

Summary of Community Comments
Draft San Geronimo Valley Salmon Enhancement Plan
November 2009

Letters received: 95

Letters of support: 18

Letters opposed/concerned: 77

General comments:

Communication/clarification:

- The County should implement a communication plan to inform all interested parties and especially the residents of the San Geronimo Valley about the SEP.
- A letter of information should be mailed to every valley resident.
- Extend comment/consideration period for 60 days and hold more public meetings.
- A list of homeowners affected by the SEP should be issued and homeowners should be contacted by the County prior to expiration of time for public comment.
- The County needs to emphasize that the plan applies primarily to new development and that changes to most existing development would be voluntary.
- Approval of the plan should be put on the ballot.
- Since SPAWN has pending litigation against the County of Marin, it may be a conflict of interest for them to be involved in development of the plan.
- An executive summary needs to be developed to provide an understanding of the plan without reading the entire document.
- The plan refers to the recommendations as an “experiment” which undermines confidence.
- The Board of Supervisors should appoint a committee that is broadly representative of the community interests to agree on common goals and then review and suggest modifications to the plan.
- The County should create a public process that allows representatives that are chosen by the homeowners to work with Marin County, other government agencies, and Spawn to develop a “Consensus Plan”.
- When the SEP is final, send out a one page summary with the announcement for the community meeting to discuss next steps.
- The CWP should be strong enough to withstand lawsuits and the entire county should be governed by the same regulations, not just San Geronimo Valley.

Plan focus:

- The introduction to the SEP should include a summary that outlines 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 CEQA cumulative effects analysis for the Countywide Plan, and what role the SEP plays in addressing the gaps in that analysis.
- The SEP should contain a list of proposed ordinances to address human activities in the San Geronimo Valley and downstream.
- The impact from creekside owners is minute in comparison to other impacts like delta flows, dams and population impacts.
- Ocean conditions have the largest impact on the population, not the creek
- The plan should apply to all Marin watersheds as all are equally important to salmon.
- The timing of winter rains has caused salmon declines and this cannot be controlled by property restrictions.

- Overfishing off the coast causes salmon decline and cannot be controlled by this plan.
- Impacts of commercial grazing and golf course development are not adequately addressed by the plan.
- The SEP should apply to all watersheds in Marin.
- The SEP should apply to the entire Tomales Bay watershed.

Plan implementation:

- People are opposed to implementation of plan by any County ordinance.
- Recommendations in the plan will harm property values in the Valley.
- The Plan is vague and potentially an unconstitutional taking of property.
- Property owners need to know exactly what to expect and how this would affect their property rights.
- Balance needs of humans with needs of fish
- One of the core strategies requires that the character and the quality of life be preserved in the San Geronimo Valley. The Plan does not discuss this core strategy.
- The SEP is a compendium of good ideas for “collaborative stewardship” with limited chance of being implemented over time.
- Salmon populations should be monitored for an additional five (5) years, along with all variables such as ocean conditions, creek flow dynamics, rainfall patterns, etc. that may be contributing to their decline.
- This plan will create an adversarial relationship between the people of the San Geronimo Valley, the County of Marin and SPAWN
- The study in its scope should also require CEQA guidelines to be followed.
- The plan should reward for performance, rather than being punitive – no mandatory measures and costs are covered by county through tax credits, permit fee waivers, etc.
- The SEP needs to identify each particular riparian parcel which is sub nominal.
- Each recommendation needs to identify standards, who is responsible for implementation/costs, and how success will be measured.

Costs:

- The cost for mitigation should be fully funded by public agencies, as is done for sound mitigation along the freeway and for mitigation near airports.
- Homeowners should be compensated for diminished property values caused by adoption of the SEP.
- The moratorium has caused B of A to withdraw offers for increases in home equity lines.
- The study does not discuss the loss in tax revenue as the targeted properties values decline.
- All financial burden for creek restoration should fall on the local, state and federal government.
- Local landowners will be forced to pay for solutions to a regional problem.

Other comments:

- The plan should point out that the amount of future increase in TIA that will take place in the SCA and percentage increases over existing conditions. (pg 22)
- Possible zoning or land use policies that require or encourage consolidation of lots to move development out of the SCA should be discussed.
- The riparian zone discussion should also note that these zones are nesting habitat and movement corridors for many species. (pg 43)

Chapter 5: Recommendations for Mitigation, Protection and Enhancement

Active Channel Setback:

- Opposed to “Active Stream Channel” restrictions on fences, decks, gardens
- Non-native Mediterranean plants are a viable alternative to strictly natives.
- Prohibiting tree and shrub removal poses fire risk.
- Removal of all existing improvements along the stream is a family hardship.
- Requiring re-culverting of all roads and driveways is out of reach financially for many Valley residents and impossible in the winter months.
- Requiring an expensive and lengthy review process for alterations to structures in the SCA will cause people to do work without permits.
- Cap the compliance expense of any homeowner on an annual basis
- Establish an exemption process for hardship cases (i.e. elderly, handicapped, low income)
- Concerns about “one size fits all” prescriptions
- Most of the burden unfairly falls on creekside property owners.
- Concern that Action 3 (Active Channel Setback) will create a “permanent moratorium” and does not allow consideration for site specific conditions
- The “Active Channel Setback” would create a de facto conservation easement on landowners’ property without compensation.
- The expanded SCA Ordinance should be strengthened by a new Active Channel Setback ordinance that redefines allowable uses within a 45-foot buffer (35 feet is too limited for fully protective functions) and implements and enforces Actions 1, 2, and 3.
- Develop guidelines to be followed during construction within riparian buffers to ensure minimal impact on environmentally sensitive areas.
- In Action 3, provide an explanation of how restricting the outlined types of building will improve the stream conservation area. Many of the proposed restricted activities could be allowed with mitigation and by using Green Building practices.
- Redwood trees should be considered separately from other riparian trees due to fire concerns if they are to the creek creates a flooding hazard.
- The riparian buffer needs to be better understood. What it is, how it works and why it is needed. Maybe some maps showing examples of why it is needed and examples of how it works stressing the benefits to both fish and homeowner.
- Add ice plant to list of plants that should not be used in the SCA.
- The 35 foot setback needs a scientific basis and seems to contradict the setbacks established (100 ft and 50 ft) in the Countywide Plan.
- No new bridges should be allowed for walking or other uses not pertaining to already existing roads.

Septic systems:

- Municipal sewage treatment systems should be created in each of the four towns of the Valley.
- The septic issue is basically unaffordable the way it is worded – concerned that replacing septic systems would be mandatory.
- Replace the current individual lot by lot septic systems with an efficient sewer system/treatment plant.
- Allow alternative methods (composting or incinerating toilets) for property owners who cannot meet current septic standards.

Ordinances:

- Do not adopt a mandatory ordinance until the County officials research a multi-year budget estimate that can assure us of funding.
- Prohibitions against fences and gardens are just silly, harm other species (birds, bees and dogs), and won't help the fish.
- Section 5.3, Actions 3 and 4 - there are many exceptions to these prohibitions, where someone should be encouraged to build or repair an existing structure, or install a landscape, or remove a tree or shrub.
- There should be NO mandated changes for existing homeowners now or when the property changes hands.
- An effective Riparian Tree Ordinance would implement SEP Recommended Actions 1 and 3 in particular.

Groundwater/stream interactions:

- Actions 4 and 21 would require huge expense on the part of property owners to provide proof that a new well would not affect stream flows.

Incentives/financial assistance:

- Sources of public funding for homeowner assistance should be securely in place before mandatory actions are required of homeowners.
- In Action 6, in addition to financial incentives an enforcement program needs to be implemented. Building without permits also threatens the safety of the San Geronimo community and hurts the economy due to loss of permit and fee revenue.
- In Action 16, monetary incentives to homeowners to improve septic systems or the implementation of community septic systems should also be offered.

Other recommendations:

- Add a map showing in detail all of the undeveloped parcels in the Stream Conservation Area.
- Add a glossary and key to acronyms.
- The SEP should prioritize the recommendations.
- There is no realistic discussion of how large the recommended rainwater tanks would have to be. The tank would need to hold an entire seasons worth of rain and release it in the summer.
- The plan treats incised streams in the tributaries the same as the incised streams in the main channel; recommendations for incised streams that may be appropriate in some areas but not in others.
- The SEP deals with issues of ground water levels but does not properly address issues such as property owners' water rights.
- Throughout the watershed, a variety of land use-related conditions that are cumulative in nature and should receive high priority, such as Actions 15 – 20.
- The requirement that remodeling be restricted to within the existing footprint eliminates the possibility of re-siting structures outside the SCA, or for solar gain.
- Green building practices, beyond vegetation management, should be included in this plan as a strategy to reduce the impact of development.
- Address situations where leaving fallen trees/LWD in creek threatens upstream properties with flooding.
- Address expansion of agricultural operations (i.e. ridge top vineyards) that will affect water supply and contribute sediment.

- The plan needs more information on MMWD operations and releases.
- SEP's greatest value is as an educational tool not as policing and inquisition mechanisms.
- A program of active volunteer projects and a strong education campaign can solve most of the problems for the salmon without punitive legislation.
- Get rid of Kent Lake and rely on desalination and water conservation.
- Provide a workshop on graywater systems for valley residents.
- Actions 15, 16, 17, 18, and 20 should be the highest priority as they protect watershed functions.
- Easements are almost as expensive as acquisition and include monitoring problems – a recommendation for establishing a land trust should be included.

Chapter 6: Implementation Strategies

- Start with the voluntary programs – all of these are very feasible.
- The SEP places undue reliance on voluntary actions; voluntary action must be supported by County leadership and regulation.
- Major recommendations must be implemented by enforceable ordinances
- Information on costs is needed before the recommendations can be fairly evaluated.
- A legal review by County Counsel is needed to evaluate litigation risks and costs of law suits by plan proponents (those who feel the plan does not go far enough) and landowners (who feel that the restrictions violate their land use rights).
- A public-friendly permitting process - one-stop shopping- should be established to avoid lengthy permit delays combined with duplicative permit fees.
- Emergency repairs to critical structures and infrastructure should be exempt from salmon protection regulations.
- All the affected properties must be rezoned to agriculture and given special circumstance property tax reductions in order to give property owner the ability to finance this effort to re-establish this food stock.
- Plan recommendations are not backed by adequate baseline data or existing studies.
- SEP 6.7, pg. 95. Eliminate the phrase that contains the word “experiments. “ It is the wrong word to use and has generated considerable negative reaction. Consider replacing it with “Monitoring will provide a scientific basis for adaptive management in the SG Creek and watershed.”
- The SEP not be accepted unless it includes specific plans for outreach, a timeline, and a budget.

Appendices

- The suggested site diagrams 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.
- The plan should not move forward until Appendices C and D (supporting data from the NOAA recovery plan) are completed and reviewed by the public.
- On page 6 it says that the SAC and TAC members are listed in Appendix A. They aren't. Considering the concern about representation this was an unfortunate exclusion.

We received extensive comments to the SEP. They are not captured here in their entirety.