



Summer 2014 News



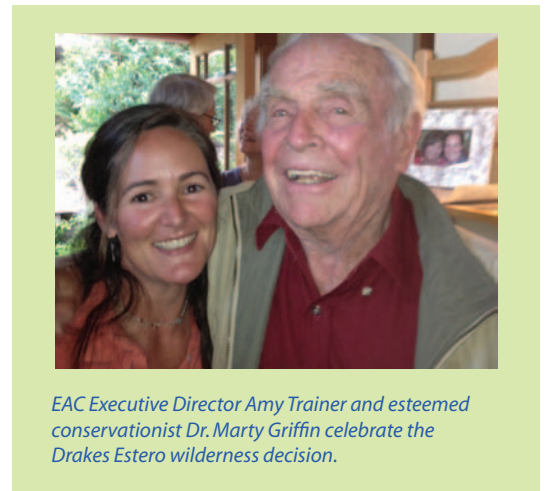
ROBERT CAMPBELL

Success in Protecting Irreplaceable West Marin

High Court Upholds Wilderness Ruling for Drakes Estero

On June 30 the U.S. Supreme Court announced it would not consider the Drakes Bay Oyster Company's petition for review. Retail oyster operations will end July 31 and work will shift to restoring the Estero.

The company has aggressively challenged former Interior Secretary Ken Salazar's decision to let the 40-year lease to operate in the Point Reyes National Seashore expire as long planned on November 30, 2012. Three prior federal court decisions denied the company a preliminary injunction to continue operating, finding that it was unlikely to succeed on the merits of its lawsuit challenging Salazar's discretionary decision to restore Drakes Estero to wilderness. The high court's decision marked the beginning of the end of the oyster company's relatively short tenure in the Estero. *(Continued on page 2)*



EAC Executive Director Amy Trainer and esteemed conservationist Dr. Marty Griffin celebrate the Drakes Estero wilderness decision.



Low tide at Drakes Estero. EAC is committed to providing wilderness experiences for underserved youth and their families.

Thankfully, on the eve of the 50th anniversary of the Wilderness Act, wilderness protection for Drakes Estero will stand.

Drake's Estero *Continued from page 1*

Advocates for national parks, wilderness, and coastal protection had worried that the Koch Brothers-funded Pacific Legal Foundation, which submitted multiple “friend of the court” briefs on behalf of the oyster company, along with other powerful interest groups seeking to exploit public lands, would be successful in reversing the 1976 congressional wilderness designation for Drakes Estero. Thankfully, on the eve of the 50th anniversary of the Wilderness Act, wilderness protection for Drakes Estero will stand.

The company's attorneys initially vowed to fight on, but have since softened that stance. Negotiations have begun between the company and attorneys representing the National Park Service over the terms and timeline under which the company will dismantle its operations and clean up the site in the Point Reyes National Seashore. The company has agreed to cease retail operations and remove its cannery operation by July 31.

The owner, Kevin Lunny, has continued to cultivate millions of non-native oysters since

his permit expired November 30, 2012 though he has not paid rent on the oyster operation since his lease expired over 19 months ago. It's likely that the company will be given another few months to remove its personal property from Drakes Estero. A status conference with the federal district court judge overseeing the case is set for August 11. If the parties have not reached a settlement by then, the Park Service, as owner of the property, may initiate administrative proceedings to remove the operation.

The National Park Service has stated that the oyster company's workers living on site can remain until equivalent housing can be found, which could be several months. Under federal relocation assistance laws, the workers will receive a generous relocation package from the Park Service.

EAC remains committed to restoring the health and natural ecology of Drakes Estero. A significant amount of the company's plastic trash continues to be found in the Estero. Additionally, a 2013 study of Drakes Estero found “alarming” amounts of a highly aggressive invasive species, *Didemnum vexillum*,

Executive Director's Report

Amy Trainer, Executive Director

The recent U.S. Supreme Court's denial of the Drakes Bay Oyster Company's challenge to former Interior Secretary Ken Salazar's decision upholding wilderness protection for Drakes Estero ends EAC's toughest fight in our 43-year history.

Now that the legal fight is over, EAC looks forward to a time of healing and to moving forward as a community.

It has been my privilege to stand with public land advocates across the country for the integrity of our national parks and wilderness areas. Our collective voice made a difference, not only for Point Reyes Wilderness but for wilderness nationwide.

Drakes Estero is an ecological treasure that will soon be restored as the West Coast's only marine wilderness area. Thanks to our hard work, future generations will inherit a unique national treasure, as Congress decreed nearly forty years ago. I hope you will join us at one of our upcoming naturalist-guided hikes to experience this magnificent ecological treasure firsthand.

EAC is the essential, leading voice for West Marin's public lands, wildlife, and coastal areas. With your generous support, EAC will continue to work tirelessly to preserve this special place that is irreplaceable West Marin.

Thank you for being our partner to leave such an extraordinary legacy for future generations, and for generously supporting EAC to keep West Marin wild!

EAC's recent accomplishments include:

- Advocated against Marin County's adoption of Local Coastal Plan policies that rolled back existing protections

for environmentally sensitive and agricultural lands.

- Initiated Marin Marine Protected Areas Watch, a citizen-science partnership with the California Academy of Sciences and Point Reyes National Seashore.
- Launched the California Oil Spill Protection Initiative, a statewide coalition to support the use of best-available technology for oil-spill prevention and preparedness; testified at the Joint Assembly hearing on Oil Spill Prevention & Preparedness.
- Hosted 5th Annual Point Reyes Birding & Nature Festival, featuring renowned author and artist David Sibley.
- Participated in Oceans Day at the State Capitol to advocate for ocean- and coastal-protection legislation.
- Signed onto at least a dozen letters to the Governor and legislators calling for coastal protection, including Californians Against Fracking and the expansion of the Cordell Bank and Farallones National Marine Sanctuaries.
- Successfully applied for a Youth Education grant from the West Marin Fund that enables underserved youth to participate in a naturalist-guided wilderness hike.
- Provided scholarship funds to Slide Ranch for a weeklong summer camp for underserved youth.
- Organized a daylong bird- and marine-mammal watching tour from Bodega Bay to the Cordell Bank.
- Collected hundreds of pounds of litter and recyclables at EAC's 15th Annual Litter Bugs Me Roadside Cleanup.

"EAC is the leading voice for West Marin's public lands, wildlife, and coastal areas. With your generous support, EAC will continue to protect irreplaceable West Marin."

—Amy Trainer

(also called "Dvex" or "marine vomit"). Dvex is considered a significant threat to the health of marine ecosystems because it out competes and smothers native species. The study found that Dvex has invaded the non-native oysters and oyster infrastructure. The Dvex has also invaded the Estero's native eelgrass, a vital

source of food and habitat for seabirds, fish, and marine mammals. The cost of removing the Dvex and restoring the Estero's ecology could cost hundreds of thousands of dollars.



For over forty years, EAC's advocacy has protected the coast and rural character of West Marin.

Irreplaceable West Marin

West Marin as we know it today did not happen by accident. For decades, concerned citizens have fought off development that would suburbanize our magnificent coastal home. Like many of us today, they didn't want to lose the spectacular natural beauty and rural character that defines West Marin.



Toward that end, in 1981 Marin County leaders approved the Certified Local Coastal Plan (LCP)—a truly visionary document that artfully and scientifically protected this special place.

It was artful because of the poetic language used to describe the unparalleled scenic beauty of West Marin:

"Tomales Bay and adjacent lands in the Unit II coastal zone form a scenic panorama of unusual beauty and contrast. The magnificent visual character of the Unit II lands is a major attraction to the many tourists who visit the area, as well as to the people who live there. New development in sensitive visual areas, such as along the shoreline

of Tomales Bay and on the open rolling grasslands east of the Bay, has the potential for significant adverse visual impacts unless very carefully sited and designed.”

The LCP scientifically protected our coastal zone because, prior to its adoption, the County performed traffic studies, groundwater studies, biological studies, housing inventories, agricultural analysis, and more to support the stringent agricultural and environmental protection policies that have been in place for over three decades. The Certified LCP acknowledges in clear and concise terms the significant development pressure on our coastal zone, particularly on agricultural lands, wetlands, and streams along Tomales Bay. These policies were written to maintain multi-generational family farms and reduce development pressure.

Over the past five years, EAC has been vigorously engaged in the process of updating the LCP to ensure that the visionary policies that have protected West Marin for more than 33 years remain intact.

The California Coastal Act, the basis for the LCP, precludes conversion of agricultural lands to urban uses and residential development. The Coastal Act makes clear that the public has a right to fully participate in decisions affecting coastal planning, conservation and development, and that sound coastal conservation—and development is “dependent upon” public understanding and support.

However, Marin County’s Community Development Agency proposed very significant changes to the Draft LCP Amendment in 2011 that EAC believed would, if implemented, weaken coastal protections and increase development pressure on agricultural lands. The proposed changes would make it substantially easier for development to encroach into wetland and stream buffers. It also would restrict the public’s right to seek review of the County’s coastal permit decisions by the Coastal Commission.

In 2013, the County’s Development Agency released a build-out analysis concluding that 129 new residential units on agriculture production lands would be possible under its proposed LCP amendment. This amounted to potentially 1 million square-feet of new residen-



tial development on Marin’s coastal agricultural production lands and could significantly impact the scenic resources that have been strongly protected for over three decades.

EAC fought vigorously against this drastic, far-reaching policy change, particularly because the County’s own study clearly showed that it would be detrimental to existing family farms by increasing their taxes and insurances costs. EAC strongly favors existing policies that support multi-generation family farms, but the County’s proposal simply went too far.

Based in large part on EAC’s advocacy, the Coastal Commission staff modified the County’s proposed LCP amendment. Yet, a number of our concerns remain, specifically, curtailing public participation and full appeal rights; proposed reductions of wetland and riparian area buffers; the lack of groundwater for new

EAC’s new citizen-science program trains volunteers in monitoring Marin’s Marine Protected Areas.

Continued on page 11

“Please encourage your friends and neighbors to join and support EAC. Together we can pass on the wild heritage of West Marin and hand over the job of saving the coast to future generations.”

—Bridger Mitchell

President’s Message

Bridger Mitchell, EAC Board President

As the late Peter Douglas, longtime director of the California Coastal Conservancy, would often say, “The coast is never saved. It’s always being saved.”

From the ridge tops and watersheds to the waters of Tomales Bay and Bolinas Lagoon; to the trails, farms, and beaches of the National Seashore; to the National Marine Sanctuaries off our coast, EAC has worked continuously to protect West Marin’s incomparable natural environment from ill-advised development.

Since EAC was founded 43 years ago, we have joined with many others in saving the coast. We often work quietly with interested parties, public officials, and coalition partners. But when the coast is threatened and precedents are at stake, EAC boldly speaks out — testifying at public hearings, conducting media campaigns, and mounting legal strategies.

It’s been my continuing privilege to work with EAC’s Executive Director Amy Trainer and my fellow board members on important matters affecting West Marin and its future.

The ongoing work to save the coast is up to all of us. If you’re not already a member, join EAC! Volunteer at coastal clean-ups, take part in community discussions, and extend your support through a financial contribution. Please encourage your friends and neighbors to join and support EAC. Together we can pass on the wild heritage of West Marin and hand over the job of saving the coast to future generations.

Marin MPA Watch Seeks Volunteers

We are fortunate to have Marine Protected Areas (MPAs) along our Marin coast.

The State of California has designated Marine Conservation Areas in Marin at Point Reyes, Drakes Estero, and Duxbury Reef. Additionally, State Marine Reserves are in place at Point Reyes/Drakes Bay and Limantour Estero. There are also special closure areas that protect seabird nesting colonies and seal haulout areas. In time, it’s hoped that these special protections will enhance the productivity and biodiversity

of these biologically important areas.

In partnership with the California Academy of Sciences and the Point Reyes National Seashore, EAC initiated a MPA Watch program in 2013. MPA Watch is a citizen-science monitoring project that trains volunteers to observe and record human uses within MPAs in Marin County. The goal is to better understand the type and frequency of uses within our MPAs, and to educate the public about their importance.

MPA Watch volunteers walk along beaches and bluffs observing and recording both “consumptive” activities such as fishing, and “non-consumptive” activities like wildlife watching. These observations provide information to help with MPA management going forward. If you love to walk the magnificent beaches in Point Reyes National Seashore then this is the perfect volunteer opportunity for you!

EAC is now scheduling volunteer training sessions for this summer and fall. The training takes about four hours. Half of the time is classroom training and half is field training on the beach.

Email: admin@eacmarin.org to learn more and to add your name to the volunteer outreach list.

Point Reyes National Seashore marine ecologist Dr. Ben Becker and California Academy of Sciences marine education specialist Dr. Rebecca Johnson train MPA Watch volunteers at Limantour Beach.





Young birders with David Sibley on the Earthquake Trail. Below Left: David Sibley and EAC Executive Director Amy Trainer.

David Sibley a Highlight of Point Reyes Birding & Nature Festival



EAC's annual Point Reyes Birding & Nature Festival welcomed more than 500 birders to West Marin in April for a full weekend of field trips and classes. This year's festival featured more than 70 events, including some for beginner birders, children, and Spanish speakers.

David Allen Sibley, world-renowned birder, author, and artist gave the keynote address in which he described the joys and pitfalls of birding and showed some bird drawings he did as an eight-year-old. After his talk, he signed copies of his much-anticipated new field guide, *The Sibley Guide to Birds*, 2nd Edition.

David also led the first annual Rich Stallcup Memorial Hike for Young Birders. Rich, who died in 2012, was a legendary birder and co-founder of the Point Reyes Bird Observatory. Rich's wisdom and sense of adventure inspired many to explore the wonders of nature.

Fifteen lucky birders ages 11-17 were selected for this once-in-a-lifetime birding experience based on their written essays describing why birding is important to them. The event would have made Rick proud!

We're grateful to our expert guides who helped made this year's festival so memorable, including Jules Evens, Lisa Hug, Keith Hansen, David Wimpfheimer, Peter Pyle, Sarah Allen, Jack Muir Laws, Dave Shuford. Thanks, too, to Dr. Ben Becker, science coordinator and marine ecologist for Point Reyes National Seashore for his informative presentation on the status of seabirds common to the Point Reyes area.

The 1st Annual Rich Stallcup Memorial Nature Hike for Young Birders, led by David Sibley.



EAC Supports Seashore's Ranch Management Plan Process

EAC supports the Seashore's ranch planning process as a way to ensure that the park's resources and wildlife are protected, along with the viability of historic ranching and dairy operations.

In May the Point Reyes National Seashore began a scoping process to seek public input for a new Ranch Comprehensive Management Plan. As one of the few national parks with active agricultural operations, Point Reyes Seashore provides an opportunity to showcase how wildlife, wilderness, and sustainable agriculture can successfully co-exist.

EAC strongly supports the ranch planning process, which will guide the ranches' forthcoming 20-year leases. We're hopeful that the plan will strike a balance that can allow both ranching and wildlife to thrive.

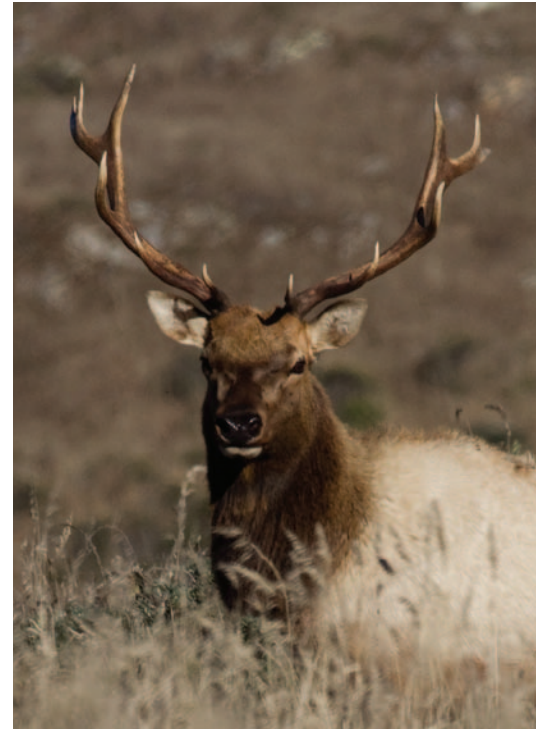
EAC appreciates the Seashore's staff and Congressman Jared Huffman's commitment to the planning process, including holding multiple meetings with the agricultural and environmental community.

As part of this effort, EAC met with Betty Nunes from A Ranch and Joey Mendoza from B Ranch. We congratulate them on their organic certification!

We learned first-hand about their concerns with the planning process and the financial toll the drought has taken on dairy operations. We're truly sympathetic.

We also learned that the drought has exacerbated the impact of a small herd of free-roaming Tule elk on cattle grazing.

Cows grazing along Drakes Estero.



DAVID WIMPFHEIMER

Tule elk, Point Reyes National Seashore.

Point Reyes Seashore is the only national park with a native population of Tule elk, which lived throughout the Bay Area for thousands of years before being extirpated in the 19th Century. Visitors to the park love to see elk along the road to Drakes Beach. Just like seals and whales, the native elk are important to the ecosystem. Their total removal from the park's Outer Point would be impracticable.

EAC believes that 20-year leases for the ranches and an overall agriculture management strategy must accommodate both the cattle and the elk. We strongly support the ranch planning process as a way to work together to ensure that national park resources and wildlife are protected along with the viability of historic ranching and dairy operations.



EAC's goal is to ensure that the priceless wetlands and dunes are restored and that this exceptional site becomes a model for other coastal campgrounds.

Steady Progress Underway at Lawson's Landing

EAC campaigned for forty years to protect rare coastal dunes and wetlands at Lawson's Landing on Tomales Bay. We're delighted to report that major improvements are underway.

The National Resources Conservation Service will purchase a conservation easement over 465 acres at a cost of \$5.487 million. The easement will protect and restore wetlands and other sensitive habitats, much of it former campgrounds. The owners intend to use much of the money to pay for the work mandated by their 2011 Coastal Development permit.

At EAC's urging, Lawson's Landing hired a Scientific Review Panel of highly respected independent scientists to advise on wetland restoration and drainage problems. Their recommendations will guide the Protection, Restoration and Enhancement Plan (PREP) for the wetlands and other sensitive habitats on the property.

In recent months there has been considerable progress:

- The number of RVs allowed on the property at one time has been reduced from 1,000 to 325, with 92 spaces for walk-in tent camping.
- Strict buffers have been established to protect wetlands and coastal dunes.

- An online reservation system has been set up to ensure that the least environmentally sensitive sites are assigned to campers first.
- A berm seeded with native plants now separates camping from the main wetland on the property.
- Campground lighting has been modified to avoid impacts on wildlife and eliminate night sky pollution.

Continued on page 11

Mike Lawson and Carl Vogler, owners of Lawson's Landing Campground, remain strongly committed to restoring and protecting the rare wetlands-dunes complex on their property.



EAC Supports Expansion of National Marine Sanctuaries

EAC strongly supports the proposed northern expansion of both the Cordell Bank and Gulf of the Farallones National Marine Sanctuaries. The proposed boundary expansion northward to Alder Creek in southern Mendocino County would prohibit offshore oil and gas exploration and seabed mining along that stretch of coastline.

Legislation envisioned by former Congresswoman Lynn Woolsey would expand the boundaries of both sanctuaries to the mean high tide of the estuaries in the expansion area, and make them subject to existing federal regulations. Unfortunately, the Draft Environmental Impact Statement (DEIS)

Right: Laysan Albatross

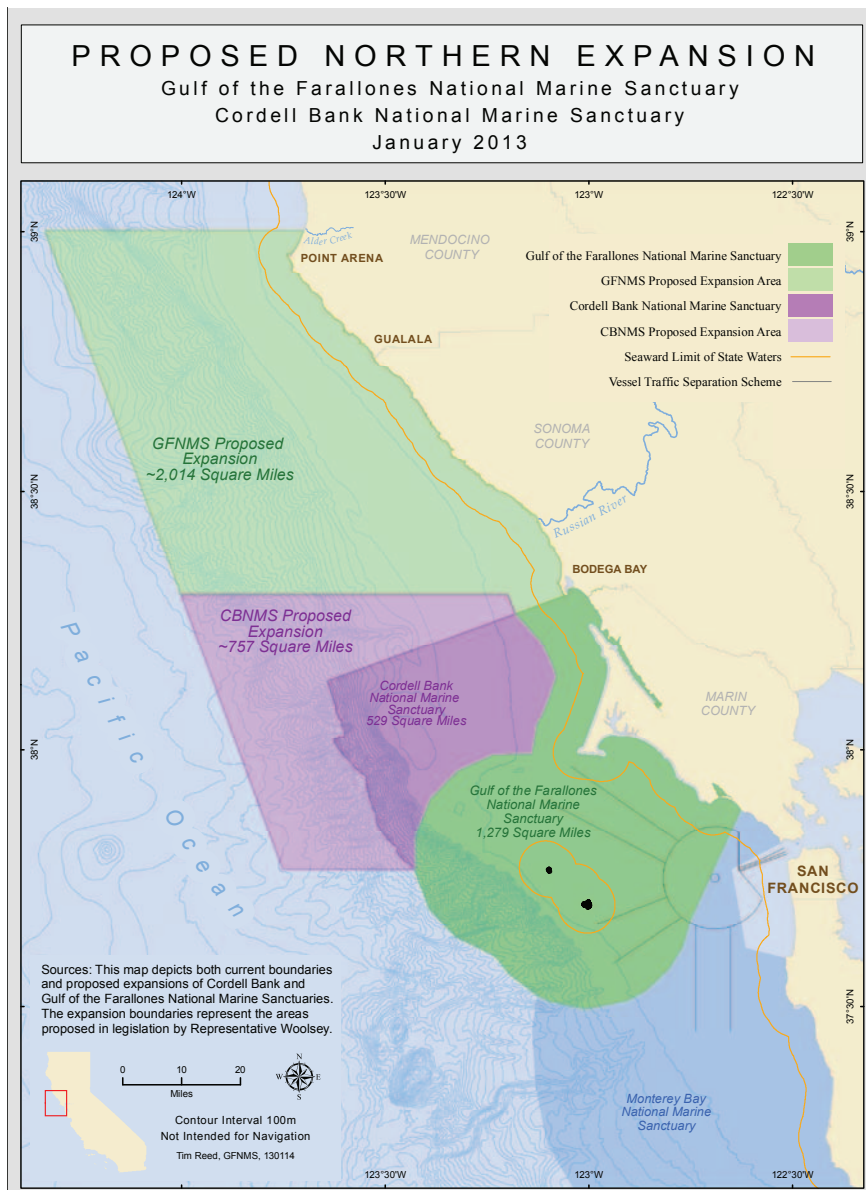


includes as its “preferred alternative” proposals to rollback protections, and would not protect sanctuary resources to the mean high tide line.

The otherwise welcome Sanctuary expansion contains a very controversial provision that significantly expands exemptions to prohibited activities “if they were approved by another authorizing entity.” There are currently no exemptions for purely commercial activities that might be permitted by another agency. The new authorization provision would allow individuals and corporations to shop for the weak-link agency to permit an otherwise prohibited activity, then obtain a permit from the Sanctuary for new activities like discharges, dredging, and sewage outfalls.

EAC believes this new authority is antithetical to National Marine Sanctuary protections, and if allowed would compromise the integrity of our National Marine Sanctuaries. EAC has strongly urged the National Oceanic and Atmospheric Administration (NOAA) to abandon its attempt to push through this controversial regulatory change.

Another troubling proposal in the DEIS is the creation of new “Personal Watercraft Zones” along one-third of the Sonoma coastline through Marine Protected Areas. NOAA apparently misunderstood public comments indicating a need for surfer safety and inadvertently converted these into personal watercraft recreation or “jet ski” zones. EAC supports the use of personal watercraft only to provide surfer safety, law enforcement, or emergency rescues. EAC strongly objected to the DEIS



provisions that would create large zones for recreational use of jet skis within Marine Protected Areas.

EAC's position is aligned with Congressman Huffman, State Senator Noreen Evans, California Natural Resources Secretary John Laird, the Gulf of the Farallones National Marine Sanctuary Advisory Council, the Cordell Bank National Marine Sanctuary Advisory Council, and the Mendocino County Board of Supervisors. Thanks to everyone who submitted comments on this important issue!

Irreplaceable West Marin

Continued from page 5

development; and lack of CEQA environmental analysis.

In the coming months, the Coastal Commission staff will finalize the Implementation Plan (IP) portion of the LCP. The IP contains the detailed development code language that specifies the criteria that must be met to comply with each policy before a coastal development permit can be granted. EAC will remain engaged in this process to address our outstanding concerns and ensure that West Marin's majestic coastal zone retains long-standing stringent protections.

Lawson's Landing

Continued from page 9

- A road through wetlands has been abandoned.
- Septic systems that did not work or were too close to wetlands have been abandoned.

Many tasks still remain and compliance with the permit is behind schedule in many regards. It's unclear when some required restoration work will begin.

EAC will continue to work with the Coastal Commission and the Lawson family to support compliance with the permit. Our goal is as it has always been—to ensure that the priceless wetlands and dunes are restored and that this exceptional site becomes a model for other coastal campgrounds.

Upcoming Events

Wilderness Hikes in Point Reyes National Seashore

Bring your family, kids, and friends and join EAC for a series of free wilderness hikes in celebration of the 50th Anniversary of the Wilderness Act. All hikes will be led by an experienced naturalist and birder on the following dates: Saturday, July 19th: 9:30am; Sunday, August 3rd: 8:30am; Sunday, August 10th: 3:30pm; Saturday, August 30th: 12:30pm; and Sunday, September 14th: 1:30pm.

Email admin@eacmarin.org to reserve your spot today.

Piper on the Ridge

Sunday, September 7th: 5:30 pm, atop Mount Vision in Point Reyes National Seashore. Bring a picnic and your friends to enjoy this time-honored tradition celebrating the changing season as the sun sets over Point Reyes and the moon rises over Black Mountain.



Coastal Cleanup Day

Saturday, September 20th: 11 am-2pm, at Drakes Beach in Point Reyes National Seashore.

Litter Bugs Me Roadside Cleanup

Saturday, October 4th: 8am-Noon. Meet at White House Pool for coffee and doughnuts and to pick up your safety vest and bags to help remove trash and recyclables from our watershed.

Pelagic Trip to Cordell Bank

Sunday, October 12th: 7:30am-4:30pm. Join EAC and awesome bird guides and naturalists for this all-day ocean excursion to view seabirds and marine mammals off the coast. Cost is \$150 per person, discounted cost of \$135 for current EAC members! Email: admin@eacmarin.org to reserve your spot and send your check to EAC, PO Box 609, Point Reyes Station, 94956.



Join EAC's pelagic bird and marine mammal watching excursion to Cordell Bank on October 12 for an exciting day on the big blue!



PO Box 609, Point Reyes, CA 94956

Visit www.eacmarin.org



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Thank you for supporting the Environmental Action Committee!

For over forty years, EAC has successfully advocated to protect the beauty, biodiversity, and rural character of West Marin. *Please continue your support of our important work today!*

EAC is the only local environmental organization advocating for our public lands, coastal areas, and ocean environment in West Marin. As you can imagine, protecting this priceless area is no easy task.

The coast is never saved, and EAC's advocacy work is essential to keep watch over development and serve as a voice for this treasured landscape and all of its inhabitants.

Please continue your generous support today and ensure that EAC can protect the West Marin you love to explore and enjoy!

Become A Sustaining Member

Please consider becoming a "sustaining member" by donating \$10 or more monthly or \$25 or more quarterly—we can easily set up your automatic payments. Your donations ensure that EAC can continue to be the leading voice for the protection of this amazing place. Contact EAC today to begin your sustaining membership:

admin@eacmarin.org