MCL Paying Close Attention to SB375
Local ramifications of mandated regional transportation plan unknown

By Don Wilhelm and Nona Dennis

Over the next few years you will be hearing a lot about two bills from the State Legislature, AB 32, the Global Warming Solutions Act of 2006, and SB 375, the “anti-sprawl bill” signed into law in October 2008. SB 375, in particular, could have a profound influence on the way we think about land use, development, and transportation. While the effects of SB375 may be more evident in rapidly growing parts of California than in traditionally slow-growth counties like Marin, we cannot ignore the implications for regional planning and potential loss of local control over housing and the quality of our Marin communities. MCL is studying the local ramifications of these bills. We plan to devote a Business-Environment Breakfast to the topic in February.

AB 32 establishes ambitious State goals and schedules for reducing Green House Gas emissions (GHG) throughout all sectors of the economy to 1990 levels by the close of 2020. In a future newsletter we will discuss the wide-ranging strategies to implement AB32 that were adopted in December 2008. In the meantime, SB 375 establishes a regional planning process to implement the goals of AB32 in the transportation sector. By providing financial and streamlined environmental review incentives to reduce sprawl, the bill is designed to link development with transportation in a way that will encourage people to drive less. The bill is designed to link development with transportation in a way that will encourage people to drive less.

GHG and Transit Oriented Development

It is difficult to explain how SB 375 will work without dipping into an alphabet soup of acronyms. The California Air Resources Board

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A Message From the President:

UNDERSTANDING MCL’S CRITERIA FOR TAKING ACTION

You may have wondered what prompts MCL to become involved in environmental issues, given limited resources and seemingly endless environmental challenges throughout the County. How do we determine which issues to pursue, some of them minor but others requiring years of persistence?

We occasionally receive calls from residents asking for help in a local skirmish. It might be a second-story addition next door that affords views into a neighbor’s back yard; or it might be an egregious replacement of an older “tear-down” by a trophy mega-mansion. Recently, an MCL member who lives in one of the County’s planning areas called us about the proposed tear-down of a 2,500 sq. ft. residence built in the 1980s, to be replaced by a home more than twice its size. The replacement would exceed the planning area guidelines that limit house size in relation to slope, floor area ratio (FAR), and median house size in the existing neighborhood.

While we might have an immediate negative response to such a proposal as a case of excessive consumption, that alone would not constitute a sufficient basis for spending MCL time on a “local issue” – this kind of overbuilding is happening all over the county, altering the character of many neighborhoods. Why would we voice our objections in this particular case?

Our decision process is informal and open to discretion but is generally grounded in three criteria, one or more of which must be met:

1. Would the project (e.g., a plan, public policy, proposed development) affect natural resources of countywide significance – such as wetlands, streams and watersheds, oak woodlands, native grasslands, air quality, or aesthetic and community quality? This broad list of concerns now includes climate change, emphasizing MCL’s need to “act locally but think globally.”

2. Would the project set a precedent, in either a local or broader county context? This is subject to considerable interpretation but often has involved growth and its need for management.

3. Does the project qualify as a “legacy issue”? With a 75 year history of protecting Marin’s assets, MCL continues to support principles and develop positions on traditional issues, such as water supply, open space, countywide planning, agriculture, transportation, and others, established by the founders and their successors. Such issues have frequently taken MCL into regional and even statewide contexts, such as weighing in on State propositions and legislation.

Obviously this is a cursory outline; these criteria are more complex than they appear. Decisions to pursue an issue also must be tempered by the availability of time! In the case of the oversized replacement home, above, we decided to voice our objection, if briefly, on the basis that a variance to clearly-stated house size limits, if sought and granted, would set an unacceptable precedent for future residential development in that community. This was one of our simpler decisions!

IN THIS ISSUE

NEW MEMBERS: Please join us for breakfast!

Friday, January 23
8:30 - 10 a.m.

New MCL members who would like to meet some of the League’s directors and are interested in learning more about its programs are welcome to join us for our semi-annual open house on Friday, January 23 at our office, 1623A Fifth Ave., San Rafael. A continental breakfast will be provided. Please RSVP to 415-485-6257.
Delta in Dire Straits:  
*SacBee* Editorial Hits Home

**Director’s Note:** In past years, Marin Conservation League has participated actively in State water issues, particularly when MCL opposed the Peripheral Canal. Our interest in these issues has not subsided, even though our active involvement has. Anyone who has been paying attention to State water will know that the Delta (with its huge watershed [40 per cent of the State]) is in dire straits. The editorial, reprinted here in its entirety, is a cogent summation of Delta issues. Marin draws none of its water supply from this watershed (although we tapped it in the drought of 1975-76!), but must be prepared to make informed decisions if a major state water facilities (another canal?) bond issue comes to a vote.

**Editorial: “Accept Reality of Limits in Delta,” Sacramento Bee, December 17, 2008**

California is on the cusp of crucial decisions about its water future. Plans for new reservoirs and canals are gaining traction, pushed by interests that have the most to lose from court decisions and possible droughts. Before the state plunges feet-first into a new generation of water works, though, it must recognize the limits of its hydrological heart – the Sacramento-San Joaquin Delta.

For far too long, California has treated the Delta and its vast watershed as a resource to be tapped and exploited. Excessive pumping and diversions, from all parts of the vast watershed, have hurt fish and other wildlife. Excessive conversion of wetlands has turned the Delta into a mono-culture of sinking islands, vulnerable to floods and earthquakes. Excessive pollution has made the Delta a filthy place to draw drinking water.

There’s no need to demonize past acts. Water agencies built water pumps, farmers converted wetlands and cities built sewage plants long before anyone recognized the Delta as a fragile ecosystem – our version of the Everglades. But we know better now – or at least we should. As The Bee’s Matt Weiser wrote in a special report on Sunday, “Recent events have revealed the truth: California is reaching the limit of its water supplies, and the economy and environment are suffering for it.”

How can we judge if California is taking more water from the Delta and its watershed than they can handle? Consider the evidence: Smelt are at the brink of extinction. Other species, such as salmon, are in serious peril. Federal courts are using the hammer of the Endangered Species Act to deliver a blunt message about the entire ecosystem. Dry years, when cities and farms suck more from the Delta than they do during more rainy times, are especially tough for these species. During wet years, 87 percent of the water entering the Delta makes it out to the San Francisco Bay. During dry years, the figure drops to 51 percent.

If California is to have any hope of restoring the Delta and avoiding clashes with federal judges, it must develop a water plan that reduces its dependence on this estuary and strives for greater reliability. What would this plan look like? To begin with, it must be grounded in reality. Water contracts based on dated premises must be renegotiated, and efficiency should be the law of the land. Each region of the state – including Sacramento and the San Joaquin Valley – must find ways to reduce what it takes from the Delta and its watershed. And environmental groups must recognize that not every species will be restored to its population predating the Gold Rush.

Once all the shareholders have agreed to sacrifice, discussions over a canal – or some other option for the Delta – will go more smoothly. Without such a commitment, it’s hard to imagine that environmental advocates and Northern Californians would agree to a canal that would be the vehicle for increased exports.

While this page won’t render judgment on a canal until a specific project has been proposed, the status quo is clearly unsustainable. A canal holds the potential of reducing environmental conflicts and allowing the state to siphon off big flows during peak years, while safeguarding the state against natural disasters. But any canal project must be premised on a recognition of limits. Promising everything to everyone is how the Delta ended up in its current mess.
SB375
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(ARB) will set GHG reduction targets for autos and light trucks by September 30, 2010, since they account for 31 percent of the state’s GHG emissions. However, improved vehicle fuel efficiency and low carbon fuels alone will not be enough to meet emission targets. Further reductions in emissions can only be achieved by also reducing vehicle miles traveled (VMT), an indicator of how much people drive. In brief, this leads to a simple equation: Density + Transit Facilities = Transit Oriented Development, or TOD. TOD is not a new urban planning concept, but now it can be directly linked to measuring and reducing GHG emissions.

GHG Emission Reduction Targets

In order to set the new GHG targets, the San Francisco Bay Region Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) must establish population growth projections for this region. (As an aside, SB375 is premised on these growth projections for California and for the San Francisco Bay Region). The California ARB will establish emission targets for each metropolitan planning organization, such as the Bay Region’s MTC, and update them every eight years.

SB 375 defines all of the factors ARB must consider in calculating emissions and establishing the reduction targets, such as:

- Land use density in relation to vehicle ownership
- Land use density in relation to vehicle miles traveled (VMT)
- Impact of highway and rail expansion on development
- Mode splitting between auto, transit, carpool, bike & pedestrian
- Speed and frequency of transit service; and others

Sustainable Communities Strategy

Each region (in our case MTC) must prepare a Sustainable Communities Strategy (SCS) that integrates land use plans and population projections with the transportation network and other transportation policies. The intent of the SCS is to reduce GHG emissions from autos and trucks to meet targets, if there is a feasible way to do so. The SCS will include:

- Existing land use conditions
- Areas sufficient to house all populations.
- Housing availability for all economic segments of population
- Emphasis on low and very low income and emergency housing needs, etc.

If the SCS is unable to meet emission reduction targets, then MTC must develop an alternative planning strategy that defines programs that could achieve the targets if infrastructure and programs either not currently available or inconsistent with the Regional Transportation Plan (RTP) were used.

Environmental Incentives for “Transit Priority Projects”

SB 375 provides incentives for those projects (TPPs, see below) that best align with the targets for emissions reductions. The main incentive is to eliminate or reduce CEQA requirements. For example, a project of fewer than eight acres and not more than 200 residences, served by existing utilities, that uses energy efficient construction and provides low cost housing, might be totally exempt from CEQA (most new housing developments in Marin would fall into this category). A project meeting some but not all of these criteria might be eligible for a restricted CEQA study, i.e., it need not consider cumulative effects, growth-inducing impacts, nor traffic impacts generated by the project. Or some residential or mixed-use projects that are consistent with the SCS can do a streamlined CEQA review that ignores growth inducement caused by the project, as well as impacts of cars and light trucks from the project area. Lastly, an EIR could not propose reducing residential density as a means of mitigating significant traffic impacts.

Key features of transit priority projects (TPP) would include:

- At least 50% residential use
- Minimum density of 20 dwellings per acre
- Location within 1/2 mile of major transit stop
- Location within 1/2 mile of transit corridor having 15 minute frequency.

MCL and SB375

As MCL begins to evaluate proposals for development in Marin, such as those around future SMART stations, we will be balancing their positive effects on global warming, affordable housing, and other attributes of sustainability, against the possibility of streamlined CEQA study (or none!), impacts on natural resources, excessive growth, and loss of local control over land use decisions. We will also be tracking how local and regional housing allocations are determined, in that SB375 will now require local governments to actually zone land needed for housing. As Tom Adams, board president of California League of Conservation Voters has said, “I think it will change forever the way we look at land use in California.” This may be the state’s most important land-use law since CEQA was passed almost 40 years ago.

SAVE THE DATE!
MARIN CONSERVATION LEAGUE’S
ANNUAL DINNER GALA
APRIL 17th, 2009 at the Mill Valley Community Center
“75 Years of Protecting Marin:
Celebrating the Legacy – Looking to the Future”
Invited Speaker: Bill Press, political commentator
Plus—
A new 75th Birthday Song, by Doug Maloney
Special Awards: Honoring Past Presidents
and other MCL heroes

Look for an invitation in your mail box and e-mail in March

“Bill, who began his political career in Marin County as aide to Peter Behr, returns to his roots. He is “working on his calendar” to join us on April 17th.

*Bill Press, political commentator

CELEBRATING 75 YEARS OF CONSERVATION ACTION
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KEY TO ACRONYMS
RTP – Regional Transportation Plan
SCS – Sustainable Community Strategy
TPP – Transit Priority Project
ARB – Calif. Air Resources Board
TOD – Transit Oriented Development
VMT – Vehicle Miles Traveled
ABAG – Association of Bay Area Governments
MTC – Metropolitan Transportation Commission
CEQA – California Environmental Quality Act
Desalination or Not? MMWD’s Future Water Supply

After many months in preparation, the Final Environmental Impact Report (FEIR) for a proposed desalination facility was released by MMWD on December 19, too late for comment in this Newsletter. The original intention of the District was to certify the FEIR in December as adequate and complete, without further public review. California Environmental Quality Act (CEQA) Guidelines do permit a lead agency to certify a Final EIR without public review. However, in the case of high-profile or controversial projects, this is not good public policy. Although MCL has not yet taken a position on the environmental appropriateness of the proposed desalination plant (scheduled for the MCL Board’s action January 20), we believe the public should be provided with enough information to make informed decisions regarding future water supply options – including conservation as well as desalination and other options. This information would include the District’s responses to many detailed comments on the Draft EIR. MCL and several other organizations requested a public review period of 30 to 60 days for the FEIR. On December 18, the MMWD Board agreed to a 45 day review and deferred action to their meeting on February 4, at which time they will vote to certify the FEIR. They will decide on the water supply project later in 2009. After reviewing the FEIR, MCL will prepare a draft position statement for our Board’s consideration and post our adopted statement and rationale on the MCL web site.

Hamilton Wetland Restoration Aquatic Transfer Facility (ATF)

Unless you live in Bel Marin Keys or the Hamilton Community in Novato, you may be unaware of the current progress of the major wetland restoration project that eventually will turn 2,600 acres of diked baylands into a complex of tidal and seasonal wetlands with adjacent upland wildlife habitat. Years in the planning and initial construction, the Hamilton Wetland Restoration Project encompasses the historic runways and flat lands of Hamilton Airfield, together with an adjacent State-owned antennae field, and 1,600 acres of farmed land at Bel Marin Keys. For a more complete description of this project, sponsored jointly by the U.S. Army Corps of Engineers (Corps), State Coastal Conservancy, and SF Bay Conservation and Development Commission, go to www.hamiltonwetlands.org.

In spite of informative articles about a “bay hole” (Marin IJ 10/17/2008) and “underwater pit” (Marin IJ 11/12/2008), few Marin residents are aware of the proposal by the Corps and Coastal Conservancy to accelerate the process of discharging bay mud dredged from various navigation projects around the Bay into the restoration site. The dredged materials are necessary to raise the interior elevations, which have subsided relative to adjacent lands, to a level that will support marsh vegetation and habitat. By raising the surface elevation, this restoration project and others around the Bay are not only mitigating for the historic loss of valuable tideland habitat but also providing a beneficial use for dredged materials that need to be disposed.

Among the many challenges that have faced this ambitious project is the fact that San Pablo Bay is very shallow. The hydraulic off-loaders (a kind of scow) that transport the mud from dredging sites, such as the Port of Oakland, to the restoration site must anchor several miles offshore and discharge their contents – actually mud – into a pipeline with water, which in turn transports the slurry to the restoration area. The current method is to offload one scow at a time – a three-hour process. At this rate, it would take 18 years to achieve the planned configuration of the wetland. What if

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CELEBRATING 75 YEARS OF CONSERVATION ACTION

Photo courtesy of the California State Dept. of Water Resources
the conservation and development of their coastal resources through a comprehensive planning and regulatory program. While the California Coastal Commission is the primary body that administers the Coastal Act, it is the local LCP that sets the ground rules for use of coastal resources and future development. Marin County certified its LCP in 1980 and 1981, covering the communities of Muir Beach, Stinson Beach, Seadrift, and Bolinas (Unit I), and Olema, Pt. Reyes Station, Inverness, Dillon Beach and Oceana Marin, Marshal, and Tomales (Unit II).

Changes prompt review

Since the Marin LCP was certified nearly 30 years ago, conditions have changed that prompt substantial review: for example, changes in the Coastal Act itself due to judicial precedents; adoption of the new Countywide Plan and the need to reconcile differing policies; changes in physical circumstances, such as anticipated sea level rise; shifts in agricultural practices and the need to balance the protection of coastal resources with agricultural viability; trends in visitor-serving uses that must be balanced with the needs of local residents; increased demand for alternative energy such as wind turbines; increased emphasis on watershed protection and water quality in Tomales Bay and local waterways; heightened concern over the protection of endangered species; issues involving public trail access through private agricultural lands; and social changes, such as the lack of affordable housing for workers in West Marin.

Environmental issues and public involvement

Community workshops are already underway and will continue into January 2009. They will be followed by issue-specific workshops throughout 2009. From an environmental perspective, MCL anticipates that conflicts may arise over policy differences between the CWP and the LCP, which currently places greater emphasis on protection of coastal resources than the CWP. The environmental community is concerned over possible intensification of agriculture and introduction of ancillary commercial uses to “add value” to agriculture. We are also concerned about intensified agriculture in Stream Conservation Areas, which need special protection for fisheries and other riparian values. At the same time, a spokesperson for the agricultural community stated that West Marin is a “working landscape” and needs flexibility (e.g., in diversifying crops) to maintain economic viability. MCL understands that agriculture is essential to our economy and integral to our landscape, but also believes that environmental values such as stream habitats can be protected within that working context.

We will send out e-alerts as community and issue workshops are scheduled. If you wish to be alerted and are not on MCL’s e-list, send your e-mail address to mcl@marinconservationleague.org.

What does “Sustainability” really mean to our communities?

The Environmental Forum of Marin announces its 5th Sustainable Communities Seminar series, beginning January 31, 2009, and continuing for 8 weeks on Saturdays, from 9:00 a.m. until 1:00 p.m. (excluding Presidents’ Day Weekend). This series, which covers topics such as Introduction to Sustainability, Water Resources and Watersheds, Fossil fuels, Climate Change and Clean Energy, Waste Reduction and Toxics, Land Use, and Transportation Issues, is designed to expand the awareness of community leaders, decision makers, and interested citizens in the critical environmental issues facing our communities and ourselves. This year the series is being offered in modules of one or more classes, or on a group basis (one registration for different individual attendees). For further information go to the Environmental Forum of Marin at www.marinefm.org/workshopseries.html, or e-mail Valerie Merrin at Seminar@MarinEFM.org.

When one tugs at a single thing in nature, he finds it attached to the rest of the world. ~John Muir
this process could be accelerated by excavating a large basin in the
Bay to store mud from several dredging operations in the Bay, and
deliver the slurry to the restoration site more efficiently?

That is the preferred method that is being proposed by the Corps
and Conservancy: a 77-acre unconfined basin – Aquatic Transfer
Facility (ATF) – would be excavated in San Pablo Bay north-east of
China Camp and south-east of Hamilton. Storing and transferring
dredged material in this manner could finish the restoration work in
10 years rather than 18, for $200 million reduction in cost. At stake,
however, is the balancing of benefits (e.g., earlier establishment of
habitat in the restoration site, reduced emissions of greenhouse gases
over time, more efficient disposal of dredge materials from various

The dredged materials will raise elevations to support
marsh vegetation and habitat

navigation projects), against potential impacts to San Pablo Bay
recreational fisheries and habitat of the threatened North American
green sturgeon, burial of benthic (bottom-dwelling) organisms,
turbidity from suspended sediment and potential indirect impacts
to tidal habitats along China Camp shoreline and the mouth of
Gallinas Creek, which are inhabited by the endangered California
crude and salt marsh harvest mouse, and eelgrass beds to the

Redwood Landfill

MCL has been following the progress of Redwood Landfill’s
application for a permit to expand operations for the past
ten years. We have supported the “Mitigated Alternative” as
amended by the County Planning Commission, provided that
strict performance standards and controls on operations and closure
were in place.

In December, the permit process moved from County (Local
Enforcement Agency) to Sacramento, with hearings before the
California Integrated Waste Management Board (CIWMB). MCL
continued to press for three provisions: an independent third
party to monitor the landfill’s compliance with conditions of the
Permit for the entire period of operations under the permit; tying
the utilization of increased capacity to satisfactory completion of
performance milestones, such as completing levee improvements
within three years; and requiring financial bonding from a secure
source in amounts sufficient to remedy catastrophic landfill failure
should that occur. The third party monitor is now provided for in
the permit; the other two requests were rejected by the CIWMB,
who approved the permit on December 16. The possibility of a
challenge to the adequacy of the EIR still lies ahead. MCL would
not be a party to that challenge.
Renew Your Membership for 2009

Your continuing support helps MCL shape public policy and provide community education on issues of critical importance to our environment. It also ensures that the vision of of the League's founders - to protect and enhance the County's natural resources through careful planning and appropriate development - will be maintained. If you have already sent in your membership renewal, THANK YOU, and please consider passing this newsletter on to a friend who may be interested in joining the League.

Yes! I want to protect Marin's environment!

Name ____________________________________________

Address ________________________________________

City/State/ZIP ___________________________________

Phone __________________________ Email ____________

Please renew my membership for 2009 at this level:

☐ $35 Basic
☐ $50 Creeks & Streams
☐ $100 Baylands & Watersheds
☐ $100 Business
☐ $250 Oaks & Woodlands
☐ $500 Mountains & Ridges
☐ $1,000 Peter Behr
☐ Additional contribution $ ________

Mail to MCL, 1623A Fifth Ave., San Rafael, CA 94901 or RENEW ONLINE!

Secure donations NOW available at www.marinconservationleague.org

All contributions and dues are tax deductible to the extent allowed by law.