



NEWS RELEASE

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Marin Countywide Plan Survives Legal Challenge from SPAWN

San Rafael, CA - On September 10, 2012, the Marin County Superior Court issued a judgment denying the petition from the Salmon Protection and Watershed Network (SPAWN) to have the County prepare a new Environmental Impact Report (EIR) to protect habitat for the endangered coho salmon and steelhead trout in the San Geronimo Valley.

In the final ruling, Judge Lynn Duryee found that the existing EIR, which was certified as part of the County's update to its Countywide Plan in 2007, provides sufficient information on the severity, scope, and significance of cumulative impacts of development on the protected species and sensitive habitats. The Court also found that there is substantial evidence in the County's studies to support the conclusions that were reached in the EIR. Although the court did not find any violations of state environmental laws, it did enjoin the County from approving applications for development within the Stream Conservation Area (SCA) in the San Geronimo Valley until the County adopts an expanded SCA zoning ordinance. The injunction would not apply to certain types of applications, such as additions that do not expand the existing building footprint in the SCA. The judge justified the injunction by pointing out that the County had placed a high priority on adoption of an expanded SCA ordinance when it adopted the updated Countywide Plan in 2007.

In spite of the economic recession that descended shortly following the County's adoption of the Countywide Plan, the County has committed significant funding and resources to improve fishery habitat in the San Geronimo Valley, including preparation of the San Geronimo Valley Salmon Enhancement Plan, removal of fish passage barriers in fish spawning streams in the valley, reducing sedimentation of the streams by restoring over 8 miles of trails, and tightening zoning regulations protecting native trees and habitat within the SCA. Since the fish were listed as an endangered species, the County and its public agency partners have invested over \$17M in the Lagunitas Creek watershed. Furthermore, the County has initiated a

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Landowner Assistance Program in the San Geronimo Valley specifically focused on voluntary improvements on private property to benefit the fishery.

Supervisor Steve Kinsey, whose district covers all of the San Geronimo Valley and most of West Marin, believes the injunction will cause significant hardship for residents in the San Geronimo Valley, who were previously subjected to a two-year building moratorium. There has been little recent building activity within the SCA in the Valley. Of the 5 building permits issued involving an expansion of the building footprint in the SCA this year, 1 involved development that was not otherwise already subject to the County's existing SCA ordinance. The County plans to finish the work on the expanded SCA zoning ordinance in an expeditious manner in order to have the court-ordered injunction lifted as quickly as possible.

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