Review Board rejected the developer's latest application in early September on the grounds that it is incomplete and the necessary traffic study is not finished. Additionally, the commission said, the proposed plan does not meet the development criteria or land-use goals in the city's General Plan, and does not respond to the need for a vibrant neighborhood commercial center.

Loch Lomond neighbors, concerned about the density of the new housing, are also opposed to the proposed development plan.

"It's early in the process, but these are formative stages," notes Roger Roberts, the member of MCL's Land Use Committee who is tracking the issue. "We want to make sure our concerns are addressed."

Report Lists Options for Reducing Parklands Traffic

A preliminary range of options for remedying traffic congestion and providing transportation alternatives around Muir Woods National Monument, Tennessee Valley, Muir Beach, Stinson Beach, and Mt. Tamalpais State Park is slated for release Nov. 16.

The document is being drafted by the Technical Advisory Committee Comprehensive Traffic Management Plan (CTMP) for Parklands in Southern Marin, a coalition of agencies and organizations, following months of input from the public and the Marin Advisory Committee. It will be available for public review through Dec. 15; on that date the CTMP will receive public comment on the alternatives.

Among MCL's chief concerns are that plan elements proposed so far have focused on meeting increased demand rather than controlling it, and proposals do not include data on how much capacity the parks can sustain before the visitor experience and environment are degraded. MCL will continue to advocate for solutions that would reduce congestion, not merely prohibit its growth; ensure adequate protection for natural resources; and eliminate illegal parking, which degrades habitat.

Following the public meeting in December, the alternatives will be compiled for an environmental impact statement and report; the CTMP plans to present the draft EIR/EIS to the public in spring 2006. For information go to: www.ctmpmarin.com. Current documents are posted under Public Workshops.

Corrections

In the July-August issue, the cover story, "Deeply Flawed Watershed Plan Needs Scientific, Public Input," should have identified the Marin Community Development Agency as the author of the plan. The article erroneously identified the Marin County Open Space District as the plan's creator.

In the September-October issue, "Nature Notes" indicates that salt marshes form where fresh water meets the San Francisco Bay. This is incorrect; salt marshes may form at any sheltered portion of the shoreline. The error was introduced during the editing process.

We apologize for the errors.

NATURE NOTES

Reading List: Books for Nature Lovers

Are you looking for a good book to curl up with on a winter evening? Do you have a nature-loving reader on your holiday gift list? Here are some books with environmental themes that MCL board members love. Most titles are in print; those that aren't may be available online or from used-book stores.

How the Other Half Dies: The Real Reasons for World Hunger by Susan George (Rowman & Littlefield, 1977)
In Patagonia by Bruce Chatwin (Penguin Books, 2003/1977)

"Both books were big influences when I was writing my rainforest book. They're about as different as can be, but I was moved by Susan George's outrage at injustice and the wealth of detail she raked up to show how policies and institutions create food shortages in developing countries. And I was inspired by Bruce Chatwin's storytelling and the way he brought in history, science, and folklore to make a place and the people who live there come alive."—*Catherine Caufield*

(Editor's note: Catherine Caufield's own book is In the Rainforest: Report from a Strange, Beautiful, Imperiled World *(Knopf, 1991/1985).*

Mount Tamalpais: A History by Lincoln Fairley (Scottwall Associates, 1987)
Saving the Marin-Sonoma Coast by L. Martin Griffin (Sweetwater Springs Press, 1998)

"What I especially like about these two books is that they describe in detail the kinds of advocacy, persuasion, and negotiation that were necessary to preserve and protect two of Marin's most precious natural areas. We can all learn so much from them about how these things are accomplished."—*Jana Haehl*

Edible and Useful Plants of California by Charlotte Bringle Clarke (University of California Press, 1977)
Beautiful Swimmers: Watermen, Crabs, and the Chesapeake Bay by William W. Warner (Back Bay Books, 1994/Penguin, 1977)
The Log from the Sea of Cortez by John Steinbeck (Penguin Books, 1995/1941)

"I recommend *Edible and Useful Plants* because it is informative on the

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Novato Considers Green Building Rule

The Novato City Council has directed staff to develop a proposal for a green building ordinance. The move is part of the city's ongoing effort to address construction-related environmental issues: Novato recently enacted an ordinance setting recycling and reuse requirements for construction and demolition projects, and in 2003, at MCL's urging, it enacted the county's most stringent ordinance regulating building on hillsides.

MCL has sent a letter to Mayor Pat Eklund and the City Council recommending that the city consider adopting a green building policy in accordance with the guidelines in the *Community Marin 2003* report and Marin County policies. Novato, as MCL points out in its letter, has many opportunities to apply green building practices in the near future, as projects such as City Hall, the Olive & Redwood project, and further commercial development at Hamilton Field get under way.

Community Marin's recommendations for green building include: require new developments to incorporate energy efficiency and other resource conservation measures, such as compact development patterns that promote efficient use of fuels and energy; maintain natural landforms and use existing landforms in siting and landscaping; incorporate on-site renewable energy technologies, such as solar, when feasible; use recycled or renewable materials; and encourage use of resource-conserving materials and construction technologies.

The city expects the ordinance proposal to be completed in October.

Compromise on Shoreline Park Facility

MCL has reached a compromise with the developer of a planned mini-storage facility adjacent to Starkweather Shoreline Park in San Rafael.

MCL believed the proposed new building was too massive for the site on East Francisco Boulevard adjacent to South Pond and set too close to the shoreline. Board members Jean Starkweather, Roger Roberts, and Don Dickenson met with facility manager Len Nibbe during the summer to address those concerns.

As a result, the developer has agreed to reduce the footprint and mass of the three-story structure by splitting it into two buildings, increase the setback from the bay from 50 feet to 70 feet, and modify the roofline so it fits better with the park surroundings. When the building is constructed the developer will also extend the shoreline path at the site and provide landscaping.

Reading List: Our Book Picks for Nature Lovers

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early uses of plants by the Indians and early pioneers. The other two I love simply because they are beautifully written, speak of man's place in the scheme of things, and are complete studies of their subjects."—*Roger Roberts*

Gardening with a Wild Heart: Restoring California's Wild Landscapes at Home by Judith Larner Lowry (University of California Press, 1999)

"This is a favorite nature book of mine by a writer who lives in Bolinas. It's for people who love plants and gardening, and want to add natural features to their own garden."—*Jean Starkweather*

The New Economy of Nature: The Quest to Make Conservation Profitable by Gretchen C. Daily and Katherine Ellison (Island Press, 2002)

"Katherine Ellison, who lives in San Anselmo, is a beautiful writer and a Pulitzer Prize–winning investigative journalist; Gretchen Daily is a Stanford ecologist. Their book, as Paul Hawken succinctly states in his jacket blurb, 'provides a clear vision of an economy that would reverse environmental degradation and restore both people and place. The examples … are compelling, full of hope, and ripe for replication.'"—*David Weinsoff*

Bolinas Proposal

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They also state that the property owners can draw water from Pine Gulch Creek during emergencies. If "emergencies" include drought, the creek, which supports coho salmon and steelhead trout, could be depleted during dry periods to the point where the fish couldn't run.

Case Could Shape Policy A broader, contentious policy issue looms as well: Allowing nonagricultural uses via agricultural easements raises concerns about enforcement, conflict with the Local Coastal Plan, and artificial inflation of agricultural land values. MCL is concerned that resolution of this case will provide the template for future development in West Marin and other agriculturally zoned areas.

"This is becoming a battleground case," says Roger Roberts, who is following the issue for MCL's Land Use Committee. "Step by step, we're taking actions that are contrary to the original intent of the Countywide Plan to preserve agriculture in West Marin as a primary use."

The problem is that agriculture is becoming a secondary land use, and new uses are driving up land values. That encourages sales of agricultural land, which will never again be used for food production, says MCL Board President Jana Haehl. "Economies of scale in the goods and services that sustain agriculture are being eroded by this transition. It will have a major adverse impact on the rural character of West Marin."

Committee Meetings

Meetings are held monthly at the MCL office in San Rafael.

Creeks, Wetlands & Watersheds
Meets third Thursday at 4 p.m.
Chair: Kathy Cuneo

Land Use
Meets first Wednesday at 8 a.m.
Chair: Don Dickenson

Parks & Open Space
Meets first Thursday at 3 p.m.
Chair: Jean Berensmeier

Transportation
Meets second Friday at 8 a.m.
Chair: Don Wilhelm

Water Resources
Meets third Thursday at noon
Chair: Tim Rosenfeld

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Marin Conservation League was founded in 1934 to preserve, protect, and enhance Marin County's natural assets.

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Our board of directors and issue committees meet monthly. Meetings are open to the public. We welcome your membership and participation.

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NEWS

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Our Lasting Legacy

MCL Efforts Lead to Thriving Reserve

Heerdt Marsh, the largest near-pristine salt marsh in southern Marin County, attracts birders, hikers, and others who come to see its abundant wildlife—including a number of endangered species. Visitors can enjoy this ecological reserve today because MCL made its preservation a priority.

In the early 1970s, when the owner proposed to turn the 95-acre marsh south of Corte Madera Creek into a 335-berth yacht basin, MCL members fought to stop the project. It was a tough battle. After the Bay Conservation and Development Commission turned down the development application, the owner/developer claimed he had a vested interest and sued the commission, along with the MCL members who had led the fight to save the marsh. He lost the case, clearing the way for public acquisition of the land.

MCL provided seed money for the acquisition, which was augmented by oil spill reparation funds secured by state Sen. Peter Behr. He and Assemblyman John Burton obtained the remainder of the purchase funds in the 1974–75 state budget. MCL continued working with local officials to protect the marsh while allowing low-intensity recreation. Officially designated the Corte Madera Ecological Reserve, the marsh is administered by the California Department of Fish and Game.

Holiday Open House: Join Us!

Please join the MCL Board of Directors and staff for great food, wonderful drink, good humor, and holiday cheer at our annual Holiday Open House, from 4 to 7 p.m. on Friday, Dec. 3.

Share the warmth of the season with friends and colleagues, and bring a toy or clothing to donate to our gift drive.

We'll provide more details closer to the date.