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For Immediate Release
SPAWN FINDS MARIN'S COURT-ORDERED ENVIRONMENTAL IMPACT REPORT
DEFICIENT BOTH BIOLOGICAL AND LEGAL GROUNDS

(Olema, CA) June 13, 2017 - - Turtle Island Restoration Network and its conservation project Salmon Protection And Watershed Network (TIRN/SPAWN) filed 35 pages of analysis of Marin County's draft Supplemental Environmental Impact Report (D-SEIR) concluding it fails to identify all prospective development, provides a flawed analysis of cumulative impacts, and fails to provide the details necessary to determine that the proposed mitigation will lessen the impacts of development to "a less-than-significant level."

Marin County was ordered in 2014 by the state Court of Appeal to prepare a supplemental environmental impact report under the California Environmental Quality Act to correct deficiencies in a previous report for the 2007 update of the Marin County Wide Plan. That Plan has been in limbo in the San Geronimo Valley pending the approval of a CEQA-compliant supplemental report addressing the impacts of future development on endangered coho salmon and steelhead trout in the Lagunitas watershed and ways to mitigate such impacts.

While the Draft SEIR does an adequate job of discussing some of the threats to coho salmon and steelhead trout survival and, it falls short in its analysis of the impacts from additional development allowable under the 2007 CWP and its failure to explain how the proposed mitigations will reduce these impacts to "less than significance." The Draft SEIR highlights the critical importance of mitigation to address the most damaging impacts from urbanization and the "irreversibility of these effects" on impairment of watershed processes and stress on rearing juvenile salmonids.

However, the Proposed Ordinance and other measures described in the Draft SEIR to mitigate the significant impacts for the increase in development allowed under the 2007 CWP are largely vague and aspirational, and fail to provide measurable standards to evaluate if they will be effective to mitigate such significant impacts required under

California law. The Draft SEIR relies on an amorphous process with no schedule or deadlines for the development and adoption of an undescribed Proposed Ordinance, which, like the other mitigation measures, lack details to determine its effectiveness, and provides no implementation or timeline, all requirements of CEQA.

“This Draft SEIR is vague, unenforceable, and lacks any deadline for the implementation of the Proposed Ordinance or other mitigation measures, and fails to meet the letter or even the spirit of California’s environmental protection law,” said Andrew Ogden, Senior Attorney of Turtle Island Restoration Network.

The primary mitigation offered in the SEIR is the enactment of an “enhanced stream conservation ordinance”.

“While we agree with the SEIR that a science-based stream conservation ordinance will go a long way toward mitigating the impacts of future development, the County has failed to provide any details of what would be in such an ordinance, and as we have already seen from past draft County stream ordinances, the ‘devil is in the details,’ and the County has failed to provide enough details to determine its effectiveness,” said Todd Steiner, biologist and executive director of Turtle Island Restoration Network.

Specifically, TIRN/SPAWN analysis concludes the SEIR:

- Fails to identify and analyze all prospective development allowable under the 2007 CWP, understates the extent of prospective development and other future known and likely projects, and fails to consider the additional development likely to be allowed under the “Expanded SCA Ordinance.” (“Proposed Ordinance”)
- Provides an incomplete and inadequate description of the environmental baseline of the project area, specifically including the riparian and in-stream habitats, and status of salmonid species listed as endangered or threatened under Federal and California laws.
- Provides an incomplete and flawed analysis of cumulative impacts from prospective development allowed under the 2007 CWP, including direct and indirect impacts to water quality, riparian habitat, spawning, nursery and rearing habitats, and to endangered and threatened salmonid species.
- Provides inadequate mitigation for the significant impacts on spawning and rearing salmonid habitat from future development allowable under the 2007 CWP in that the Proposed Ordinance is vague, unenforceable, and lacks any timeline or deadline for the formulation and adoption of the Proposed Ordinance.
- Deficient in failing to provide any analysis of the Proposed Ordinance under CEQA, or adequate performance standards by which the future formulation of the Proposed Ordinance may be analyzed under CEQA, or providing any explanation of the process or deadlines for analysis of the Proposed Ordinance under CEQA.
- Fails to mitigate the significant impacts on spawning, rearing and Summer salmonid habitat from future development allowable under the 2007 CWP are inadequate in that such measures are vague, unenforceable, lack performance standards, and lack any timeline or deadline for their development and/or implementation.

“Turtle Island is ready to participate as one of the stakeholder parties in the process necessary to hammer out a science-based, common sense streamside ordinance that will allow both salmon and human residents to live and flourish in Marin,” said Steiner.

About Turtle Island Restoration Network

Turtle Island Restoration Network (SeaTurtles.org) organization headquartered in California whose 200,000+ members and online activists work to protect sea turtles, salmon and marine biodiversity in the United States and around) is an international marine conservation the world. For 25 years, Turtle Island Restoration Network has mobilized people to preserve oceans, restore rivers and streams, and protect the marine wildlife – from sea turtles to sharks – that call these blue-green waters home.

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