

August 6, 2010

Ms. Judy Arnold, President
Marin County Board of Supervisors
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157



Subject: Amendments to Marin County Code, Chapter 22.27, Native
Tree Protection and Preservation (San Geronimo Valley Riparian Vegetation Protection Ordinance)

Dear Supervisors:

Marin Conservation League has been tracking the progress of the Salmon Enhancement Planning (SEP) process and the County's efforts to meet a basic goal of the January 29, 2008, agreement between the County of Marin and SPAWN: "To prepare a plan that supports the restoration of natural biological and hydrological functions in the San Geronimo Creek watershed." This simple statement of purpose understates the urgent need for protection of an endangered resource – the coho salmon. Of the three options for text amendments, summarized in the staff report, the amendments recommended by the Planning Commission come closest to acknowledging the complexity of the creek environment and providing protection in a relatively straightforward set of regulations.

MCL recommends the following:

1. The Board should approve the language of the Riparian Vegetation Protection Ordinance as recommended by the Planning Commission. In our view, the recommended language of the Planning Commission, while not ideal (see below), best serves the goal of the 2008 agreement and reflects a key policy in the Countywide Plan:

BIO-4.7: "Protect Riparian Vegetation. Retain riparian vegetation for stabilization of streambanks and floodplains, moderating water temperatures, trapping and filtering sediments and other water pollutants, providing wildlife habitat, and aesthetic reasons."

Policy BIO-4.7 recognizes that riparian areas are integral to the overall stream habitat by serving essential biological and hydrological functions. A complex vegetative structure (e.g., trees, shrubs, herbaceous plants, and vines) in the riparian area is essential to serve these functions. The importance of riparian vegetation is emphasized over and over in the San Geronimo Valley Salmon Enhancement Plan, adopted by the Board last year.

Although the Planning Commission's recommendations are not ideal (they do not protect under-sized native trees that are the next generation of the riparian forest), we assert that neither Option A nor Option B adequately protects the biological and hydrological functions of San Geronimo Creek.

2. Since this will be a temporary solution only, the Board should give high priority to drafting of an SCA Ordinance and updating of the Native Tree Preservation and Protection Ordinance. The proposed amendments attempt to "piggy-back" on an existing County ordinance (Native Tree Preservation and Protection) that, in itself, needs updating and does not deal specifically with riparian conditions. The proposed amendments may have to serve for several years, until a comprehensive Stream Conservation Ordinance can be drafted and approved and/or the Tree Ordinance can be updated

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– both to cover the entire County. In the interim, there is considerable urgency that the Riparian Protection amendments for San Geronimo Valley must protect a resource that is in peril. Beyond that, they should serve as a model, setting an example that will guide protection of the County's watersheds and creek habitats. While it is only one piece of comprehensive stream protection, the proposed Riparian ordinance should set a high standard rather than a minimal one, as offered by Option B.

3. Exemptions to the ordinance are appropriate for vegetation management for fire and flood protection. MCL has expressed concerns over aggressive tactics often required in the fire protection – extensive vegetation removal, clearing of defensible space, and encouraging “hard-scape” around homes – all of which may retard fire spread on the one hand but also impede infiltration, remove natural regulation of surface runoff, and contribute to flooding. This is a balance that will need to be addressed in implementation. The proposed amendments do allow appropriate exemptions for protection against property damage and prevention of safety hazards, and for fire protection and prevention.

4. Finally, the County should offer incentives in the form of fee reductions and programmatic permit approvals for restorative actions taken by the community. While MCL believes strongly that regulation is an essential part of a community effort, we also feel that if fees are onerous, the community's voluntary efforts will not succeed. The idea of an annual riparian vegetation management plan exemption should be considered, based on standards in the ordinance. This incentive would go a long way toward rewarding the efforts of willing members of the community.

In conclusion, we recognize that any restoration effort requires collaborative and voluntary effort. To be successful, however, such efforts require an underpinning of standards that can be achieved only through consistent and predictable criteria, rules, and enforcement. This is the purpose of the amendments proposed by the Planning Commission.

Thank you for the opportunity to comment.



Nona Dennis,
President