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Preston Salmon Protection and Watershed
6 Network and Preston Brown

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF MARIN**

10 SAN GERONIMO HERITAGE ALLIANCE,

11 Petitioner and Plaintiff,

12 v.

13 COUNTY OF MARIN; BOARD OF
14 SUPERVISORS OF COUNTY OF MARIN;
and THE TRUST FOR PUBLIC LANDS,

15 Respondents and Defendants,

16 and

17 SALMON PROTECTION WATERSHED
18 AND RESTORATION NETWORK and
PRESTON BROWN,

19 Real Parties in Interest.
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Case No. CIV 2001569

**DECLARATION OF TODD STEINER IN
OPPOSITION TO PETITIONER'S *EX*
PARTE APPLICATION FOR A STAY OF
ADMINISTRATIVE DECISION**

Date: July 30, 2020
Time: 9:00 a.m.
Dept: E
Judge: Hon. Andrew Sweet

Action Filed: July 6, 2020
Trial Date: None Set

1 **DECLARATION OF TODD STEINER**

2 I, Todd Steiner, declare as follows:

3 1. The facts set forth in this declaration are based on my personal knowledge. If
4 called as a witness in these proceedings, I could and would testify competently to these facts.

5 2. I currently reside in Forest Knolls, California and have been a resident in the San
6 Geronimo Valley for 26 years.

7 3. I am the Executive Director and a member of Turtle Island Restoration Network
8 (“Turtle Island”). I have held this position since 1997. I am a wildlife ecologist with an M.S.
9 degree in biology from Florida International University and a B.S. in Individual Studies (Nature
10 Conservation and Interpretation) from the University of Maryland. I am a member of the
11 Lagunitas Creek Technical Advisory Board since 1997, and have served on NOAA-DFW Priority
12 Action Coho Team Technical Working Group; Technical Advisory Committee, Marin Municipal
13 Water District, Lagunitas Creek Sediment and Riparian Management Plan; Member, Tomales Bay
14 Watershed Council; Board of Directors, Board of Directors of the Tomales Bay Association;
15 Cordell Bank National Marine Sanctuary Advisory Council, and also serve on the IUCN (World
16 Conservation Union) Marine Turtle Specialist Group.

17 4. Turtle Island is a nonprofit corporation with its principal place of business in
18 Olema, California. Turtle Island is an environmental organization with over 200,000 members
19 and supporters throughout the United States and the world, each of whom shares a commitment to
20 the study, protection, enhancement, conservation, and preservation of the world’s marine and
21 terrestrial ecosystems, including protection of endangered salmon species. The staff and members
22 of Turtle Island include marine and research biologists who are engaged in the study, protection,
23 enhancement, conservation, and preservation of marine biodiversity, including coho salmon and
24 steelhead trout.
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1 5. The organization that I direct, TIRN, has a program called SPAWN (Salmon
2 Protection And Watershed Network) which is the recipient of a CA Fish and Wildlife FRGP grant
3 funded restoration project on the former San Geronimo Golf Course. I am also the Project
4 Supervisor for this grant project.

5 6. SPAWN and its staff has received many accolades for its work to protect and
6 restore coho salmon in the Lagunitas Watershed including: "Outstanding Community Organizing
7 Award 2000" by Social Justice Center of Marin to SPAWN Director, Todd Steiner, Sept 2000;
8 "Certificate of Special Congressional Recognition" 2000 by Representative Lynn Woolsey to
9 SPAWN Director, Todd Steiner; "Focus on Turtle Island Award" by Marin American Indian
10 Association awarded to SPAWN, Oct 2000; "Steward of the Land Award" by Marin Sierra Club to
11 SPAWN Director, Todd Steiner, Oct 2000; The 2001 Governor's Environmental and Economic
12 Leadership Awards "Certificate of Recognition" to SPAWN nominated by Regional Water
13 Quality Control Board; "Appreciation Award for Swimming Against the Current by using
14 Biological Wisdom and Grassroots Environmental Activism to Protect the Biodiversity of West
15 Marin" by Environmental Action Committee of West Marin to SPAWN, June 2001; "Peter Behr
16 Memorial Steward of the Land Award" from Environmental Action Committee of West Marin,
17 awarded to Todd Steiner and Paola Bouley 2008; Ted Wellman Water Award from the Marin
18 Conservation League; and 2008 & 2009 & 2010 "River Warrior Award" from the Resource
19 Renewal Institute for being " an exemplary organization working to protect native fishes and fish
20 habitat."
21

22 7. More than \$3,000,000 has been provided by CA Fish and Wildlife FRGP program
23 for design and implementation of this project as it been identified as one of the highest priority
24 actions that can be taken to recover Central California Coast Coho Salmon by the National
25 Oceanic And Atmospheric Agency (NOAA) in its recovery plan for this species, see (National
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1 Marine Fisheries Service. 2012. Final Recovery Plan for Central California Coast coho salmon
2 Evolutionarily Significant Unit. National Marine Fisheries Service, Southwest Region, Santa
3 Rosa, California.).

4 8. In granting the funding for this project through a CA Fish and Wildlife FRGP
5 grant, the project has gone through a series of environmental reviews and consultations by many
6 agencies including Army Corp of Engineers, NOAA, US Fish & Wildlife Service, CA Fish and
7 Wildlife, CA Water Board, Lagunitas Creek Technical Advisory Board. In addition SPAWN has
8 held a number of community meetings with interested parties to discuss the plan, most recently as
9 a virtual Zoom meeting held on 07 May 2020, <https://www.youtube.com/watch?v=Efl8HAsTO0c>.

10 9. This project (in part) is designed to eliminate a major obstacle called “Roy’s Pools”
11 to migration for ‘endangered’ coho salmon and ‘threatened’ steelhead trout, and to improve stream
12 conditions to enhance coho survivorship, especially juveniles that experience high mortality.
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14 10. Recovery of ‘endangered’ coho salmon and ‘threatened’ steelhead trout is very
15 important to me as I dedicated a significant portion of my life to the recovery of these species, and
16 I spend many hours viewing these fish for personal enjoyment.
17

18 11. The permitted creek restoration on former golf course property when complete will
19 in no way prevent the property to be used as so-called defensible green space, it may in fact
20 improve it by the replacement of the current unsafe bridge with a bridge safe for use by small
21 vehicles.
22

23 12. It is my understanding that the current management of this property is not a fire
24 hazard, according to newspaper articles that say, "Marin County Fire Department Captain Jordan
25 Reeser, who oversees the department’s vegetation and fuels management program, said the former
26 golf course is not a fire hazard.” (see <https://www.marinij.com/2019/09/07/marin-officials->
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1 [debunk-san-geronimo-golf-course-wildfire-risk/](#)) and the permitted SPAWN project will not alter
2 that fact.

3 13. Large open defensible green space occurs in several nearby locations within the
4 San Geronimo Valley including the approximately 50-acre “back nine” of the former San
5 Geronimo Golf Course which is not within this current restoration project, Lagunitas School with
6 its ballfields, parking lot, and blacktop areas, the Flanders Ranch, the Dickson Ranch, the 412-acre
7 Spirit Rock Meditation Center, San Geronimo Community Center, Creekside Equestrian Center
8 and the Marin Municipal Water District Water Treatment Plant.

9
10 14. The SPAWN restoration project was designed to protect in place the current
11 irrigation infrastructure and provisions are in place if the SPAWN project intersects it.

12 15. Even a short delay of this project will harm coho salmon and steelhead trout by
13 preventing these improvements to occur this year, leaving the degraded stream and obstacles in
14 place this winter and spring, as the allowable construction season is short requiring no work
15 before July 31, and all work to cease by October.

16
17 16. A delay in the project will prevent replacing a failing and unsafe golf
18 cart/pedestrian bridge from being replaced. The current bridge beams are constructed of rotted
19 unsafe logs. A bridge is necessary for any users of property, be they golfers, walkers or bikers.
20 The replacement bridge was specked and designed to accommodate golf carts and pedestrians.
21 The replacement of the current unsafe wooden bridge is to be replaced with an 8-ft wide metal
22 bridge that was specifically spec'd to accommodate golf carts and light vehicles as requested by
23 the Lee's, the previous owner of the former golf property when the design of the project was
24 begun. For the one year when the County was operating the golf course through a private
25 contractor when TPL first took possession of the property, the current bridge slated to be replaced
26 was deemed unsafe and was closed to golf carts presumably due to the rotting logs that make up
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1 the bridges' beams forcing golfers to backtrack and approach Hole 8 from the other side of Drake
2 Boulevard. It was only after the golf course was closed and there was no golf cart use was the
3 current bridge re-opened for pedestrian use. Replacement of the bridge in no way prevents the
4 future use of the property as a golf course and in fact would facilitate golf if that became a future
5 use of the property.
6

7 17. Furthermore, a delay threatens the project as we cannot be assured construction
8 contractors will be available next year, and/or that the current available grant will cover the costs
9 in future years.

10 18. A delay also may cause economic harm to our current contractor (and his
11 employees), who has hired staff, rented equipment and taken other actions to conduct this work in
12 this construction season.
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14 19. Part of this restoration project includes planting thousands of plants that SPAWN
15 has been growing for the past two to three in its native plant nursery and which are now ripe for
16 planting. A delay will prevent us from planting this year, potentially stunting the growth of the
17 plants, requiring housing plants in the nursery an additional year at significant expense, and
18 preventing us from clearing room in our nursery for future projects, which also needs to be started
19 two to three years in advance of plants reaching maturity for outplanting.
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21 I declare under penalty of perjury that the foregoing is true and correct. Executed on July 29,
22 in Forest Knolls, California.

23 /s/
24 _____
Todd Steiner
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