



*Celebrating
Drakes Estero Marine
Wilderness*

Photo courtesy of Bobbi Simpson

**west
marin**
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action
committee**

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Winter 2013 News

On November 29, 2012, Interior Secretary Ken Salazar announced his decision to let the 40-year reservation of use and occupancy for oyster operations in Drakes Estero expire, thus declining to use the authority granted to him by Congress to issue a new permit to the Drakes Bay Oyster Company (DBOC). Secretary Salazar's decision memo directed National Park Service Director Jon Jarvis to file a notice in the Federal Register after November 30th declaring that all commercial uses in Drakes Estero had ceased.

On December 4th, the notice was filed declaring that 1,363 acres of "potential" wilderness had become designated, fully protected wilderness. With this notice, the nation's only marine wilderness area outside of Alaska was created in the ecological heart of the Point Reyes National Seashore, Drakes Estero.

First Marine Wilderness Area Outside Alaska Created at Drakes Estero

On November 21, 2012, Interior Secretary Ken Salazar visited Point Reyes to meet with interested parties on both sides of the wilderness debate. He talked with members of the press after meeting with wilderness advocates, and said that as trustee of America's public lands, his decision would be in the best interest of all Americans.

Secretary Salazar's decision not to issue a new oyster permit, but instead to honor the 1976 Congressional intent of wilderness protection for Drakes Estero, was hailed by wilderness and conservation advocates across the country. EAC is thrilled that the Secretary heeded the wisdom and direction of Congress to protect this ecological treasure based on the plain language and intent of the applicable laws and policies. Indeed, the very reasons that Salazar cited as the basis of his decision were the same ones that EAC relied upon in advocating to protect Drakes Estero as wilderness.

In his decision memo, Salazar noted that Drakes Bay Oyster Company was "explicitly informed" that no new permit would be issued after the November 30, 2012 expiration date, and that continuation of oyster operations "would violate the policies" of the Park Service concerning commercial

uses in a national park, "as well as specific wilderness legislation for Point Reyes National Seashore." Salazar's memo also stated that while the 2009 rider Senator Feinstein placed in a large appropriations bill, referred to as Section 124, did "not prescribe the factors on which I must base my decision . . . I gave great weight to matters of public policy, particularly the public policy inherent in the 1976 act of Congress that identified Drakes Estero as potential wilderness."

Salazar's memo further noted that "Congress clearly expressed its view that, but for the nonconforming uses, the estero possessed wilderness characteristics and was worthy of wilderness designation. Congress also clearly expressed its intention that the estero become designated wilderness by operation of law when "all uses thereon prohibited by the Wilderness Act have ceased." Because DBOC's commercial operations were the only thing standing in the way of the Estero receiving full wilderness protection, the Secretary decided to let both the reservation of use and occupancy that the Park Service negotiated in 1972, and the special use permit DBOC signed in 2008, to expire "by their own terms" thus removing the legal authorization of the company to operate.

In early December, the DBOC filed a lawsuit challenging Salazar's decision and filed for injunctive relief to stop the 90-day timeframe to wind-down its operations. The federal court denied DBOC's request for injunctive relief. The court held that it had no jurisdiction to review Salazar's decision, and that DBOC had not made the required showing of likelihood of success on the merits.

On January 25th, the California Coastal Commission filed a Cease and Desist Order against DBOC for violating multiple provisions of the Coastal Act, through its actions and its failures to act. The violations include ongoing unpermitted development, violations of harbor seal protection requirements, failure to control significant amounts of its plastic that has polluted the marine environment, failure to pay fines imposed in 2009 for illegal activities, and failure to correct ongoing violations of the Coastal Act despite repeated notices from the Commission.

These violations of the Coastal Act add to the significant negative impacts that a legally compliant oyster operation would have on the marine wilderness area and its wildlife.

Protect What You Love and Support the EAC of West Marin!

Do you enjoy seeing harbor seals, birds, and whales in West Marin? Then you'll love that EAC works tirelessly to ensure that their habitat is protected for you and future generations! Using law, public policy, and best available science, for over forty years the Environmental Action Committee has been the leading voice to protect the beauty and biodiversity, and unparalleled environmental quality, of West Marin. Please, support our important work – if you enjoy the ecological treasures of West Marin, make a secure, tax-deductible contribution today via EAC's website: www.eacmarin.org. The seals, birds, and whales will thank you for it!!!



Executive Directors Report

I want to personally thank each and every one of you who supported me and EAC as we worked to protect the Drakes Estero wilderness area. You understood that this epic battle was not about oysters, but rather a promise made to the American people in 1976, and one that categorically should be honored. While many of you remained publicly silent throughout the divisive local debate, your outpouring of gratitude for EAC's leadership on this issue has been humbling, thank you.

Last year at this time, however, I felt like it would take a miracle, or two, to succeed. The odds were against us politically even though we felt convincingly that the applicable laws and policies precluded issuance of a new permit. EAC prevailed

because we worked with a brilliant team of lawyers, scientists, and environmental advocates, including two of my heroes, Dr. Marty Griffin and Dr. Sylvia Earle. Together, our team dug deep and never doubted that the 1976 congressional designation of Drakes Estero as potential wilderness was worth fighting for.

I had the privilege to meet with Interior Secretary Ken Salazar when he visited Point Reyes before Thanksgiving. I told him that a national park wilderness area is our nation's most sacred public land status, and that the policy issue that Drakes Estero represented for all public lands should not be compromised for a private commercial operation. I also told him that while the transition might be difficult, we could make it a positive step forward in the oyster company workers' lives by helping them all find jobs with living wages, health benefits, overtime pay, quality housing, and even scholarships for educational opportunities. While it is ultimately the company's



The intangible values of wilderness are what really matter, the opportunity of knowing again what simplicity really means, the importance of the natural and the sense of oneness with the earth that inevitably comes within it.

These are spiritual values. They, in the last analysis, are the reasons for its preservation.

~ Sigurd F. Olson

responsibility to plan for and take care of its workers, EAC will do its part.

With the gift of wilderness comes a tremendous opportunity and need for healing. As EAC's focus shifts forward, I hope you will support our new coastal protection initiatives, as well as our upcoming Birding & Nature Festival April 26th-28th. Thanks for helping us keep West Marin wild.



Photo courtesy of Carlos Porrata

2013 Point Reyes Birding Festival Hosts National Birding Expert

Jeff Gordon, President of the American Birding Association to deliver keynote address.

The 2013 Point Reyes Birding & Nature Festival is shaping up to be as great as ever and is not to be missed! American Birding Association president Jeff Gordon is making the trip to Point Reyes to give the keynote address at the Saturday evening banquet and participate in various field trips.

Participants at the Point Reyes Festival will enjoy the magic of birding at the height of spring migration at the Point Reyes National Seashore and surrounding region led by outstanding naturalists. Add to that the stunning wildflower displays and migrating whales, and you've got an unmatched birding and nature experience! Point Reyes also happens to be home base for some of the nation's top birders and naturalists, offering an ideal setting for EAC's spring festival for bird and nature enthusiasts of all levels.

This year's Festival lineup includes over 70 field trips and indoor presentations guided by such top birders as Jules Evens, Lisa Hug, Keith Hansen, David

Wimpfheimer, Peter Pyle, Sarah Allen, Dave Shuford, Terry Colburn, and Allen Fish. The Festival also has events for beginners and kids. Join us on Friday evening for a dessert and wine reception at the Inverness Yacht Club with a presentation by Peter Pyle. On Saturday, join us for a happy hour and silent auction at the Church Space of the Dance Palace that is open to the public beginning at 5pm.

Please support the 2013 Festival and volunteer! If you'd like to help out, please email: prbnfestival@gmail.com Festival tickets will go on sale for EAC members around February 20th and for non-members on Feb. 22nd. To ensure your membership is current, please email Morgan at: morgan@eacmarin.org.
For more information visit www.pointreyesbirdingfestival.org



EAC's Proposed Shipping Lane Change Adopted, Protects Whales

In January 2011, EAC submitted written comments to the US Coast Guard to alter the northern shipping lane approach to/from San Francisco Bay to avoid whale strikes. EAC recommended that the northern lane add a dog-leg that would both take shipping traffic farther away from Point Reyes, and cut across the Cordell Bank perpendicularly to avoid collisions with migrating whales and marine mammals. We are very proud to announce that the Coast Guard and International Maritime Organization adopted our proposed recommendation! EAC will work to ensure the successful implementation of this new shipping route.

EAC Working To Launch New Coastal Protection Programs

EAC is working to launch two new critical coastal protection programs, including an Oil Spill Prevention, Preparedness and Response Initiative, and a Marin Marine Protected Areas Watch program. With your support, we'll continue our long-standing tradition of leadership in protecting West Marin's exceptional marine resources.

Oil Spill Initiative:

The priceless biodiversity and thriving marine ecosystems of the California coast from Bodega Bay to Bolinas Lagoon, especially Point Reyes, are uniquely vulnerable to the impacts of an oil spill given their geography and remoteness. There is a rich history of maritime emergencies near the West Marin coast that have significantly impacted our shorelines, fish and wildlife, and our economy. California's oil spill preparedness and planning law requires response contractors to invest in and utilize a cutting edge approach to maritime emergency preparedness and response. The only way to ensure that toxic dispersants are not the default response to an oil spill within coastal and nearshore waters is to have adequate on-water mechanical oil recovery infrastructure available. While California's oil spill law clearly requires best available on-water recovery technology, this standard and the essential equipment and infrastructure to meet it are apparently not in place. The hundreds of thousands of gallons of refined crude oil bunker fuel traveling in and out of San Francisco Bay annually unquestionably pose a threat to Marin's coastline.

EAC's Initiative will prepare a technical assessment of whether the "best achievable protection" standard for on-water oil spill response equipment that is dedicated to recover oil for the Marin coastline is adequate under state law. EAC will also assess how the state's response system compares to Alaska's state-of-the-art system in Prince William Sound.

EAC will work with the State Office of Spill Prevention and Response, as well as elected officials, to ensure that the state standards are met and that the West Marin coastline receives the necessary preparedness and response equipment.

Marin MPA watch:

California completed the nation's first science-based marine protected areas process on December 19, 2012, and EAC participated in this process for the North

Central Coast. As a result, in Marin County we have three State Marine Conservation Areas at Point Reyes, Drakes Estero, and Duxbury Reef, two State Marine Reserves at Point Reyes/Drakes Bay and Limantour Estero, as well as three special closure areas.

The purpose of the Marin Marine Protected Areas (MPA) Watch program is to create and implement a citizen-science monitoring program that trains volunteers to observe human uses of the MPAs and collect data using standardized protocols. In addition to monitoring human activities within MPAs, EAC's MPA Watch program would provide essential education and outreach to the public about the importance of the Marin MPAs.

The program goals are to 1) educate the public about the location, purpose and use restrictions of the Marin MPAs, 2) inform enforcement and management decisions regarding human activities within MPA boundaries, and 3) help determine the extent to which MPAs are effective at enhancing recreational activities. EAC hopes to engage as many high school and college students as possible and looks forward to ensuring that the Marin MPAs are effectively implemented and celebrated.

For more information on the Marine Protected Areas in California, visit <http://www.dfg.ca.gov/mlpa/>

Support National Marine Sanctuaries Boundary Expansion

Thanks to the tireless efforts of retiring Congresswoman Lynn Woolsey and Senator Barbara Boxer, a federal rulemaking process is underway to expand the northern boundaries of both the Cordell Bank and Gulf of the Farallones National Marine Sanctuaries. The proposed expansion area is from Bodega Bay north to Mendocino County's Alder Creek. The expansion would protect the source of the nutrient-rich waters that sustain a diversity of sea life, protect nationally significant seascapes, and prevent off-shore oil drilling. Comments are due by March 1st.

EAC has long supported the proposed expansion of the northern boundaries for both sanctuaries because the source of the critical upwelling that supports our amazing marine diversity begins near Point Arena. It is essential that the upwelling source be protected as part of our national marine sanctuary system.

Please write a letter of support! Visit: http://farallones.noaa.gov/manage/northern_area.html for more information.

Interested in supporting these programs? Please make your tax deductible donation today at www.eacmarin.org/donate-now/ and tell your friends about all the good work that EAC does to protect the West Marin that you love!

Marin County LCP Amendment Proposal Falls Short



The Local Coastal Program (LCP) is the “constitution” for land use in coastal Marin. Written and certified by the Coastal Commission in 1981 it has generally served well to protect sensitive environmental resources, support ongoing agricultural production and visitor uses, and preserve scenic coastal views. Since 2008 the county has been drafting LCP Amendments that would reorganize the extensive regulations. However, both EAC and the Coastal Commission staff consider many of the county’s new proposals to be unacceptable for failing to meet the clear language and intent of the California Coastal Act.

EAC has been intimately involved in the process, has attended and given public testimony at every public hearing and workshop, and has submitted dozens of written comment letters. EAC has also participated in multiple meetings with county and Coastal Commission staff. Our goals have been to maintain and enhance strong resource protections and while ensuring that traditional family farming operations can continue to thrive. As always, you can count on EAC to ensure that the LCP Amendments do not weaken the protections provided by the current LCP.

Some of the key controversial issues are:

Habitat Protection. Streams, wetlands, and terrestrial areas are considered environmentally-sensitive habitats under the Coastal Act and are afforded the highest protections. The Amendment as proposed by the county would weaken required setbacks from protected areas and would allow greater development in the setbacks.

Agricultural Processing and Sales. Proposed changes would enable operators to process (think: cheese) and sell (think: brandy) agricultural products on coastal parcels with reduced permitting requirements. Some fear that circumvention of Made-in-Marin requirements and excessive traffic on Highway One could result.

Housing on Agricultural Land. Ranchers seek the right to build, in addition to the current farmhouse and farmworker housing, additional housing for family members not involved in agricultural operations without subdividing their lands.

The county proposes to allow two additional houses per agricultural parcel of 180 acres or larger. Loopholes in the Amendment could allow development with weaker clustering requirements and provide only piecemeal attention to environmentally sensitive habitats and scenic resource impacts.

Appeals process. The county proposes to remove significant developments, including agricultural housing and retail agricultural sales, from any potential public right of appeal to the Coastal Commission. Appeals provide necessary, but rarely invoked, protections from county permitting errors and inconsistent policy interpretations.

Wind turbines. The current proposal would allow two 100-foot tall turbines east of Highway One on an agricultural parcel. Concerns include the impacts on scenic resources of the rolling eastern hills of Tomales Bay which are expressly protected in the existing LCP.

Visit ActionTomalesBay.org to learn more about the proposal to cease waterfowl hunting in the Tomales Bay Ecological Reserve.

Join the Third Thursday Weeders,
to pull invasive weeds and nonnative plants
in the National Seashore!

eacmarin.org

2013 events

- March 17th Screening of Green Fire the acclaimed documentary about Aldo Leopold, 7pm Angelico Hall, Dominican University, and discussion with filmmaker Steve Dunsky and Leopold biographer Curt Meine
- March 20th Wilderness hike at Drakes Estero 1pm
email admin@eacmarin.org for more information
- April 18th Ultra-light Backpacking Class with Terry Nordbye 6pm
email admin@eacmarin.org for more information
- April 20th Citizen-Science Blitz to Combat Sudden Oak Death
- April 26-28th Point Reyes Birding & Nature Festival
- June 7th EAC Annual Meeting & Members Potluck Dinner, Dance Palace Community Center, 5:30 pm
- Sept. 2nd Wilderness hike at Drakes Estero 10am
email admin@eacmarin.org for more information
- October 13th Pelagic bird and marine mammal watching trip to Cordell Bank. Leaves Bodega Bay at 7:30am
email admin@eacmarin.org for more information
- October 19th Piper on the Ridge atop Mt. Vision, 5pm

EAC BOARD MEETINGS

Held monthly from March through November at the Pt. Reyes Firehouse, at 5pm:

March 18th

April 15th

May 20th

July 22nd

August 19th

September 16th

October 21st

November 18th

SOD Blitz: a Citizen-Science Project Help scientists combat Sudden Oak Death and prevent its spread. Volunteers are trained to look for infected California bay laurel trees (which spread the disease). EAC is co-sponsoring a free SOD Training on April 20th at Dominican University, 10 a.m. to noon. No sign up required. Call Carolyn Longstreth, 669-7514 for more information.

What is **ultra-light backpacking**? Join EAC and Terry Nordbye for an insightful class that will enable you to explore the Coastal Trail or high Sierras with minimal weight and maximum freedom. April 18th. Email admin@eacmarin.org for more details.



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DRAKES ESTERO MARINE WILDERNESS

Point Reyes National Seashore
Phillip Burton Wilderness Area

The Environmental Action Committee of West Marin is dedicated to the protection and appreciation of West Marin's natural resources, biological diversity, and rural character. EAC advocates for clean air, pure waters, healthy oceans and ecosystems, and the preservation of wilderness.

Robert Campbell's commemorative poster of the Drakes Estero wilderness designation is for sale in the EAC office.