

MCL's Walks Into History Tell Conservation Stories



Marincello Walk Into History co-leader Peter Erickson and his wife, Cecile Erickson, in the Marin Headlands

Tim Rosenfeld

More than 60 people joined Marin Conservation League on August 28th for MCL's 5th **Walk Into History: Marincello**. The Marincello development, proposed and approved by the county in the 1960s, would have created a new city of 30,000 people in the Marin Headlands. Attorney Robert Praetzel, who was a key player in the legal effort to defeat the development, recounted the history of this important fight. He was joined by Wolfback Ridge resident Peter Erickson, an active opponent, and Susan Fritzke, Supervisory Vegetation Ecologist for the Golden Gate National Recreation Area, who presented an overview of the ongoing restoration of native plants in the Gerbode Valley and elsewhere in the Headlands.

The October 16th **Walk at Mt. Burdell "Cobblestones and Tarweed,"** was led by Novato land use experts Don Dickenson, Joyce Applen and Susan Stompe. At several stops along the way, they told the story of how this former quarry site and ranch was

acquired as Marin County Open Space in the early 1970s and saved from development that had been planned to extend almost to the peak of the mountain. At the last stop, the group was able to view Bowman Canyon, which is still privately owned and high on the County's list of future acquisitions. Novato biologist Clint Kellner shared his extensive knowledge of the mountain. He has been active in experimental re-introduction of native plants in the adjacent Olompali State Park Historical Park.

The Walk Into History series is supported by donors to Marin Conservation League's 75th Anniversary Celebration, which began last year. Walks are free and open to the general public. Future Walks are being considered for Tomales Bay and Mount Tamalpais State Parks, Hamilton and St. Vincent's/Silveira. MCL welcomes suggestions for future Walks—please contact the office at 415-485-6257 with your ideas.

More Walk photos on Page 6

Wilderness and Oysters in Drake's Estero: Next Steps

Drakes Bay Oyster Company (DBOC) currently holds a Reservation of Use and Occupancy (RUO) and special use permit to conduct commercial oyster operations in Drakes Estero, a designated "potential" wilderness area within Pt. Reyes National Seashore (PRNS). The permit is scheduled to expire on November 30, 2012, and DBOC has requested a ten year extension. Late last year, the decision on whether to grant that extension was given to the Secretary of Interior, Ken Salazar. The National Park Service (NPS), at the Secretary's direction, recently announced that it will prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA), and is providing opportunities for public comment over the next month. After several years of intense debate, the oyster vs. wilderness controversy will be the subject of thorough, scientific, and, we think, objective study. NPS outlined these objectives for the future of the Estero to be considered in the EIS:

- Manage natural and cultural resources to support their

Continued on Page 11

In This Issue—

President's Message—Page 2

Water Supplies—Page 3

Status Updates—Page 4

State Parks—Page 5

Obituary: Roger Hooper—Page 5

Events—Page 6

A Message from the President— Reconciling Environmental Values



We're all in favor of local, renewable clean energy, right? According to the Countywide Plan, that could mean solar, wind, small hydro, biogas, cogeneration, and tidal. The Countywide Plan in Policy EN-2 urges us to "utilize local renewable energy resources, and shift imported energy to renewable resources." Implementing program EN-2.b urges us to "identify possible sites for production of energy using local renewable resources," and EN-2.d, to "facilitate renewable energy technologies and design." In Marin, the currently available technologies (besides biogas and cogeneration) come down to solar and wind. While the goals are admirable in a time of climate urgency, each technology carries environmental impacts that must be addressed.

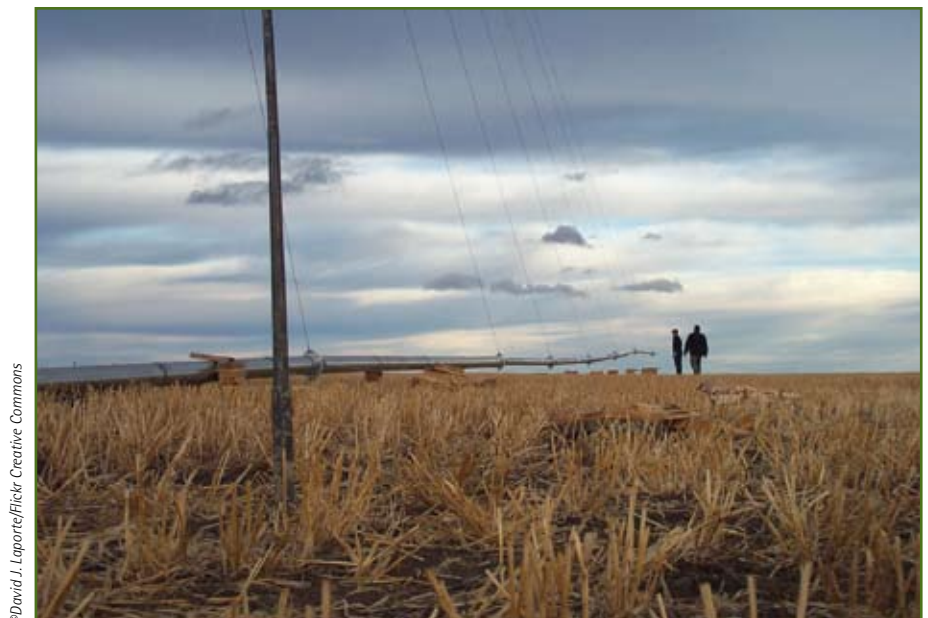
MCL supports Marin Clean Energy, with the understanding that local energy sources should be developed. MCL cooperated throughout the development of a Wind Energy Conversion System (WECS—Wind Turbines), with the objective of ensuring discretionary review of proposed wind turbines and opportunity for public input. But what happens when a 15 billion dollar company—NextEra Energy, the number one operator of wind power in the U.S. with 43,000 megawatts of wind and solar generating capacity—shows up in the County, talks to ranchers, and applies to the County to erect a couple of towers to measure the wind resources in Northwest Marin? At 197.7 feet,

each of the slender "Met Towers" is about the height of a 15 to 18-story building and, anchored by 12 guy-wires, will be erected on ridgelines near Tomales for a period of up to three years. Suddenly the abstract notion of renewable clean energy from wind becomes a real possibility. Some will applaud. Many also will ask: Is Marin ready for the reality of major wind resource development, beyond the occasional turbine? Where, in what form, and on what scale?

This Newsletter contains a brief article about the County's approval of the two met towers and the appeal by three organizations, including MCL, and a number of individuals. Simply put, MCL believes that the County was incorrect in exempting the towers from

requirements of the California Environmental Quality Act (CEQA) on the grounds that they are "small facilities or structures," and "temporary." The staff report omitted important environmental data, such as ridgeline elevations and proximity to likely bird habitats in Estero de San Antonio, and dismissed the potential for collisions of migrating birds with guy wires, a hazard that has been well documented at analogous met towers elsewhere. Although the towers may only be a first step, even clean, renewable energy must be evaluated in the context of environmental policies that are the "bedrock" of the Countywide Plan and CEQA.

Rose Blinnis



©David J. Laporte/Flickr Creative Commons

A 60-meter (197.7 ft.) XHD NRG TallTower in Alberta, Canada, anchored by twelve quarter-inch diameter guy wires.

MCL seeks interested volunteers to serve on its Board of Directors.

The MCL Nominating Committee is initiating its search for new Board members for the term beginning May 2011. Serving on the Board is an exceptional opportunity for MCL members to bring their expertise, interest, labor and other resources to collaborate on the many environmental issues that MCL tracks on a regular basis, as well as to participate in fun and informative special events throughout the year. Interested? Contact Dru Parker at 415-485-6257 or dparker@marinconservationleague.org.

Water Supplies in Marin: A View from the Eel River

by Nandananda

By the time this newsletter is distributed, the votes on Measures S and T will have been counted. Regardless of the outcome, the underlying issue those measures deal with—sources of water for Marin residents—needs to be addressed. Both the Marin Municipal Water District (MMWD) and the North Marin Water District (NMWD) rely on water from the Eel and Russian Rivers for a substantial portion of their water, 25 percent for MMWD and 80 percent for NMWD. This article provides information on the history and reliability of this source of water.

Many customers of Marin's water districts know there are multiple sources of drinking water, but few give much thought to its distant origins as they turn on the sprinklers or ruminate in the shower. Beginning in 1906, two dams were built across the upper reaches of the Eel as part of the Potter Valley (formerly, Eel River) Project to divert water through a mile-long tunnel (see map on page 9) to the much more populous but smaller Russian River drainage area to the south and to generate a small amount of power in the process. The result was a much higher flow in the Russian River and a drastically decreased flow in the Eel, which is a federal and State designated Wild and Scenic River that drains the third largest watershed contained entirely within California. That diversion, plus water from Lake Sonoma on Dry Creek, provides water via the Russian River to Sonoma County Water Agency (SCWA). SCWA, in turn, delivers water to numerous contractors, including both NMWD and MMWD, which is at the end of the line. The Eel River/Russian River system gives rise to myriad environmental issues that provide at least partial explanation



The scenic South Fork of the Eel River

©junmon603/flickr Creative Commons

for MMWD's need to keep several options for long-term water supply, which could include desalination, on the table. Some of these core issues are summarized below.

Since the Potter Valley Project was completed, Sonoma County and more recently Marin County have both relied on water from the Eel and Russian Rivers. Over the years, the demand for water, particularly in Sonoma County, has grown. These demands for more water from the Eel and Russian River systems

Both MMWD and NMWD rely on water from the Eel River for a substantial portion of their water

by SCWA, along with water to maintain the partially over-drafted Santa Rosa Plain ground water basin, have been extremely harmful to the complex systems needed to sustain and restore endangered and threatened salmonid fisheries. Diversions from the Eel River to the Russian River are currently being used in large part to serve beneficiaries who are over-drafting the Russian River; this is damaging to chinook, coho, and steelhead populations of both rivers. In recent years, SCWA has had to curtail diversions from its sources through a variety of long-term mechanisms, from a maximum historic demand of about 68,000

acre feet per year (AFY) to the current 53,000 AFY, with a permitted maximum of 75,000 AFY. This is occurring in spite of greater pressure from water contractors to increase diversions.

The explanations are multiple. SCWA's ability to draw more water from the ample storage in Lake Sonoma is limited by costs associated with improving sustainable fisheries and creating habitat "refugia" within Dry Creek. This ten-year project will cost over \$140 million. An additional \$500+ million may have to be spent on a pipeline down Dry Creek if the refugia built in the next few years are not successful in protecting fish under full release flow conditions. The existing Russian River system also is facing well over a billion dollars of infrastructure improvements, environmental restorations, and repairs, as well as potential system, pipeline, pumping and storage expansions and replacements. The costs are to be shared with SCWA contractors, which include MMWD and NMWD. MMWD's share of these costs is substantial and will drive the District ratepayers' costs up over the next 10 years. Paradoxically, supply reliability will become less certain, so the need to reduce consumption will increase.

Continued on Page 9

Status Updates

The 680 Trail

When we last reported in September, the Marin County Open Space District (MCOSD) had released its Negative Declaration on the proposed new 5-foot-wide, 2.8 mile shared-use trail intended to link Sleepy/Hollow/Terra Linda and Loma Alta Open Space Preserves. A primary purpose of the trail is to bypass a segment of the long-used Luiz fire road that was blocked off from public access two years ago by the land-owner. MCL and others, such as Friends of Corte Madera Creek, criticized the document's facile dismissal of a number of significant (in our view) impacts. It is not surprising that costs of environmental review have doubled from original estimates, as the geologic and biological sensitivities of the various alternative alignments under consideration simply were not anticipated earlier this year when planning work began.

A workshop meeting, scheduled for November 3 in the Manzanita Room at the Civic Center, has the goal of bringing together the many interest and user groups, neighborhoods, and others who are either promoting the trail or calling for greater efforts to minimize new trail cutting and its associated impacts on soils and habitats.

Meteorological Towers to Measure Wind Resources in West Marin

MCL, in association with Marin Audubon Society, Environmental Action Committee of West Marin, and a number of individuals, filed appeals to the County Planning Commission over Zoning Administrator approvals of two 197.7-foot meteorological towers (Met Towers) that will be placed on ridgelines in the Coastal Zone north of Tomales and south of the Sonoma-Marin border. The basis for the appeals concerned the failure of the County to identify potentially significant impacts resulting from potential bird and bat collisions with the towers and the dozen guy wires that would support each pole.

The County argued that the towers are temporary and would not require grading or any other permanent ground disturbance, and therefore are exempt from review under the California Environmental Quality Act (CEQA).

The Appellants claimed that exemptions from CEQA are not appropriate in that 197.7-foot towers are not "small structures" and, even if temporary, could result in significant impacts during the three year term of the permits. The County added bird detection devices and a monitoring program as conditions. At a hearing before the County Planning Commission scheduled for October 25, action on the appeal was pending. MCL continues to feel that the appeal could have been avoided if County staff had prepared a more thorough Initial Study and mitigated impacts of the two towers at the outset.

New MCL Climate Action Committee To Focus on Energy and Climate Change

The MCL Board has been dealing with subjects related to energy and climate change for almost thirty years, since the days when the common term was "the greenhouse effect". Recent topics that have engaged MCL include Marin Clean Energy, "green" building and energy efficiency, implementation of AB 32, and others. Until recently we had not given this suite of issues committee status. But now, after several months of meeting on an ad hoc basis, a "Climate Action Committee" has taken shape under the guidance of

Board member Michelle Passero. Michelle is an environmental attorney with The Nature Conservancy who has particular expertise in the area of carbon capture and sequestration. The Committee will selectively take on either primary or secondary responsibility for issues under six general categories: energy efficiency, waste management, carbon sequestration as it relates to land conservation, corporate "green" and related initiatives, renewable energy in several forms, and greenhouse gas emissions related to transportation and land use. In several instances, long-standing MCL committees, including Water, Parks and Open Space, and Land Use and Transportation, will continue to take primary responsibility, turning to the Climate Action Committee for specialized expertise, such as in reviewing renewable energy projects (e.g., wind, solar),

*Interested in participating in
the Climate Action Committee?
Call MCL at 415-485-6257*

or in the continuing implementation of AB 32 and SB 375. In other areas – e.g., energy demand management, the Committee will develop "white papers" to apprise MCL Board and our general membership of long-term directions, such as net metering or feed-in tariffs. The Committee will also take primary responsibility for the array of issues that fall under the rubric of waste management (zero waste, reuse and recycling, compost, anaerobic digestion, waste reduction).

None of these problems is new to MCL (waste management and recycling go back almost forty years), but they will receive new emphasis in keeping with the urgency of ongoing climate change and the need to mitigate and adapt at the same time. For long-time members of MCL, this "new" committee might be seen as a modernization of MCL's one-time "Pollution Control Committee" and "Waste Management Committee." Issues don't go away, but they can change dramatically over time, as has happened with the "greenhouse effect."

The Climate Action Committee will meet quarterly. In the interim periods, individuals will track assigned issues, communicate through e-mail and other electronic media and advise the Board. Members who are interested in participating should contact mcl@marinconservationleague.org.



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State Parks' "Program EIR" for Changes in Trail Use

The California State Parks Department announced at a "2010 Trails & Greenways Conference" last April that it would prepare a Statewide Program Environmental Impact Report (PEIR) for Roads and Trails Change-in-Use. This little-publicized process for evaluating environmental impacts of proposed changes in use for trails and roads in California State Parks is already underway and could affect trails in Marin's state parks. Such changes might include changing existing roads or trails from single use to multi-use, or multi-use to single use. "Multi-use" generally means open to hikers, equestrians, and mountain bikers. Changes could be accompanied by rules intended to minimize user conflict, such as separating user groups according to odd-even calendar days, or limiting trails to one-way directional traffic.

The Parks Department has existing internal procedures for evaluating trail use change requests originating from either user groups or trail system planners within the Department. To date, the Department has avoided full California Environmental Quality Act (CEQA) compliance for changes in use on the premise that the procedures developed by the Department are "CEQA-equivalent;" that is, they identify impacts and incorporate best management practices to "mitigate" any potentially significant impacts, thereby precluding the need for further CEQA review. Missing from the Department's procedure, however, is adequate opportunity for public comment, which is central to the CEQA process.

A Program EIR

The purpose of a Program EIR is to

Continued on Page 10

ROGER FELLOWES HOOPER— Marin Conservation League Icon

If one were looking for the ideal gentleman-citizen-environmental advocate, that person would have to be Roger Hooper, who died recently at the age of 93. Roger was on the MCL Board for almost 20 years (1977–1996), and served as President from 1986–1988. He was an architect by profession, a lover of architectural history, the arts, literature, and culture in general, but his love for and commitment to the environment stands out. He hiked virtually every trail on Mt. Tamalpais and was an avid sailor in Tomales Bay. In the 1960s and 1970s, he recognized the need to take action to protect the environment and joined the Marin Conservation League Board, later taking over the Presidency from Peter Behr.



What were some of the issues during Roger Hooper's term as President? Anticipated sea level rise due to the "greenhouse gas" effect; support for a Global Resources, Environment and Population Act of 1987 to establish a national policy of population stabilization; grazing standards in the Point Reyes National Seashore; prescribed burns on Mt. Tamalpais; eucalyptus removal on Angel Island; convening of Marin Environmental Alliance, composed of 30-some environmental non-profits in Marin; permit for Waldo Giacomini's summer dam on Lagunitas Creek; ballot measure for proposed County ordinance concerning on-shore facilities for off-shore oil drilling and gas exploration; a State Wildlife and Park Initiative. Working with then-Executive Director Karin Urquhart, Roger led the large, often unwieldy MCL Board through a wide-ranging agenda of controversial issues with equanimity and wit. He was followed on the Board by his daughter Rachel, an environmental attorney who continued the Hooper family tradition of service by also serving on the MCL Board of Directors.

Events

Walk Into History photos, clockwise from right: Gerbode Valley today; Marincello Walk participants at the Marin Headlands; Mt. Burdell Walk biologist Clint Kellner demonstrates a birdcall; hikers of all species enjoying learning about the conservation of Mt. Burdell; a gnarled valley oak at Mt. Burdell



All photos by Tim Rosenfeld



Events

Thank You, Coastal Clean Up Volunteers!

Dozens of MCL volunteers at Mahon Creek (below), Scottsdale Pond and the Sausalito shoreline joined hundreds of thousands of others around the state to clean up beaches and waterways on Coastal Clean Up Day, September 25. With more than half of cleanup areas reporting statewide, more than 600,000 pounds of garbage and 57,000 pounds of recyclables had

been collected in California, according to Eben Schwartz of the California Coastal Commission.

The most unusual items found by MCL volunteers this year included an arrow at Mahon Creek and a glass mannequin head (right, held by site captain Vicki Nichols) in Sausalito.



Coastal Clean Up photos by Dru Parker



Tim Rosenfeld

The September 17th Business-Environment Breakfast Forum at the Embassy Suites featured a panel of experts who led a lively discussion on California water policy and planning. Panelists (L-R): Assembly Member Jared Huffman, Environmental Defense Fund attorney Cynthia Koehler and Planning & Conservation League water advisor Jonas Minton

Second CEQA Workshop to be held Nov. 11th at San Rafael Corporate Center

MCL's July 28 CEQA workshop proved so popular we have added a second session on November 11.

Environmental Consultant Greg Zitney, of Zitney & Associates, will again discuss the basics of CEQA with a focus on how impacts are deemed "significant" and the need for and effectiveness of mitigation measures. Paul Jensen, Planning Manager for the City of San Rafael will offer the lead agency perspective, and MCL President and retired CEQA consultant Nona Dennis will give the public's view.

This workshop will be held Thursday, Nov. 11 from 7—9 pm at the San Rafael Corporate Center's Tamalpais Conference Room at 750 Lindero Street in San Rafael. The workshop is FREE and open to the public but space is limited to fifty participants.

To register call 415-485-6257 or visit marinconservationleague.org/events.

Events



Lyford House at Richardson Bay Audubon Center and Wildlife Sanctuary set the stage for MCL's Donor Appreciation picnic on October 16th. About 55 guests enjoyed perfect weather, a delightful picnic lunch catered by Delicious! and were treated to a screening of excerpts from Dave Gotz' film "Turning the Tide—Saving Richardson Bay." Marin Conservation League, led by Board members Caroline Livermore and Dr. David Steinhardt, played a key role in the campaign to acquire the Richardson Bay tidelines, the Rose Verrall property and the spectacular Lyford House, before turning the sanctuary over to the National Audubon Society in 1961.

Woodlands-level (and above) members will be invited to join MCL for the 2011 picnic, which will again be held in the Fall.

Clockwise from below: A beautiful day on Richardson Bay; Dave Gotz; Brooke Langston, Nancy Danielson, Joan Griffin; Marty Griffin; the Lyford House.



Eel River *from Page 3*

In sum, existing water deliveries to all the prime contractors, as well as to NMWD and MMWD and urban and agricultural users throughout the Russian River watershed, are becoming less reliable and more expensive. Dependence on additional water deliveries from SCWA to Marin in the future is a high-risk strategy for a number of reasons: 1) there are physical, permitting and legal barriers, including the forthcoming re-writing of Decision 1610, which dictates the parameters within which SCWA releases water to the Russian River from the Eel, and the practices and enforcement of AB 2121, dealing with illegal water diversions; 2) new frost protection regulations by State Water Resources Control Board (SWRCB), which will reset minimum instream flows; and 3) a strong political dislike for MMWD's contracts by the large majority of Sonoma County prime contractors and politicians.

MMWD's need for reliable sources of stored water for a two-to-three- year drought will also be adversely impacted by limits on existing reservoir storage in the County. Marin's rainfall is no more predictable than other weather pattern changes. Although the results of District customers' efforts towards conservation and increasing efficiencies are promising, MMWD currently has no other local supply options beyond conservation, efficiencies and recycling.

At the same time, SCWA is requiring its contractors to continue to develop additional "local supplies" to offset increased environmental demands on the Rivers, as mandated by SWRCB. In response, NMWD is expanding its recycling capacity. MMWD also will need to have the resources to respond responsibly and quickly to these requirements.

*Nadananda is Executive Director
of Friends of the Eel River*

*The Russian River watershed
includes water diverted
through a mile-long tunnel
from the Eel River.*

You're Invited to MCL's Annual Holiday Party

Friday December 3rd 4:00—7:00 pm

*MCL office at 1623-A Fifth
Ave., (at F St.) San Rafael*



This event is free to all. We ask that you join us in helping the hungry by bringing non-perishable food items or cash donations for the Marin Community Food Bank, marinfoodbank.org.

RSVP at marinconservationleague.org/events or call 415.485.6257.



©Ben Pease, www.peasepress.com. Adapted from Bay Nature.

State Parks *from Page 3*

cover environmental impact topics and procedures required by CEQA at a general ("programmatic") level. The PEIR thus can serve as a "first-tier document" meant to address the broad environmental effects that may result from trail/road change-in-use. As a specific change-in-use is proposed, for example opening a single-track trail to shared use, the Department would conduct site-specific surveys using existing protocols, and where necessary conduct supplemental environmental review.

Program EIRs are supported and encouraged by the CEQA Guidelines where a series of actions may be related to each other either geographically or as parts of a continuing program. The advantage for the Parks Department will be to reduce possible duplication and extra paper work and bolster legal compliance. From a public perspective, however, it is not clear how the Parks Department will notify the public that a change-in-use review is underway, or what opportunity will be provided for public comment. Certainly it will be more difficult to challenge the legality of change-in-use

proposals.

Bill's Trail: A Case in Point

Bill's Trail in Samuel P. Taylor State Park is illustrative. It is likely that MCL's 2009 successful challenge of the conversion of Bill's Trail for use by mountain bikes played a role in prompting the Parks Department to initiate the PEIR for future cases. In 2009, the Marin District of California State Parks proposed changing the use of this 3.75-mile single-track trail above Devil's Gulch Creek to allow access by mountain bikes on odd-calendar days (MCL Newsletter, September–October 2009). The narrow trail, which ascends the steep, wooded slopes of Mt. Barnabee at an easy grade, is currently used by hikers and occasional equestrians, and, illegally, by mountain bikers. After months of unpublicized planning and denial of MCL's repeated requests for information, the District filed a Notice of Exemption (NOE) from the requirements of CEQA. The basis for exemption was that no significant impacts would result from converting the trail, although considerable physical modifications would be required to accommodate bike use. Armed with soils data that showed the

potential for erosion from modifications and expanded usage, Marin Conservation League and other environmental organizations challenged the exemption. In particular, MCL pointed out the failure of State Parks to acknowledge that the trail is within critical watershed habitat of the endangered coho salmon and that sedimentation of Devil's Gulch Creek would constitute a significant impact. Both the change-in-use project and NOE were rescinded. Although MCL received no official notice, we have learned through informal sources that a focused EIR for Bill's Trail conversion is currently being prepared by State Parks Marin District.

Public Comment on the PEIR

By preparing a Statewide Change-in-Use PEIR, the Parks Department will avoid the problem of Bill's Trail, that is, of having to prepare an individual EIR for any change-in-use proposed in the future. The Parks Department currently is soliciting written comments on the scope of the PEIR, as required by CEQA. This should be an opportunity for the public to "weigh in," but the public meeting on September 25 in San Francisco was lightly attended, an indication of limited public outreach by the Parks Department. Parks staff and PEIR consultant outlined the topics that will be analyzed in the PEIR, such as biological resources, hydrology, geology and soils, cultural resources, aesthetics, and how the PEIR will be supplemented by survey methods currently used by the Parks Department to evaluate trail and road use. The issue of user safety on single-track trails that might be opened to mountain bike use, is a central concern to both equestrian and hiker user groups. This is not considered an "impact on the physical environment" for CEQA purposes, however, and therefore may not be covered in the PEIR.

Written comments on the PEIR can be submitted until November 30 by mail to:

**Environmental Coordinator Trails PEIR
1 Capitol Mall, Suite 410
Sacramento, CA 95814**

Comments submitted by email should be sent to: ceqansc@parks.ca.gov. In the Subject Line, write: "Trails PEIR"

Comments can also be submitted by fax to the attention of "Environmental Coordinator—Trails PEIR," fax number **(916)445-8883**.

Signs of Fall at Fifth and F: To the annoyance of Oliver the Building C Dog, the Fifth Street Turkey has returned to his annual fall gobbling grounds in the vicinity of the MCL offices in downtown San Rafael. (Neither Oliver nor the tom are species native to Marin County.)



Dru Parker

Drake's Estero *from Page 1*

maximum protection, restoration, and preservation;

- Manage wilderness and potential wilderness to preserve the character and qualities for which they were designated; and
- Engage a broad spectrum of the public and relevant agencies in the NEPA process.

As this Newsletter goes to press, the NPS is holding three public meetings to take comment on the scope of the EIS: 6:00 to 8:00 p.m. on October 26, 27, and 28, in Point Reyes Station, Sausalito, and Berkeley, respectively. For details and further opportunities to comment, see below.

Background

Marin Conservation League has held the position for many years that Drakes Estero, designated as "potential" wilderness in 1976, should receive full wilderness status in 2012 on the cessation of commercial oyster operations. Our brief account of the background reflects this bias. Although for years there had been ongoing concerns about conditions of oyster operations in Drakes Estero, the current controversy began when Mr. Kevin Lunny purchased the Johnson Oyster Company in 2005. The permit had been negotiated in 1972 between the Park Service and Johnson Oyster Company for a term of 40 years—i.e., oyster operations would cease in 2012 and the Estero would join other designated areas of the Park as a full wilderness. When Mr.

Lunny purchased the company, he was aware that only seven years remained under the permit, but chose to pursue another course and launched a political campaign to seek an extension. With deep family roots in the ranching community, he gained local support, and he sought and gained Senator Feinstein's support. Not everyone agreed.

The 22,000 acres of wilderness and 8,000 acres of potential wilderness in PRNS, including 2,200 acres of Drakes Estero, were established by Congress in 1976 under the authority of the Wilderness Act of 1964. Years of hearings took place. MCL and many others spoke. In the end, Congress reached a well-supported compromise: some ranchland was

Drakes Estero shelters the largest rookery of breeding and pupping harbor seals on the North Coast.

excluded from wilderness designation, while other areas, including Drakes Estero, were included in wilderness. This wilderness would then be preserved as refuge for wildlife under the most natural conditions possible, and as refuge for present and future generations to experience these places, free from commerce. Respecting the long history of commercial oyster operations, Congress opted to designate the Estero as "potential" wilderness, allowing the non-conforming use to continue until its permit expired in 37 years. This approach would preserve the rich natural diversity of Drakes Estero while protecting the oyster company's existing permit. Congress never intended for the operation to stay past its permitted term.

MCL's Support of Wilderness in Drakes Estero

For more than 70 years—from the first acquisition of Drakes Beach by Marin Conservation League in 1938, to designation of 33,000 acres of wilderness areas within the Seashore in 1976, to the present—it has taken the efforts of many people and partnerships to secure this "Island in Time" for the public and manage its resources in perpetuity. Drakes Estero occupies a unique place within the Park. It shelters the largest rookery of breeding and pupping harbor seals on the North Coast. It is a refuge for thousands of migratory ocean birds, its mud shoals are home to hundreds of species of invertebrates, nourished by cold tidal water from the ocean beyond. In MCL's view, returning wilderness to the Estero after many decades of commercial use transcends a contemporary timeframe and is entirely consistent with the laws and policies that have guided PRNS toward that objective.

Further information on the meetings can be obtained through the NPS Planning, Environment and Public Comment site at <http://parkplanning.nps.gov/pore>. The link is titled: **Drakes Bay Oyster Company Special Use Permit EIS link**, with a further link to "Scoping Letter."

Comments can also be mailed to "DBOC SUP EIS c/o Superintendent, Point Reyes National Seashore, 1 Bear Valley Road, Point Reyes Station, CA 94956. The comment period will close 30 days after publication of the Notice of Intent to Prepare an EIS in the Federal Register and will be announced via press release and on the parks website (www.nps.gov/pore).



*But four young Oysters hurried up,
All eager for the treat:
Their coats were brushed, their faces washed,
Their shoes were clean and neat—
And this was odd, because, you know,
They hadn't any feet.*

**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 the public.*

Staff: Dru Parker, Operations Manager
Jessica Grace, Operations Coordinator

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Monthly Committee Meeting

Schedule (subject to change):

Land Use and Transportation:

1st Wed. of the month, 8:00 - 10:00 AM

Parks & Open Space:

2nd 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-
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NEWS FROM MARIN CONSERVATION LEAGUE

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