

EDITORIAL

## Is the MTC too HOT to Trot? Why MCL is Concerned About HOT Lanes



The long-awaited Highway 101 Gap Closure project's HOV lanes, funded by Measure A, could potentially be converted to HOT lanes under the MTC plan

photo: Dru Parker

On occasion, Marin Conservation League finds itself questioning whether "the Emperor is wearing any clothes" – or, put another way: is the public being given all the facts while a grand plan is rushed forward with inadequate public education? The current discussion about implementing High Occupant Toll (HOT) Lanes along 800 miles of Bay Area freeways seems to fall into this category. Recently a few Marin citizens and local officials have participated in meetings at which HOT lanes were discussed. In fact, the Metropolitan Transportation Commission (MTC), on April 22, has already included such HOT lanes in its 2035 Regional Transportation Plan (RTP).

What are HOT lanes? HOT lanes would replace High Occupancy Vehicle (HOV or "carpool" lanes) with a toll strategy which allows single occupancy vehicles, otherwise excluded from HOV lanes, to use the HOT lanes by paying a toll. The lanes are "managed" through variable pricing to maintain optimum flow conditions.

The claimed attractions of the concept are threefold:

It expands mobility options by providing an opportunity for reliable travel times to users willing to pay a significant premium for this service (hence the nickname, "Lexus Lanes");

HOT lanes generate a source of revenue, which can be used to pay for completing an 800-mile HOT lane system and pay for other transportation improvements, including enhanced transit service;

They improve the efficiency of HOV facilities, which have shown recent decline in some metropolitan areas.

If these sound attractive, why should MCL be concerned about HOT Lanes?

The MCL Board has not taken a formal position for or against HOT Lanes and our own experts are not in complete agreement on the technical merits, and environmental information is missing. However, at this

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### Focus on North Marin

## The MCL "North Marin Unit" Always Has a Full Plate

by Susan Stompe and Nona Dennis

### Geographic "Units" of Marin Conservation League

When Marin Conservation League was launched by its founders as the "Marin County Survey Committee" in late 1934, one of the first objectives was to engage representatives from all parts of the county in planning for its future. As the "Committee" evolved into "Marin Conservation League" and gained wide support, the representation coalesced into geographic units – initially Mill Valley, San Rafael, West Marin, and then North Marin and Rural Land Use. At a time when there were few environmental organizations in the county, the League's Units provided an opportunity for people in a region to get together to discuss local issues, track local developments, meet with local officials, sponsor public meetings, and occasionally put on media events. The issues addressed in the Units were not constrained to specific issues such as land use or water. Units could be established anywhere in Marin: just get some MCL members together

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## A Message from the President- MCL Goes (Certified) Green!



Marin Conservation League has not only modernized its own logo; it has added a new one – the logo for the Bay Area Green Business Program. On April 28, MCL became one of

320 Marin County businesses and non-profits that participate in the Marin County Green Business Program. Dana Armanino, who manages the program for the County's "Sustainability Team," presented 18 newly certified businesses, including MCL, to the Board of Supervisors, and Hal Brown, President, commended all of us for making the commitment.

The Marin County Program is a member of the greater Bay Area Program, a voluntary partnership among business leaders, government agencies and nonprofit organizations that recognizes businesses that...

- \* Demonstrate continuous compliance with applicable environmental regulations
- \* Conserve energy, water, and other materials

- \* Implement sound environmental practices that prevent pollution and waste generation
- \* Share environmentally responsible practices with other businesses in our community



The Bay Area Program was started more than a dozen years ago (Marin's program was launched in 2002) and has grown to encompass businesses in over 20

different industries, including auto repair shops, printers, hotels, restaurants, landscapers, wineries, janitorial and laundry services, grocery and retail stores, home remodelers, attorneys, architects, engineers, gift services, and a variety of office and home-based businesses as well as non-profits, that have successfully met the standards and are now recognized as Bay Area Green Businesses.

To be certified as a Green Business, a business or organization must pass an inspection of current practices and also agree to continue to monitor water and energy usage

and solid waste generation; provide on-going opportunities for management and employee participation (in MCL's case, board and member participation); inform customers (MCL members and the public) about efforts to meet the green business standards; and, assist at least one other organization in learning about the Green Business Program and encouraging it to enroll. MCL does its part by continuing to host its Business-Environment breakfast forums to foster mutual understanding between the two sectors.

While the certification process was not difficult for MCL, the fact that hundreds of organizations in the Bay Area care enough to have invested effort to meet the requirements of a green business is a good example of the positive effects of "the hundredth monkey" phenomenon, in which a learned behavior spreads from one group to related groups once a critical number is reached. We hope that "green business behavior," too, will continue to spread to a critical number until it is no longer necessary to reward it with a certificate because it will have become *the standard* for all.

### North Marin Unit from Page 1

and designate a chairperson as leader.

### North Marin Unit Persists

Most of the units gradually dissolved as new environmental organizations were formed, many of them around geography or specific issues. The North Marin Unit is the last active regional unit of MCL. This Unit has persisted as the environmental guardian of North Marin, largely because of Gail Wilhelm and, later, Susan Stompe – MCL board member, past president, and Novato activist since 1970 – and a dedicated group of North Marin environmentalists.

The North Marin Unit has never experienced a shortage of issues to take on. Among past actions, Unit members played significant roles in promoting and raising funds for acquisition of public lands that are prominent features of the North Marin landscape: Mt. Burdell and Rush Creek Open Space Preserves; Olompali State Park, and

Bahia Wetlands.

One of the most extended and controversial battles fought by the Unit was during the transition of Hamilton Field from a military airfield to a residential community with a thousand acres of restored marshland. The history included a proposal to move the Gness Field general aviation operations to Hamilton. At a time when general aviation at Hamilton was favored by the Board of Supervisors and even by some members of MCL as an economic boon, the North Marin Unit adamantly opposed the proposal because of the possible conversion of Hamilton to commercial aviation. The development of a residential community, reused hangars, and restoration of diked lands to tidal marsh that we can enjoy today seemed unachievable at the time.

Other long term issues in which the Unit has participated actively include the expansion of Redwood Landfill. Although the Landfill is currently beginning an expansion of capacity, this comes only after a con-

troversial ten-year environmental impact process. The Unit played a major role in strengthening environmental conditions (mitigations) for environmentally safe operations.

The Unit was also active in getting Novato to adopt an Urban Growth Boundary.

One of the Unit's "failures" was preventing the conversion of diked agricultural lands at Black Point to the Stone Tree Golf Club. This project was the subject of a referendum challenging the conversion loss of this area and is now acknowledged by many to be a major loss of seasonal wetlands. The Unit has been more successful in preserving Scottsdale Pond, an historic wetland that has been the object of frequent clean-ups and removal of invasive plant species under the leadership of Unit members.

The Unit is now working on new proposals. One is the proposed redevelopment of the Fireman's Fund site (now owned by American

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# Status Updates

## Whaler's Point

On April 14, the Board of Supervisors upheld the County Planning Commission and Planning Staff recommendation to deny Jack Krystal's proposal to build a 71-room hotel (Whaler's Point) on a Richardson Bay parcel that has been the subject of similar applications since 1979. The 2.2 acre site, of which only 1.6 acre is dry land and the remainder subject to tidal action, is sandwiched between the Commodore Houseboat Marina and Heliport, and Shoreline Office Center. It has been littered with equipment and debris for many years. Notwithstanding its degraded condition, the property fronts on Richardson Bay tidal marshes and



The Whaler's Point site on Richardson Bay

photos: Dru Parker

mudflats that are rich habitat for shorebirds and waterfowl. As with Mr. Krystal's previous proposals, the current application for a four-story hotel and spa far exceeded the development guidelines for height and land cover contained in the Tamalpais Community Plan and Countywide Plan, and did not meet on-site parking requirements in the County Code.

In spite of a parade of supporters, many of whom simply want to see the site cleaned up, and in spite of the continuing promises by the applicant to offer an array of social, educational, and environmental programs, the Supervisors, led by Third District Supervisor Charles McGlashan, held firm and voted 4 to 1 to deny the application on the basis of its nonconformity with applicable plans and policies. In testifying to urge denial, MCL

summed up the problem in simple terms: "The applicant has tried consistently over the years to force a highly constrained site to meet his expectations for economic return, rather than adapting his economic expectations to meet the constraints of the site."

## Skywalker Properties, Ltd. Precise Development Plan

The Skywalker Properties, Ltd. (Lucasfilm) proposal to construct a monster building for a digital technology-based film production studio and complex of offices, restaurant, general store, guest suites, screening rooms, costume storage, and reshape the landscape of Lucas Valley has returned-13 years after the EIR was certified and master plan was approved. Everything about the project is massive, from the footprint of the building to the 90-foot twin towers to the scale of excavation and filling of the site. The Marin

Community Development Agency requested comments on the proposal by May 7. Marin Conservation League's response was brief:



The proposed San Rafael Airport sports complex would be built on the spit of land to the right, between the forks of Gallinas creek

The EIR and Master Plan, approved in 1996, must be revisited in light of changed circumstances. MCL's letter states, "We request that Planning Staff prepare an Initial Study, conduct a scoping session, and retain a consultant to prepare a Subsequent EIR which will be given the same notice and public review as required under Section 15087 of the CEQA Guidelines."

## San Rafael Airport Recreational Facility

The proposal by Joe Shekou to construct a 71,300 square foot indoor sports field and court, with outdoor soccer fields and parking for 184 cars, alongside the San Rafael Airport has been quiescent for a couple of years while studies for the EIR were in progress. The Draft EIR was finally released in March. Comments on the DEIR are due May 12, when the city planning commission will hold a public hearing on the DEIR. The project site is a nine-acre portion of the overall 119.5-acre airport site, which lies between the north and south forks of Las Gallinas Creek. Environmentalists have monitored wildlife in the marshes of Gallinas Creek, especially the endangered California Clapper Rail, and appreciate the habitat value of this diked, former tidal marsh. Its sensitivity was recognized in 1983, when the City and County agreed to allow higher-than-usual density near the freeway in order to keep the more sensitive wetlands to the east free from development. Both parcels were sold to developer Joe Shekou. Since then, his

attempts to develop the eastern (airport) portion have never ceased. Although the use permit for the site is somewhat vague in its reference to "recreation," it is understood to limit the property to activities that would pose no threat to the environment. In this regard, MCL finds the project to be wholly inappro-

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## Join MCL for "Four Walks Into History" this Summer and Fall

The celebration of MCL's 75th Anniversary continues through the remainder of the year. Four free "Walks into Conservation History" will take MCL members into some of Marin County Open Space District (MCOSD) and California State Park lands MCL helped acquire for the public.

**SATURDAY, JUNE 20, 9:30 AM TO 1 PM, BLITHEDALE RIDGE (NORTHRIDGE) WALK INTO HISTORY, CO-SPONSORED BY MCOSD AND MCL**  
The Blithedale Ridge Open Space above Mill Valley was preserved in 1976 after almost two decades of community effort that involved thousands of volunteer hours and donations and significant financial grants. It is a prime example of communities joining together to save the land. During this informative 3-mile hike, we will learn about the history of preserving the "Northridge" – a key open space link between Mill Valley, Corte Madera and Larkspur. It is part of the connecting ridge

from Mt. Tamalpais to Richardson Bay. It provides an entrance to Mt. Tamalpais State Park and connects via further trails to Muir Woods, GGNRA and coastal beaches. Local historians will talk about the passion and creativity it took to save this ridge, and MCOSD Naturalist David Herlocker will describe the native habitats and the species that live here.

**Directions:** Meet at the Crown Road Trailhead (from Sir Francis Drake, go south onto College Ave past Woodlands Market, right on Woodland Ave, left on Evergreen Rd; continue uphill to the intersection with Ridgecrest; 50 feet uphill from this junction, go left onto Crown Rd and follow to end. Moderate terrain and elevation gain.

**SATURDAY, AUGUST 29, 9:30 AM TO 2 PM, SAMUEL P. TAYLOR STATE PARK**

This easy 3-mile walk will be led by Marin historian Barry Spitz, along with former MCL president, Jean Berensmeier, who has been an

active voice in the San Geronimo Valley for land protection and preservation for many years. You will learn about the exploits of Samuel Penfield Taylor, who turned his gold from the California gold fields into a mill on "Papermill Creek," and then to a resort hotel and recreation destination, before abandoning the site. The five-year saga of how MCL persuaded the County to take the land for back taxes, and how it eventually became a

**For reservations, call  
415-485-6257**

State Park, is a story in itself. A plaque commemorating MCL co-founder Sepha Evers' role in the effort to acquire the old Taylor Mill lands for the Park is in storage, waiting to be replaced on the bench that bore the plaque.

The third Walk into History will be on Angel Island State Park in October. More details will be available this summer.

To reserve a place on one of these walks call the MCL office at 415-485-6257 or email [dparker@marinconservationleague.org](mailto:dparker@marinconservationleague.org).

### NMU *from Page 2*

Assets) at the northern entrance to the city. The project would add a mix of housing-including affordable housing- hotel, and other commercial uses to the site and an array of "green" features. Environmental review is pending. Another is a redevelopment project that would change uses on North Redwood Blvd. from industrial to retail/commercial.

### Water and Wastewater Issues

The Unit has tracked water supply and wastewater treatment projects in the Novato area for many years, including recent plans for expanding recycled water facilities at North Marin Water District (NMWD). The District receives about 20 percent of its water locally from the Stafford Lake watershed, and 80 percent from the Russian River via a pipeline that is shared by Marin Municipal Water District.

At the March 2009 meeting of the North Marin Unit, Chris De Gabriele, General Manager of the NMWD, described the district's ambitious plan to expand its wastewater recycling program. De Gabriele also explained the plans of the recently established North

Bay Water Reuse Authority (NBWRA), a cooperative program involving five water and wastewater agencies in Marin, Sonoma, and Napa Counties to expand use of recycled water throughout an approximate 318 square mile area. An EIR/EIS covering a range of alternatives

for expanding water recycling is currently being proposed. The Unit members agreed that while the program was a commendable project, they declined to endorse it until the EIR/EIS is released and can be examined.

There may be no other area in Marin in which so much planning and development



*North Marin Unit members check out a map of Novato and pending projects at the April 29 meeting. L-R: Charlene Kelsner, Bill Long, Edith Piltsch, Joyce Applen, Rick Fraites, Eleanor Sluis, Don Wilhelm*

activity is going on. Over the years, the Unit structure has proved to be a good way to keep Northern Marin members fully engaged with MCL and with countywide environmental issues. The North Marin Unit also continues to be an invaluable environmental guardian of the northern gateway to Marin.

# 75<sup>th</sup> Annual Dinner A Huge Success!



Assemblyman Jared Huffman, Congresswoman Lynn Woolsey, MCL President Nona Dennis and State Senator Mark Leno

of commendation from Senator Barbara Boxer and honored MCL for its achievements by introducing a statement of congratulations into the Congressional Record for the 111th Congress.

The event also served as an election to the board for five new directors: Marge Macris, Amy Marr, Brett Powell, Vicki Nichols and Jana Haehl, and as a thank you to departing board directors, Ron Albert and Charles Brousse.

Marin Conservation League's 75th Anniversary Dinner at the Mill Valley Community Center on Friday, April 17 was attended by almost 200 new and long-established members of the organization, as well as a veritable "who's who" of local and regional environmentalists and elected officials.



Bob Berner

The mistress of ceremonies, Linda Novy, and MCL's President, Nona Dennis, ensured that a fabulous time was had by all. Supervisors Steve Kinsey, Judy Arnold and Susan Adams represented the County of Marin, which

had earlier issued a Resolution commending MCL for its 75 years of service to the County. State Assemblyman Jared Huffman and State Senator Mark Leno jointly read a California State Senate Resolution thanking MCL for its long history of protecting the environment. Congresswoman Lynn Woolsey read a letter

The dinner, by CaterMarin, was accompanied by live entertainment from pianist Michael McIntosh and the Talking Dog Singers. Following the meal, the 2009 Annual Awards for Environmental Achievement were presented to these six outstanding individuals and organizations for their contribution to Marin and the planet:

- ✧ The Ted Wellman Water Award-The Master Gardener Volunteers of the "Bay-Friendly Garden Walk"
- ✧ The Marin Conservation League Volunteer Award-Susan Stompe



Paul Helliker, Carolyn Hand and Jean Starkweather

- ✧ The Marin Green Award for Environmental Leadership-Bob Berner, MALT
- ✧ The Youth Award for Environmental Leadership-Carly Wertheim, Redwood High School
- ✧ The John M. McPhail, Jr. Green Business Award-Dominican University "Green MBA" program
- ✧ The Peter Behr Lifetime Achievement Award-Harold Gilliam

The evening was capped by keynote speaker and Washington, D.C., radio host Bill Press, who addressed the crowd with a lively and germane discourse on the topic, "The Next 75 Years Start Now!"



Amy Meyer and Harold Gilliam

All photos by John Nygren



Frank Egger, Dotty LeMieux, Ray Moritz and



Bill Press Raises His Glass to the League



Susan Rusche and Vicki Rupp

## HOT Lanes

from Page 1

time, MCL's principal concerns are with public process – with the failure of both regional and local Marin County officials, specifically the Transportation Authority of Marin (TAM), to provide the public with an opportunity for open and informative education and response. MCL also believes that the environmental and social equity ramifications of HOT facilities, and realistic revenue projections, need to be analyzed.

On April 28, TAM held a public workshop at Redwood High School to present plans for regional HOT Lanes. In attendance were more agency representatives (from Alameda County, Santa Clara County, and MTC) than members of the public. In tone and content, the meeting was primarily a marketing exercise promoting HOT lanes. The stated

*MCL believes that effective outreach should be an essential element of HOT lane planning and implementation*

purpose of the workshop was to get public comment on what should be included in the scope of the analysis of HOT Lane implementation plans for Marin County, including revenue and investment projections. Representatives from MCL and other environmental organizations attended, made the following comments, and received a few responses:

1. MCL commented on the lack of public disclosure and input in the process to date. *Answer:* The MTC implementation plan will provide for public discussion. (Note that the MTC response presumes agreement that the project *will* go forward; discussion of whether HOT lanes *should* go forward apparently is foreclosed.)
2. Will the County be reimbursed for its expenditure of County Measure A funds for completion of the Hwy. 101 Gap Closure Project when and if Hwy. 101 HOV lanes are converted to HOT Lanes? *Answer:* Yes.
3. AB 744 (Torricono), which passed its first committee hearing on April 27, would give one regional agency blanket authority to proceed with the regional HOT Lane plans. If local agencies are not convinced of the local benefit of the

conversion of HOV Lanes to HOT Lanes and the construction of HOT Lanes in gaps of the regional plan, can local agencies opt out of the system? *Answer:* No. A regional system is essential to funding mechanisms.

4. If an EIR is done during the implementation phase, will it be a Program EIR or a Project by Project EIR process? There is a great difference between the two. *Answer:* It will be a project by project EIR process. (Note: This appears to be a piecemeal approach and would fail to address the impacts of the overall program)
  5. Another approach to handling congestion and traffic flows used in Europe, particularly Stockholm, has been to implement Congestion Pricing on a regional basis without the provision for HOT Lanes. MTC should analyze the adoption of this alternative to determine whether or not it has greater benefits. *Answer:* They will consider that in the analytical work.
  6. Would converting HOV Lanes to HOT Lanes serving single occupancy users be consistent with the goals of reducing Vehicle Miles Traveled (VMT) and greenhouse gas (GHG) emissions? How would the establishment of HOT Lanes in place of HOV Lanes affect the traffic flows in the Mixed Lanes and GHG emissions for the transportation corridors? *Answer:* "Road Pricing" and "Landuse" will reduce GHG emissions. (MCL has not seen support for this statement and believes that the impact of converting HOV Lanes to HOT Lanes will require rigorous analysis of GHG impacts. Intuitively, adoption of HOT lanes would increase long distance commutes of single occupancy vehicles.)
  7. Does AB 744, by supporting single occupancy vehicle use, conflict with the goal of SB 375, which is to reduce VMT? *No answer.*
- Finally,
8. How would toll funds raised be spent, and will the money raised from tolls in various segments of the HOT Lane regional plan be spent locally in those local segments? *Answer:* A financing and construction plan has yet to be

completed. Final decisions will be made by a regional agency.

Many more questions on operational aspects of HOT Lanes were raised by the people in attendance. What stood out was the unmet need for broad public education.

MCL believes that effective outreach should be an essential element of HOT lane planning and implementation. HOT lanes are a relatively recent concept in transportation, and both the general public and local elected officials need to become familiar with the rationale for proposing them, the options for their operation, the environmental and social equity implications, whether negative or positive, and mechanisms of governance. Without such outreach, the public might greet the introduction of a proposed HOT facility with indifference, or caution, or outright hostility. MCL will continue to track the HOT lane issue and keep its members informed.

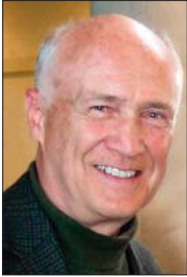
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## Meet Your MCL Directors

*Three of the volunteers working to make a difference!*



### ROGER ROBERTS

San Rafael. Roger, a resident of Marin County since 1970, retired from 25 years of banking experience, 20 of which were in the specialized fields of International Trade, Export, Project, and

Development Finance. Since 1989, he served as an independent consultant with particular emphasis on finance institutional review and strengthening. He holds an M.Sc. in World Business Administration and Finance from San Francisco State University and B.A. in Government and International Relations from the College of William and Mary. Roger is a Past President of MCL, has served on the board of directors of Marin Citizens for Energy Planning, and as City Councilman for the City of Larkspur. He is active in local political issues and served on various citizens advisory and action committees. Roger enjoys sailing, skiing, river rafting, tennis, biking and gardening.

### AMY MARR,

Mill Valley. Boston-bred Amy grew up spending summers on Cape Cod and exploring the West, thanks to her family's annual cross-country road trips. Since then, she has hoofed and pedaled hundreds of miles all over the world. She graduated from Williams College, where she majored in English and Art History. After working as a business writer and PR director in Cambridge, MA, Amy fled the office to lead and research biking and hiking trips throughout the US and abroad (mostly in Italy). In 1998 she moved to Santa Fe, where she managed Outside Online for Outside magazine. Amy has worked in publishing for the past 15 years. Since 2003, she has been an Associate Publisher with Weldon Owen Publishing, where she manages and produces



lifestyle cookbooks for Williams-Sonoma. An avid cook, adventurer, and Italophile, she has written about food, wine, and travel for several magazines and co-authored six guidebooks.



### CARSON COX,

Mill Valley. Carson is a conservation biologist specializing in water resource policy and restoration of in-stream flows. He has worked to improve river management and restore river-

ine ecosystems across California, most recently working on a cooperative effort to develop environmentally sustainable water supplies for coastal agricultural communities. He has also worked as a fisheries scientist and water resource regulator at the California Department of Fish and Game and the State Water Resources Control Board – Division of Water Rights. At both agencies he represented the State of California in hydropower relicensing negotiations to determine how stream flows are allocated in some of the State's major river systems, including the Feather, San Joaquin, and Upper American systems. Carson has a Masters of Science degree in Conservation Biology from the University of Wisconsin – Madison, a Master of Public Policy degree from the University of Michigan, and a B.A. in Biological Aspects of Conservation from the University of Wisconsin – Madison.

## Status Updates

*from Page 3*

priate for the site. However, our comments at this time are on the DEIR. The location and scale of the recreational facility and the proposed operation (active until midnight) will have significant impacts on adjacent habitats due to traffic, noise, lighting and glare, and human activity. These impacts are not adequately addressed in the DEIR. Additionally, the DEIR fails to fully detail the land use restrictions that were placed on the site in 1983. We have told the city that all of these deficiencies must be addressed in a Final EIR.



*A duck swims in Gallinas Creek, adjacent to the proposed sports complex*

## Many Thanks to our 75th Anniversary Sponsors!

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Cordy Hill, <i>in memory of Robert Royston</i>	Janet Allen	Sue MacMillan, <i>in memory of Alex MacMillan</i>	Wanden P. Treanor and Judge Faye D'Opal
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*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**

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**Monthly Committee Meeting**

**Schedule** (subject to change):

*Land Use:*

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

*Transportation; Creeks, Watersheds &  
Wetlands; North Marin Unit:*

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.

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