

# **The Salmon Enhancement Plan for the San Geronimo Valley**

## *A Summary Timeline of How We Got Here*

*Since at least 2002, SPAWN has testified at numerous Marin County public hearings informing the County that proper environmental review before approval of development projects near creeks must include a CUMULATIVE IMPACT ANALYSIS under California's Environmental Quality Act (CEQA). The County had chosen to ignore this legal requirement, despite SPAWN providing legal analysis that to do so was illegal.*

*After more than five years of public testimony warning the County of their legal obligation and presenting our position to the public, a coalition of the State's leading fishery scientists also called on the County to enact an emergency moratorium until a CUMULATIVE IMPACT ANALYSIS was completed to protect coho salmon.*

*Shortly thereafter, Supervisor Kinsey approached SPAWN and asked SPAWN to enter into a legal contract that stated the County would complete a "Salmon Enhancement Plan" (SEP) that would include independent scientific review that would parallel the information found in a cumulative impact analysis, and would also include recommendations for improving salmon survival in the San Geronimo Valley. The agreement included a temporary and partial moratorium on issuing building permits for new construction in the Stream Conservation Area until the study was completed. SPAWN agreed, and the County's outside legal Counsel drew up a contract.*

***Below is a timeline of SPAWN actions leading up to the moratorium & SEP.***

**December 2002** - SPAWN submits legal comments on County's improper environmental review of the Hedlund development, a proposal for a new 3649-square-foot house 20-ft from San Geronimo Creek in the County's designated Stream Conservation Area (SCA), and requests County complete proper review. SPAWN generates press to publicize its position publicly.

**March 10, 2003** - SPAWN testifies at Marin County Planning Commission Public Hearing regarding Hedlund development and requests County complete the CUMULATIVE IMPACT ANALYSIS required under California law- (i.e., California Environmental Act, CEQA) before approving new creekside development, but is ignored. SPAWN appeals Commission's 6-2 decision to approve building permits for the Hedlund development and generates press to publicize its position publicly.

**April 1, 2003** - SPAWN testifies at Marin County Board of Supervisors Public Hearing regarding Hedlund development and requests County complete the CUMULATIVE IMPACT ANALYSIS required under California law- (i.e., California Environmental Act, CEQA) before approving and issuing building permits for new creekside development, but is again ignored. SPAWN generates press to publicize its position publicly.

**May 2003** - SPAWN files a Court petition for a determination if Marin County conducted proper environmental review of this project required under CEQA before approval. SPAWN generates press to publicize its position publicly.

**November 2003** – Marin Superior Court declares County of Marin erred procedurally and substantially in approving Hedlund development in the SCA

**February 2004**- County appeals Marin Superior Court ruling

**December 20, 2004** - Unanimous, precedent-setting, decision by California Court of Appeals (3 judge panel) in favor of SPAWN - County of Marin found in violation of CEQA. County of Marin still fails to undergo proper CUMULATIVE IMPACT ANALYSIS environmental review. SPAWN generates press to publicize its position publicly.

**June 2005** – Central California Coast Coho Salmon are reclassified by the National Marine Fisheries Service from “threatened” to “endangered,” i.e., “in imminent danger of extinction.”

**April 2006** - SPAWN submits comments on County's failure to address cumulative impacts and CEQA For Murray Design Review (a new development project on Woodacre Creek in the SCA). Ditto for Planning Commission and BOS hearings. SPAWN generates press to publicize its position publicly.

**June 2007** – SPAWN, in partnership with a neighborhood coalition, submits comments on County's failure to complete a CUMULATIVE IMPACT ANALYSIS during public comment period on Robertson Design Review (a new development project on Arroyo Creek in the SCA). Similar public comments submitted at the following Planning Commission and BOS hearings. SPAWN generates press to publicize its position publicly.

**July 2007** - SPAWN submits comments on County's failure to complete a CUMULATIVE IMPACT ANALYSIS during public comment period on Felling Design Review (a new development project on Arroyo Creek in the SCA). Similar public comments submitted at the following Planning Commission and BOS hearings. SPAWN generates press to publicize its position publicly.

**February 2007** - SPAWN testifies at Planning Commission hearing on the County-Wide Plan Update indicating County needs to complete a CUMULATIVE IMPACT ANALYSIS. SPAWN is invited to provide a presentation to the Commission and public on cumulative impacts in the San Geronimo Valley. We are joined by a coalition of organizations including Marin Sierra Club, Environmental Action Committee of West Marin, and the Marin Conservation League.

**August 2007** - SPAWN publishes an OP-ED expressing our concerns about County BOS actions overturning Planning Commission decisions on Felling and Robertson developments and allowing development to proceed without proper CEQA review. The OP-ED is our lead story in our newsletter which is mailed to every SGV and West Marin Post Office Box as well as entire membership across California.

**September 2007** – Over 2,800 Marin residents, and more than 100 leading aquatic and fisheries scientists, including the Northern California Chapter of the American Fisheries Society, release a letter to the County Board of Supervisors calling for adoption of a moratorium on any new construction in the County’s 100-foot Stream Conservation Area (SCA) until such time as a Cumulative Impact Analysis, as required under CEQA law, has been completed. SPAWN generates press to publicize its position publicly.

**September 10, 2007** - SPAWN publishes full page Ad in Marin IJ with text of scientists letter calling for emergency moratorium. The scientist letter and discussion of the moratorium appears in local newspapers. Copy of the ad and discussion of the issue is sent to every SGV Post Office Box as well as entire membership across California. SPAWN generates press to publicize its position publicly.

**October 2007** - SPAWN testifies at BOS hearing on the CWP and indicates to County that after more than 5 years of continuous requests that the County meet its legal obligation to conduct a CUMULATIVE IMPACT ANALYSIS before approving new projects, it will legally challenge the County’s decision not to do adequate environmental analysis for the CWP. Our position is supported by a coalition of organizations including Marin Sierra Club, Environmental Action Committee of West Marin, and the Marin Conservation League.

**November 2007** - Supervisor Kinsey asks for meeting with SPAWN. He offers to place an emergency moratorium on building permits in Streamside Conservation Area and agrees to conduct “Salmonid Enhancement Plan”, which will include an existing condition report that will provide similar data to **Cumulative Impact Analysis** that SPAWN has requested since 2002.

**November 2007** - SPAWN agrees not to legally challenge County’s failure to do **Cumulative Impact Analysis** on the condition that the County’s proposed Salmon Enhancement Plan contains proper environmental analysis **completed by independent biological consultants hired by the County**. As part of the agreement, SPAWN agrees to a public participation process developed by Supervisor Kinsey that include public meetings, and an advisory committee with landowner representation. The settlement also includes revisions to the Tree

Ordinance, which currently does not adequately protect riparian trees. The County requires SPAWN to keep all negotiations confidential until February 2008.

**February 7, 2008** - County announces partial emergency building moratorium (>500 sq-ft increase in building footprint) in the SCA in the San Geronimo Valley, as part of agreement with SPAWN not to challenge County's failure to conduct **Cumulative Impact Analysis** before approving the County-Wide Plan. SPAWN generates press to publicize its position publicly.

**March 2008** – SPAWN publishes a front page article in its newsletter entitled “Historic Watershed Study and Creekside Development Moratorium.” **A copy of the newsletter and article is sent to every SGV Post Office Box as well as entire membership across California.**

**June 2008** – With the SCA building moratorium just recently in place, the County of Marin proceeds to allow projects on a number of parcels where whole backyards were paved in the riparian and/or new parking areas are allowed just a few feet from the edge of a streambank. No permits were required for these projects calling into question “loopholes” in County procedure for protecting sensitive areas. The County “discovers” it has code that in fact does allow it to regulate this type of development. SPAWN publicizes this in local media.

**June 23, 2008** – First public meeting at Woodacre Improvement Club (WIC). Kinsey and County staff Review the moratorium and SEP process for community.

**August 25, 2008** – Second public meeting in Woodacre at WIC. Presentation of Existing Conditions process by Stillwater Sciences. Leslie Ferguson, a scientist with the SF Bay RWQCB, gave a presentation on Coho salmon and steelhead trout life cycles and habitat needs. County staff then set up tables for each of the study tributaries. Each table had a large map prepared by the County GIS staff. Residents contributed comments on fish locations, summer water conditions, flooding, erosion, and other stream conditions, and made corrections to roads and stream locations.

**February 17, 2009** – Third public meeting in Woodacre at WIC. Dr. Derek Booth of Stillwater Sciences gave a presentation entitled “Watershed Health Metrics, Indicators and Benchmarks for the San Geronimo Watershed. Meeting only draws about 30 people, but SPAWN receives feedback from community that meeting did not meet their needs for ECR information. SPAWN pushes County to do a better job at community outreach as far as communications and interpretation of the science. County says it will consider hiring a PR firm. County fails to follow through with better communication plan.

**August 10, 2009** – County releases DRAFT SEP to public for 30-day comment period. County shortly after extends comment period to 8/17/2009. SPAWN calls for an additional extension of the deadline. The second review period is extended to 9/23/2009.