

## County Environmental Coordinator Tim Haddad A CEQA Pioneer



Dru Parker

L—R: Rachel Warner, Environmental Planner; Tim Haddad, Environmental Planning Coordinator; and Tamara Taylor, Environmental Planning Aide

Tim Haddad, Environmental Coordinator for Marin County, is sitting in his office in the Civic Center, surrounded by stacks of papers and huge volumes—presumably Environmental Impact Reports (EIRs). He picks up two thick binders. "These," he says, "are two baffling versions of the same project—different formats, different alternatives, different conclusions . . . you wouldn't know they're about the same project." The "project" in this case is the proposed extension of the runway at Gnos Field north of Novato. It has been more than four years since Tim met with the Federal Aviation Administration (FAA) to initiate discussions to satisfy requirements of both the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). Ordinarily, a joint Environmental Impact Statement/Report (EIS/EIR) will satisfy the both federal and State environmental laws: the basic outlines are similar, but there are important differences in terminology. Communication

with the FAA has been difficult, and it will take unusual effort on Tim's part to bring these two processes together in a document that is both legally compliant and understandable.

The Environmental Coordinator is the heart of the CEQA process in Marin County. Tim Haddad has held the position since 1989. He is most often "backstage" in his Community Development Agency office, surrounded by EIRs in various stages of review. If you are a "regular" at Civic Center—as MCL activists are—you will encounter Tim presiding over a public "scoping session" for an upcoming EIR, summarizing for the Planning Commission the significant impacts of a project from a multi-volume EIR or citing California's CEQA Guidelines to justify why an alternative to the project is or is not feasible. He coordinates environmental reviews throughout County

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## CEQA at 40—A Brief History

In January 1970, the National Environmental Policy Act (NEPA) was enacted requiring that environmental concerns be considered in the decision-making process. Nine months after NEPA was signed into law and four months after the first Earth Day, the California Environmental Quality Act (CEQA) was passed by the California Legislature and signed by Governor Reagan.

CEQA, patterned after NEPA, broadly endorsed the primacy of environmental issues in government decision making. It required ". . . [the state to] take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise." Despite this sweeping direction, in the first few years after its enactment nothing changed; the three-page statute was construed narrowly and contained no provisions for enforcement.

This changed in 1973, after the Supreme Court's decision in the *Friends of Mammoth* case and subsequent legislative amendments. Together, they fundamentally transformed CEQA's influence on future development in the state by

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## A Message from the President— CEQA and Earth Day Turn Forty



This issue of the News features the California Environmental Quality Act (CEQA), which reaches its 40th Anniversary in 2010. This California law, signed by Governor Reagan in 1970, began quietly but has gone on to change

forever the way we anticipate and respond to the potential environmental consequences of new development. Within a few years it had become one of MCL's principal tools of environmental advocacy. Marin County's Environmental Coordinator Tim Haddad, whose own career parallels the history of CEQA, provides a stellar example of the evolution and sweep of CEQA (see page 1).

At MCL's Annual Dinner on April 23 (see page 4), we will also feature CEQA, with a keynote address by Clem Shute, Senior Counsel to Shute, Mihaly & Weinberger. Clem is one of California's leading environmental and land use attorneys. In his early work in the State Attorney General's office, he helped to establish the scope of CEQA. His reflec-

tions on CEQA and its importance today will be timely, for once again, as under several previous administrations, CEQA is under both gubernatorial and legislative attack.

MCL's Annual Dinner will also celebrate the 40th Anniversary of Earth Day. It is not a coincidence that the first Earth Day, April 22, 1970, the National Environmental Policy Act (NEPA) enacted on January 1, 1970, and CEQA, enacted nine months later, all share the same year of birth. They were followed within a few years by the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Resource Conservation and Recovery Act, and other legislative responses to a growing concern over the environment.

These actions—and the larger "environmental movement"—can trace their origins to the previous decade of awakening—the 1960s. Rachel Carson's *Silent Spring*, published in 1962 after years of research on the lethal effects of DDT on wildlife, still stands out as the memorable alarm bell early in that decade. The Santa Barbara oil spill ended the decade in 1969. And our first images of "Spaceship Earth" taken from the moon that

same year came to symbolize the earth's environmental limits.

It was an inspection of the Santa Barbara oil spill that prompted Wisconsin Senator Gaylord Nelson, with the aid of former Stanford student body president Dennis Hayes, to propose a nationwide teach-in—the first Earth Day—for 1970. Long troubled by the critical state of the environment, Senator Nelson wanted to focus public attention on a variety of environmental problems. In an

### *Sustainability cannot be allowed to become a meaningless buzzword*

outpouring of human passion and demand for change, more than 20 million people took part in that first Earth Day—in nearly every city and town across the United States and throughout the world. It was the largest organized demonstration in history.

Twenty years later planetary health had become a global issue, and on Earth Day 1990 over 200 million people in more than 140 nations made their ideals known, giving birth to the United Nations Earth summit. For the first time in history, human impacts on climate and biodiversity entered the political arena. By 1990 the world had also begun to recognize that if human societies and their economies were the problem, they would have to be engaged in the solution, and from that recognition evolved the first principles of sustainability.

Now, forty years later, Earth Day 2010 comes with knowledge of an "inconvenient truth:" the earth's limits are already exceeded and major climate systems are undergoing possibly irreversible change. Marin County's "natural assets," which MCL was charged by its founders to preserve and protect, are inseparable from regional and global ecosystems as well as human systems and economies, and our actions must reflect this larger obligation. Sustainability cannot be allowed to become a meaningless buzzword. For such a non-controversial statute in its original form, CEQA's expansive policies embrace the principles of sustainability without ever using the term. They were remarkably prescient for 1970 and, as we honor them, they will continue to have a profound and favorable impact on California and Marin.

*None Dennis*



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*Forty years ago, the Brown Pelican was placed on the Endangered Species List due to widespread use of DDT. DDT was banned by the federal government two years later and the species was de-listed last year.*

*Upcoming Events*

**Friday, March 19—Marin Business—Environment Alliance Breakfast Forum**

**Ed Quevedo—“BEYOND GREENWASH: Realizing Profitability through AUTHENTIC Sustainable Business Practices”**

It is now common knowledge that sustainable business practices make good business sense, but how can we distinguish those that claim to be green and sustainable from those that truly are? Marin Conservation League, the North Bay Leadership Council and the Institute for Leadership Studies at Dominican University of California have joined forces to present a dynamic and thought-provoking breakfast forum on this question, “Beyond Greenwash,” on March 19 from 7:30 to 9:00 am at the Creekside Room on the Dominican University campus.



*Speaker: Ed Quevedo*

Both business people and environmentally-conscious consumers will benefit from guest speaker Ed Quevedo’s extensive experience

working with businesses at all levels in separating sustainable intent from authentic and cost-effective results. An engaging and dynamic speaker, Mr. Quevedo is Senior Counsel and Chair of the Sustainability Practice Group at Paladin Law Group and serves on the faculty of the Dominican University School of Business & Leadership MBA Program in Sustainable Enterprise (the Green MBA®). He has lectured on environmental management, applied ethics, sustainable development, corporate responsibility, and sustainable business practices at various universities, including the Haas Business School at the University of California, Berkeley; Tulane University; Lund University (Sweden) and the Graduate School of Business at Stanford University.

Tickets are **\$25** per person and include a full breakfast. Advance registration is required as space is limited. Use the registration form below to register via fax or mail to the North Bay Leadership Council or call MCL at 415.485.6257 for more details. Please note the venue—the Creekside Room at 100 Magnolia Ave., San Rafael.

**Marin Business—Environment Alliance: Engaging Business, Environment and Leadership**



Protecting Marin Since 1934



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of CALIFORNIA

**INSTITUTE for LEADERSHIP STUDIES**



**NORTH BAY LEADERSHIP COUNCIL**

*More Events on Page 11*



**REGISTRATION FORM BUSINESS—ENVIRONMENT ALLIANCE BREAKFAST: “BEYOND GREENWASH,” 3/19/2010**

Name(s) \_\_\_\_\_

Title/Org. \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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Number of participants \_\_\_\_\_ x \$25 = \$ \_\_\_\_\_ Total Due

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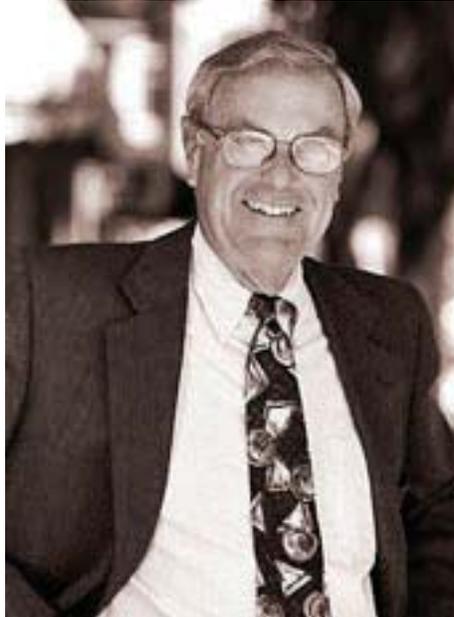
# Clem Shute to Speak at MCL's Annual Dinner on April 23 at Hamilton's Key Room

## Skip Schwartz to receive Peter Behr Lifetime Achievement Award

Marin Conservation League is honored to have California Environmental Quality Act (CEQA) pioneer E. Clement (Clem) Shute, Jr. as guest speaker at the Annual Dinner Gala on April 23. The dinner will be held at the Key Room in the New Beginnings Center at Hamilton in south Novato.

Mr. Shute has practiced Environmental and Land Use Law throughout his career. He started at the State Attorney General's Office representing the Bay Conservation and Development Commission and heading enforcement of California's environmental laws. Prior to founding Shute Mihaly & Weinberger in 1980, he was involved in the first CEQA cases before the California Supreme Court and helped write the CEQA Guidelines. He has been counsel in several major CEQA appellate decisions such as the Kings County case which stopped a coal fired power plant in the Central Valley, and an Oakland Airport case which resulted in a deep reduction in nighttime air cargo flight operations. Locally, he advised Marin County in the preparation of the EIR for the 2007 Countywide Plan.

The evening's program will include the presentation of MCL's 2010 Awards for Environmental Leadership. Retiring Audubon Canyon Ranch (ACR) Executive Director Maurice "Skip" Schwartz will receive the Peter Behr Lifetime Achievement Award for his thirty-plus years of expanding ACR's properties and nurturing its educational and scientific programs. Social and environmental activist and one-time MCL Board member Inka Benton will be honored with the Marin Green Award for an unyielding environmental and social ethic that has taken many forms during her lifetime. The John M. McPhail, Jr. Green Business Award



Guest Speaker Clem Shute

will go to the Muir Woods Trading Company for its innovative and sustainable concession at the Muir Woods National Monument. The Ted Wellman Water Award will be awarded to the Giacomini Wetlands Restoration Project at the Point Reyes National Seashore and will be received by outgoing

*Tickets are \$65 per person and feature an organic dinner buffet by Fresh Starts Catering*

Superintendent Don Neubacher and two members of the project team, Lorraine Parsons, Project Manager, and Brannon Ketcham, PRNS Hydrologist and recent MCL Board Member.

The Youth Award for Environmental Leadership and the Marin Conservation League Volunteer Award will be announced later.

MCL welcomes back pianist Michael McIntosh to set the tone for the dinner, and is very grateful to major sponsor Shute Mihaly & Weinberger, LLP and all the local businesses who have graciously donated raffle prizes.

### *New Venue, Fresh Starts*

*For this year's annual dinner, MCL has chosen a new venue: The Key Room at Novato-based Homeward Bound, Marin County's chief provider of shelter and residential services for homeless families and individuals.*

*Homeward Bound supports upward of 1400 people per year offering programs like the Fresh Starts Culinary Academy, a five-month job training course open to Homeward Bound residents as well as the public. Fresh Starts Catering, a nonprofit off-shoot that employs many program graduates, will be preparing the menu for the MCL dinner.*

*In addition to cooking meals that feature fresh, local, and natural ingredients, including fruits and vegetables grown in Homeward Bound's organic gardens, Fresh Starts Catering also produces a line of homemade preserves and chocolate truffles.*

The no-host reception will begin at 5:30 pm, to be followed by the dinner and program at 6:30 pm. Fresh Starts Catering will provide the organic buffet dinner.

The Key Room, part of Homeward Bound's New Beginnings Center, is located at 1385 N. Hamilton Parkway, Novato (behind the Courtyard by Marriott at the north end of Hamilton). Tickets are \$65 per person and invitations will be mailed in March. Space is limited and no tickets will be sold at the door. Contact MCL at 415.485.6257 or visit [marinconservationleague.org](http://marinconservationleague.org) to pre-register by April 16.

*Status Updates*

## Marin County Open Space District Trails

In the MCL January-February News, we reported on a workshop convened by the Board of Supervisors last November to discuss how to resolve conflicts among trail users (hikers, equestrians, and mountain bikes) and, at the same time, increase mountain bike access to trails on Marin County Open Space District (MCOSD) preserves without damage to environment or safety hazard to other users. Since November, Supervisors Susan Adams and Steve Kinsey have met with MCOSD staff as a subcommittee to consider various approaches to address the two issues. On February 2, Deputy Director Ron Miska presented the sub-committee's recommendations to a joint meeting of the Board and Parks and Open Space Commission. It came with the cautionary warning from County Administrator Matthew Hymel that the District has extremely limited funds at its disposal. The approaches are:

1. Move forward with the District's one-year Roads and Trails Management Plan, so as to gain a comprehensive inventory of road and trail assets and needs on the 16,000 acres of Open Space Preserves. MCL continues to support this long-scheduled plan to build an essential information base before committing funds to specific projects.
2. Explore possible policies to reduce conflicts, such as single-use trails,

*A pair of coyotes spotted near the route of the proposed 680 Trail above San Domenico School*



*Brad Rippe*

alternate day use, special use areas, etc., to separate different user groups, for example, horses from mountain bikes, where conflicts are frequently cited. This strikes MCL as premature, until the inventory has been completed. Staff, however, believes that this short-term study will yield criteria for the second phase of road and trail management planning.

3. Study feasibility of developing a separate "bike park" for technical riding at Stafford Lake. It is too early for MCL to comment on this idea until its feasibility, environmental implications, and cost have been studied, but we believe this park is unlikely to satisfy many of the cyclists who are pressing for access to more trails on the preserves.
4. Construct a 3.2-mile multi-use trail (five to seven feet wide, at or above the 680-foot elevation contour above Sleepy Hollow) to connect two popular open space preserves: the Terra Linda/Sleepy Hollow Divide

and Loma Alta. The "680 Trail" was presented at the February 2 meeting as a project already "approved" and underway, with no further discussion. MCL has two serious issues with this connector trail. First, the plan, which would disrupt pristine grasslands, erodible soils and wildlife habitat, is being fast-tracked toward construction under apparent political pressure. Environmental studies are underway, but the public needs ample opportunity to participate. Second, we believe that the existing density of trails is already too high in the County's open space preserves, and that there may be alternative, less disruptive alignments along existing fire roads for this connector. While alternatives may have been studied by staff, the public has been given only limited chance to evaluate the planning process and weigh in.

## San Geronimo Valley Salmon Enhancement Plan (SEP)

Two years ago, the county declared a moratorium on issuing building permits in the San Geronimo Valley, pending detailed study of the conditions that have contrib-



*Dru Parker*

*A rainy-day view of the Ross Valley and Mount Tam from the Loma Alta end of the 680 trail route*

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## Haddad *from Page 1*

departments, and is a key player in enabling the Planning Commission and Board of Supervisors to make informed environmental decisions. He is exacting in how the County complies with the law, because he has followed closely the many court decisions and legislative amendments that have shaped implementation of CEQA over the years.

Tim brings almost 40 years of experience as an environmental specialist in Sonoma, Solano, and finally Marin Counties to his work. Over these years, Tim has been involved in hundreds of cases. He recalls a few in his career as either unique, precedent-setting, or just plain unforgettable.

### *The Running Fence*

Tim grew up in Sonoma County. When he started his planning career in the Sonoma County Planning Department in 1973, he thought he would be processing subdivision applications, but the Supreme Court's *Friends of Mammoth* decision (see "CEQA at 40" article) changed all that. He soon found himself immersed in environmental impact reports. One of the first was the EIR for Christo's "Running Fence," an artwork consisting of a 24½-mile fabric fence crossing the rural ranchlands of western Sonoma and tip of Marin Counties before ending in the Pacific Ocean. Permits from both counties and the California Coastal Commission prompted the need for an EIR.

Christo already had a reputation in European and New York art circles for wrapping the Australian coast at Little Bay, Sydney, and installing a curtain across Rifle Gap in Colorado, but he was viewed locally with skepticism, even hostility, as a commercial exhibitionist. Surprisingly, he won over the fifty-nine ranch owners, whose lands the fence would cross. After four years of unremitting controversy and lawsuits, the counties granted permits, but not the Coastal Commission. The Running Fence was installed (including the unpermitted westernmost panel that extended into the Pacific Ocean!), viewed for two weeks in September 1976, and dismantled—all before a judge ruled that the EIR was not required after all. Buried within the judge's ruling was a statement that would stay with Tim through many future CEQA-related controversies: "We reject the inference that...

factual controversy, uncertainty, conflicting assertions, argument, or public controversy can of themselves...require the preparation of an EIR when there is no substantial evidence in the record that the project...[will have a significant effect on the environment]."

### *Dow Petrochemical Plant, Montezuma Hills*

As the Running Fence episode was coming to an end in 1976, Tim was hired by Solano County to establish that county's environmental review process and guidelines and undertake a major industrial project EIR. In 1975, Dow Chemical Company had proposed a petrochemical plant on industrial-zoned lands on Montezuma Hills, overlooking the Carquinez Strait. A PG&E power plant and several refineries already occupied the opposite shore of the Strait, and more industry was certain to follow, including a PG&E coal-fired power plant. In addition to an EIR, the DOW project required 52 separate federal, state, and local permits covering every conceivable issue—from air quality, to hazards, to endangered species, to health risk. The focal issue for the EIR, as Tim recalls, was cumulative impacts, in particular air pollutants from past, present and "reasonably foreseeable" future industries, which would blow easterly toward Sacramento and the Valley. Ultimately, the County certified the

EIR and approved the project as consistent with zoning, but the permit for air emissions was denied. Dow left California, but not before gaining amendments to the Clean Air Act and prompting passage of the California Permit Streamlining Act. "California," Dow claimed, "is hostile to business!"

Tim had a variety of environmental responsibilities during his years in Solano County, including regulating surface mining, solid waste landfills and wind power. Energy shortages during the Carter Administration had spurred interest in alternative fuels, especially wind power projects. Tim developed Solano County's ordinance for wind energy

*"In Marin...people keep me on my toes every day!"—Tim Haddad*

and was largely responsible for preparing the Solano County Wind Turbine Siting Plan. A proposal for a 450 MW wind turbine installation in the Collinsville-Montezuma Hills Wind Resource Area required him to address many issues, such as bird strikes, that have plagued the Altamont Hills and other wind projects. To Tim's satisfaction, the Montezuma Hills project was instrumental in gaining permanent protection for agriculture

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*Solano County's Montezuma Hills Wind Farm*



*The EIR for dredging of the Larkspur Ferry Terminal site focused on shorebird use of Corte Madera mudflats* Dru Parker

## CEQA History from Page 1

extending the statute to apply to private as well as public projects. As a result, virtually any permit, license, lease, or other entitlement requiring public agency discretionary approval would become subject to CEQA. (NEPA continues to apply only to projects that are undertaken, approved, or funded by the federal government.)

At the heart of CEQA from the beginning was the requirement of a "detailed statement" of environmental impacts, i.e., an environmental impact report (EIR).

Early EIRs were minimal. Marge Macris, former Marin County Planning Director, recalls writing a 10-page EIR on the 1973 Countywide Plan. Marin Municipal Water District produced a short EIR in 1972 for a proposed three-million water storage tank, which counted how many oak, bay, and madrone trees would be removed and evaluated geologic stability and soils conditions. That was all. The EIR on the Larkspur Ferry Terminal, which focused on shorebird use of the Corte Madera Creek mudflats that would be dredged, was buried within an engineering report under the architectural design contract.

Final CEQA Guidelines appeared in 1973. (Norman B. Livermore, Jr., son of MCL co-

founder Caroline Livermore and California's then-Secretary for Resources, had been responsible for earlier guidelines.) By 1976, after legal challenges, judicial constructions, and legislative amendments, the basic requirements of CEQA were fairly well set.

As the requirements of the Act were clarified and extended, EIR consultants began emerging from traditional disciplines of engineering, biology, geology, planning, landscape architecture, physical science, archaeology,

geography, and others. These consultants added both technical rigor and bulk to EIRs. Since then, hundreds of judicial decisions, often conflicting, and legislative amendments have expanded CEQA's scope and fine-tuned the Act's requirements. From the beginning, CEQA has been a useful tool for project opponents. As a result, to withstand legal challenge EIRs have become increasingly long and technically detailed.

### *CEQA In a Nutshell*

CEQA requires that before a governmental agency decides to approve its own or a private project that may have an environmental impact, it must prepare a report, an "EIR" or a "Negative Declaration," describing the en-

vironmental impacts of the proposed project. Although EIRs can easily approach the 1000-page mark, supported by endless technical appendices and reports, the basic elements of all EIRs remain essentially the same.

An EIR must:

- Identify all potential impacts of a project, those that are potentially significant and those that cannot be avoided
- Analyze impacts that may be individually minor but are "cumulatively considerable"
- Identify feasible mitigation measures to avoid or reduce the significant impacts
- Consider a range of reasonable alternatives to the proposed project, including the "no project" alternative
- Fully disclose impacts to decision makers and the public
- Solicit and respond in writing to public comments
- Facilitate interagency cooperation and consultation

Once an EIR is prepared, CEQA requires the lead agency to:

- Make changes in projects to lessen or avoid impact, where feasible
- Disapprove a project with significant unavoidable adverse environmental effects
- Approve a project with unavoidable effects if the project benefits outweigh the impact
- Impose fees to cover the cost of CEQA compliance on project applicants.

CEQA does not grant any new discretionary powers to the lead agency to impose or carry out mitigation.

Over the past 40 years, CEQA's greatest contributions can be summed up: **1) public disclosure of the environmental impacts of proposed government actions; 2) requiring public agencies to solicit and respond to public comment; and 3) holding the government accountable for its decisions.**

## Status Updates *from Page 5*

uted to degradation of habitat for the endangered Coho salmon and possible actions to protect and restore that habitat. Populations of the Coho salmon along the central Pacific Coast are in precipitous decline, and the San Geronimo Creek and tributaries are critical to spawning and rearing success of the local population. The moratorium was prompted by a challenge brought by Salmon Protection and Watershed Network (SPAWN), charging that the County's Environmental Impact Report on the 2007 Countywide Plan failed to account for cumulative impacts of development that have contributed to degrading the Coho's habitat. In response, the County undertook two years of study to document existing habitat conditions along San Geronimo Creek and its upper tributar-

ies and to produce a Salmon Enhancement Plan (SEP), containing seventeen recommended actions for restoring the habitat and preventing further damage. The moratorium ended in early February. Residents of the Valley community continue to be sharply divided on the SEP process and implementation. On February 9, the Board of Supervisors voted to "accept" the SEP. The County will begin working with the community in early March on how to implement SEP recommendations.

## Vegetation Management Planning on Marin's Public Lands

Marin Conservation League has been following closely the progress of Vegetation Management Plans (VMPs) for both the Marin Municipal Water District (MMWD) and the Marin County Open Space District (MCOSD). Between the two agencies, more than 37,000 acres of land are involved. Their plans focus particularly on control of invasive species and management of fire hazard. MCL's interest is in the need to also protect natural resources, enhance biodiversity, and employ best management practices to protect the environment. As MMWD reminds us in their January issue of *The Inside Source*, "The Mount Tamalpais watershed is part of the Golden Gate Biosphere Reserve, which means that it is an internationally recognized biodiversity 'hot spot,' and home to over 900 species of plants and 400 species of

animals, including 77 rare, threatened, and endangered species." That statement says it all and underlines what is potentially at risk with our rich watershed and open space lands. Both of these planning processes will be moving forward this year.

The MMWD Board is expected to award a contract to Leonard Charles and Associates on March 3 to prepare the Environmental Impact Report (EIR) for its VMP. A public review draft of the VMP itself is expected to be released for comment in April. Public EIR Scoping meetings are planned for April or May, and the Draft EIR is scheduled to be completed by year end.

The VMP for the Open Space District is on a similar schedule. Two series of public outreach meetings have already taken place regarding VMP goals and objectives. Later this spring MCOSD will report to the public on draft strategies for the VMP, followed in the summer by a draft VMP. The District expects to complete the environmental review during the summer and fall and adopt the VMP early in 2011.

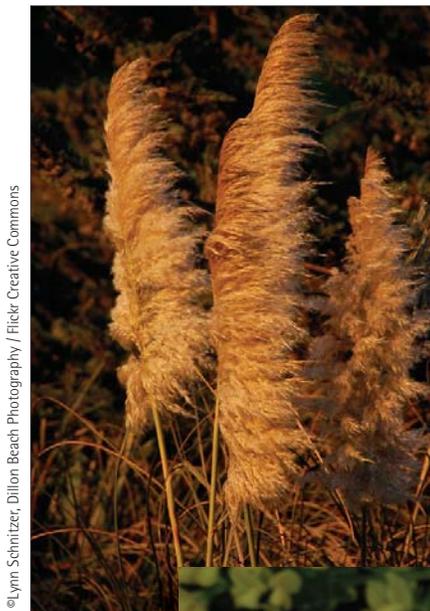
MCL will continue to monitor these plans in the coming months. We encourage you to help us ensure that these Vegetation Management Plans achieve a balanced approach to preserving and protecting our county's

*Both MMWD and MCOSD offer volunteer opportunities for you to protect our watersheds and open space*

diverse natural resources while controlling fire risks and invasive plant species such as French broom, pampas grass, and many others. Both MMWD ([marinwater.org](http://marinwater.org)) and MCOSD ([co.marin.ca.us/pos/MCOSD/home](http://co.marin.ca.us/pos/MCOSD/home)) offer volunteer opportunities for you to engage directly in protecting our watersheds and open space preserves. Ranger Greg Reza, the volunteer coordinator for MCOSD can be reached at (415)499-3778 and MMWD's volunteer coordinator is at (415)945-1128.

## Emergency Operations Facility Project EIR

The County of Marin has been planning a new Emergency Operations Facility (EOF) for more than 20 years. The current Emergency Operations Center, which houses essential



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*Non-native, highly invasive pampas grass (top) and broom (right) are a major threat to the biodiversity of Marin County*



©Doug Greenberg / Flickr Creative Commons

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## Status Updates *from Page 8*

services in the Hall of Justice, is out-of-date, too small, and would not survive a catastrophic earthquake. The Grand Jury has twice confirmed need for the facility. The question is: where should it be constructed? The 81-acre Marin County Civic Center is a National Historic Landmark, protected by Master Design Guidelines and an Ordinance that requires voter approval for new construction on portions of the center. Several sites on or near the center have been identified as feasible for the 100,000-plus square foot facility; the County's "preferred" site is across Civic Center Drive from the Hall of Justice. This site, which is adjacent to a mod-

*The 81-acre Marin County Civic Center is a National Historic Landmark...Siting and design of the EOF will be major issues*

est, long-established Santa Venetia residential neighborhood, currently holds a popular Pétanque court, the Field of Dogs dog park, and juror parking.

Environmental studies for the facility were initiated late in 2009, and a Draft EIR will be available for public review by mid-2010. MCL submitted extensive comments on the scope of the EIR. Although the project does not involve impacts on natural resources of countywide significance, it will be a massive building complex that could bring a dramatic change to the aesthetics of the Civic Center and the lagoon and park. MCL believes that alternative sites should be thoroughly studied in the EIR. Depending on the selected site, the existing Santa Venetia community should be buffered from impacts of the facility. Further, in view of future developments around the proposed SMART station in that neighborhood of San Rafael, cumulative impacts, such as traffic, will deserve special attention.



Stuart Smith

*The popular "Field of Dogs" off-leash dog play area across from the Civic Center is a busy gathering spot for humans and canines alike*



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**YES!** I want to protect Marin's natural spaces for everyone!

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Please renew my membership for 2010 at this level:

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|--|---|---|
| <input type="checkbox"/> \$35 Steward                          | <input type="checkbox"/> \$250 Woodlands    | <input type="checkbox"/> \$100 Business   |
| <input type="checkbox"/> \$50 Creeks                           | <input type="checkbox"/> \$500 Redwoods     | <input type="checkbox"/> \$_____ Donation |
| <input type="checkbox"/> \$100 Baylands                        | <input type="checkbox"/> \$1,000 Peter Behr |   |
| <input type="checkbox"/> My check, payable to MCL, is enclosed |   |   |
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Card Number \_\_\_\_\_

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## Haddad *from Page 6*

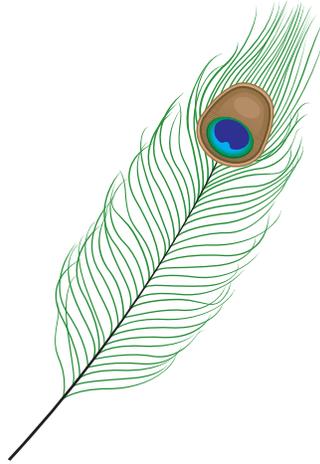
and open space; grazing and single-crop agriculture, along with the wind turbines, were able to supplant the anticipated industrial development.

### *The Buck Institute*

When the position of Environmental Coordinator in Marin County opened in 1989, Tim was already steeped in CEQA experience. Marin County held other attractions for him: a policy focus on natural resource protection; a tradition of environmentally supportive politics; and the challenges and rewards from engaging with a truly participatory public. Comparing the counties, Tim noted: "The problem in Solano County was in raising awareness. In Marin County, citizens keep me on my toes every day. They are knowledgeable and willing to take on the responsibilities of an engaged public."

He also cautions, however, that public participation needs balance: emotional passions must be supported by factual evidence—in CEQA parlance, "substantial evidence"—the lesson of the Running Fence: just because a project is controversial doesn't mean an EIR is required!

In his 21 years in Marin, Tim established current County CEQA guidelines and, with his two-person staff, has managed hundreds of environmental documents on plans and development proposals. Among them, the EIR on the Buck Institute for Age Research in Novato stands out. The planning and environmental processes occupied several years, many consultants, animal rights demonstrations, and several lawsuits before the Institute was approved in 1995. The demonstrations received national media attention, and Tim found himself in the pages of *Time Magazine* for including in the EIR a study of the effects of public demonstrations and possible civil disobedience in the community, particularly the adjacent upscale neighborhood. Perceived as being "Only-in-Marin," it was dubbed by the media "Self-Esteem Study." In bulk, the environmental documents for the Buck Institute outweighed any previous project EIR. Tim assembled the final total "package" of EIRs, Addenda, and Supplements, bound them with a large black ribbon, and wheeled them into Board of Supervisors' chambers on a hand-truck.



"There," he said. "All wrapped up!"

### *Observations*

Tim will be the first to point out that CEQA has its problems. Conflicting judicial decisions have created gray areas and uncertainties. Correct implementation is a constant challenge. Nonetheless, Tim is justifiably proud of his contributions to public decision making. CEQA is not perfect, he admits, but it endures for two basic reasons:

—CEQA is closely linked with planning and zoning law. In local government, the General Plan is the "constitution"—the framework of governing policies that encompass the County (or City) and its resources and provide a macro view of the environment. CEQA addresses the individual project, providing the micro view—a detailed assessment of how the impacts of the individual case fit within the larger framework. The two complement each other

—CEQA has proved to be flexible and resilient over its 40 years, shaped by practice, the courts and the legislature. Guided by the powerful interpretive principle in *Friends of Mammoth*—that CEQA is construed to..."afford the fullest possible protection of the environment...within the reasonable scope of the statutory language"—and its mandate for full disclosure, CEQA has been able to survive 40 years' worth of shifting political priorities and will continue to do so.

## JOIN AN MCL ISSUES COMMITTEE!

Are you interested in keeping track of local environmental issues? Join one of MCL's committees! Members keep an eye on specific topics and report back to the committee monthly. See [marinconservationleague.org/about-us/issues-committees](http://marinconservationleague.org/about-us/issues-committees) or just drop in on a meeting.

### Current Monthly Committee Meeting Schedule:

#### Land Use and Transportation:

1<sup>st</sup> Wed. of the month  
8:00 - 10:00 AM

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

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

Meetings (except for NMU) are held at  
1623-A Fifth Avenue (at 'F')  
San Rafael

## Events *from Page 3*

### Saturday, March 27— Walk Into History: Corte Madera Shoreline

Wetland preservation was not a widely used term in the early 1970s when Marin Conservation League worked successfully for the acquisition and permanent preservation of the 92-acre Heerdt tidal salt marsh at the mouth of Corte Madera Creek. The marsh was the last remnant of the once-extensive salt marsh system that once reached up into the Ross Valley. Many changes have taken place along this shoreline. In the forty years since, MCL purchased tidal lots to prevent further filling and development of the Bay!

Learn about this history as we explore the Corte Madera Shoreline on this Walk into History, the fourth in MCL's series of revisiting areas in Marin that have been preserved with MCL's help. Jana Haehl will recount history, and we will be joined by wetlands biologist Katherine Cuneo, Ph.D.

This free walk will start at 9:30 am and end roughly around 1:00 pm. The terrain is level, but wear comfortable walking shoes that you don't mind getting muddy, and, of course, a hat and sunscreen. You will also want to bring water, a snack, and a windbreaker. Families and friends are welcome and well-behaved dogs on-leash are allowed!

The meeting location and parking are still to be determined. Please pre-register at the events page at [marinconservation-league.org](http://marinconservation-league.org) or call 415.485.6257 to reserve a space and MCL will contact you to confirm details.



## ANNOUNCEMENTS

**MARIN RELEAF** is seeking 2 persons for its Board of Directors. The Board will be developing an office, staff, and funding to assist in a pilot program to plant street trees in collaboration with the City of San Rafael. Experience with technology and social networking is a bonus. For more information, contact Sandra Sellinger at 415.456.1387 or email [Sandra@marinreleaf.org](mailto:Sandra@marinreleaf.org)

### BRING YOUR OWN BAG DAY

*Third Saturday of each month until Earth Day*

Californians use 19 BILLION single-use bags annually. These eventually end up in our landfills, streets and oceans.

The County of Marin, Teens Turning Green, EcoMoms Alliance and local grocers are working together with other organizations on crafting an ordinance that will reduce Marin's contribution of single-use bags to the waste stream.

ONLY 10 — 15% OF PAPER BAGS AND 1 — 3% OF PLASTIC BAGS ARE RECYCLED!

Show your support for the environment— bring your own bag. And help our local economy by shopping community merchants with your own bag on the 3<sup>rd</sup> Saturday of each month: Mar. 20 and Apr. 17.

Visit [byobagmarin.org](http://byobagmarin.org) for more information.

### POINT REYES BIRDING AND NATURE FESTIVAL

April 23 through 26

Registration is now open for the very first Point Reyes Birding and Nature Festival! The weekend of April 23 through 26 will be packed with exciting birding and natural history outings, led by well-known area naturalists, including Rich Stallcup, Jules Evens, David Wimpfheimer, Keith Hansen, Allen Fish and more. There will be birding-by-ear classes, two evening programs, informative indoor presentations, a silent auction and a vendor display to round out the festivities.

For more information and online registration, visit [pointreyesbirdingfestival.org](http://pointreyesbirdingfestival.org).

**MARIN CONSERVATION LEAGUE  
BOARD OF DIRECTORS**

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Tim Rosenfeld, Mill Valley  
Susan Stompe, Novato  
Periann Wood, Mill Valley

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

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

**Contact Information**

1623-A Fifth Avenue  
San Rafael CA 94901  
415.485.6257  
415.485.6259 FAX  
mcl@marinconservationleague.org  
marinconservationleague.org

**Monthly Committee Meeting  
Schedule** (subject to change):

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

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Call 415.485.6257 or see our website  
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Marin Conservation League was founded in  
1934 to preserve, protect and enhance Marin  
County's natural assets.

MCL is a non-profit 501(c)3 organization.  
All contributions and memberships are tax-  
deductible to the extent allowed by law.

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# NEWS FROM MARIN CONSERVATION LEAGUE

Non-Profit  
Organization  
U.S. POSTAGE PAID  
Permit No. 151  
San Rafael, CA

March—April 2010

1623—A Fifth Ave.  
San Rafael, CA 94901

RETURN SERVICE REQUESTED

**COMING UP!**  
*MCL's Annual Dinner is Friday,  
April 23! See page 4 for details.*

## *Walk Into History: The Changing Corte Madera Shoreline*

On MCL's March 27  
Walk Into History,  
you will discover  
the story behind the  
Corte Madera State  
Ecological Reserve, a  
restored wetland and  
just one feature of the  
2-mile Corte Madera  
Creek Path.

*See page 11 for more  
details.*



Dru Parker