

**Bay Area Audubon Council meeting**  
**June 14, 2008**  
**9am – 2pm**  
**Richardson Bay Audubon Center & Sanctuary, Tiburon, CA**

*Notes by Garry George. Edited by Mike Perlmutter.*

**AGENDA**

- Chapter and Ca. Board reports
- Legislative update – Dan Taylor, Audubon California
- Toyota Together Green grants mini workshop – Garry George, Audubon California
- Emerging State Park opportunities – Mike Perlmutter
- Chapter Annual & Collaborative Funding Reports and new opportunities
- BAAC Wetlands Policy Update/BAAC Redwood City salt ponds resolution – Mike Perlmutter
- Presentation by Bob Batha (BCBC) and Jane Hicks (US ACE) –effective public comment and orientation to BCDC and the Corps

**ATTENDING:**

Rich Cimino – Ohlone; Bob Spreckles – Madrone; Eli Saddler – Golden Gate; Jerry Karr- Napa-Solano and State Board; Cheryl Harris- Napa-Solano; Barbara Salzman – Marin; Judy Moorad – Mt. Diablo; Bob Hirt – Santa Clara Valley; Mike Perlmutter, Garry George, Dan Taylor – Audubon California  
*Guest session only* - Jane Hicks (US ACE) and Bob Batha (BCDC)

**CHAPTER REPORTS**

**Bob Hirt, President, Santa Clara Valley Audubon Society**

Bob presented on the budget and organizational structure:

- Total budget projected \$300,000
- **Bird-a-thon** brought in over \$58,000. Runs from end of March to end of April so that ducks, migrants and swallows are around. Most eco-friendly team award was given to a team that covered 10 miles in a Prius, 8 miles on foot, some miles on bike, and even picked up litter while walking.
- ***Bird a Thon Committee has documented their Bird-a-thon process, and will happily email it to any chapter wanting to organize a Bird-a-thon. [bobhirt@aol.com](mailto:bobhirt@aol.com)***
- \$1.1 million in bank which throws off operating funds, restricted funds
- Environmental action fund raising campaign to fund environment activist staff. Currently relying on consultant Craig Brion for mitigation monitoring, permit failures, but want to have environmental action staff. Environmental Action Committee is active. Education programs nearly break even. \$25,000-30,000/yr. 6-7,000 “touches” to kids in the Santa Clara Valley. Nest box building, etc.
- Goal: to become financially stable enough to begin to acquire property.
- Board is 8 people, the vision is for a bigger board.
- Staff is 3 people: Executive Director (Bob Power), Volunteer Coordinator (Toby Goldberg), Office Administrator
- 3500 members, 300-500 local members.
- Will launch Chapter Only membership this summer.
- City of Cupertino recently released a budget report that included a line item to sell McClellan Ranch Park. SCVAS showed up at Council meeting to protest, and got 5-0 vote and censure to Planning Commission for suggesting a sale of a property that is supposed to be protected in perpetuity

### **Cheryl Harris, President Napa-Solano Audubon**

1,000 members, 200 of which are “friends of”.

4<sup>th</sup> year of Solano Breeding Bird Atlas.

The chapter is small and doesn't do a lot of fundraising.

### **Bob Speckles, Vice President, Madrone Audubon**

Budget planning process.

Martha Bentley died May 26, 2008. She was a founding member of Madrone Audubon. More recently she worked at the Bird Rescue Center. Donations should be sent to:

Bird Rescue Center

Box 475

Santa Rosa, 95402

[www.audubon.sonoma.net](http://www.audubon.sonoma.net) will have more information about memorial later in summer.

- **Gualala Point** on the border of Sonoma and Mendocino. The Gualala Festivals Committee has been publically announcing plans to shoot fireworks on July 4<sup>th</sup> over the ocean over off-shore rocks that are used by nesting Cormorants, Pigeon Guillemots, and Oystercatchers. The Coastal Commission had already ordered a Cease and Desist against the firework, but because of the persistence of the Gualala Festivals Committee, the Commission met again last week to consider the issue again. The Commission again ordered a Cease and Desist against the fireworks.
  - Previous fireworks displays have caused nest abandonment on the island, an effect observed by Madrone and Mendocino Audubon members who documented the incident from boats.
  - Madrone and Mendocino Audubons are preparing to monitor the impact of the fireworks again, in case the fireworks are held this year anyway on July 4.
  - The Bureau of Land Management has also been studying effects of fireworks on birds.
  - The Coastal Commission decision is being challenged by a lawsuit by the Pacific Legal Foundation who says the Commission is ruling outside of their authority.

### **Judy Morad, Mt. Diablo**

- “No Child Left Inside” program at Antioch at Jack London Elementary School for 50-60 students. Brought live raptors to classroom, created booklets for how to attract native birds, did field trip to island with education program of stations for kids to study birds. They bought binoculars (30). Grammar school: 4<sup>th</sup> and 5<sup>th</sup> graders.
- Bob Wisecarver passed away May 29. Bob had received a Volunteer award at the Audubon Assembly in Asilomar 2007. At 86, he had owl houses, quail habitat, bat houses. He got PG&E to donate a 50 ft. platform that is used by nesting Osprey. He served on a variety of boards, including the Walnut Creek Open Space board. The SF Chronicle ran an editorial obituary on Bob Friday June 13, <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/06/13/ED60116JQE.DTL&type=printable>.
- 90 people showed up for last meeting before summer break.
- The chapter participated in Martina Shoreline Cleanup.
- McNabney Marsh (near Benecia bridge off Arnold road) held a celebration on May 14 for a new viewing platform paid for by Mt. Diablo Audubon. More information on the marsh at [http://www.diabloaudubon.com/mcnabney\\_marsh.php#](http://www.diabloaudubon.com/mcnabney_marsh.php#)
- Mt. Diablo is very active in the Concord Naval Weapons Station re-use plan, have commented on EIR and will continue to be active.

### **Eli Saddler, Conservation Chair, Golden Gate Audubon**

- Announced the Return of the Tern Festival in **Alameda Wildlife Refuge** to welcome Least Tern (Sunday, June 15). Festival comes out of a partnership with US Fish & Wildlife Service and East Bay

Regional Park District. Attendance is up this year dramatically from last year. Public radio broadcasted a short piece on the festival. Eli sent out a media advisory to radio and TV stations.

- Golden Gate Audubon has been fighting a transfer of Alameda Point wildlife refuge to the Veterans Administration. The Navy wanted to bifurcate the NEPA process, but Golden Gate has been working to make sure that Navy completed a NEPA programmatic EIR/EIS.
- Watching to see who can might take the land.
- Refuge is 600 acres, toxic, radioactive materials.
- Last year two Least Terns displayed some neurological damage and were rehabbed. Not sure if the damage was from the toxins or not.
- Tern Watch program by USF&W and Friends of Alameda Wildlife Refuge (a Committee of GG Audubon) monitors the birds. Predators include ravens, redtails, burrowing owls, gull colony.
- Starting process for Habitat Conservation Plan or Natural Community Conservation Plan (HCP or NCCP) or both for **Altamont Pass** under the settlement agreement. HCP and NCCP are voluntary programs of the Endangered Species Act. Their voluntary nature means that there are no provisions to perpetuate participation in the program. Other criticisms are that the plans will establish baseline population levels which must be maintained (good), however, birds above the baseline level can be legally killed (take), which detracts from the recovery of the species. It will be critical to set appropriate baseline population levels and restrictions and incentives in these plans. **Anyone who wants to be actively involved in the process (2 day/month commitment to be on Steering Committee) contact [esaddler@goldengateaudubon.org](mailto:esaddler@goldengateaudubon.org).** National Audubon is participating in HCP/NCCP process with the help of Julia Levin, Global Warming Campaign Director. Settlement agreement calls for reduction of kill by 50% by 2009. The Scientific Committee will begin mitigation process if there is not a 50% reduction by 2009.
- Golden Gate Audubon is trying to stop a truck terminal development at **Martin Luther King Shoreline** due to lights and sound next to restored wetlands and have asked for a Draft Environmental Impact Report.

#### **Rich Cimino, Ohlone Audubon, Alameda County**

- Power Plant is planned for Hayward Shoreline. It is an Important Bird Area and Ohlone is getting involved. Lawsuits on California Energy Commission website against the Hayward power plant, all turned down by courts. ***Ohlone will author a strong letter and asks GG, SCVA to join in opposing the power plant.***
- Camp Parks: 181 acres including 9 acre toxic waste dump in Dublin can be transferred from US Army to developers. Sensitive and endangered species are on this property including burrowing owl and kit fox.
- Eastern Alameda County is conducting a Conservation strategy update. Over the next 2.5 years, Ohlone will be conducting inventory of database of species (including Yellow-billed Magpie) and will document this when any development wants to move forward.
- East Bay Regional Parks in Pleasanton is being challenged in court even though City Council has approved it. There will be referendum. Court is challenging what City gave developer.
- Staples Ranch - San Jose Sharks facility planned for 122 acre park. Ohlone is requesting 25 acre park (open meadows and oak savannah habitat restoration) and asking sports to move building.

#### **Barbara Salzman, President, Marin Audubon**

- **Feral cat colony** is wiping out population of **Clapper Rail** near San Francisco airport on public property (owned CALTRAIN). ***Barbara recommends a letter to the property owners signed by Bay Area chapters.***

- Marin is having a big series of meetings on **Redwood Landfill** next to Petaluma marsh and found themselves on opposite side of the fence from Madrone Audubon.
- Bahia wetland restoration started 3 weeks ago. Earth moving will continue through January.
- Marin made recommendation to Fish & Game Commission on **Farallon Islands**.
- **EIR on Bay Water Trail is out and Barbara recommends that all chapters comment. Barbara recommends that more money be included for enforcement**
  - The public review and comment period for the draft EIR is from June 12, 2008 through July 28, 2008. A public meeting will be held on July 9, 2008 from 5:30 p.m. to 7:30 p.m. at Pier 1, San Francisco, CA 94101 to provide information and accept written comments on the document.

Comments on the draft EIR may also be provided in writing, addressed to: Ann Buell, Project Manager, State Coastal Conservancy, 1330 Broadway, 13th Floor, Oakland, CA 94612 Phone: (510) 286-1015; Fax: (510) 286-0470. **ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONSERVANCY NO LATER THAN July 28, 2008, AT 4:00 P.M. Any person challenging the Conservancy's action on the EIR in any future court proceeding may be limited to raising only those issues which have been presented to the Conservancy in writing.**

[http://www.scc.ca.gov/wtdeir/WTNOA\\_2008.pdf](http://www.scc.ca.gov/wtdeir/WTNOA_2008.pdf)

*The San Francisco Bay Area Water Trail would create a network of landing and launching sites, or "trailheads," to allow people in human-powered boats and beachable sail craft (non-motorized, small boats) to enjoy the historic, scenic, and environmental richness of the nine-county San Francisco Bay Area through single and multiple-day trips on the Bay. The WT is intended to promote safe and responsible use of the Bay, while protecting and increasing appreciation of its environmental resources through education and coordinated, strategic access to the Bay.*

- Ongoing problem with exotic invasive deer in Point Reyes.
- Drake's Estero debate is still going on. Dianne Feinstein wants to keep the oyster farm there but it is designated wilderness and the oyster farm inholding is supposed to be gone by 2012.

### **AUDUBON CALIFORNIA BOARD REPORT - Jerry Karr, Bay Area chapter rep, Audubon California Board**

Jerry reported on the Tejon agreement, and showed the map of the conservation area and the developed area. Jerry is on Chapter, Conservation, Marketing and Membership Committee.

Jerry reported on meeting with Loreen Powell.

Marketing and Membership Committee is trying to figure out how to increase membership.

Electronic versions of Executive Director's report, Conservation Committee Report and Chapter Committee report are now available to chapter leaders

### **LEGISLATIVE UPDATE - Dan Taylor, Policy Director, Audubon California**

- Dan Taylor has determined his criteria for working on legislation are: 1) at risk birds; 2) special places to Audubon (such as Important Bird Areas); 3) cross cutting issues that could effect wide groups i.e. global warming, CEQA; 4) building constituency of conservation in California.
- Dan talked about a goal of enhancing the Chapter Activist network of chapter leaders who can respond quickly to legislative advocacy challenges, especially with local representatives.
- Dan discussed the Tejon Ranch agreement. (*more information will be released about the agreement within the next week*)
- Recent legislative efforts by Audubon California:
  - oil spill bills (passed in Assembly, now in Senate)

-CEQA bill (SB1165) to update law so that there is more transparency between public and lead agency, and supplementing EIRs over 5 years ago.

- *Barbara suggested that chapters give input on how they would like to see CEQA updated*
- *Idea: CEQA WORKSHOP AT AUDUBON ASSEMBLY?*

- -Budget: Audubon California is targeting protection of Fish & Game and State Parks.
- -Audubon California is looking closely at the effects of SB107 and AB32 which require reductions of green house gases. Audubon California is preparing a Landscape Caucus (Audubon California, Nature Conservancy, Defenders of Wildlife, Save the Redwoods League) to consider recommending legislation that will focus landscape as an important part of reduction of greenhouse emission reductions, and focuses on the following priorities: cap and trade; natural systems as a solution; funding for adaptation.
- *Barbara suggested better communication with chapters around advocacy.*
- Dan reported that no on Prop 98 and yes on Prop 99 was a critical, monumental victory.

### **TOYOTA TOGETHER GREEN GRANTS – Garry George, Chapter Network Director, Audubon California**

TogetherGreen Innovation Grants will support conservation projects throughout the Audubon network that engage diverse communities, target land, water, and energy results, and promote local partnerships. To learn more and apply, please visit [www.togethergreen.org/grants](http://www.togethergreen.org/grants) . If you have additional questions about the grant program, contact Melissa Hopkins at [grants@togethergreen.org](mailto:grants@togethergreen.org) or 202-861-2242 ext. 3050.

The TogetherGreen Conservation Leadership Initiative focuses on supporting conservation leaders-rising stars and established leaders. Fellows will receive \$10,000 to support a conservation project, take part in professional development opportunities, and become part of a talented cadre of leaders working together to achieve lasting conservation results. Approximately half of the fellows selected to take part in the Conservation Leadership Initiative will come from the Audubon network. To learn more and apply, please visit [www.togethergreen.org/fellows](http://www.togethergreen.org/fellows). If you have any questions about the Fellowship program, contact Anne Ferguson at [fellows@togethergreen.org](mailto:fellows@togethergreen.org) or 202-861-2242 ext. 3046.

#### ***Applications due June 27, 2008.***

- It's estimated that there will be 40-60 grants this year. The grants will range from \$5,000 to \$100,000, with the majority in the \$10 to \$20,000 range, and fewer large grants. The total pot for these grants is \$1.4 million this year.
- It's possible that a grantee might be asked to scale back a proposal.
- They will pay close attention to how each proposal fits with the Together Green goals, and will look for diversity of projects and demographics.
- It will be important to show how the project engages people in conservation goals.
- **Next year's applications will open March 1st with a due date of May 15.**
- Renewal grants are possible.

***Visit [www.togethergreen.org](http://www.togethergreen.org) for information and applications.***

### **STATE PARKS/AUDUBON CALIFORNIA PARTNERSHIP & GRANTS – Mike Perlmutter**

Audubon California and State parks have entered into a partnership. Through the sale of some property by Audubon California, funds were raised to create an endowment. The two groups are exploring opportunities to fund chapter projects in state park lands within Important Bird Areas. The request for proposals is still being

developed, but due to budget cycle constraints, the requests, once they do come out, will probably be due at the end of August. *Mike circulated a spreadsheet and asked chapters to indicate which parks within Important Bird Areas had current, or potential future projects that could be taken on by the chapters. Mike will keep you posted as this funding source becomes more defined.*

### **YEAR END CHAPTER REPORTING** – Garry George

Garry has sent out forms to the chapters for their annual reports. *Please make sure your chapter completes the forms and returns them to [GGeorge@audubon.org](mailto:GGeorge@audubon.org).* This information is key to making sure Audubon California has current information on the chapters and helps us organize. Thank you!

### **BAAC WETLAND POLICY STATEMENT**

Dan Taylor re-discovered the BAAC's Wetlands Policy Statement of 1984. *Mike suggests that the policy be looked at and possibly revised in a workshop process.*

### **REDWOOD CITY BALLOT INITIATIVE AND AUDUBON CALIFORNIA SF BAYLANDS STATEMENT**

Audubon California has issued a policy statement San Francisco Baylands as well as the Redwood City ballot measure. Audubon California's position was anchored in the previous policy anchored by the BAAC "Wetlands Policy Statement" (1984) as well as the Baylands Ecosystem Habitat Goals Report (1999), which calls for 100,000 acres of restored wetlands. Audubon California supports protection of SF Bay and opposes filling of Bay wetlands. Audubon California has decided not to take a position on the land use ballot measure that addresses the Redwood City project directly, deferring to the local residents of Redwood City. In the event of an actual project proposal, Audubon California is poised to take a position based on the overall policy statement for the San Francisco Bay.

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### **PRESENTATION BY BOB BATHA (BCDC) AND JANE HICKS (US ACE) – EFFECTIVE PUBLIC COMMENT AND ORIENTATION TO BCDC AND THE CORPS**

*During a previous BAAC meeting, chapter representatives expressed a desire to learn better techniques for environmental advocacy, specifically as it relates to commenting on projects, EIRs, etc. There was an interest in hearing from environmental regulatory agencies on what works. Jane Hicks, Regulatory Division Chief for US Army Corps of Engineers, and Bob Batha, Chief of Permits for Bay Conservation and Development Commission attended part of the meeting to provide background on their respective agencies, the public comment process, and tips for effective advocacy, examples, and ways to be involved.*

### **Jane Hicks, Army Corps of Engineers – Regulatory Division Chief (and Napa-Solano Audubon member)**

The Army Corps of Engineers regulates

- Section 404 of Clean Water Act. Section 404 pertains to dredge, fill, and discharge into wetlands. Wetlands are defined by criteria outlined in the Clean Water Act. Wetlands are mapped according to these criteria and checked in the field. <http://www.usace.army.mil/cw/cecwo/reg/sec404.htm>
- Section 10 of the Rivers and Harbors Act which deals with structures and modifications to navigable waterways. Jurisdiction to high water mark. <http://www.usace.army.mil/cw/cecwo/reg/rhsec10.htm>
- Section 103 of Marine Protection Research and Sanctuaries Act, which deals with disposal of dredge materials into ocean water bodies <http://www.usace.army.mil/cw/cecwo/reg/mprsa103.htm>

Opportunities for public comment:

- Public notice is mostly for large projects. Small (ex: 1/2 acre) routine projects may fall under nationwide permits and would not require public notice unless there is a change in the status quo.
- when Army Corps issues letter of permission procedure

- regional general permits (example: mosquito abatement) – no more than minimal permits.
- mitigation banks
- informational purposes: i.e. changes in policy
  - Public comment is posted on website and mailed. The applicant supplies the information for the notice. This information is not always correct. Previous public comment notices included analysis but this practice has ended.
  - Comment period is sometimes 30 days or sometimes 60 days.
  - Requests to extend comment period are generally granted.
  - Applicant must respond to comment letters
  - Comment letters become part of the public record and are critical for providing information to inform and educate the agency, which is key to better decision-making.
  - Comment letters help balance out the applicant’s perspective.
  - Army Corps doesn’t hold public meetings because they are expensive (need court recorder, etc) and they prefer comments in writing in their file
  - **Individual citizen letters are the best and should include relevant information that US Army Corps of Engineers may not have access to.**
  - Be brief but thorough. 1 page letters are appreciated, OR 1 page with summary information with details and or appendices attached.
  - Bulleted points are a good way to organize information.
  - Letters from organizations: an individual letters from each chapter is MORE EFFECTIVE than one letter signed on by all chapters. If you have a letter writing campaign, then have individuals write different letters, not all the same. Empower citizens to write letters by providing key points for them to craft letters around.
  - Your organization can comment as well as individual members as well.
  - Applications where public comment made a difference: South Bay Salt Ponds EIS comments informed USF&W consultation

*If you want to get on mailing list contact [virginia.madlaing@usace.army.mil](mailto:virginia.madlaing@usace.army.mil) and let her know your areas of interest, i.e counties.*

### **Bob Batha – Chief of Permits Bay Conservation and Development Commission (BCDC)**

BCDC was the first Coastal Commission. BCDC’s jurisdiction is not as expansive as subsequent Commissions (for instance, BCDC regulates 100 feet from the shoreline, whereas the California Coastal Commission regulates 5 miles from the coast). BCDC manages through the Coastal Zone Management Act to ensure that federal projects and activities are consistent with the policies of the Bay Plan and state law. BCDC is composed of 27 members appointed as follows: Five, including the chairman and vice-chairman, appointed by the Governor; One appointed by the Speaker of the State Assembly; One appointed by the State Senate Rules Committee; One each appointed by the boards of supervisors of each of the nine Bay Area counties; One each from a north, east, south, and west Bay city appointed by the Association of Bay Area Governments; One from the California Business and Transportation Agency; One from the California Department of Finance; One from the California Resources Agency; One from the California State Lands Commission; One from the California Regional Water Quality Control Board, San Francisco Bay Region; One from the U. S. Army Corps of Engineers; and One from the U. S. Environmental Protection Agency.

#### **Jurisdiction:**

- SF Bay – all areas below mean high water except where there is marsh. When marsh to inland edge up to 5 feet
- 100 foot shoreline band limited to protecting refuges and public access
- Waterways designated in the Law (Petaluma River, Napa River, Sonoma Creek with no shoreline jurisdiction

- Land's End to Bay Headlands, to state point in Pittsburgh.
- Suisun marsh (largest contiguous marshland on west coast of Americas)
  - Can't protect riparian corridors, vernal pools, anything outside 100 foot shoreline

Scope:

BCDC regulates 3 things:

1. Restrict fill in SF Bay (fill must be for within the minimum footprint and only for water oriented use if there is no upland alternative)
2. Public access to the shoreline
3. Designated priority use areas (ports, airports, wildlife refuges)

Bob regulates:

1. extraction of fills (sand mining, oyster mining)
2. changes of use (ex: restaurant becomes office building)
3. placement of fills
4. federal activities (consistency determinations)

- BCDC currently has 2.5 staff for enforcement
- There is also a Planning Section that keeps plan up to date includes oil spill prevention, subtitle goals project, planning for sea level rise, potential habitat changes and impacts on migratory birds.

Current projects and upcoming projects of note:

- Area H, Redwood shores mitigation bank of 90 acres for 114 acre development of schools/townhomes. Seasonal wetlands
- South Bay Salt Pond Restoration
- Expansion of Potrero landfill at Suisun marsh
- Ferry terminal in South San Francisco – ferries as part of emergency evacuation in case of earthquake and to provide public transportation to reduce development
- houseboat marinas in Sausalito (20 years each authorization)
- Port of Oakland expansion (want to fill in over 20 acres of the bay for a new terminal)

Bob showed mapping of sea level rise of 1.5 meters by 2100. All existing marshes will be under water. There is not enough sediment generating new marshes. Maps are available on [www.bcdc.ca.gov](http://www.bcdc.ca.gov)

- Resilient shoreline is a new approach to sea level rise: floating houses, houses on pilings.

### **What's the best source of information on public access?**

There is a map of public access around the bay that will be published. Bay Trails has the best guide including how to get to access by public transportation.

How to get involved:

- Check website [www.bcdc.ca.gov](http://www.bcdc.ca.gov)
- Respond to notices. Applicants must post notices on website.
- Ask to be on interested parties list of project
- Participate on BCDC Citizen's Advisory Group (The Commission meetings, which are open to the public, are normally held the afternoon of the first and third Thursday of each month)
- Participate in 5-7 year planning groups
- Participate in San Francisco Bay Joint Venture to preserve lands (note; Barbara Salzman and Mike Perlmutter participate on with the Joint Venture)

- Participate in Estuary Project
- Participate in Marin Baylands Group

How to be effective

- Be knowledgeable about projects
- Call BCDC analyst on staff to find out more information
- Be concise
- Be respectful of applicant and commission
- Testify publicly
- Develop a relationship with Commission

## **NEXT MEETINGS**

**September 13 – Please send agenda suggestions to Mike Perlmutter. Cheryl Harris suggests looking at the structure and function of the BAAC meeting for possible revision. We will workshop this at next meeting, Mike will send out a questionnaire prior to the meeting to get us thinking about this.**

**January 10, 2009**