October 19, 2009

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MARIN COUNTY PUBLIC WORKS

Steve Kinsey
Marin County Board of Supervisors
Liz Lewis
Marin County Department of Public Works
PO Box 4186
San Rafael, CA 94913

Dear Mr. Kinsey and Ms. Lewis,

I am writing to comment on the draft San Geronimo Valley Salmon Enhancement Plan. As it stands, the draft plan is a flawed attempt to craft a blueprint for government, business, and private citizen actions required for saving a species on the verge of extinction for an area with over a century of human development. Unfortunately, the plan was drafted without the necessary Valley community input and thus lacks the perspective and knowledge of those with decades of day-to-day experience living in the Lagunitas Creek watershed. For 25 years, I have resided in the Valley at my home-based business at the conjunction of Creamery and San Geronimo Creeks. I have been hiking the Marin County watersheds for 34 years and possess an excellent knowledge of environmental ethics and issues.

Before proceeding, the SPAWN data needs to be submitted for peer review. I am flabbergasted that they failed to take the required step for any planning process based on complex scientific data. The lack of peer review means that even if Marin County formulates and passes the perfect plan acceptable to SPAWN and 99% of San Geronimo Valley, a single homeowner will be able to file a lawsuit based on the absence of peer review. This will probably result in a lengthy delay for implementing the plan, causing more time being lost in taking action to protect the salmon and possibly for Valley residents to undertake certain voluntary actions.

The entire Valley watershed needs to be considered, not just those who live a certain distance from a creek. The water flowing in San Geronimo and Lagunitas Creeks begins its journey at the ridgelines. For instance, on my property, a high percentage of the water flowing across my land into the creek emanates from far above my property line. I have no idea what, if any, harmful chemicals or human and animal waste is contained in that water and no means of legally preventing it flowing across my property. The actions of every individual in the Valley effect the creek, not just those living creekside. The plan needs to give more than lip-service acknowledgment to the complexity of the entire Lagunitas Creek Watershed. Every resident and even visitor to the watershed along with every government entity (especially MMWD), business, dwelling, and, yes, tree and bush must be taken into account in formulating an action plan.

I am concerned that interpretation of the final plan will be in the hands of County bureaucrats whose history of dealing with Valley homeowners and businesses is fraught with problems. Virtually every homeowner in the Valley views the Marin County Planning, Public Works, Community Development, and Environmental Health departments with suspicion and even hostility. The final plan needs to specify without ambiguity exactly what actions individual County officials can take and homeowner rights. This means being clear and precise about what departments and positions within that department have authority over each and every aspect of the plan and what is the grievance procedure for homeowners and tenants.

The ambiguity and fuzziness of the language in the draft plan renders many recommendations and actions ultimately a matter of individual interpretation with an extremely broad range of possibilities. To put it bluntly, this plan is poorly written. Having read a number of plans including several by the National Park Service, I know a Glossary is normally included. Definitions and terms need to be clarified as to their exact meaning under specific circumstances. This will help both County officials and homeowners know exactly their rights and responsibilities instead of remaining in confusion. The plan reads as if written by technocrats with minimal knowledge of how to effectively communicate complex ideas and actions. I strongly recommend you hire a professional editor to go over the plan before submitting it for acceptance. As a publishing professional for over 25 years, I can assure you that this will save you a lot of anger and anguish in the future.

Considering the current state of the draft plan, the probable extent of public comments, the lack of peer review, and the amount of revision required, I have serious doubts that a revised draft can be presented to the Board of Supervisors by November 23. I urge the Board to extend the deadline so there will be an adequate workable model for the Board to use as the basis for its final decision in the summer of 2010.

The decisions made by Marin County on this issue effect the existence of a species and the lives of every individual in the San Geronimo Valley. Your decision also has implications far beyond a small valley. We can set an example for future environmental and community cooperation for the state, the nation, and possibly the world. We can create something that shows it is possible for nature and humanity to live not as different and separate from each other, but as cooperating integral inhabitants of our planet.

Thank you for your consideration.

Sincerely,

Laurence Brauer
PO Box 99
359 Meadow Way
San Geronimo, CA 94963
(415) 488-4605
words@sonic.net

To:

Supervisor Kinsey
Liz Lewis, Marin Co. DPW
Darcy Aston Marin Co, DPW

I have lived in Woodacre since 2000. The SGV Salmon Enhancement Plan (SEP) as written places numerous, onerous and unrealistic responsibilities on homeowners in the valley. The restrictions as written border on the absurd. I want to support SPAWN, but it seems like the only thing that will satisfy them is to have everyone move out of the valley.

I would love to see something that offers guidance and recommendations about improving habitat vs. something that imposes restrictions that in some cases are ureasonably harsh, in other cases could result in severe financial hardship, and in others still create public safety hazards (eg the conflict between fire department property management requirements for removing brush, etc. and the SPAWN recommendation).

We want to help the salmon, but this plan is far too restrictive.

Please reject this proposal.

Sincerely,

Cyndi Cady

PO Box 949
Woodacre CA 94973

Dear:

I would like to offer my input on the San Geronimo Creek Salmon protection plan.

I have lived adjacent to a year round tributary of the main creek (about 45 feet from the confluence) for the last 12 years and have had a sincere interest in the Salmon and their protection that predates my residence in the Valley. I have enjoyed access to salmon watching in my back yard for years and have done all I can to protect their habitat. At one time I considered joining SPAWN but did not because I do not believe that they do not represent the best interests of the region a whole and have far too narrow a focus. I have always been cooperative with them as they pass through my property.

I believe that the current moratorium is unfounded and has proven unsuccessful. Moreover, I think that the plan being considered is damaging, unfair and unlikely to have any effect on the salmon population.

- About five years ago a pack or river otters came up through the watershed and pretty much wiped out all the fish in the creek. That is well documented by local residents and was subject of conversation for weeks. I do not believe that the advocates of the new plan have taken that devastating event into account when considering their solution.
- In significant rainfall wiped out important nesting spots and presumably salmon and steelhead eggs.
- Salmon migrations along the entire west coast are at historical lows.
- When I moved to the Valley far prior to the current moratorium, the Salmon population was small but robust. We looked forward to seeing the returning fish each winter. After the flooding and predatory attacks, fish sighting became far rarer. There does not appear to be any measurable connection to the moratorium and the salmon population. Clearly it has not worked and things were better for fish and people before it was implemented.
- People who live along the creeks love the salmon and want to see them return in healthy numbers. Their goodwill can easily be poisoned by implementing a plan that is overly restrictive and financially harmful to local residents.
- Home improvement projects that could be done safely, ecologically and that would have a financial benefit for local trades people and for the economy have been prohibited at a time when unemployment or underemployment in our community is a major problem.
- Salmon restoration is a very old issue in our community; it predates all of us. But the *current* property owners are being asked to fund what should be viewed <u>regional</u> attempt to an historical problem. If the salmon are of value to the entire area, why should a select few be asked to pay for a so-called restoration plan. It would be like making residents of New Orleans who live closest to the water pay the bill for flood control for the city. (I do not mean to downplay the tragedy of Hurricane Katrina by comparing it to our salmon problem, but the principle is the same…. Public problem, minority of people funding a solution.)

I believe that this is the most important local issue we face and hope that those charged with implementing a plan will do the following: The outcome of this issue will certainly influence my voting choices.

1. End the current moratorium.
2. Do not adopt the proposed plan.
3. Spend energy and whatever funding is available to educate the public and help property owners make changes that would be clearly and measurably tied to our local salmon protection.
4. Allow property improvements on a case by case basis and deny permits for salmon restoration purposes only when it can be demonstrated that the work would probably have a negative impact.

Thank You.

John A. Carroll

7295 Sir Francis Drake Bl.
Lagunitas, CA

temperature and creek dewatering, pesticide use, etc.. Many of these forms of harm to coho occur as a result of activities carried out, approved or regulated (or under-regulated) in some manner by the county.

The term "person" is defined in the ESA to include "any officer, employee, agent, department, or instrumentality…of any State, municipality, or political subdivision of a State…(or) any State, municipality, or political subdivision of a State…" 16 U.S.C. § 1532(13). A county and its officials clearly fall within the ESA's definition of "person" and therefore would be liable for any take that is caused by county actions and inactions. An entity such as a county can be liable for take not just for the direct acts of the county (e.g. the installation of a culvert by a county road agency that blocks or impairs fish passage), but also for activities it approves or regulates (e.g. issuing building permits in riparian areas). *See, e.g. Strahan v. Coxe*, 127 F.3d 155 (1st Cir. 1997) ("the statute not only prohibits the acts of those parties that directly exact the taking, but also bans those acts of a third party that bring about the acts exacting a taking. We believe that…a governmental third party pursuant to whose authority an actor directly exacts a taking of an endangered species may be deemed to have violated the provisions of the ESA."); *Loggerhead Turtle, et. al, v County Council of Volusia County, Florida* (11th Cir. 1998) (county liable for inadequate regulation of beach lighting that resulted in take).

Given the take of coho salmon that is occurring in the San Geronimo Valley, we believe that it would be prudent for the county to either develop an enforceable salmon protection and restoration plan that ensures that no take whatsoever will occur, or seek authorization from NMFS pursuant to section 10 of the ESA for the take that is occurring and/or unavoidable. Realistically, given completely eliminating take may be impossible in a stream system as stressed as San Geronimo Valley, the most prudent course would be for the county to develop a strong, enforceable salmon enhancement plan that serves as the basis for applying for a section 10 permit from NMFS. This would likely provide real benefit to the coho salmon as well as regulatory certainty to the county and residents of the San Geronimo Valley.

Thank you for the opportunity to comment. We look forward to seeing our comments and suggestions incorporated in the final plan and subsequent actions by the county.

Sincerely,

Brendan Cummings
Center for Biological Diversity
P.O. Box 549
Joshua Tree, CA 92252

Sept 17, 2009

To: Supervisor Steve Kinsey
Liz Lewis, Marin Co. DPW

From: Dorothy Cox
P.O. Box 725,
Woodacre, CA, 94973

Dear Steve and Liz:

Many people in te San Geronimo Valley have written letters of concern to you, regarding pending wholesale enactment of the SGV Salmonid Enhancement Plan, without necessary community involvement in the fate of our creekside properties. The one public meeting was so poorly publicized that people across the street from the meeting had no idea that it was public.

Now, we have only a few days to give written response to a one hundred and six page document, with twenty two complex "actions" which if made into ordinances, could cause great cost and grief to those of us living within the SDA zones of 100 feet of a perennial or seasonal creek.

Had it not been for the watchfulness of a few individuals in our community, no one within the SCA boundaries would have had any idea of the restrictions, ordinances and punitive actions upon themselves until the SEP was made into law.

As much as I am upset that this document, tells me that I cannot have a fence or lawn or vegetable garden on most of my existing property,* the issue that worries me most is Action 5, on pgs 62 ,63, "Conserve key undeveloped streamside parcels through easements or purchase of fee title." The document already stated that the parcels would be prohibited from being developed, thus reducing their value drastically. This is the same tactic the city of San Francisco used when they appropriated by eminent domain 50 businesses south of Market St. My father's store was one of these businesses: Adolph Gasser Inc, a well known professional photographic store, in business for almost 50 years in that location. The value of his three-story property plummeted. Business was seriously impacted, as many of the supporting businesses moved out of San Francisco. Five years later, the city is ready to take over these properties at assessed values of fraction of their previous value.

Now Marin County is using the same plan to condemn and then appropriate undeveloped properties at a fraction of their true value, (based on years of taxes at high appraisals). (See pg 5, Peggy Sheneman's second letter.) It will also "freeze in time" all repairs, and extensions on existing developed properties, and created conditions of "bargaining": "I'll be allowed one improvement if I tear down my garage", or contribute a large sum to SPAWN (It's in the document cloaked as" environmental agency".) This is not part of the legal process as I have understood it in my 70 years. People who have invested a lot of time and money to preserve the beauty and natural state of this valley, are now being treated like criminals who have through gross negligence, caused the disappearance of the salmon.

The strange thing is that before Spawn came 5 years ago, there were salmon pools all summer, and the salmon returned every fall. Spawn and the county are responsible for the destruction of at least three sites in Woodacre. (Two at Park St. at the site of the new Woodacre bridge, and by the tennis courts.) Salmon have been kidnapped and taken to "downstream locations", and now a report from the Wed, Sept 9 Independent Journal tells us that there are no salmon in our section of West Marin, or apparently, in Marin County.

But before we give Spawn too much credit, we are learning that warming of the Pacific Ocean has caused the food supply for the young smolt to descend below their ability to swim, and they may be starving out in the ocean. Baby whales are known to be suffering such a fate. It is a terrible thing to contemplate, but must we creekside homeowners also join them in their tragic battle to survive?

The SEP plan gives us many things to think about and seek to improve. I was particularly interested in the information on TIAs, and have been thinking quite a bit about how to slow down the process on my own property. Community interest and involvement in these issues, not punitive and police actions, are far more likely to achieve the goals of healthy creek runoffs. However, we are as subject to the vagaries of nature as any other species, and we can only attempt to improve this situation.

My requests:

1) Lift the moratorium on building new dwellings, unless the county can prove the submitted plans are a category 5 concern to salmon protection.
2) Raise public awareness of important ecological issues through open meetings. Help us to be better stewards of the earth. I have never met a group of people so anxious to be responsible for their own footprints. Give us 2-3 years of consumer education.
3) Give us tax credits for important riparian improvements.
4) No expensive inspections for septic, etc, unless there is fecal matter found in the creek.
5) Stand up to Spawn. We will be more than happy to stand with you, and to do all we can to prove that this form of litigation blackmail will not work in Marin County.

Thank you for taking your valuable time to read my letter.

Sincerely,

Dorothy (Gasser) Cox
P.O. Box 725
Woodacre, CA, 94973

			restrict water development…"	
Table 1	27		PA-7.5	What is the definition of "large scale development" ? Need to address cumulative effects of multiple "small scale developments".
3	29	6	Salmonids adjusting their behavior to suit circumstances	Some thoughts: This is overly optimistic. The experts and literature state over and over that salmonids are adapting (especially in these southern ESU watersheds). If they were adapting, they would not be listed and going extinct. We hear regularly that SH have adapted to warm water temps. They are not adapting; they are not thriving, There's a probability that they will need to be downgraded from threatened to endangered as a result of climate change and drought. The fittest of the species are hanging on, not adapting. The cumulative effects have occurred for too many decades and we didn't halt commercial and recreational fishing soon enough. Consider the whales and how the environmental NGOs and the resulting international regulations halted the harvest. The whales, however, didn't have to contend with the cumulative effects in the inland watersheds and were able to rebound. Another thought when considering cumulative effects; I can't think of one condition that has remained healthy for the fish. So 100% of the possible conditions are degraded and have been cumulatively impacting the populations for decades. Not to say we should give up hope, however, it's too late to take a soft, approach with only incentives and goodwill. This needs to be balanced with increased regulation.
3	30	5	"However, with the current populations so close to extinction and little redundant habitat available, a large disturbance could have fatal consequences to the fishery.	Right on; however, multiple small disturbances could also have fatal consequences to the fishery.
3	32	5	"…Himalayan blackberry is extremely aggressive in displacing native and **other invasives?**	Do we care if it displaces other invasives? I'm not sure what the point is.
4	34	1	"…it will take rehabilitation of the hydrologic and ecologic processes that support sustainable habitat."	Right on
4	36	1	" The data also shows that the maximum number of smolts…"	Need to cite the data; e.g. (Stillwater, 2009a) (need to make citations throughout the document)
4	36	3	"Thus, at least 22,000 m² of high-quality summer rearing hab	Is there an estimate of how many m² of high-quality summer rearing habitat exist in SGV? Is high-quality summer rearing habitat defined in the Plan?

			are needed."	
4	37	5	Over-wintering Habitat	Change first sentence to: "In most years over-wintering habitat (Table 2) has been **hypothesized** as a primary factor limiting salmonid success…" It must be considered that as drought and climate change continue, other keystone limiting factors are lack of in-stream flow and summer rearing habitat. This draft plan needs to emphasize that more than one keystone limiting factor exists and that over time, this may change.
4	38	3	Summer Rearing Habitat	Emphasize that lack of summer rearing habitat is a keystone limiting factor
Table 2	39		High Flow Refugia and Base Flow Velocity Refugia	Add: "side channels" to both (next to "backwater habitat")
4	41 - 42	Sec 4.3	Rehab of Physical Conditions…	Well written intro to this section
4	42	3	riparian functions	Add after first sentence: "Riparian zones hold winter water and recharge in-stream flows in summer months."
4	42	5	contiguous riparian zone	Add: "and quantity" after "water quality"
4	44	3	"…hard surfaces over approximately 5% (TIA).."	Change to "… hard surfaces, also called Total Impervious Area (TIA) over approximately 5%..."
6	44		Table 6 : TIA and EIA	List examples of hard surfaces (impervious areas) so that the lay person reading this Plan will understand and visualize what these hard surfaces are and how it relates directly to their properties.. (or add examples somewhere in text if not already included)
5	45	2	1) "protect existing riparian habitat and restore it wherever possible" 4) "achieve and maintain sufficient water quantity to successfully rear enough salmonid smolts to sustain the San Geronimo salmon and steelhead runs."	Rewrite: " where possible, increase the width of riparian habitat, create contiguous riparian buffers and protect and restore existing riparian habitat". Rewrite: "achieve and maintain sufficient water quantity to successfully rear enough salmonid juveniles -- fry, parr, smolts -- to sustain the San Geronimo salmon and steelhead runs."
5	46	2	TIA	Were roads included? e.g., San Geronimo Valley Road adjacent to SG mainstem?
5	46	2	"However, TIA underestimates the amount of riparian habitat lost because lawns, landscaping..."	Right on
5	46	2	TIA calculations	If each parcel surveyed in the SCA was relatively large in acreage, the percentage

				of TIA for that parcel would likely be a small percentage and would be perceived to be an Insignificant impact to the watershed. Sample parcels should vary in size and a at least 25% should have been chosen randomly. It would be beneficial to know the percentage of the TIA and EIA in the riparian buffer as well as the SCA. The current TIA data may be misleading.
5	46	3	#4 "Apply guidelines"	Replace "guidelines" with "regulations"
5	4	48	"Focused actions to achieve and maintain sufficient water quantity…"	Add, water conservation BMPs (rainwater catchment, etc,)
5	50		Action 1, first paragraph	Add: …" Find opportunities to increase riparian corridor width and contiguous corridors. Obtain grant funding for implementation projects and acquisition of undeveloped riparian parcels."
5	50		Action 1, Who Implements	"voluntary actions?" "All streamside landowners have the obligation to protect the riparian corridors on their properties per regulations of the DFG, SFRWQCB, and the County; e.g., Tree Ordinance. The County, Resource agencies and organizations should work together to acquire riparian parcels that are on the market and restore them to intact riparian standards. Plan needs an appendix that gives standards for an intact riparian.
5	51	3	Keep existing native riparian plants	Native riparian vegetation experts and/or workshops should be available to landowners to walk through and ID natives and non-natives.
5	51	4	Choose the right species	Add: "Do not plant Sudden Oak Death Syndrome host species"
5	52	5	Leave fallen trees	Consultation with CDFG staff is required when considering removal and/or movement of large wood in the channel. CDFG may not allow removal of LWD. If allowed, a Streambed Alteration permit (1602 permit) would be required.
5	53	2	Invasive veg	We overlooked Arundo donax which occurs in the watershed. It's important that this be eradicated before it spreads and becomes excessively costly to eradicate.
5	53	3	General guidelines for invasives removal	Discuss required permits.
5	54		Priority box	Change "Effect on salmonids or their habitat from a 2 to a 3.
5	56	3	ACTION 3, Who implements	"County Policies and ordinances shall require…" (replace "should" with "shall")
5	56	last	Description	It would be most protective if the riparian buffer started at the top of bank and extend away from the channel at least 50' inland.
5	57	3	Existing permitted…structure or improvement, their repair, and their retrofit within the existing footprint"	Repairs and/or retrofits, many of which will require building permits, should only be allowed if the repairs/retrofits do not affect terrestrial and aquatic species and their habitats.
5	58		Activities in riparian buffer	Patio slabs, decks, storage sheds, veg removal, retaining walls, agricultural uses, lawns,

				cultivated gardens outside of the 35' riparian buffer could cause deleterious effects to fish and habitat, especially if within 100' of the channel.
5	59	2	ACTION 4	Priority Box: Priority "HIGH" 4-Effect on salmonids on their habitat. All guidelines should apply to existing development and new development.
5	59	7	"Removal of small diameter trees and shrubs may be permitted provided that: a) they can be replaced completely within 5 years to achieve the same height and diameter; and b)the canopy cover target of 85-95% is continuously maintained."	Who is realistically going to monitor and ensure that the trees they replant will grow to the same height and diameter and the canopy required cover target will be maintained ? Removal of native vegetation in the SCA should be reviewed/approved or disapproved on a case by case basis.
5	59	last	Reduce invasive plant…	The plan to reduce invasive species should be a phased plan; For example, reduction of invasive species to 25% within 10 years; 15% within 12 years; 10% within 15 years; monitoring and maintenance should be ongoing, as an example. Otherwise if we were successful in getting down to 25%, efforts would slowdown or stop and species such as Arundo donax, cape ivy, etc. would proliferate. The plan needs to be set up so that the eradication effort is continuous and maintained. An aggressive outreach & ed campaign to educate landowners, landscapers, nurseries & home improvement stores is necessary to stop the planting of invasive species.
5	60	1	Fences	Include website addresses and contacts for wildlife friendly fences.
5	60	7	Bank stabilization	CDFG and RWQCB permits will require biotech prescriptions with minimal rock.
5	60-61		wells	What is reasonable proof? If a water budget for the watershed is not available, how will a hydrologist or the County determine if new wells will not negatively impact ? streamflow?
5	61	1	wells	If a comprehensive investigation of groundwater availability and its relationship to surface water in areas with development potential above MMWD supply tanks is not conducted to guide County Planners, how will a qualified hydrologist conclude that a proposed development will not affect streamflow? Wouldn't the qualified hydrologist also need the same investigation information, or is the plan saying that the qualified hydrologist should conduct a comprehensive investigation? That would take time at excessive cost. Or is the plan saying that a qualified hydrologist can make a

				"reasonable" determination without a comprehensive investigation, based on assumptions?
5	61	2	Springs	Proposed development of springs within the SCA should be prohibited and development of springs OUTSIDE of the SCA should also be prohibited considering drought conditions that are causing reduction of surface and groundwater in SGV.
5	62	4	Easement/acquisition	Undeveloped property that's available for easements/acquisition should be pursued for acquisition. Considering that SGV is relatively densely developed, preserving the remaining parcels is critical.
5	62	5	Easement/acquisition criteria	Obviously the most "intact parcels" would be the most desirable for purchase, however, those that are less intact but have a greater chance for acquisition (available for sale; reasonable cost) should not be overlooked. We need to consider the "value" of acquired and preserved land that is undeveloped, even if it is not "intact". For example, the SG Golf Course is not intact habitat, however, the value of undoing land practices that are harmful to Salmonids and restoring and preserving those 60 acres encompassing coho spawning reaches would be of significant value. Many of the issues and barriers that we face with privately owned and developed land would be non-existent which in itself would be of tremendous value.
5	64	2	Legalization of existing structures	This is certainly thinking outside the box. Although it may be perceived as a "get of jail" free card, those of us in the restoration business know that the majority of landowners want to know what's in it for them. The question is whether or not the net gain in salmonid habitat improvement is realized. It would be crucial that such a policy not provide loopholes for future unpermitted development.
5	64	4	ACTION 7, Monitoring progress – riparian targets	Is this not prioritized because it will absolutely be done, so it doesn't need to be prioritized? The County, agencies, organizations and landowners will require that we report progress. The Marin RCD has the expertise to monitor riparian. Would there be funding for this?
5	65	4	Increase channel complexity	Salmonid lifestage affected: also include emigration (out-migration)
5	65	5	Who implements	Add SPAWN
5	66	3	Naturally recruited wood	Advise that it is illegal to remove wood from creeks.
5	66	last	Establish inset floodplains	Include a sentence or two advising that creating inset floodplains requires professional design engineering, consultation with a fluvial geomorphologist, and implementation by a creek restoration professional. Such a project is usually funded in part, with grant funds. Permits from multiple agencies will be required and assistance from agency staff will help to expedite the permitting process.
5	67	1	Inset floodplains	Well written

5	68	4	Salmonid lifestage affected	Add immigration (in-migration) and emigration (out-migration)
5	68	6	Description	Include migration within reaches and creeks and mainstem for juveniles. Also mention that barriers to juvenile migration and movement also include low-flow and dry reaches. The ability for juveniles to move up and down a creek to seek and find refugia, shelter, and food is critical to their survival.
5	69	2	ACTION 10	Priority Box: change priority to medium; effect on salmonids to 3; urgency 2; feasibility/ease 3.
5	70	2	ACTION 11	Priority Box: change priority to High; urgency 2
5	70	3	Who implements	Add: SPAWN
5	70	4	Description	Don't add to report, just consider: We need to consider FEMA emergency permits which would allow riprap; we need to fix banks w/biotech prescriptions before emergency situations preclude those opportunities.
5	71	1	Salmonid lifestage affected	Add emigration (out-migration)
5	72	1	ACTION 13	Priority Box: Why n/a for monitoring?
5	72	2	Who implements	MMWD monitors habitat in mainstem San Geronimo Creek but not the tribs. Need to include tribs
5	72	last	Timeline	We need a baseline (current status) of various lifestage habitats. Monitoring should occur every three years or after implementation of significant enhancement measures. If every five years, we would only monitor twice in a decade – not enough.
5	73	1	ACTION 14 Priority Box	Priority: why n/a ?
5	73	2	Who implements	Add SPAWN
5	75	4	Require no net increase in EIA	"New development in the watershed <u>shall be required</u> to use LID measures…" (not "should use LID")
5	75		ACTION 16 Who Implements	Add: SFRWQCB
5	76	4	ACTION 17 Salmonid lifestage	Add: immigration, emigration
5	76	4	Who implements	Add SFRWQB
5	76	4	Priority Box	Change feasibility to 3
5	76	6	Description	Consider that most herbicides and pesticides come from individual residents – their use is not regulated. The cumulative volumn of these chemicals are degrading water quality more than most realize.
5	77	6	Description	Private, unmaintained roads should be inventoried and assessed ASAP
5	78	3	ACTION 19 Who Implements	Add: SPAWN
5	78	3	Priority Box	Why n/a ?
5	79	1	ACTION 20	Priority Box: HIGH; effect on salmoids 5; urgency 3; feasibility 2
5	79	2	Who implements	Add State Water Board, Division of Water Rights, in regulating legal riparian and appropriative water rights and determining illegal water diversions. Add SPAWN as a lead local organization for water conservation program.

5	79	3	Description	"There is no data showing the effects of water extraction on streamflow in SGV" Considering that we don't have access on private property to assess water diversions and probably never will, agencies' best professional judgement concluding that water extraction reduces streamflow, and that there is over-extraction when there is not adequate instream flow for aquatic species should be enough to know that regulation is warranted. It's also a moving target considering that we're in the third year of drought and so no extractions should be allowed. The majority of SGV creekside landowners who pump water from the creeks to irrigate gardens and landscaping in the summer are also on municipal water.
5	80	2	ACTION 21 - wells	Priority Box: change priority to High; effect on salmonids 4; urgency 3; feasibility 2
5	80	4	Description	Ground water extractions are impacting summer stream flows but also impacting acquifers that have reduced recharge due to drought conditions over the past three years. The county should be concerned about granting new well permits as existing wells will also be affected by new groundwater extractions. The interaction between groundwater and surface waters has been scientifically established. "… in a landmark ruling in 1976, the U.S. Supreme Court declared that "groundwater and surface water are physically interrelated as integral parts of the hydrologic cycle." (http://www.livinghistoryfarm.org/farminginthe50s/water_12.html)(re: Cappaert Ranch that surrounded Devil's Pool – Nevada).
5	81	8	ACTION 22	Priority Box: High priority This is an extremely important action, however, the feasibility/ease is low as there is virtually no funding for this monitoring. Discussion on how to accomplish instream flow assessment should be a priority.
5	81	6	Data Gaps – Riparian	Add: conduct additional surveys to determine % of TIA and EIA in Riparian buffer within 35' from bankfull
5	81	6	Data Gaps – Riparian	Add: Determine natural grasslands
5	82	1	Data Gaps – Instream	Add: Characterization of spawning gravel composition and permeability
5	82	3	Data Gaps – Water Quantity	Add: Relationship between hydrologic conditions and streamflow
5	82	3	Data Gaps – Water Quantity	Add: legal and illegal water diversions from creeks
6	94		Actions Requiring Permits	Add: CEQA – Archeological and rare plant surveys ?
6	95		Actions Requiring Permits	Add: Federated Indians of Graton Rancheria/Cultural Resources/ Any actions that might move, remove, take cultural resources and or human remains/ no permit; consultation necessary
6	96		Table 8	Validation monitoring should include biological validation; e.g., salmonid population response.

Addl'				As all implementation projects include a maintenance component, it should be added to the plan; e.g., riparian restoration maintenance.
Addl'				Is there a reason why roads and upland actions were not included? Proposed development where there are unmaintained roads in the watershed should be halted until the roads are upgraded and run-off is disconnected from drainages and creeks
Addl'				There needs to be detailed information on how and when the County will update and modify current policies; e.g., Tree Ordinance, and develop new policies to guide and regulate the actions in the Plan
Addl'				Filling datagaps needs to be prioritized and a timeline for filling data gaps is also needed.
Addl'				Explain and include examples throughout the Plan of how actions that benefit salmonids will also benefit landowners and the community.

eac

Environmental Action Committee - Protecting West Marin since 1971.
Box 609, Point Reyes Station, CA 94956 tel: 415-663-9312 www.eacmarin.org

October 23, 2009

Liz Lewis
Marin County Department of Public Works

Re: San Geronimo Valley Draft Salmon Enhancement Plan

Dear Ms. Lewis,

I am writing on behalf of the Environmental Action Committee of West Marin, representing over 1000 members, the majority of which live in Marin County. Thank you for the opportunity to comment on Marin County's draft Salmon Enhancement Plan (SEP) for the San Geronimo Valley. The plan is an important step in the process to ensure the long term health and productivity of the Coho salmon in the Tomales Bay Watershed.

EAC strongly supports the comments submitted by the Salmon Protection and Watershed Network (SPAWN). We wish to sign on in support of SPAWN's September 17, 2009 written comments and, for the sake of the public record, we reference them as a part of our comments. Nonetheless, we feel it is important to highlight some key areas that we feel could improve the draft plan.

1. Draft SEP Lacks a Policy Summary:

The SEP lacks a policy introduction that puts the study in its proper context. This is likely one of the reasons why there are so many public misconceptions about the SEP's purpose. Please incorporate an introductory summary that explains the County's decision to develop the plan, its scope, and what it is being used for. Such a summary should lay out Marin County's legal obligations to protect endangered species, the history of its efforts to that end for Coho salmon and Steelhead trout, the inadequacy of the County's California Environmental Quality Act (CEQA) cumulative effects analysis for the Countywide Plan, and what role the SEP plays in addressing the gaps in that analysis.

2. Draft SEP Lacks Proposed Ordinances for Public Review:

The SEP provides an informative description of the baseline conditions, limiting factors, and recommendations for improving salmon habitat. But Marin County's ability to live up to its CEQA and Endangered Species Act (ESA) obligations can only be met through either revising its existing ordinances or proposing new ones to fill the gaps. These are not included in the draft SEP. It is vitally important that the SEP contain a list of proposed ordinances to address human activities in the San Geronimo Valley and downstream. The SEP is only as effective as the legally enforceable ordinances that are implemented in the future by the Marin County Board of Supervisors. It would be easier for the public to comment on the full scope of the SEP if a list or potential ordinances was included in the final document for community input.

If ordinances are not included in the SEP, the two year process to develop the SEP and revise the existing Tree Ordinance will not have addressed the root problem: the legal inadequacy of the county's Environmental Impact Report (EIR) and substantive inadequacy of its Countywide Plan ordinances to prevent the demise of Coho salmon. After all, the County proposed to development both the SEP and a revised Tree Ordinance in response to its realization that its CWP CEQA analysis failed to show how the Countywide Plan revision would prevent such an outcome. Considering that both the legal tolling agreement between the County and SPAWN and the County's two year building moratorium in the SCA in the San Geronimo Valley will run out in less than four months, it is vitally important that the right protections are put in place prior to their dissolution. It would be unfortunate if, after two years, the County was unable to meet its end of the bargain.

In addition to the County's proposal to revise the Tree Ordinance, Community Development Agency planner Jack Liebster, recommended at the February 17, 2009 meeting for the development of a separate Riparian Vegetation Management Ordinance. We agree that a separate Riparian ordinance would help to fill the gaps in protections provided under a revised Tree Ordinance.

It is very important that the Final SEP include not only recommendations but also a list of potential County ordinances to legally fill the gap in the County's CEQA analysis. The County is running out of time if it plans to enact new ordinances by February and prevent leaving itself open to legitimate legal challenge for violating CEQA.

3. Expand SEP to Consider Watershed-Wide Solutions:

We question why the SEP only focuses on the San Geronimo Valley part of the Tomales Bay Watershed. While the upper reaches represent the highest priority to protect Coho salmon reproductive success, the SEP plan needs to consider the important potential contributions that all parts of the watershed can play in ensuring the long term health of Coho salmon and Steelhead.

For example, the study claims that one of the major limiting factors impeding salmon success is high velocity winter flows, which cause high mortality due to limit low velocity habitat refugia for young fish. One of the recommendations to address this is the restoration of natural channels and wetlands adjacent to the river corridor. There are at least a few locations downstream that would be considered worthy as areas that could provide this type of habitat. Since the ricer corridor downstream from the San Geronimo Valley is compromised mostly of agency and agricultural properties, there are promising opportunities to create partnerships or compensate landowners for wetland and riparian restoration without relocating existing development or infringing on small residential parcels. We suggest adding a section in the SEP that looks at the role that downstream parts of the watershed outside of the San Geronimo Valley could play in salmon recovery.

Conclusion:

EAC and many other organizations, local citizens and agencies have shown patience over the past two years as we awaited the development of the SEP and improved ordinances to protect the endangered Coho salmon in Marin County. It is important to remember that, as Supervisor Kinsey argued at the latest community meeting at the San Geronimo Community Center, the County planning process to protect endangered salmon has been going on for over a decade. Marin County has had plenty of time to develop adequate Countywide Plan policies and to make those policies the foundation of a CEQA cumulative effects analysis that ensured the long-term protection of our endangered Coho salmon. Considering this, we have little sympathy for excuses that the County needs even more time to develop and enact ordinances to fill the gaps in its CEQA analysis and CWP policies.

We commend Prunuske Chatham, Inc. and Stillwater Sciences for all of their excellent analysis and planning recommendations. We would also like to thank SPAWN for their efforts for their detailed comments on the draft SEP. The County also deserves thanks for successfully facilitating the SEP development process to this point. If the draft SEP is any indication of the effectiveness of the revised and/or new ordinances we expect the County to adopt by this February, there could be hope for the long-term recovery of the Coho salmon in Marin County.

If you have any questions or comments, please contact us at (415) 663-9312 or eac@svn.net.

Sincerely,

Frederick Smith
Executive Director

And while this letter is long, I do implore you to actually read it, and consider the points made, as what is being proposed will figuratively and literally wreak havoc in the San Geronimo Watershed and we suggest you consider this and tread lightly. While I know that due to your settlement agreement under the threat of litigation with SPAWN you had to undertake this process, you did so in a manner which was not transparent to the persons most effected, those living in the watershed. That lack of communication, inclusion and transparency has bred contempt and mistrust. SPAWN which was once a valley asset has become the valley enemy, and so has the county, to many residents. The existing conditions report, on which, in part this SEP is based, was done without community input. Of the 400 plus persons at the public meeting held two weeks ago you could not find one who knew that study was even done at the time, or had any community input. I implore you to take an objective look at past conduct and seek a new collaborative approach in the future.

With this as background, I strongly urge you to revise your approach to a Salmon Enhancement Plan so that the result will be more complete and inclusive. This is not all about the homeowners in the valley. Some of the "big players" and by that I mean those who have a vast impact in the watershed are glaringly absent and it surely looks to the lowly homeowners that this was by design, and to some, a conspiracy. Where is the "impact" of MMWD considered and studied in this plan? What about their dams and their water treatment plant? Where is the impact of agriculture or the golf course in the plan? And where is the impact of the county in the plan - the county roadways, many themselves in the "so called" buffer zone of the creek. Where is the study of their impact? [pg. 23 of the plan states that there were no tests for pollutants in the water - why not? isn't that the first place to start? Then we would know who is impacting water quality which in turn impacts fish] These are all major impacts to the salmon which are absent from both consideration and mitigation.

The Central California Coast Evolutionary Significant Unit (ESU) between Punta Gorda in northern California and the San Lorenzo River once produced 50,000 to 125,000 spawning coho salmon. Now it produces about 5,000 adult fish. Thus, there are about 5,000 adult fish between Santa Cruz and the Lost Coast which is in Humboldt County. By any measure this is not a lot of fish. That must be borne in mind when we try to take a developed valley and return it to the flood plain it once was, when the source of the stream is dammed and controlled by MMWD.

You have asked us, the public, to comment on a partial report. One which is incomplete. How can you

present half of a report and expect cogent comments? Appendices C & D are not contained in the draft. Appendix C is described as supporting information from a NOAA coho salmon recovery plan. That plan is being prepared by the National Fisheries and Marine Service, but has not been issued. As a volunteer with NOAA I know that their study and the resources they can bring to bear on the issue of an endangered species are great. Why then is the county not waiting for their findings? Appendix D contains habitat analysis based on NOAA coho salmon recovery planning process. Again, this information is also critical in assessing the viability of this proposed plan and is absent.[1]

Rather than waiting for this new, up to date information, the report references numerous studies and papers that appear woefully out of date. I don't know why anyone claiming to be a scientist would want to rely on such antique data in assessing the viability of a species that typically has a three year life cycle and by all accounts is dwindling each year in the world, much less in our creek. For example, Appendix B Existing Data in the San Geronimo Creek Watershed deals with establishing metrics to evaluate the health of San Geronimo Creek . It lists approximately 39 data sources & references in section 5 of which nearly one quarter are ten or more years old. We all can agree that the data has changed so why has there been no current data complied or at least a hypothesis as to how the old data is changed? Table B-1 lists existing data in the San Geronimo Creek watershed, organized by habitat attribute. Of the 9 references concerning water quality in San Geronimo Creek in Table B-1, the most recent is from 2002. If this plan is represented as being scientifically based, then it should explain why more recent data is not available and why, given the 3 year life span of these fish, this historical data is still current or relevant.

In the two years and all the money spent why is there no current data? Can one responsibly make decisions on data which is no longer relevant?

Some of the best science we have, the prior work done b y the NMFS, suggests that what is proposed is a change to what the existing creek was and is. Prior data-collection efforts in the watershed have long-suggested that elements of aquatic habitat necessary for salmonids, particularly pools, are sparse in the main stem of San Geronimo Creek and the low gradient reaches of its tributaries relative to commonly applied standards for streams (NMFS 1996, Johnston and Slaney 1996, as cited in Ettlinger 2008). ie there is no longer sufficient water in the creek for the necessary deep pools required for

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[1] It is interesting that there is no Appendix D at all but your report cites to it. P. 16: During years with high spring flows, the survival rate from fry to juvenile has been less than 1% (Appendix D).

habitation. [pg. 19 of the reports states that you did not study the water levels to determine if there was even enough water flow in the creek to sustain these necessary pools] Isn't this the cart before the horse? If the water flow is not sufficient salmon can not live in the creek! So where does the report discuss how you will increase the water level in the creek. Where is MMWD brought to the table to increase the water flow? No matter what you do on the banks or how you change the vegetation you need water in the creek to sustain the salmon. You have failed to deal with this critical issue in the plan. The plan is fatally flawed in that respect. [pg. 15: They need deep, complex pools to hide. pg. 43: Large-wood debris is essential in these stream systems to create pools, trap coarse sediment, generate channel complexity, and provide shelter elements as safe havens from high velocities and predators]

With this water flow issue, and the pools comes the concept that we can add debris to the creek to protect the salmon. That is wood structures and downed tress. With all due respect that will create havoc in the valley and will lead to much more expensive litigation. Come walk the creek with me. See the level of the banks, the areas where the creek meanders, where it is wide and where is it constricted. Look at the bridges (all belonging to the county) and what debris can and can not go under these man made obstructions. And how in the past this debris has caused flooding and property damage. Are your memories so short that you do not remember the damage? And then consider the environmental impact of allowing debris to accumulate in the creek bed. Haven't we learned what happens when debris is allowed to accumulate in a creek and then is flushed with rain and tides? (Fairfax, San Anselmo, Ross, Napa) Damming occurs. Diversion of the water occurs. Banks are eroded and damage is done. If you were to walk the creek you would see that the damage you will cause is not only to the natural creek banks but to the homes and the homeowners. In taking this natural creek and changing it you will become legally liable for both the damming effect and the diversion of surface waters. There is no discussion or contemplation of the effect that adding or mandating the accumulation of debris will have on the environment - both natural and man made. Where is the hydrology study on the effect this will have? Where is the hydraulic modeling? The report is fatally flawed and incomplete.

Moreover, although I have been told by the county that one can not challenge the "science" of this plan, I will still do so. Because I have some experience in critical thinking and can see that the report has only one point of view. Lip service is given to concepts such as global warming (without mentioning that NOAA has stated that this year the ocean temperature is the highest ever recorded), the seal lion population which has moved to shore and is a main predator of salmon, or the increase in the salmon shark population on the west coast and on and on. While the report mentions, with vague generalities, environmental events outside this little valley it fails to provide any science on how these factors actually

effect the salmon population in our creek. Because if these outside events will determine the fate of the salmon in our watershed, and not what you want the homeowners to do on the creek, than an objective report would provide that analysis. But your report does not.

I have been told time and time again that I as a homeowner, will not be "forced" to do anything, that it is all voluntary. With all due respect we all know there is no such thing as a "voluntary" ordinance. At some point in time this plan, or parts of it, will be ordinances. And the costs on the homeowners which you are burdening are great. In looking at your action reports, the majority of what is contained in the report for action (as compared to monitoring and studying) falls on the individual homeowners. Each parcel has to be made over, with structures, vegetation, septic, and drainage systems all for the salmon. And who is going to pay for all of this. I chuckle at all the references to grants and "free" money to pay for all this. Where is all this free money coming from? Where is it now? Is all this promised free money in this economy a reasonable assertion? I think not. And while you keep saying we will not have to do anything, the action reports mandate action, all on private property.

The funding and fiscal analysis is totally absent from the report. We (the public) don't get to comment on the money issues. We don't get to know about them till after the public comment period is over. Since it is our money you will spend don't we get to know? We return to the transparency issue. Why put a partial report out for public comment.? What is being hidden from the public? What is the true fiscal impact of this plan?

This letter would be as long as the report if I addressed all the "actions" mandated by the plan. By way of example I will touch on a few. Action 1 is the voluntary change of vegetation. Whether I want to change my vegetation is not the issue for me, the issue is how will I, or anyone else, pay for it. Who will pay to "revegetate" my property? [2] Who will pay for the erosion which will occur on the streambanks after the wholesale removal of what you consider non native and before what you consider native grows in? Where is the discussion of past erosion and landslides on the creek bank, and in the valley discussed? Many of the plants you now want us to remove are the very same plants you told us to plant to stabilize slide areas and erosion. When the creek bank starts to slide will the county pay to stabilize it so my house does not slide

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[2] I find it interesting that the plan refers to SPAWN's native plant nursery but not all the others in the area. Perhaps SPAWN has a monetary interest in this revegetation plan. Or perhaps they will revegetate all the properties for free. But in either case reference to their income producing ventures is mis placed in this report.

into the creek?

Action 2 was clearly drafted with little knowledge of maintaining trees in the valley , the cost for the same or the fire restrictions. Do you propose that now we will have a fire inspector and a county inspector discuss each tree on our property to tell us what we must do to each tree? Who will pay for that? Who will pay for what they agree must be done to each tree? I do not mean to be facetious but who is looking at the total lack of a realistic ability to implement these "actions."

There is discussion of removing gardens and plants and a list of native plants that you have selected. So does that mean my garden, planted to promote bees and butterflies, must give way to plants that assist the salmon? Why does the county get to decide that native plants I choose, which are beneficial, have to be removed? It is at best intrusive to mandate a homeowners plant selection, native or non native.

Driveways are not allowed in the riparian buffer. Are you going to remove driveways? Are you going to pay for the removal? And then are you going to widen the streets to allow for street parking since driveways are no longer allowed on SCA property? [pg. 57] On my street you can't park on the street at all because it is barely wide enough for cars!

Are you going to pay for the decreased value for property (and empty lots) when they are sold and the seller has to disclose to buyers that they can not add to or further develop the property? [pg. 58]

Without going through each and every action required by this plan, they are onerous on landowners, and under current case authority, these mandates may constitute a taking of property. These plan actions and goals should not be self-perpetuating ad infinitum. There needs to be a scientifically objective metric defining what success is, e.g. the number of salmon in the San Geronimo Creek. There needs to be a provision for concluding that the plan, however it is implemented, is effective. And there needs to be a conclusion of the plan when it is determined that these untested "test" mitigation actions are not effective. The plan needs to have a sunset provision.

Many of us are struggling in these economic times to hang on - to hang on to our jobs and our homes. And now we are stuck with "voluntary actions" which will cost us money. The county will have increased expense with any attempt to implement this "pie in the sky plan" and, in the end, all the conditions outside of this valley will have a much greater impact on the survival of the coho than this plan. So have some perspective on what you are doing and what you are asking us to do. Consider the costs of having to

purchase all the lots you will render worthless as they are not longer build able. Consider the costs of the litigation you will inherit by your action, and by your inaction. And consider your costs in the staffing and implementation of the ridiculous action plan.

And at a minimum, before the litigation begins, bring into this process those who are most effected - the landowners in the valley, to craft not this plan, but a workable plan that looks at the big picture, the complete picture, with real and complete science, to allow the coho to continue to live in this valley with residents, together. And consider how our neighbors, the residents of Nicasio, were partners in resolving similar issues on a voluntary basis when they were a part of the solution and not excluded. Aren't we, residents of the valley, entitled to that same consideration and courtesy?

Don't take the approach that you have to approve this mess simply because SPAWN will sue, as they have reserved the right to do. And if they don't massive numbers of homeowners will. Rather, stand up and take the reasoned measured approach. Admit there was an error in the process - homeowners were no included. Revise the process, take your draft back to the table, allow input from the homeowners both with regard to the existing conditions basis and the plan to enhance conditions for the salmon. Change your self imposed time table to come up with a valid workable plan for all.

In closing, I would be happy to lend my efforts to craft a workable plan, as are many of my neighbors. As an owner of both a developed and undeveloped lot for over twenty years, each completely within the SCA, the contemplated actions in this draft report will adversely effect my family and its wellbeing.

Very truly yours,

Margaret M. Farley

MMF/

Friends of Corte Madera Creek Watershed
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October 22, 2009

Via e-mail
Liz Lewis
Marin County Department of Public Works
E-mail: lizlewis@co.marin.ca.us

RE: San Geronimo Valley Salmon Enhancement Plan

Dear Liz,

Thank you for this opportunity to comment on the Draft San Geronimo Valley Salmon Enhancement Plan (SEP). Friends of Corte Madera Creek Watershed strongly supports the goals outlined in the plan and commends the County for taking this significant first step toward protecting endangered coho salmon in the San Geronimo valley. We are commenting on this plan because, not only do we encourage protection of salmon in the San Geronimo Valley, we are concerned about impacts to our watershed that could result from this plan. If the plan is successful in restoring coho, that population could expand into our watershed or, in the converse, the plan could be a model for reducing standards for stream protection that could adversely impact streams throughout the county.

The Corte Madera Creek watershed lost its coho salmon in the 1970s so we are painfully aware that a once-plentiful run of fish can disappear completely. Pine Gulch Creek, Salmon Creek, Walker Creek, and Easkoot Creek are some nearby watersheds from which coho have also been extirpated in recent memory. The latest example is Salmon Creek near Bodega, which had coho up to the mid-1990s. In the past two winters Redwood Creek in Muir Woods has experienced critically small coho runs and may lose its run in the near future. The San Geronimo Valley is not much better off. Recent spawning numbers show that its coho run is also in great danger of becoming extinct. If the San Geronimo coho thrive, they may be able to repopulate other suitable creeks over time. Clearly, a science-based and executable salmon restoration plan is past due.

Our comments are below. In addition to these, we have reviewed and strongly agree with the comments submitted by SPAWN. We urge the County to consider their detailed suggestions on how to improve the SEP.

1. **Policymakers and stakeholders should be informed of how close to extinction coho are in the Central California Coast ESU.**

   The SEP should communicate clearly and emphatically how close to extinction coho populations are both within and beyond San Geronimo Valley and how the widespread extirpation of coho in nearby CCC ESU watersheds makes the San Geronimo Valley coho resource extremely significant and valuable.

   The SEP does note at points how imminent the danger is. At 2.1 it characterizes the San Geronimo coho fishery as, "barely hanging on (14)." At 3.3, "Disturbance Regimes", it states that, "with current populations so close to extinction and little redundant habitat available, a large disturbance could have fatal consequences to the fishery

(30)." At 4.3: "The salmonid population of the Lagunitas Creek basin and the entire Central California Coast ESU is on the brink of extinction (41)." The sidebar on page 3 also touches on this issue.

However, no section of the SEP explores this issue in a sustained, direct manner. To inform stakeholders and policymakers who might not be as well acquainted with the facts as the authors of this report, the SEP should contain a discussion of how, "the salmonid population of…the entire California Coast ESU is on the brink of extinction (41)." Pertinent to this discussion would be information on the local watersheds, some of which are noted above, that have lost their coho runs in the last 40 years and how these losses have pushed the San Geronimo Valley coho run closer to extinction. It should also be noted that the restoration of runs in these watersheds depends on successful protection and restoration of San Geronimo Creek coho. Perhaps such a discussion would fit well in the Introduction or at the beginning of Chapter 2.

2. The recommended 35-foot riparian buffer is inadequate.

There is considerable risk in adopting such a narrow width (i.e., 35 feet) for a riparian buffer. Not only will it adversely impact San Geronimo Creek, it sets a precedent for inadequate buffers that would have adverse implications for all other salmonid-bearing creeks in Marin County, including Corte Madera Creek. For these reasons, we do not support this standard and urge that it be revised to reflect scientific information and current countywide standards.

Furthermore, the riparian buffer should be measured from top of bank, not bankfull as described in Action 3 in Chapter 5. In an unaltered stream, the top of bank would be the same as the bankfull condition (i.e., the level of flow with a recurrence interval of 1.5 to 2 years); however, in incised streams typical of Marin County, it can be difficult to identify the bankfull elevation and the top of bank should be used. Furthermore, the mainstem of San Geronimo Creek between the tops of its banks is currently protected by regulations that require permitting by various agencies and an ambiguous standard that could conflict with other regulators should not be introduced. The portion of the SCA beyond the top of bank is within county jurisdiction and it is currently under-protected. Please refer to SPAWN's comments on this issue.

Riparian buffers serve a variety of purposes and the width varies with those purposes. The list below summarizes the results of scientific research on widths for streamside management zones or buffers (Robbins 2002):

- Depending on the width of the valley floor and the specific suite of target species the buffer is being designed to protect, a buffer of 100 feet to 650 feet is needed to protect general ecosystem function.
- Forested riparian buffers between 50 feet and 140 feet wide are necessary to provide shade and control summer stream temperatures.
- The minimum necessary buffer width for woody debris recruitment and channel meander in headwater streams or streams in steep terrain with limited natural floodplain development is 65 feet. In wider valley streams, buffers of between 100 feet and 220 feet (approximately 2 to 3 canopy widths or 4X bankfull width) are necessary to provide adequate room for meander and woody debris recruitment.
- The basic recommendations for salmonid protection can be summarized as: a minimum 150-foot buffer on fish-bearing streams, a minimum 100-foot buffer on streams that support aquatic organisms but no fish, and a 35-foot to 50-foot buffer on streams that do not support aquatic organisms. Robbins (2002)

mentions, without providing specific citations, numerous agency reports, such as those developed by the United States Forest Service, Bureau of Land Management, and National Marine Fisheries that recommend 300-foot buffers on all salmonid-bearing streams.

Clearly the goal for conserving and enhancing wildlife diversity is a challenge where there are large numbers of privately owned parcels along the stream. However, there should be clear recognition that a failure to provide and properly manage adequate buffers places the fish and wildlife that depend on the aquatic and riparian zones in harms' way.

3. **The SEP understates the need for new ordinances and enforcement.**

   The SEP outlines admirable voluntary steps to implement actions, but avoids addressing in a straightforward manner the need for mandatory ordinances and enforcement. We believe that voluntary efforts will not be sufficient to accomplish the targets of the SEP and that mandatory ordinances will be necessary to provide lasting protection of salmonid habitat.

4. **The SEP does not describe how current polices and ordinances protect salmon habitat.**

   The SEP should describe the current county policies and ordinances that are being applied now to protect salmon habitat and analyze how they are being applied. For example, Chapter 6 could include a description of current county ordinances that could be enforced to implement actions in Chapter 5. Chapter 3 could include a discussion of what 2007 Countywide Plan policies are currently implemented. The table in 3.1 could list the protections that are provided by 2007 CWP policies.

Thank you for taking the time to review our comments. We look forward to the acceptance of a robust SEP and its implementation in the near future.

Yours truly,

Sandy

Sandra Guldman
President

Reference cited:
Jim Robbins. 2002. Steam Setback Technical Memorandum. Prepared for Napa County Conservation, Development, and Planning Department.

c: Paola Bouley, SPAWN
Nona Dennis, MCL

October 20, 2009.

To: The County of Marin, Attn: Ms Liz Lewis
From: Jacqueline Haber
P.O. Box 297
Lagunitas, Calif. 94938
Re: San Geronimo Valley Salmon Enhancement Plan

Dear Department of Public Works,

The following are my comments regarding The San Geronimo Valley Salmon Enhancement Plan. I would like to thank the County for extending the comment period and broadening the distribution of the printed copies of the plan for our my self and my neighbors, both efforts have been extremely beneficial to understanding the dynamics of the situation.

I will be traveling for a while but I look forward to resuming dialogue with the County over this issue.

Sincerely,

Jacqueline Haber

COMMENTS TO THE COUNTY. DUE 10/23

There seems to be confusion at the county level as to the value and planned use of the SEP. I urge my county representatives not to accept this document. People of the SGV have been told by County officials of the Dept of Public Works [DPW] that these calls to action in SEP must become ordinance, yet at a community meeting that claim was denied by our Supervisor and a member of the Dept of Public Works overseeing the project. But, those reassuring words were still made doubtful when it was disclosed that SPAWN appears to have tremendous leverage over the decisions of the county by its extended deliberations to bring forth a very costly lawsuit if it does not like SEP's findings.. Also shaking our confidence in the County's reassurances is that in chapter 5, the use of the words "policies to guide" smacks of the implementations of new oppressive laws for the creek side residents. SEP appears as an overreaching document brought on by overzealous environmentalists who lack complete data and want to generate and institute numerous oppressive laws because of their lack of confidence in the citizenry. On top of this, SPAWN has lost its objectivity. This is not a rational approach to watershed management, it has no regard for its citizens and the County obligations to its citizenry.

Another issue is the lack of transparency in the processes of this project. We, the property owners, were never adequately informed by the county during this whole venture. Hasty announcements and poorly publicized announcements regarding the installment of the moratorium, the publication of the draft, feed back deadlines and a lack of personal notification to all of the involved homeowners about these important events has created a distrust of the County and related organizations in our "Valley" citizens. It also seems unjust. It is hard to believe such lack of responsibility meets the law. This not only risks more legal action by others but it also impedes progress in protecting our environment and turns people against good stewardship and, in this case, even more costly and importantly, good will degenerates.

SEP impresses one as more conjecture by ecologist than science. By it's own admission it is an experiment ("…in order to support scientific learning wherein the project is treated as an experiment…").[1] It's results are an unknown; therefore, it is an experiment on numerous theses. An experiment which involves 2000+ properties (probably 800+ owners), worth hundreds of millions of dollars that is based on the study of 29 of those properties. This is not science.

Furthermore, there was only one season of observation by the authors of SEP and that was during a second consecutive drought year. It also assumes that Northwest hydrology can be applied to the San Geronimo Valley environment, which is drier than the Pacific Northwest most of the year.[2] As for the literature cited the SEP needs to bear more discussion and documentation of the findings (or at least citings in support of the declarations as footnotes). The study also admits it is greatly lacking in baseline information and there is no true way of estimating the impact and/or success of the SEP recommendations ("Understanding the particulars of their ideal habitat and how to re-create it is a bit murkier. ", Pruneske-Chatham; or "There are a variety of reasons why an enhancement or restoration project may not meet the originally conceived goals and/or objectives…)[3] The time frame for results is 1year to decades. It is not ethical to put such a burden on the property owners with these failures in the study. Remember, the far greater percentage of these property owners are of modest means and struggling in these times to hold the quality of their lives together. Enforcing laws from this questionable document would be a tremendous hardship on the residents.

This is an unbalanced study. It does not adequately weight forces of nature. But only weighs negative observations of the area. The study does not consider the fact that creek incision, loss of floodplain, silting, lack of vegetation can also be a natural process or occurrence in the varied terrain of the SGV. (witness the

[1] SEP, First Draft, 2009 pg, 95, pg. 96
[2] see SEP appendix
[3] see SEP pg, 14, 2.1, pg. 81, 5.3 pg 96, 6.7

Grand Canyon). It also lacks recognition that not all creeks are intended to run year round. There are many intermittent creeks in the valley. It is natural for fish to become marooned in pools as the creek dries up. These fish become prey for the wild life. The study does not consider the needs of the wild life. Since fish have recently been removed from drying creeks, varieties heron and kingfishers have also disappear from their traditional feeding grounds. The wildlife are entitled to their share. Yet, there is little regard for their reliance, entitlement and plight as well as their impact on the remaining salmon population

The study needs a glossary to define its terms and abbreviations so that non-technical jargon can be understood by non-biologists. Maps and diagrams need improving as well.
It also needs to add data regarding MMWD water releases and consider all waterways that relate to the SGV Creek between Whites Hill and Tomales Bay. One of SPAWNS concerns is that while one might do the right thing the next door neighbor might not. Yet, the study proposes, "the application of a Before-After-Control-Impact (BACI) study design that controls for natural effects occurring outside of the project area."[4] The county would not be serving it's citizenry well if it were to impose harsh laws on us that well might not improve anything because of the things outside of, literally, our control.

Bearing well being in mind, one must consider that people aren't invested in creekside properties to idly stand on the bank (which would be verboten anyway if SEP were to become ordinance) and stare into the pools (from a distance of 35-100 ft). While most people living creek side treasure their good fortune in owning and caring for an exceptional environment, they want to enjoy the whole of their investment and improve and maintain those properties. They will not knowingly damage such beauty. If you can't do anything with the your property then that property owner will sustain a major loss to property value and salability. Moreover, no one would want to purchase properties so oppressively and hopelessly entangled in regulation rife with petty prohibitions. I had my property appraised in the recent past. The appraiser told me that there are many county restrictions that could impact the value of my property because it is along the creek. He knew of the moratorium. He noted on the appraisal that "Per Marin County Planning: Some building restrictions may apply. This appraisal assumes ***normal*** building approvals can be obtained" (emphasis mine). One could, and should, assume the limitations of property use in SEP will impact this further and make for an adverse affect on the value and marketability of one's property.

For these salmon enhancement conjectures and eventual experiments, we're supposed to sacrifice our personal enjoyment of our living place, risk the value of our greatest asset, our Hope Diamond as it were,--our land, and subjugate

[4] see SEP, pg. 99

ourselves wholely to the county?

I've been out at night when the salmon are running. Slapping the creekwater as they work their way upstream to find their breeding place. There's an ancient excitement and joy in that frenzy when it's heard in the dark that I'm fortunate to give witness too. I'm all for doing what is right but I think it requires more answers and scientific study and resolutions of problems much bigger than those generated by the people of this valley not the implementation of an experiment based on conjecture. It also requires far better communication by our county. We need a consumer friendly objective county environmental agency that simply educates us by friendly outreach not one that punishes us by threats of litigation and invasion of our privacy. I did learn many things of value from the SEP (eg, TIA's, LWDs, etc.) that I plan on considering for my property management. Thus I think SEP's greatest value is as an educational tool not as policing and inquisition mechanisms. Education is a far more positive and productive approach to ecological management.

We don't need more regulation. We need strong guidelines and education. Minimal modest regulation might be palatable if it came about by extensive study dialogue with the impacted community members and there was a consensus for the need by that community and after the resolution of global threats to our local environment. Regulation, if it must come about, should be generated by community demand and agreement not by external forces unfamiliar with the whole of our environment.

In fact, many of us feel the mitigation of creek challenges should lie with all property owners. Homeowners on slopes above the creek and downstream (west) of us greatly impact the stream network, as do developers with grand profiteering schemes that degrad whole tracts. To burden existent property owners by the creeks with regulations and or added responsibility while there are issues outside of our jurisdiction that we can't control is unjust. In fact, the whole of Marin County disturbs the nature of all streams and shorelines. It is also galling that while trying to impose this study on us the County entertains the idea of widening Sir Francis Drake yanking out very old redwoods and excavating the creek banks through S.P. Taylor Park for bicyclers or that the U.S. considers offshore drilling. Yet, we the SGV residents are solely held responsible for the well being of the salmon. This is illogical.

San Geronimo Valley smolts do eventually grow and go out to sea...the problem seems to be that they don't come back. I would like more consideration given this in the SEP, other variables are of a major impact on our local ecology. The giant problems associated with climate change (marine current changes, marine food source unavailability for salmon and drought conditions, etc.), years of massive commercial fishing of the Coho for a world market off our coast (90% of the big

fish have been extracted from our oceans[5]), in 1982 MMWD doubled Kent Dams capacity and creating major deprivation of water for our streams and today MMWD is still withholding critical volumes of water from the streams thereby warming them and not creating hydrologic resistance for the water upstream which existed for eons. MMWD and environmental groups are also tampering with the creek integrity by installing more debris(…nature knows what it's doing, not experimental ecologists, apparently). All of these items are most likely the formidable culprits in damaging the local fish populations. The creek quality seems to have been more than sufficient to sustain healthy populations of Coho and steel head since the days of big Spanish land grants [a]which had a cattle economy and when Spanish grazes were sowed for their cattle and horses) all the way through to today's SEP claim of "urbanization" of the area. Development along the creek has been minimal during my 30+ years of residency along the creek, during which time the fish were still persistent in coming up our streams in good water years. By the study's own admission all these fish in our stream are extremely adaptable to changes in conditions and seem to have demonstrated that through the centuries.[6] The true enhancement is that residents today are better stewards. They are more cognizant of the plight of the fish and more sensitive to aiding their needs.

This study seems to lack some important data.
What evidence have the physical traits of the smolts presented which document that the waters of the SGV creek network are harming the fish?
What evidence is there that the fish are leaving our streams in an unhealthy [weak] status unable to cope with marine life?
In fact, what evidence is there at all that our waters have harmed the fish and not these great detrimental external forces beyond the San Geronimo Valley?
Is there a difference in size over the years?
Is there proof that the salmon are less physically robust than it's predecessors in the SGV creek network waters? True, recent measurements have shown the few salmon here to be leaving later but it can easily be attributed to drought conditions[7].

One must also bear in mind that for every study quoted in SEP there is potentially an argument in a contradictory study. This will take time to discover and it must be explored and considered as one formulates a plan for riparian management. I know there have been studies that have concluded that horses are not harmful to stream waters . Other methods for mitigation of suspected problems exist and also should be reviewed before formulating a riparian plan. In regard to that issue, there are also methods of mitigation for livestock contamination as well that need exploration. All available and valuable concepts must be explored.

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[5] Earle, Sylvia, The World of Blue, Random House, 2009.
[6] SEP pg.3
[5]according to SPAWN, SF Chronicle, Oct. 10, 2009.f

The document itself lacks decent diagrams of properties surveyed, decent maps of the SEP impacted watershed properties, incomplete understanding of waterways and springs in the western and northern sections of Cintura Rd, in Lagunitas, The maps in the publication were illegible and, the maps at the meeting with Supervisor Kinsey, were inaccurate as well (e.g., didn't include information on springs and water sources in the easterly, upper westerly and northern parts of Cintura Rd., Lagunitas).

I don't know how one can come to scientific conclusions given the all of the above mentioned variables and the fact that this " is based on information from one year of "study", and a second consecutive drought year at that, when the spawn was at an all time low.[8] The low count seems due to the fact that the rains came in January and well beyond the window of time when the Coho come upstream in significant numbers into our creeks. This also occurred the year before. "Only a smattering of Coho were spotted and only 20 egg nests, or redds, were seen in the two main tributaries..."[9] Yet the "study" draws broad conclusions from very little information. Again, the conclusions are more conjecture than science. It is also interesting that an article in the IJ[10] observed that not only was the spawn dramatically decreased in our creeks but " in Redwood Creek, which runs through Muir Woods National Monument in southwest Marin, the news isn't any better. Last year only one pair of spawning salmon were known to appear in the creek." and " 'We have only seen one juvenile coho on the Muir Woods grounds,' said Tim Jordan, educational coordinator at the national monument". How can a study done in these under these conditions be taken seriously?

The Chinook, the Coho, the King, in all 20 species are in danger (Struggling to Survive, Jane Kay, Chronicle, Nov.20,2008) but, for the most part, the Coho of the SGV are in the hands of good stewards. We will give it our best to maintain a hospitable environment. The world is not a perfect place...even in nature, but the Coho are apparently quite adaptable. We must continue to educate ourselves to alleviate stress on nature, we do not need more punitive regulations that threaten our well being and discourage good stewardship. We must also be considerate of other vital factors in the community effort. We cannot "enhance" nature but we can protect it's ancient workings in our creeks but Marin must also factor in the well-being of it's human elements when studying creek side ecology. They, too, are part of the ecology.

I suggest we also concentrate on preserving our coho's genetic information for

[8] Paola Bouley, SF Chronicle, Jan. 10, 2009.

[10] Light Run of Endangered Fish in Marin Creeks Worries Biologist, Mark Prado, Marin IJ, Jan.4 2009.

immediate salvation until we can stabilize global conditions.

If we are to work on maximizing creek health we must include all lands that impact the San Geronimo Creek. It could well be that impediments to the degradation of water quality occurs throughout our valley's environment. In fact, studies should be undertaken such impacts on all waterways throughout Marin. Let's work on returning salmon habitats in Nicasio, north Marin and south Marin, as well as the Muir Woods creeks when the conditions improve.

It would be interesting and informative to overlay rainfall for the periods when redds were established and fish were counted.

In summary, citizens of the San Geronimo Valley do not have confidence in the SEP document or the integrity of the process that brought it on us. It is strongly biased, based on questionable information and conjecture and threatens the well being of the San Geronimo valley residents. It is unjust. The issue of fish population stability which the document is concerned with are global problems and far greater than anything that the people of the SGV have control over. The study's proposals, that SPAWN demands become laws, are nothing more than experimentation. Experimentation which relies on data which is woefully lacking in baseline information and data that is secured from very biased organizations during erratic weather periods. The SEP will potentially cost the homeowners collectively hundreds of millions of dollars and subject the County to countless legal actions . Not only that but this document inhibits open dialogue between the residents, the County and SPAWN. SPAWN's status as objectivie observers has now been compromised and cannot be trusted as an employable monitoring organization by the County or the SGV community. There is a lot to lose and little to gain or nothing to gain by accepting this document.

There are many issues to be worked out here. I urge the County of Marin not to accept this first draft. It should be retired, shelved. A better idea would be spending time and money in the ecological education of its citizens that would be money well spent.

property owners, well managed and incentivized development can be a powerful engine for the actualization of the plans goals.

In addition, the limitations outlined in Chapter 5 Action 3 fail to acknowledge that each parcel faces unique conditions and offer's unique opportunities. The suggested site diagrams included with the plan's addendum are lovely. However, they don't accurately reflect a significant number of the site conditions found in the San Geronimo Valley. The steep terrain and narrow roads rarely offer the wide open areas suggested by the site diagrams.

It is tempting to seek out a one size fits all solution – No Construction Allowed, but such an unsophisticated approach will become a bottleneck to finding the creative and innovative resolutions that will be required to successfully address the planning and environmental challenges we face, not to mention a potential point of litigation. We can do better.

As an alternative, the continuation of a conditional use / design permit process to evaluate the specifics of each parcel and proposed improvement on a case by case basis gives each homeowner and/or property owner their "day in court"; enabling property owner's to partner with the County and environmental agencies to jointly devise solutions appropriate to the parcel in question that also provides benefits towards the restoration of the creek and the protection of Salmon.

I strongly encourage the County to NOT adopt the Salmonid Enhancement Plan as presented, particularly in regards to Chapter 5, Action 3. Instead the County should maintain a design permit process which respects property owner's rights to present their ideas to the County and allow the County to decide on each situation based on the merits on the property owner's proposals.

Thank you,

R. Taylor Hamblett

SOME SUGGESTIONS:

- Identify a sum of money available to provide creek improvements to benefit the fish from sources other than the impacted property owners that you are trying to change the rules “in the middle of the stream” on.
- Start at the source of the stream and work on a volunteer basis with property owners towards Tomales Bay to allow them to understand what improvements they could make which would be beneficial to environmental improvements to their creek properties and have money to pay for their improvements once agreed on without waiting for a building permit, or change of ownership as a trigger, or using a hammer to get performance which will result in property owner law suits.
- A voluntary buy-in plan will produce almost immediate creek benefit after the sources of other peoples’ (the Greater Community) money is identified and result in the low-hanging fruit being accomplished in a year.
- After attending the Woodacre Improvement meeting of 50 persons where the plan was presented and the science explained to only two property owners with property on the creek who were not involved in creating the plan (I assume the vast majority of those in attendance were governmental regulators, paid consultants, or SPAWN devotees) we attended a meeting of 50 persons with property on stretches of the San Geronimo Valley Creek who the plan identifies as the impacted parties scheduled to pay for the improvements. I believe everyone shares the goal of improving the creek, but warn that two camps are being formed and now is the time for political leadership.
- Redo your science on seasonal dams and allow the ones that have historically existed in the Valley when the Salmon runs (which I watched over 57 years) were very plentiful with the dams in. In the last four years with them out return runs have decreased dramatically. We have raised hundreds of thousands of salmonoids in the summer on our property and gently released them as the rain increased and the stream water rose in the fall. When I asked the question of why the dams were eliminated at the Woodacre Plan presentation, I was told dams were bad because the salmonoids could not swim back and forth to socialize with other salmonoids in lower and higher pools. Please understand that they can not now and are stranded in small pools in the summer with very little water. My fear is this science is done to meet a goal of removing dams, not helping the fish. Every creek restoration project I have worked on is to stabilize banks or create summer pools or quiet waters from the turbulence. Hopefully, this science does not, on closer examination, follow the science promoted by the National Parks to remove Drakes Bay Oyster Company from Drakes Estereo.
  (PLEASE CONSIDER THIS A FORMAL REQUEST TO YOUR CONSULTANTS AND ALL GOVERNMENT AGENCIES INVOLVED TO PRODUCE ALL SCIENTIFIC INFORMATION ON SEASONAL SUMMER DAMS USED TO DEMAND THEIR REMOVAL).

I stopped supporting SPAWN when at an early meeting Todd Stiener said that the groups' goal was to buy all the property in the San Geronimo Valley within 100 feet on both sides of the creek. I took objection to the statement based on the fact that they would be buying all my property and I would no longer be able to live on the creek in Woodacre, as I always have and as the Miwok did before me, but I also thought the statement did not come from a rational mind setting realistic goals.

After watching the SPAWN and County lawsuit threat dance, I now see Mr. Stiener accomplishing his goal of controlling all the property along the creek with the proposed 35 foot additionally taking of our property on either side of the creek (WITHOUT BUYING IT) and is being aided by the County in doing so.

Should the plan proceed on an ordinance basis, including a 35 foot area of new restriction, there will be a property owners' lawsuit for the taking of our property. I encouraged four good friends of ours, by chance all lawyers, to buy houses on the creek in Woodacre and San Geronimo, and they share our above mentioned concerns. This statement is not meant to be aggressive, but rather a reality to be considered.

My hope is that rational minds will construct a path that includes identified monies, voluntary property owners buy-in, speedy improvements to the creek and fish habitat, and additionally, (THAT REPRESENTATIVES OF THE CREEK OWNERS' GROUP WILL BE GIVEN A SEAT AT THE TABLE TO HELP CONSTRUCT THE PATH WITH THE COUNTY AND SPAWN).

Sincerely,

Jeff and Nancy Harriman
121 Redwood Drive
Woodacre, CA

Bill Hart, P.O. Box 472, San Geronimo, CA 94963

Comments on San Geronimo Valley Salmon enhancement Plan, Draft 7/22/09

I have been a fly fisherman in CA since 1972. I worked as an environmental engineer for over 20 years. I have worked as a volunteer on stream restoration projects in the Point Reyes Area in the early 1980s. I have currently been involved in commercial real estate brokerage. I own a property on the Arroyo San Geronimo. I really care about the fish and have planted native trees, removed old pavement, and tried to make the habitat better for the fish.

I found out about the moratorium from a neighbor quite some time after it was put in place. I was told that the moratorium was put in place because SPAWN had threatened to put a law suit against the County General Plan if the moratorium was not put in place. It is illegal for our government to be controlled by threat from a third party even if the third party organization does some good things. I was told that the moratorium only affected two projects: Spirit Rocks plan to move their septic further away from the seasonal creek and a house to be built on Meadow Way which the County Planning Commission had approved the plans for after over three years of changes. Building moratoriums affect building values negatively as they prevent modernization and changes necessary for changing uses, and prevent expansions. In some cases, building restrictions can effectively condemn structures that do not meet current standards. We had properties foreclosed on in the San Geronimo Valley in the last year. One was listed at $225,000 instead of the $800,000 that it was previously appraised at, and sold at $400,000. This is a 50% loss of value which is partially due to the loss of potential utility due to building restrictions. Property values have been reduced from the financial problems, but not to this extent; this property was on the creek. The reports mention 100s of vacant lots which I am sure will be marginally developable after the changes in regulation; they may already be marginally developable due to current regulations. My point is that this process and proposed regulations have a huge financial impact on the value of properties in the affected areas both as a result of the moratorium and a result of the future cost and loss of utility from the proposed regulations. I concede that bank stabilization will not usually reduce the value of a property, but removal of structures, gardens, and usable land will. When I last investigated, it would take over a year to get a permit to do anything in the creek and one would be working with the Army Corp. of Engineers, the County, and other agencies. The permit costs alone typically will be much more than the cost of the work involved and the process pure brain damage.

I had come to the County office and asked Liz if I could see the public comments on the existing conditions report. I was not allowed to do this. Please let me know what protocol is required to see these comments.

It is ironic that current environmental regulations tend to punish the past stewards of our land, the people who now own land with healthy environments. These regulations will not apply to the people living on creeks in other towns where the past salmon habitats are now in culverts, paved over, and run under buildings.

The conditions report says that conditions for breading in the creek are good with some room for improvement. The Citizen quotes in Feb 26 2009 headline " Valley watershed 'in good shape' says report, but did list problems that could threaten the aquatic habitat of the watershed including climate change, high water temperatures, extreme runoff and excessive sediment (all factors not primarily caused by residential land activities). The past reports show that breeding has improved in the San Geronimo Valley over the past two decades; it has fluctuated, but the numbers had statistically improved. In fact, the real poor years all seem attributable to low or high water flow events that will not be affected by changes in the management of the residential properties in the Valley. This is in direct contradiction to statements that the changes in the Valley are causing a decline. There is not a decline statistically and the changes have mostly been improvements in the Valley. One might interpret that the efforts would be refocused away from regulations on residential activity. The report indicates that the recent population decline is a result of not enough water flow in fall 2008 and the blowout flood of winter 2005/2006. The report does not conclude that reductions in salmon population are in any way resulting from building permits issued from the County, or even from construction without a permit on residential parcels. The conditions report does indicate that conditions could be more ideal with the primary improvement that could actually help being making a statistically significant flood plain (and I am not sure about this science). To do this would mean removal of a great many houses, modifications of the golf course, and a great deal of moving soil and rock. The sediment issues from the process may be greater than the long term benefit. It may be possible that if the Dept. of Public Works modified the way that they channel road runoff, that there could be a reduction of some sedimentation, but not flood events. Removal of houses definitely reduces value of the property.

Still this process is focused on the residential property owners in San Geronimo. Greater improvement in sediment control could be obtained by control of County Roads. The water treatment plant and chlorination methods are probably the biggest water quality threat to the fish. Other significant water quality contributors are

fertilizers, pesticides, and other chemicals used in commercial landscaping like golf courses and schools, manure and sediment from ranching activities, Water flow can be enhanced by untreated water discharge from the water treatment plant in low water events like 2008. Last year road base material was added for about 2-3 feet on the road edge after paving; the material used had significant fine material that washed into the creek after the first rain. I would estimate this one preventable even caused more fine material discharge into the creek that year than all residential activities combined.

Much of the creek area has mature trees. These are complicated situations involving liability from falling trees and branches. They also bring habitat as do areas that are allowed to grow wildly. Many residents do not know how to live with raccoons, skunks and other wildlife. People who have unfenced creek areas also contend with deer that eat all foliage to wood, stripping entire areas. The raccoons love eating the little salmon when they can get them in small pools. Tree and foliage management rules will add a significant level of hassle for people who have preserved the trees on their property including adding a cost and permit hassle just to do normal unhealthy tree removal or thinning to let sun come back to areas. Also, it is a new concept to make nonnative plants illegal if they are not invasive. In some cases, invasive plants already exist and their removal would cause more damage in erosion than leaving things the way they are.

The regulations say that they only apply to new development, but the fact that there are so many structures without permits in the Valley and so many structures that did not require permits, and structures that require significant improvements to modernize. These situations may be considered new development by County legal definitions and ultimately take away the existing living situations.

SPAWN continues to state that the stream habitat in the Valley continues to degrade. This is not seen anecdotally and not proven by salmon counts when water events are taken into account. They also state that these measures are needed to pull this species back from the brink of extinction; the species is only endangered in our area. We can buy Coho Salmon from Oregon in the Supermarket. The species is not on the brink of extinction. The plan does not help to reduce the perilous decline, because the recent decline is not caused by degradation of habitat, but from weather events, and the decline is not proven to go into this season; with adequate water flow and good ocean survival, we expect a great winter for the Coho.

I do not think that the link between residential building activities and other residential activities is great enough to enact any of the recommendations of the plan. I think that

efforts to restore water flow in times of low flow and efforts to prevent sedimentation from roads and public projects would have better results. Also, this effort punishes the property owners who have kept habitat and trees, and people who have purchased properties with structures and improvements that might be required to be removed by regulation. I ascertain that this creek has improved in habitat quality over the years as a result of the voluntary efforts of SPAWN and the community and commend these efforts. This new set of proposed regulations now puts SPAWN and the County against these people. If the science showed that the homeowners' activities were somehow correlated with the 2008 reductions in population, I believe that the homeowners would step to the plate. Just a few years ago, SPAWN was advocating the clearing of channels, now they are advocating leaving woody debris. I am not convinced that SPAWN really knows what will work best with time. One nest I saw two years ago was where someone had made a deep spot to cool down in the summer, an activity that would probably be discouraged by SPAWN.

In summary, the data that I was able to obtain indicated that salmon nesting has increased in the Valley over the past 20 years except for years with special weather events. The studies show an increase and not a decline. I could not find any data to support that the habitat is degrading; all the information I could find indicated that the habitat has improved. With building of one or two new houses a year in the Valley, the decrease in permeable surface is statistically insignificant. The existing building regulations are so complex that it is almost impossible to get something done legally now; we do not need another layer of regulation. I hope that SPAWN and the Valley residents with continue their voluntary efforts to improve the watershed.