

From: [Barbara Freitas](#)
To: [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)
Subject: Corte Madera Best Western Inn Pond and Audubon Bird Count with established colony of Black-Crowned Night Herons
Date: Monday, January 30, 2017 12:54:33 PM
Attachments: [TheRail_2017-02.pdf](#)

Please do not approve the application to fill the pond at the Corte Madera Best Western Inn. As I have written to the Town of Corte Madera and spoken at their Planning Department and Council meetings, there are SIGNIFICANT bird species that are living in that habitat. I consider their EIR and FEIR to be inaccurate.

Filling the pond would be violation of the Migratory Bird Act because it is interfering with and harming the birds habitat, specifically the Black-Crowned Night Herons roost. The Audubon Christmas Bird Count also found 35 Black-Crowned Night Herons, 4 Hooded Mergansers and Mallard. John Kelly, the renowned Heron expert, has written on the importance of preserving the pond.

Here is copy from the just received Marin Audubon February 2017 Newsletter, The Rail:

"CORTE MADERA INN

MAS commented on the Corte Madera Inn Draft Recirculated Environmental Impact Report. We addressed the document's inadequacies: 1) incomplete assessment of the importance of the Black-crowned Night-Heron roost. The DREIR said the birds could just go somewhere else; 2) deficient evaluation of the importance and value of the wetland plant, widgeon grass, present in the pond; and 3) insufficient information to support its claim that the proposed mitigation at the Burdell Mitigation Bank would adequately mitigate for the impacts of the project.

Update on Pond Life

The Black-crowned Night-Heron roosting colony is growing and expanding to trees adjacent to the trees used in previous years. On this year's Southern Marin Christmas Count, 35 Black-crowned Night-Herons were observed on the roost trees. In addition, four Hooded Mergansers and two Mallards were observed in the pond. The water level was high so no mudflat habitat was available for shorebirds along the edge of the pond."

A pdf of the Audubon Newsletter is attached to this email.

I urge you to deny the application to fill the pond.

Barbara Freitas
40 Lark Court
Larkspur, CA 94939



Kim Steinhardt

Sea Otters

The relationship between sea otters and humans has been strained nearly to the breaking point for almost three hundred years. Marine wildlife photographer, writer, and former administrative law judge Kim Steinhardt will share insights and images of the fascinating daily lives of sea otters, review the status of recent lawsuits over the expansion of their range, and look at some of the extraordinary adaptations these creatures have undergone in evolving from land to sea. Kim's keen observations and vibrant photographs have been recognized by National Geographic in an upcoming book of his sea otter images and coastal storytelling. He is also a co-author of the soon-to-be-released *The Edge: Tales from the Shoreline of the People's Coast*, a book that includes Kim's recollections as a child seeing the Lyford House moved across the bay from Strawberry Point to Tiburon, and the creation of the Marin Audubon Society.



The Rail

MARIN AUDUBON SOCIETY

Three Marin Christmas Bird Counts: Three Different Stories



Len Blumin

Black Oystercatchers were seen in eight of the 22 sections of the Southern Marin Christmas Bird Count this year.

SOUTHERN MARIN

The 2016 South Marin Christmas Bird Count was held on Saturday, December 31. The count day was dry and mostly in the 40s with light northerly winds. There were approximately 100 volunteer counters and leaders to cover 22 diverse count areas ranging from the bay to the top of Mount Tamalpais including urban areas. Baykeepers was kind enough to provide a boat for Peter Colasanti to count the birds on the bay from San Rafael to Sausalito. We were not able to secure a boat for the ocean count area, which is outside the Golden Gate.

The provisional tally has 177 species and about 52,000 individual birds. The number of species is a bit below the circle average of 182, but the number of birds is far below the all-time average of about 92,000 and even far below the average of about 78,000 for the last ten years. Only in 2002 on a rainy day were fewer birds recorded, and last year the number of birds was 92,000. Go figure!

A few rarities were spotted including **Nashville, Tennessee** and **Palm Warblers** and two unidentified **Empidonax** flycatchers.

“Empids” of any kind were reported only three times in previous years.

No **Green Herons** and no eagles were spotted but the numbers of **Sora** (10) and **Osprey** (17) were relatively high. The total of **Western** and **Clark's Grebes** (669) was an all-time low, but it was probably hurt by the lack of an offshore boat. **American Kestrels** (32), **Varied Thrushes** (49) and **Red-breasted Nuthatches** (2) were relatively few, but **Blue-gray Gnatcatchers** (14) hit an all-time high. Obviously, many species, even **Wild Turkeys**, were below average with few above their averages.

Christmas bird counts are sponsored by the National Audubon Society and are the longest-running Citizen Science surveys in the world and provide valuable information on bird populations and trends. This count has been conducted since 1975 and is one of three local counts sponsored by the Marin Audubon Society.

CHEEP THRILLS

By David Sexton, co-compiler

Centered in northern Marin, the 2016 Cheep Thrills Count on December 15 put the rain

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All phone numbers are in the 415 area code unless otherwise noted. Questions? Please contact the appropriate Board member.

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Meetings open to members. If you wish to attend please call 924-6057.

6:30 PM, First Tuesday of the month
Richardson Bay Audubon Center
376 Greenwood Beach Road
Tiburon, California 94920

MAS telephone: 721-4271 (for messages only)

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Members can receive *The Rail* electronically instead of a hard copy by emailing membershipsecretary@marinaudubon.org

DONATIONS APPRECIATED!

Marin Audubon Society welcomes gifts of funds, stock, or property, and bequests in general, or in honor or memory of someone. Gifts may be directed to any MAS project. Unspecified gifts of more than \$100 will be placed in the Endowment Fund for conservation, the protection of wildlife species and the preservation and enhancement of wildlife habitats. Since MAS is an all-volunteer organization, 100% of your donation goes to its projects. All gifts are tax-deductible and will be acknowledged in *The Rail*, as well as personally on behalf of the Society. Checks should be made out and mailed to: Marin Audubon Society, P.O. Box 599, Mill Valley, CA 94942.

MISSION STATEMENT

To conserve and restore natural ecosystems, focusing on birds and other wildlife and their habitats, for the benefit of humanity and the earth's biological diversity.

PRESIDENT'S MESSAGE

By Barbara Salzman

We had three successful Christmas Bird Counts in December and we trust you will enjoy the articles about them. Thank you to Susan Kelly who almost single-handedly restarted the Cheep Thrills Count four years ago. This count was on a day of torrential rain. Many volunteers got soaked. My team of Dan Singer, Lisa Hug and Lowell Sykes fared better than many because most of our count area, at Redwood Landfill and our Petaluma property, is done from the car. The landfill staff drove us around because they feared we would slide off of the levees. For the Southern Marin Count compilers Ed Nute and Bob Hinz had trouble getting volunteers because the count day fell on New Year's Eve. The Pt. Reyes Count had its usual high count numbers. Compilers John Longstreth and Tom Gaman are retiring and we welcome the new compilers and planners: Todd Plummer, George Kurtz, Robin Blaney and Susan Ives.

Among the benefits of Christmas Counts is that they get volunteers out observing habitats. In my area, for example, at the Corte Madera Inn we found 35 Black-crowned Night-Herons roosting in even more trees than last year. Corte Madera Creek again had few birds, the likely result of increased boating. Every time a kayak or crew boat comes along, the birds have to move. This is not conducive to resting and putting on weight, which migratory birds must do to reach their northern breeding grounds in spring and to breed successfully. Also, this year the team doing Tiburon was shocked at the denuded state of the pond. When Tiburon manages the cattails, they remove all of them leaving no habitat. Our Conservation Committee will be looking into that.

We are very grateful for the strong support we have received this year from donors to our winter appeal. These donations all go to

maintaining and expanding our programs and to funding our operational needs, such as getting adequate insurance and paying our taxes. Donations enable us to seek legal action to protect Northern Spotted Owl, to update and expand our programs such as providing more field trips, and to update our county bird list. We also appreciate receiving our first car donation. Our thanks to the anonymous donor.

We are beginning the year with a brand new grant. We are thrilled to have been awarded \$195,000 to study solutions to problems that are anticipated from sea level rise at Tiscornia Marsh, our property on the San Rafael shoreline. The Marin Community Foundation recognized the importance of nature-based solutions to problems of sea level rise and provided \$750,000 to the Coastal Conservancy to operate this grant program. Our grant will study actions to address the inadequate levee adjacent to Tiscornia Marsh and the major erosion of the marsh that has been taking place over decades. We hope our grant will be an important step in beginning to protect the marsh from further habitat loss and the community from flooding. Ours was the only grant awarded to a non-government-related entity. We expect to benefit the local human and wildlife communities and also contribute to the fund of knowledge about adaptations to address sea level rise. See page 4 for additional information.

As always, on behalf of the MAS Board, we invite and welcome you to attend our field trips, monthly speakers, Conservation Committee meetings and Saturday workdays. These programs are all made possible by your donations to MAS. We receive only a fixed amount annually from NAS and this is insufficient to support any of our programs.

Christmas Bird Counts

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back into the CBC adage "Rain or Shine." On a day that saw frequent flash flood warnings, 60 volunteers counted all the birds they could find through the downpours.

Considering the weather, the count dinner total of 133 species was impressive, not that far from the average of about 160 species. The biggest surprise was some of the common species that totally avoided detection. There were no sightings of Band-tailed Pigeons, Downy Woodpeckers, Brown Creepers, and Wrentits.

The best group total was Jim White's Rush Creek area with 75 species. Other notable

sightings were Bob Atwood's **Bald Eagle** at Stafford Lake, David Herlocker's count of 4 **Lark Sparrows** hiding under a log on Mt. Burdell, and Ed Nute's **Blue-winged Teal** at Soulajule Reservoir. Mary Anne Flett's group at Sonoma Baylands provided 6 **Black Rails** for the count, and Heather Cameron's Bahia group added **Barrow's Goldeneye**, **Red-breasted Merganser**, and a **Greater White-fronted Goose**.

The count dinner, organized by compiler Susan Kelly, was lightly attended by around 40 participants, since many chose to go home and dry off. But the pizzas were great and enthusiasm was high after a day that was described by Dave

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MAS FIELD TRIPS

Open to the public

No need to sign up for one-day trips, just join us. Bring lunch, snacks, water, field guide, and binoculars. For information, accessibility and weather check: Jane Medley, 559/760-1551, janermedley@gmail.com.

CHECK OUR WEBSITE FOR THE MOST RECENT UPDATES.

THE PONDS AT THE LAS GALLINAS VALLEY SANITARY DISTRICT (LGVSD) San Rafael

Thursday, February 2, 2017
9 AM to Noon

With Rich Cimino & Janet Bodle

Beginning birders are especially welcome on the first Thursday of each month for a leisurely walk around the Las Gallinas ponds. The area includes two treated wastewater storage ponds, a freshwater pond with islands for nesting habitat, and several miles of flat levee trails. It attracts thousands of birds, including waterfowl such as ducks and geese; waders such as herons and egrets; songbirds; and varied raptors. Our January field trip at this location tallied 76 species including the resident, but not always seen American Bittern. Each month seems to yield an interesting, and often unexpected, species, so come assist us in our search.

We welcome bird enthusiasts of all levels. We all help each other to find and identify the birds, and there are usually several experienced birders to assist. You don't even have to arrive on time because we spend the first 30-60 minutes studying the birds around the first pond and the group is easy to find. Heavy rain cancels.

DIRECTIONS: From Hwy 101, exit at Smith Ranch Rd. Drive east on Smith Ranch Rd. toward McInnis Park. Turn left immediately after crossing the railroad tracks and drive about .5 mile through the LGVSD gates and into the parking lot at the end of the road. Meet the group by the bridge just past the parking lot. There is an outhouse in the parking area for public use or you can use the bathrooms at nearby McInnis Park.

WORLD WETLANDS DAY AT BAHIA A Special Collaborative Field Trip by Marin Audubon and Marin County Parks Novato

Saturday, February 4, 2017
10 AM to 2 PM

With Jude Stalker and Shannon Burke

Come celebrate World Wetlands Day at Bahia! This 200-acre parcel, now part of the Rush Creek Preserve, was acquired through a major fundraising effort conducted by Marin Audubon Society and then was donated to Marin County Parks. Our day will start with a walk through the oak-studded upland habitat where we'll discuss this unique forest and why its preservation was so fortunate. Then we'll take a tour of the adjoining Marin Audubon wetland restoration site with Wetland Ecologist Jude Stalker from Marin Audubon, who will explain how the restoration efforts here have been improving the marsh and vital habitat for the plants and animals that depend on it. Heavy rain cancels.

DIRECTIONS: From Hwy 101 in northern Novato, take the Atherton Ave. exit east about 0.9 miles, then turn left onto Bugeia Ln., which becomes Bahia Dr. Follow it to the end where there is street parking. No restrooms available here.

SACRAMENTO DELTA BOAT TRIP

► Trip Full – Wait List Only
Departure/return at Antioch Marina
Sunday, February 5, 2017

(Super Bowl Sunday)

8:15 AM to 4:30 PM

With David Wimpfheimer

All available spaces on this boat trip were filled by mid-afternoon on the first day of registration! Those confirmed on the trip will receive directions to the Antioch Marina and other instructions the week before the trip. If you wish to be included on the wait list for this outing, contact Jane Medley at janermedley@gmail.com. Be sure to include the name, email address, and phone number for each possible passenger.

STAFFORD LAKE PARK

Novato

Saturday, February 11, 2017

9:00 AM to Noon

With Bob Atwood

Located west of Novato, Stafford Lake is a beautiful but less birded area that is productive for waterfowl and raptors. Last year a male Tufted Duck was on the lake. On the most recent Christmas Bird Count our group saw Bald Eagle and Peregrine Falcon. Approximately 172 species of birds have been spotted through the years at Stafford Lake. The county park has facilities and plenty of parking. The mostly level terrain and water views make for pleasant birding as we walk around a portion of the lake and the surrounding area. Heavy rain cancels.

DIRECTIONS: From Hwy 101 in Novato, take the exit for San Marin Dr. and go west 2.9 miles. Turn right onto Novato Blvd. and follow it for 2.6 miles. The park is on the left. Turn left after the gatehouse and travel to the parking lot. There is a five dollar entrance fee per vehicle.

NICASIO RESERVOIR

No. 2, Birding in Marin Series

Saturday, February 18, 2017

8:30 AM to mid-afternoon

With Jim White and Bob Battagin

We will meet at the backstop to the baseball field in Nicasio. The riparian, open field, and wooded habitats there are good for a nice variety of sparrows, gleaners, and woodpeckers. Next we'll head over to nearby Nicasio Reservoir and make several stops along the shoreline. Many water bird species hang out there while raptors grace the sky, and who knows what will be flitting around in the willows and shrubs that line the shore? In the afternoon we are likely to explore along the northern shoreline of Tomales Bay. Heavy rain cancels.

DIRECTIONS: From Hwy 101 take the Lucas Valley Rd. exit. Turn left on Lucas Valley Rd. and continue approximately 10.3 miles. Keep right on Nicasio Valley Rd. for 0.5 mile to the town of Nicasio. The baseball field is in the center of town. For GPS, use 1 Old Rancheria Rd., Nicasio, the address for the Rancho Nicasio Restaurant.

HERON'S HEAD PARK

Thursday, February 23, 2017

9:30 AM to 12:30 PM

With Karen Vandergrift

One of only a few wetlands on the city of San Francisco's shoreline, Heron's Head Park is a hidden gem: a 22-acre open space and thriving wildlife habitat that attracts more than 150 bird species every year. Born in the 1970s when the Port of SF began filling this location to construct what was to be the Pier 98 shipping terminal, the marsh resulted after the project was never realized. Over years of settlement and exposure to the tides, a salt marsh emerged, attracting shorebirds, waterfowl and aquatic wildlife to this unique location.

This will be an interpretive walk on flat ground about the wildlife and ecology of San Francisco Bay. We expect a large variety of waterfowl, shorebirds, and maybe a rarity or two. Beginning birders are welcome! Bring binoculars, sunscreen, a hat and water . . . and a spotting scope if you have one. Heavy rain cancels.

DIRECTIONS: Meet at the parking lot on the corner of Jennings St. and Cargo Way, just across the street from Bay Natives Nursery. For GPS, use 10 Cargo Way, San Francisco, CA 94124, the address for Bay Natives Nursery.

SKAGGS ISLAND & HUDEMAN SLOUGH Sonoma County

Saturday, February 25, 2017

8:45 AM to mid-afternoon

With Murray Berner

Murray Berner has been leading trips for Napa-Solano Audubon for many years and authored the Solano County Breeding Bird Atlas. Murray knows the marshes well and has access to Skaggs Island, closed to the general public. The island, a former naval facility, is now part of San Pablo Bay National Wildlife Refuge, an addition of more than 3000 acres. February is peak season for raptors, including Golden Eagle, Rough-legged Hawk, Prairie Falcon and Burrowing Owl, plus dozens of kites and harriers. Black Rail is resident and at times vocal. Songbirds flock in the former residential area, harassed by Merlin and Accipiters. Allen's Hummingbird will be displaying among the eucalyptus.

The group will continue on to Hudeman's Slough where we will bird on foot. We will meet at the south entrance to Skaggs Island off of Hwy 37 and travel by car across the island, stopping to bird along the way. Some birders may wish to leave when we reach the island's north gate. Dress in layers and sturdy shoes and bring lunch and water. Heavy rain cancels.

DIRECTIONS: Take Hwy 101 north to Hwy 37E. From the intersection with SR 121 (Sonoma Raceway), continue straight on Hwy 37 for 3.8 miles to Skaggs Island Rd. and turn left. No restrooms available.

CONSERVATION

MAS AWARDED GRANT TO ADDRESS SEA LEVEL RISE

We are thrilled to have been awarded a grant of \$195,000 to study nature-based adaptations for sea level rise at our Tiscornia Marsh at the mouth of the San Rafael Canal. This grant program was made possible by an award of \$750,000 from the Buck Family Fund at the Marin Community Foundation to the State Coastal Conservancy to manage the grant program. The purpose of the grant program is to address the impacts of climate change, specifically sea level rise, and particularly on underserved communities in Marin County.

We thought our Tiscornia Marsh property was an excellent candidate for this grant. Its levee is low, unimproved and poor as refugia habitat. Overtopping the levee as sea level rises would impact the adjacent communities including the Canal's underserved population. Also, the marsh, which has provided habitat for the endangered Ridgway's Rail in past years, is disappearing. Aerial photos show that about a third of the marsh has been lost to erosion over the last 30 years.

Our proposal includes studying and recommending ways to improve the flood control and habitat functions of the levee and to restore tidal marsh. We want the marsh restored so that it can continue to provide habitat for the endangered and other species as well as serve the critical shoreline protection function for the human community. Marshes are the first line of defense in protecting shorelines against the impacts of sea level rise, such as flooding.

Our project team consists of hydrologists from ESA, an environmental scientist from Siegel Environmental, Inc., and Shore Up Marin, a community-based organization that will be getting the public involved. Other recipients of grant awards are the Romberg Center, County of Marin/San Francisco Estuary Institute/Point Blue and the Smithsonian Environmental Research Center.

The grants are scheduled for approval by the Coastal Conservancy Board in February and we are planning to begin work in June.

SUPPORT NEEDED FOR GGNRA DOG MANAGEMENT PLAN

Unfortunately, Congressman Huffman has departed from his usually sound environmental approach and joined with Congresswomen Nancy Pelosi and Jackie Speier in asking the National Park Service (NPS) to delay implementing the Golden

Gate National Recreation Area (GGNRA) Dog Management Plan (Plan). This approach is clearly in response to demands of dog walkers and owners who want more access. The only possible reason for delay is to allow time to weaken the proposed Plan. This approach is not in the interest of protecting GGNRA's endangered wildlife, plants and native plant resources. On January 9, GGNRA announced that it is putting on hold the adoption of the Final Rule for Dog Management at GGNRA.

GGNRA reports that the decision is in response to requests from members of Congress to extend the waiting period in order to conduct a review of certain records being released to a Freedom of Information Act request related to the Dog Management Plan. Use of a personal email by a former employee was cited as needing independent review to determine whether the personal email was used in a manner that is not consistent with applicable laws and policies and whether this affected the planning and rule-making process.

The proposed Rule was published December 9 for a final 30-day review period. The record of decision was scheduled to be published in the Federal Register in January 2017, with publication of the Final Rule, which would specify an effective date, to follow. To reach this point, an Environmental Impact Statement and the Management Plan have been subject to public review, with hearings taking place over four years if not longer. The process provided ample opportunity for public comment. More public input is not the issue. The issue is that certain dog owners and dog walkers just don't like the recommendation and want access to more areas, including places with sensitive habitat.

The Plan has been thoroughly reviewed and the recommendations reflect the NPS's primary responsibility – protection of natural resources, particularly those that are endangered or threatened, including Northern Spotted Owl, Snowy Plover and Mission Blue Butterfly. Explanations of the environmental resources along each of the affected trails, those from which dog use has been either removed or changed to on-leash use, were provided in the Environmental Impact Statement and were also discussed at public hearings. GGNRA is home to more endangered and threatened species than Yosemite, Yellowstone, and Sequoia-Kings Canyon National Parks combined.

The Plan provides for places to walk dogs

on- and off-leash – just not on as many GGNRA trails as the dog-owners/walkers want. In Marin, off-leash dogs would still be allowed at Rodeo Beach, and an on-leash segment, the Kaashi Loop Trail, has been added at Muir Beach. Other additions: new voice and sight control areas and dog-free areas at Crissy Field, realigned and expanded on-leash area at Baker Beach, an additional on- and off-leash trail at Fort Funston, and other expanded dog areas further south. Twenty-two locations in GGNRA are open for dog walking, six allow dogs under voice and sight control (off-leash). In total, 14 miles of on-leash dog walking would be allowed on GGNRA trails in Marin.

Dog-free areas are also identified, so there would be more areas where people who are afraid of dogs or simply don't want to be around dogs will be able to enjoy nature. Problems with dogs were the number one complaint of users noted during the Marin County Open Space District's user survey.

According to the Marin Independent Journal, Congresswoman Speier cited the fact that GGNRA has included dog walking for much of the last 40 years. That may be, but it was without authorization from Washington. Unleashed dogs were allowed on the recommendation of the then GGNRA Advisory Committee, reportedly because one of the Commissioners wanted to walk his dog off-leash. GGNRA staff closed their eyes to the negative impacts of unleashed dogs for many years. Just because GGNRA staff did not do its governing job adequately in the past, should not be reason to allow this activity to continue. Reining in this unauthorized use is long overdue and necessary to protect special status species that depend on GGNRA habitats. GGNRA would be the ONLY Park in the National Park System where dogs are allowed to go unleashed.

Dogs are wonderful companions and benefit people in many ways, but they simply do not need to be running loose wherever their owners or walkers want them to. The desires of this or any other special interest group, be it dog walkers, cyclists, or birders, should not take precedence over protecting natural resources that are in the interest of the general public. In addition to the GGNRA areas and all Marin County Open Space District Fire Roads, where dogs can be off-leash and under voice control, there are 10 dog parks in this county where dogs can run loose. The natural habitat areas are the only places wildlife have to live and

certain native plants can grow.

We do not condone illegal activity, but even if the personal email were used in a manner inconsistent with laws and policies, that does not take away from the fact that dogs in natural resource habitats can disturb wildlife and damage habitats. We commend GGNRA staff for coming up with a Management Plan that will be more protective of wildlife than currently existing practices, yet one that, we think, provides more than generous access for dogs both on- and off-leash. We recommend that the Plan be adopted now.

WHAT YOU CAN DO:

Speak out for safeguarding GGNRA habitats for wildlife and/or to safeguard your ability to enjoy nature without dogs. Tell Congressman Huffman and GGNRA that you support GGNRA and their efforts to protect wildlife and wildlife habitat through the Dog Management Plan. Email Congressman Huffman at <http://huffman.house.gov/contact> and GGNRA Superintendent, GGNRA, Building 201, Fort Mason, San Francisco, CA 94123.

CORTE MADERA INN

MAS commented on the Corte Madera Inn Draft Recirculated Environmental Impact Report. We addressed the document's inadequacies: 1) incomplete assessment of the importance of the Black-crowned Night-Heron roost. The DREIR said the birds could just go somewhere else; 2) deficient evaluation of the importance and value of the wetland plant, widgeon grass, present in the pond; and 3) insufficient information to support its claim that the proposed mitigation at the Burdell Mitigation Bank would adequately mitigate for the impacts of the project.

Update on Pond Life

The Black-crowned Night-Heron roosting colony is growing and expanding to trees adjacent to the trees used in previous years. On this year's Southern Marin Christmas Count, 35 Black-crowned Night-Herons were observed on the roost trees. In addition, four Hooded Mergansers and two Mallards were observed in the pond. The water level was high so no mudflat habitat was available for shorebirds along the edge of the pond.

Corte Madera Inn Alternatives Analysis

The Regional Water Quality Control Board accepted comments on the Alternatives Analyses submitted by the applicant. Three

analyses were submitted: one attempting to demonstrate that there is no other location in the vicinity where the project could be built, and two others that attempted to demonstrate that no other alternative could be built on the site. Federal 404 Guidelines provide that wetlands cannot be filled if there is practicable alternative that would have less environmental impact on the aquatic ecosystem.

MAS commented on the numerous errors and inadequate analysis in the On-site Alternative. Locations and factual information about various sites were incorrect or insufficient to demonstrate that a site was not available. The on-site analyses focused on maximizing profit for the owner. Profit for the developer, however, is not a factor that can be considered in the 404 analysis. Also, a 187-unit hotel was recommended by the consultant to be the only feasible alternative, however, the current proposal is for only 174 rooms. We asked: If the project could be reduced by 13 rooms why couldn't a few more rooms be removed to protect the pond?

MMWD BEGINS EIR FOR BIODIVERSITY, FIRE AND FUELS INTEGRATED PLAN – COMMENTS NEEDED

We are in a 30-day public scoping period for the Environmental Impact Report (EIR) that Marin Municipal Water District (MMWD) will be preparing on the Draft BIODIVERSITY, FIRE AND FUELS INTEGRATED PLAN (Plan) – quite a mouthful. This is the public's opportunity to submit questions/issues/concerns that you want addressed in the EIR. Information and analyses presented in EIRs can lead directly to changes in the project, which in this case is the Plan.

MMWD owns and manages 22,000 acres of publicly accessible wildlands from which water is supplied to approximately 190,000 people in Central and Southern Marin. The lands are divided into three administrative units: Mt. Tamalpais watershed, Soulagule Reservoir and Nicasio Reservoir. MMWD defines its mission as to "manage natural resources in a sustainable manner and to provide our customers with reliable, high quality water at a reasonable price."

The stated purpose, goals and need for the Plan are: 1) to define and guide the methods used to minimize the risk of wildfires, 2) to preserve and enhance existing significant natural resources, and 3) to provide an adaptive framework for the periodic review of the Plan in response to changing

conditions and improved knowledge. The Plan defines the challenges it must address: fire hazard and suppression, expansion of invasive plants particularly broom, spread of forest diseases, and climate change. The best defense against climate change is a healthy ecosystem.

The Plan reports that MMWD uses a variety of approaches to achieve the stated goals: constructing new fuel breaks and maintaining existing ones, removing and thinning trees, reducing accumulated fuel loads in habitats and treating new invasions of non-native species. Fuel breaks would be treated every four to five years. The toolbox for cyclical maintenance includes prescribed burning, cutting, girdling, solarization, animal grazing and mulching. Limited herbicide use through an Integrated Pest Management Program (IPM) to control and eliminate invasive weeds was in the toolbox until 2005, when the MMWD Board suspended its use in response to pressure from anti-herbicide groups. Now MMWD may be losing the battle against weeds, particularly broom. It does not appear they have the resources to control or remove the invasives manually.

How successful MMWD has been, or anticipates it will be, in controlling invasives is not addressed. Because the current and proposed future methods are the same, they can be expected to produce similar results. While no one wants herbicides used improperly, MMWD simply does not seem to have the resources to control broom and other invasives using only manual and mechanical means. Constructing fuel breaks means more broom invasions and more broom to control. Clearing for fuel breaks leaves bare ground and ideal growing conditions for broom. This then exacerbates the problem.

In addition, "biodiversity" in the Plan appears to mean only biodiversity of plant life. While the Plan lists special status plant and wildlife species, there is no discussion of the importance of maintaining wildlife species as part of maintaining the ecosystem or biodiversity.

We have not completed our review, but a few of the aspects we will certainly be asking to be included the EIR are:

- A discussion of the anticipated success of the current approach of using no herbicides to control invasive plants, particularly broom. It is our understanding that MMWD is losing the battle and

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HABITAT STEWARDSHIP PROGRAM

Planting will probably be finished although with continued wet weather even late plantings this year might be OK. Thistles and radishes might be large enough to start pulling them. Instead of removing non-native plants wherever we find them, the most useful work might be removing those that are crowding native plants, even native plants that are a year or more old.

Do you know anyone who needs to earn community service hours? Our restoration projects would fit the bill. Act locally and join us on a workday. You would make a difference.

We have the tools, gloves and snacks. We generally work until about 1 PM, but even an hour is valuable help. Everyone is welcome.

VOLUNTEER WORK DAYS

Triangle Marsh, Corte Madera:

First Saturday: February 4, March 4
Meet at 10 AM on Paradise Drive directly across from the main Ring Mountain trailhead.

Bahia, Novato:

February 11, March 11

Meet at 10 AM at the end of Topaz Drive near Bolero Court and the tennis courts.

If you would like to help, contact Jude Stalker at 415/680-6291 or volunteercordinator@marinaudubon.org for more information and to be sure you can be informed about possible changes.

THANK YOU TO OUR STEWARDSHIP VOLUNTEERS

Marin Country Day School fourth graders and teachers, Debbie Ablin, Bob Bundy, Dave Chenoweth, Bob Hinz, William and Charles Legge, Sharon McCloskey, Flinn Rauck, Jude Stalker, Lowell Sykes, Tom Ullmer

WELCOME NEW MEMBERS

David Albert, Jola Anderson, Annelies Atchley, Susan Barbour, Cindee Beechwood, Deborah Bertola, Christine Bikle, Lucinda Brisbane, Andrew Brouwer, Angela Casey, Daniel Curran, Penelope F Davey, Audrey S De Martini, Kay Dirks, Jonathan Erb, Martin Jaylian Fawzy, Deirdre Fennessy, James Forsell, Susan Garnett, Sharon Grabovac, Stephanie Granneman, Jommer Gryler, Thomas Heinz, Ruth Heller, Jane C Hills, C Holden, Corrie Johnson, Daniel Kalb, Renee Kirby, Roger Kolodny, Sara Kurkov, Frank Lahorgue, Dave A Leech, Linda Librize, S Lieberman, Dean Lomax, Sharon Lovejoy, Melissa Lyckberg, Joseph Marrino, Dan Martin, Genevieve Mc Claskey, Marie McDermott, Steve Medvic, Amanda Meecham, Suzanne Mellor, Michael Muschell, Jim Nash, Matthew Oldenburg, William Osterhaus, Odelli Ozer, Laura Peshek, Alice Remer, John Robbins, Michael Schoenfeld, Ricardo Segura, Marlo Seligman, Deb Sheppard, Brenda Smith, Shirley A Soldavini, Charles Stanberry, Rachel Sullivan, Patrick Thompson, Margaret Wagner, Carly Waldeck, Marion R Weber, Tracy White, Kelly Wright, Ann Yavorsky

HABITAT STEWARDSHIP

BAHIA Last month, we were pleased to welcome students from Mark Day School who spent three hours pulling a large patch of the invasive non-native ice plant at Bahia on a school community service day. The students followed up with thank you letters to Lowell Sykes, their teacher for the day, expressing their appreciation. The letters conveyed impressive insights and grasp of the significance of their work biologically and to them personally.

Some wrote of what they learned: “why invasive plants are bad for other plants and animals,” “the disturbance invasive plants create,” “if you try really hard you can help impact the environment,” “you can fix problems with a simple act,” “how big an impact invasive plants had on the environment.” Others expressed appreciation to Lowell for being an “amazing guide” and for “giving me and my classmates an experience that will make a difference for

plants and animals.”

Others shared their personal feelings: “satisfying to see progress,” “how good it feels to make a difference,” enjoyed “bonding with classmates,” “cooperation and teamwork,” and many said they “had fun.” It was certainly a good day for native wildlife to have all of that ice plant removed, and we are glad it was a good day for the students as well. Thank you, Mark Day School.

TRIANGLE MARSH We were also pleased to welcome about sixty students from our neighbor at Triangle Marsh, the Marin Country Day School, to help us get rid of the invasive, non-native Harding grass. The students laid out cardboard and covered it with woodchips to put Harding grass in the dark where it cannot grow and will not survive. Next year the area should be ready for planting native plants. Thank you, Marin Country Day School.

Christmas Bird Counts

continued from page 2

Shuford as “pleasantly miserable.”

POINT REYES

The 47th annual Point Reyes Christmas Bird Count, sponsored by Point Blue and Marin Audubon, was held on 17 December, a sparkling early winter day, followed by the annual Compilation Dinner at the Dance Palace. Owlers started as early as 4 a.m. and were rewarded by slightly above average owl numbers. By later morning 197 birders, organized into 29 groups, were in the field. One hundred ninety-seven species (unofficial count at this date) were seen in the count circle during that day.

The total (again unofficial) number of individual birds seen in 2016 was 111,188, up 32% from 83,590 in 2015 and 85,741 in 2014. The last time this many birds were seen on the Point Reyes Count was 2011 when 122,207 birds were observed, so the 2016 numbers reversed a 5-year decline.

The most common bird in the count area this year is the **Common Murre** (14,058 reported, up from 4,855 in 2015) on the ocean, which accounts for much of the total bird population increase. This is good news because ocean food stocks have been dwindling in recent years, but are seemingly abundant this year. **Bufflehead** were up (7,741 in 2016 vs. 6,394 seen in 2015) and **Surf Scoter** were just below normal (4,729 seen vs. 5,166 6-year average seen). **American Wigeon** populations were down to 2,682 from 4,232 in 2015.

Many species are at less than 25% of their

6-year average: **Hooded Merganser, Tricolored Blackbird, Short-billed Dowitcher, White-winged Scoter, Thayer's Gull, Red-breasted Nuthatch, Horned Lark, Tree Swallow, Varied Thrush, Lark Sparrow, Killdeer, Band-tailed Pigeon, Ancient Murrelet, Ring-necked Duck, and Hermit Warbler.**

However, on the bright side, there is quite a list of birds that more than doubled their running 6-year averages. These are: **Northern Mockingbird, Mew Gull, Marbled Murrelet, Semipalmated Plover, Bald Eagle, Red-winged Blackbird, Northern Fulmar, Western Gull, Blue-gray Gnatcatcher, Wilson's Warbler, Long-tailed Duck, Spotted Owl, Swamp Sparrow, Sanderling, California Gull, White-throated Sparrow, Burrowing Owl, Common Murre, Blue-winged Teal and Cackling Goose.**

Notably 138 **Snowy Plovers** (average 90) and 13 **Marbled Murrelets** (average 5) were seen. Altogether the groups saw 76 **Northern Fulmars.**

Rarities included **Mountain Bluebird, Black-vented Shearwater, Short-tailed Shearwater, Long-eared Owl** and **American Avocet.** Of course it was a great day, the reunion of many happy birders, and we saw 197+ species in all.

The data for all 2016 count areas are presently being compiled and will be available by early February. For prior count totals by area, maps, and count details please visit tgaman.wixsite.com/prcbc and click on the data links where the historic bird data, compiled 1970-2015, are available for download.

MARIN BIRDLOG: NOVEMBER – DECEMBER 2016

By Noah Arthur



Omar Ramolfson

White-winged Scoter

the Outer Point (DS) were present at least until 12/17. Another continuing bird from November was the **Sandhill Crane** at Laguna Lake on Chileno Valley Road found on 11/25 (MD). Two wintering **Palm Warblers** were present throughout the month at Las Gallinas. Three individuals were reported on 11/27 (JM), but no more than two at a time were seen in December.

Northeast winds blew in the Valley geese with a flock of more than 30 **Snow/Ross's-type geese** flying over the Marin headlands 12/2 (WL).

A **White-winged Scoter** on Abbotts Lagoon 12/4 was a nice find (EC). It was relocated 12/11 accompanied by a **Long-tailed Duck** (MP, DK).

A remnant of fall showed itself in a **Nashville Warbler** and a **Hermit Warbler** at Stinson Gulch in Bolinas on 12/5 (PP), associating with **Townsend's** and **Yellow-rumped Warblers** in flowering eucalyptus—very often the “go-to” habitat for wintering warm season warblers in the Bay Area. Sparrow numbers were reported to be noticeably low in Bolinas (PP).

Along Highway 1 just north of Point Reyes Station another lingering fall warbler, a **Palm Warbler** having braved the month's first light rain event that occurred on the 7th was found 12/9 (DW, ME).

One of the best birds of the month was a male **Common (Eurasian) Teal** at Las Gallinas 12/11, associating with **American Green-winged Teal** in flooded weedy fields along the entrance road (DE).

Rare passerines on the Point Reyes CBC 12/17 were few and far between but included a **Rose-breasted Grosbeak** near Muddy Hollow and a **Wilson's Warbler** in Inverness. Three **Caspian Terns** over Tomales Bay were a new species for the count, and fit into this winter's unusual pattern of wintering Caspians throughout the Bay Area.

Weather remained fair and mild to chilly for the rest of December, and as the month neared its end one more nice rarity was found, a **Harris's Sparrow** spotted at Las Gallinas on Christmas Eve (SK).

Observers and Acronyms **DE**: Daniel Edelstein, **DK**: Durrell Kapan, **DS**: Dan Singer, **DW**: David Wimpfheimer, **EC**: Everett Clark, **JM**: Joseph Morlan, **MD**: Mark Dettling, **ME**: ME: Magnus Eriksson, **MP**: Michael Park, **PP**: Peter Pyle, **SK**: Susan Kelly, **WL**: William Legge

Conservation

continued from page 5

native habitats are being lost to broom at an alarming rate.

- An alternative that includes use of herbicides as part of the IPM program. Discuss how and whether even minimal use of herbicides could save habitats from the spread of invasives and enable the restoration of currently invaded areas to native habitats.
- A chapter addressing wildlife and their importance to the ecosystem. While birds, mammals and other wildlife are essential components of natural ecosystems performing such functions as controlling vegetation by eating plants, aerating soil, fertilizing plants

and pollinating plants, their part in maintaining a healthy ecosystem is virtually ignored.

WHAT YOU CAN DO:

View the Plan on the MMWD website (www.marinwater.org/455/Biodiversity-Fire-and-Fuels-Integrated-P) and submit scoping comments to Dain Anderson, Environmental Coordinator, 220 Nellen Ave., Corte Madera, CA 94925 by the deadline of February 3, 2017. Attend the scoping meeting scheduled for January 25 at 7 PM at the Ross Art and Garden Center, 30 Sir Francis Drake Blvd, Ross, CA. Feel free to use our thoughts above in your comment letter.

THANK YOU FOR YOUR DONATIONS

Deborah S. Ablin, Luriko Ajari, Diane Aldrich, Julie Allecta, Elizabeth P. Anderson, Michael D. Anderson, Anonymous, Annette Anzalone, Joanne M. Arauzo, Sara Arnaud, Janet Arrigotti, Robert Atwood, Mariah Baird, Katharine Ballinger MD, Janice Bass, Bob Battagin, Jane Bell, Benevity Community Impact Fund, Mark Bennett, David L. Berry, Scott C. Blakey, LaVonne Blasche, Kimberly Blue, Patricia and Leonard Blumin, Andrew Bollen, Janet Braff, Burkhard Braun, Marion Brennan, Janet S. Brown, Mary Lou Brown, Stephen & Faith Brown, Robert & Linda Bundy, Lois Cannady, Terry Cantrell, Robert D. Casey, Mario & Juanita Castellon, Rich Cimino, James Cleaves, Collin & Jill Cochrane, Dayton Coles, Michael Concannon, A. Crawford Cooley, Carol Moeller Costa, Mary Anne Cowperthwaite, Jean Z. Dakota, Ken & Ann Davis, Paula Dawson, H.A. De Groot, Rudolph De May, Nona Dennis, Lisa Dini, William Donahoe & Kristin Klein, Lillian B. Dreyer, Bryan Eckert, Leslie Ellison, The Endurance Fund, Karen Evans, Edwin & Carol Ewry, Richard Felton, Fischer Family Fund, Mark H. Forney, Dianne Fruin, Richard Gale, Thomas Gaman, Roberta & Robert Geering, Raymond & Margot Gergus, Judith Godino, Elizabeth & Jon Goerke, Golden Gate Nat'l Parks Conservancy, James & Paula Gorder, Elizabeth & John Graham, L. Martin Griffin Jr., Jeanne & Ed Griffiths, Maureen Groper, Stephen Grossberg, Ruth Gundelfinger, Joan Halverson, Douglas Hanford, Dianne M. Hansen, John Harrington & Ida Baugh, Erika W. Harris, Roger Harris, Totton & Joanne Heffelfinger, Tom Hendricks, Robert Hinz, Vivian Holley & Bryan Baker, Molly Hynes, Susana Ives, Joan & Eugene Jacks, Vernon Jacobs, Duane Johnson, Kathleen & James Kaneko, John Kay, Anne Keeney Kelley, Mary J. Kelley, Catherine Kennedy MD, Robert Kennis, Candace Key, Josephine Kreider, Jan Lee, Hilda J. Leefeldt, Phillip Legge, Linda Levey & Mary Hanley, Judith & Harold Lichterman, Jackie Littee, David & Carolyn Long, Carolyn & John Longstreth, Charles Louderback, John & Nancy MacPherson, Ron & Amanda Mallory, Helene B. Marsh, Jeffery Martin, Dean & Julia Mayberry, Vivian Mazur, John McCabe, Sharon McCloskey, Michael McCrea & Elizabeth Chew, Morton McMichael, Prem & John McMurdo, Doyleen McMurtry, Jane Medley, Barbara & Gerald Meral, Kathleen Merrifield, Alexander Merritt, Barbara Meschi, Bernard Meyers, Teresa Miller, Ken Minkoff, Lois & Bruce Moody, Robert Morton, Margaret Moster, Nancy Moyle, Larry Mulryan, Eileen Murray, Patrick Murray, Marianne Nannestad, Steve & Ruth Nash, Rayner Needleman, Russell Nelson, David J. Neuman, Debra Newman, Lisa & Colin Nicholls, Linda Nicoletto, Larry & Maxine Nilsen, Philip Nonneman, Frank & Lois Noonan, Warren & Marcia Nute, Lucienne O'Keefe, Helena & Danny O'Shea, Open Space Sausalito, Phil Peterson, PG&E Corporation Foundation, Nancy Philie, Joy Phoenix, Catherine Plevin, Stacey Pogorzelski, Erica Posner, Christine & Paul Prusiner, Flinn & John Rauck, Donald & Hope Rehlaender, Phil & Katherine Reilly, Maude Revenko, Juanita Reynolds, Paula M. Riley, Jordan Rinker, Marianna Riser, Susan & John Ristow, Lawrence Robbins, Richard K. Robbins, Billie J. Robertson, Meg Rosegay, Georg Roth, Anne Roughton, Stewart Rowe, Richard & Anne Ruben, Carla Ruff, Barbara & Jay Salzman, King R. Sams, Sanguinetti Family Trust, Santa Venetia Neighborhood Assn., Carol Savio, Sonja D. Schmid, David & Julie Schnapf, Stuart & Carol Schneider, Allan Schreiber, Elizabeth & Eldon Schriock, Virginia & William Schultz, Linda Scott, Linda Scott & Patricia Stein, Richard W. Scott, David & Nadine Sexton, Suzanne Shelhart, Emily E. Shibata, Jean Shiffrin, Stuart Siegel, Dianne Sierra & Chris Pattillo, Madeleine and Donald Simborg, Inez Skog, Doris Solberg, Donna & Hal Solin, Sharon M. Solomon, Linda Spence & Anthony Vecino, Ellen Stein, Helen L. Stoddard, Michael Stone, Dwight & Elaine Straub, David & Mary Sullivan, Mark & Mari Summary, Linda Alden Swanson, Suzanne Thornley, Jody Timms, Evelyn Topper, Anthony & Claudia Trevor, Muriel & Jacques Ullman, Charles M. Vadalabene, Constance Vandament, Robert Edmund Weckel, Arlin Weinberger, Oliver Weir & Elizabeth Bennett, Jim White, Michael & Barbara Whitt, Nancy Willet, Kathryn Wilson, Dave Wimpfheimer, Susan Winston, Christine Wood, Emese Wood, Diane Wrona, Thomas Yarish & Laure Campbell, Catherine & John Yee, Maureen Young & Tim Shore, Eric Yunker, Carolyn Zwicker



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 - February 25 **California Duck Days, Davis**
<http://yolobasin.org/california-duck-days>
 - February 23–26 **San Diego Bird Festival**
www.sandiegoaudubon.org
 - March 2 **Field Trip:** Stafford Lake
With Bob Atwood
 - March 4 **Field Trip:** Tomales Trail
With David Sexton & Bob Atwood
 - March 18 **Field Trip:** Mount Tam
With Jim White & Bob Battagin
- Check website for updates and details

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If you're not already a chapter-supporting member, we urge you to join MAS and urge your friends, neighbors, relatives to join us, too.

You can also join or make a donation on our website using your credit card or PayPal. Please go to www.marinaudubon.org.

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Marin Audubon Society
P.O. Box 599
Mill Valley, CA 94942

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From: [Garril Page](#)
To: [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)
Cc: [Farres, Agnes@Waterboards](mailto:Farres.Agnes@Waterboards)
Subject: Corte Madera Inn Project: Section 401Water Quality Certification Application
Date: Thursday, February 2, 2017 3:11:43 PM
Attachments: [Corte Madera Inn to USACE.rtf](#)
[SFRWQCB comment.rtf](#)

Dear Mr. Fernandez:

I enclose Comment on this Application, and I have appended my two prior Comments which I request be included by reference.

Before the town of Corte Madera, there was a wetland and marsh habitat. The wetland survived the construction of both Highway 101 and the Town. The Application describes the area as an inconsequential pond. This is false and misleading, attempting to misrepresent the wetland and to hasten loss in the quantity and quality of wetlands in Marin.

The Applicant test-marketed the property he inherited, attracting interested and qualified buyers for the site "as-is".

The Applicant's determination to fill and pave the entire site has been met with years of public opposition. His selected plans failed to meet local, state and federal regulations. The Applicant apparently hopes misrepresentation and political machinations will enable the project to evade zoning and environmental guidelines.

The EPA and Corps of Engineers refused to allow this project to slide by. I urge the RWQCB to reject this flawed Application.

Thank you,

Sincerely,

Garril Page
70 Fawn Drive
San Anselmo CA 94960

Sahrye Cohen, Regulatory Permit Manager

PUBLIC NOTICE NUMBER: 2000-255330N PUBLIC NOTICE DATE: May 16, 2016
COMMENTS DUE DATE: June 16, 2016

APPLICANT: Reneson Hotels, Inc, agent Zentner & Zentner

SITUS: 56 Madera Boulevard, Corte Madera, Marin County CA

PROJECT: Army Permit to Discharge Fill into Jurisdictional waters of the United States

Dear Ms. Cohen:

I write to urge the USACE to deny the permit requested in this application. Permitting fill in this irreplaceable local wetland area is environmentally irresponsible and politically unwise. The proposed offsite mitigation is inadequate and irrelevant because the Applicant has neglected to consider practicable, feasible onsite alternatives that preserve the pond. The 'fiscal feasibility' upon which the developer, bases the project, is unproven, incomplete and as such, evaded public scrutiny. Per FWPCA's Section 404 (b)(1) Guidelines, I believe an applicant's desire to maximize profits is not an allowable consideration for permitting the destruction of special aquatic sites. USACE should not enable efforts of unsavory consultants supporting profit-minded owners.

As a federally charged permitting authority, USACE *should* protect an invaluable environmental, cultural, local wetland resource. The existence of this historic aquatic environment and ecosystem predates hotel development of the site.

1. The pond, though only 0.64 AC, has been declared worthy of preservation "to the maximum extent possible" by the SF RWQCB. A USACE permit allowing the requested discharge of fill would result in the permanent loss of submerged aquatic vegetation, open water and fringe wetland that presently serve as valuable habitat for local birds and other wildlife. Because such loss is irreversible, destruction of special aquatic sites is to be considered as among the most severe environmental impacts covered by the FWPCA Guidelines.

2. During the two-year public EIR process, alternative plans for hotel development that preserve the onsite pond have not received adequate consideration. For example, Alternative 2, which preserves the wetlands and allows the project to be expanded to a financially feasible 147 rooms, has been ignored by the Applicant and Town staff. Alternative 2 is practicable and has less adverse effect on this special aquatic site than the Applicant-chosen plan.

3. The process of public review and scrutiny of fiscal and environmental requirements of the Alternative 2, *which preserves the pond*, have been circumvented. The Town's

expert biologist has stated in his public testimony that he never was asked to evaluate preserving the pond because filling the pond was a “goal” of the developer. Thus, USACE grant of a fill permit would support malfeasance by those responsible for disenfranchising public review and comment regarding the project alternatives. Joan 4. Indicative of the importance of this area in its current state is the fact that Corte Madera must amend its General Plan and change its zoning in order to allow this development to proceed. The current hotel owner does not have zoning rights to expand his hotel, and has not presented any credible, relevant financial analysis to support a contention that expansion is needed, except to increase his personal profits.

5. Substantial local concern and interest caused the Town of Corte Madera to impose a moratorium on development in the immediately adjacent areas. The cumulative impacts of this proposed development merit full public review and comment even though the Town has exempted this site from the moratorium.

6. Distant non-tidal mitigation at the Burdell Mitigation Bank is not equivalent, and cannot satisfy local interest, concern and benefits derived from preservation of this wetlands resource. To claim otherwise is an outrage against wildlife refuge, vegetation restoration, and wetland preservation *in the local area*.

7. The pond is indisputably a jurisdictional “Special Aquatic Site” subject to the FWPCA/Clean Water Act Section 404(b)(1). The application has been dumbed down to a permit for fill; however, the loss of this pond exceeds the restricted scope of such an Army permit. The pond is historically correct, contributes to environmental education, and remains an irreplaceable physical reminder of this area’s origins. Preservation of this small wetland matters every bit as much as the archaeological, cultural and historic resources that the USACE considers in assessing projects. Permitting fill of the pond means loss of opportunities for restoration along with the scientific and educational qualities of this special site. The Applicant asks to destroy a unique asset without proper environmental regard for either the property or the community.

I urge full consideration of the importance of this invaluable local resource and recognition of the wisdom of its preservation. The application of Reneson Hotels, Inc, carried by agents Zentner & Zentner should be rejected because the loss of this special aquatic site is avoidable.

Granting a fill permit places USACE in conflict with both the RWQCB and environmentally concerned people of Marin.

Thank you.

Garril Page
70 Fawn Drive
San Anselmo CA 94960

June 10, 2016

San Francisco Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland CA

re: 404(b)(1) Alternatives Analysis
Corte Madera Inn Rebuild Project

Esteemed Members of the SFRWQB:
January 12, 2017

This matter before you may seem a minor project given the magnitude of most of your considerations; however, in our area of Marin County, this is a project of considerable consequence.

1. The wetland pond is 0.64 ac, a size larger than many surrounding parcels. Comparably, it is neither 'small' nor insignificant when taken in context. It is recognized wetland despite the misinformation submitted by Zentner and Zentner.
2. This pond and habitat, including the riparian heron roost, pre-dates the commercial construction and has historical significance. Local people, aquatic and wild life, as well as the Bay tidal system have been accessing this wetland for a very, very long time. Historically, the area is called the Edgewater Marsh; it is not a "nameless" pond.
3. Neglect of the pond has not managed to dry it, or to kill off the living entities associated with the pond and wetland. The pond continues to survive, and could be restored to a robust, thriving system in our watershed. Whereas the developer is intent on obliterating these existing waters of the United States, there is local interest in restoration of the wetland.
4. Most importantly, there are alternative plans for development of the hotel's interest which create a fiscally advantageous commercial use while preserving the pond on-site. Despite skewed fiscal analyses, relevant documents withheld, citizens' comments and public scrutiny quashed throughout the hearing processes, there are supporting economic analyses and alternative plans that preserve the pond.
5. Per the Application: "occupancy market penetration" in the current single-branded Corte Madera Inn are high and steady despite the proximity of two competing long-term residency hotels, one of which dates from the early 1960s (and has a 92-year old co-owner). The Applicant's Project Purpose,

requiring a General Plan Amendment to enable his preference for maximized profits, presentations of 'fiscal feasibility' and "goal" of filling the pond, remains unjustified. Full consideration of reasonable alternatives that do not require the irreversible loss of this aquatic resource must be conducted despite the owner's obdurate stance and retaliatory actions.

6. Adverse Effects of project infill on-site are *avoidable*. Claims that there are no 'practicable' alternatives are patently false, and an apparent attempt to evade the CWA (FWPCA) guidelines through omission. Please, note the reference to inconsistent, incomplete project submissions in the attached letter from Jennifer Siu, Wetlands Section of the EPA to Sahrye Cohen, Permit Manager, USACE.

7. Mitigation proposed is deficient because on-site alternative are available and because the proposed off-site contribution to the Burdell Mitigation Bank is inadequate. Burdell is not comparable and harms the project area by the needless, irreversible destruction of existing waters connected to the tidal system that now provide wildlife habitat values and water quality function *within our watershed*. Please, note the EPA's shared lack of support for the off-site Burdell mitigation plan (per the attachment below).

Please, deny fill material in this pond. This Project does not merit 401 Certification. Instead, make a RWQCB determination preserve a historic wetland, and maintain the biological integrity of an asset that improves awareness and appreciation of our surrounding Bay for hotel guests and restaurant patrons enjoying their stay in a pleasant, up-graded, slightly smaller hotel project, plans for which you may not have seen.

Thank you for consideration of my comments,

Yours truly,

Garril Page
70 Fawn Drive
San Anselmo, CA 94960

Attached [PDF Siu]

From: [Mari Robinson](#)
To: [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)
Subject: Corte Madera Inn REIR
Date: Friday, January 13, 2017 4:54:50 PM

Dear Mr. Fernandez,

The Corte Madera Inn pond serves as a habitat for Black-Crowned night heron and it is frequented by a number of other bird species, including shorebirds. The pond is also surrounded by 79 mature and healthy trees, including many massive heritage trees hundreds of years old.

Habitat for night herons and other bird species is decreasing in Marin due to developmental pressures. These incredibly lovely birds are being displaced from our midst. Similarly, heritage trees and native vegetation and ground cover are being decimated to make way for more asphalt and concrete surfaces. This is especially true in Corte Madera where high density development has been significant.

The idea that mitigation for development in one location can be made in another is not persuasive to those who value their local environment. Corte Madera and nearby communities want to retain their thriving local wetlands with its native flora and fauna.

Toward this end, we ask that you and the Regional Water Quality Control Board support the retention of the Corte Madera Inn pond and that you recommend to the City of Corte Madera that it work with the Reneson Hotels to reactivate the historic slide gates allowing a hydrologic connection between the pond and Shorebird Marsh.

Thank you for your support.

Mari Robinson
2 Compton Circle
Mill Valley, CA 94941

From: [Peter Orth](#)
To: [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)
Subject: Additional Comments - Corte Madera Inn Rebuild
Date: Tuesday, January 31, 2017 3:00:27 PM

Xavier Fernandez
Senior Environmental Scientist
SF Regional Water Quality Control Board

Dear Xavier:

As I'm sure you have already noted my spouse and I are party to the comments already submitted by Mr. Silvestri, Community Venture Partners, on behalf of ourselves and many other residents of Corte Madera. We fully agree with the comments submitted and will not repeat the analyses and conclusions which have been presented. It has very helpful to many of us to have an organization dedicated to objective reviews to assist us and our town's staff and Council in reaching decisions on proposed changes.

Marla and I have also previously submitted comments on the project alternatives which you previously reviewed. Those comments still seem valid. Both Marla and I have worked as Federal regulators and consultants to industry. We believe our background and experience provide us with a basis to comment constructively on this project and hope this can help produce a positive outcome for Corte Madera.

As pointed out, most of the information submitted in the current application was derived through reports generated by consultants paid for by the applicant. Most outside comments by experts, organizations and town residents point out errors, omissions and inconsistencies in the consultant's reports. We do not believe that the town has independently vetted the claims in the application, particularly related to financial feasibility. The many market options which exist are not mentioned, and would seem critical to determining whether this project is the best for all of us and the environment we share.

We strongly agree with the need to address and assess the cumulative impacts of all such proposals to continue removal of the Bay's wetlands.

Thank again for your attention.

Marla and Peter Orth
1200 Meadowcrest Dr.
Corte Madera

From: [Richard Willis](#)
To: [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)
Subject: corte maders inn
Date: Saturday, January 21, 2017 5:01:19 PM

hi, these people are overbuilding. they could easily save the pond with a little beautification and a permaqnent spray fountain. thank you.

--

Richard Willis
One Weatherly Drive Apt. 404
Mill Valley CA 94941
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From: [Blake Susan](#)
To: awolff@tcmmail.org; [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)
Subject: Corte Madera Inn: DO NOT PAVE THE POND
Date: Monday, January 30, 2017 7:47:39 PM

To Mr. Wolff and Mr. Fernandez, I respectfully ask that you do not allow Corte Madera Inn to pave the pond. We already have plenty of flooding in that neighborhood of Marin. Surely there is a better way to handle this situation.

I go to the Bay Club three times a week. In recent weeks, I have been very aware of the flooding that happened during these big storms.

Please do not allow the Corte Madera Inn to pave the pond.

Thank you for reading my email.

Sincerely, Susan Blake

Susan Blake
sbphoebe1090@gmail.com
603 Goodhill Rd
Kentfield, CA 94904-2642

PO Box 536
Kentfield, CA 94914

tel: 415-461-5685

From: [whit ingram](#)
To: [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)
Subject: Fw: Re Jan 3 : Corte Madera Inn Development Plan
Date: Friday, January 13, 2017 10:05:19 PM

On Friday, January 13, 2017 9:54 PM, whit ingram <whitingram@yahoo.com> wrote:

Dear Mr Fernandez,

I have read that you are conducting a survey re the proposed development of the now Best Western Hotel, with a deadline for comments of today Jan 13th.

Attached below is my letter to Mr Wolff re the deadline for community comments of Jan 3rd. I would appreciate if you would take it into account.

I read an article in MarinIJ on Jan 8th and was impressed with comments from Mr Bob Silvestri here attached, in case you missed it.

I look forward to hearing from you and being kept informed of the situation.
Thank you,

Whit Ingram
517 Manzanita Ave, Corte Madera, Ca 94925

SEE ATTACHED COMMENT FROM IJ 1/8/17

Bob Silvestri • 5 days ago

Once again the IJ creates a sensational "story" where it doesn't exist. This discussion is not about having a hotel or not having a hotel. Everyone, including all environmental groups so far, support a hotel, just one that is appropriate in size and preserves the wetlands. This is not only very feasible but a number of qualified developers are ready, willing and financially able to purchase the property for fair market value and build a unique hotel (not a cookie cutter Marriott) that preserves the wetlands (it is currently listed for sale but the owner refuses to talk to bona fide hotel developers). Further, the IJ fails to mention to residents that this is not about property rights. The current owner does not have any legal "rights" to build what he's proposing. He is asking the Town to gift him a special bonus, General Plan Amendment, which he will be the sole beneficiary of, in order to build his plan, fill the pond, and turnkey the deal to Marriott Corporation. This is about making the most money possible, that is all it is. It would be helpful if the IJ could really print some facts instead to just trying to sell newspapers. If anyone is interested in the facts, go to <https://marinpost.org> and type "Corte Madera Inn" in the search box.

On Saturday, December 31, 2016 7:55 PM, whit ingram <whitingram@yahoo.com> wrote:

Dear Mr Wolff,

Please consider declining the proposal of the developers of the now Best Western Hotel to pave over more marshland.

The native fowl and seabirds have used this long before the advent of our ' modern' society.

I was born and raised since the age of 3 in Marin county and remember the town center in it's marsh land setting and the numerous varieties of native species. Slowly but surely they're being pushed out even though their instinctual antennae is always to use this as their native habitat. Birds and ducks still have that flight plan and stop here. My wife only yesterday saw, at least, 13 Night Herons roosting in the trees over the proposed site, at the North End of the Best Western Corte Madera Inn.

There is more of a need for our natural friends than there is to literally take Paradise and put up a parking lot.

I look forward to hearing from you as I believe there is a deadline of Jan 3 for community input.

Thank you,
Whit Ingram

517 Manzanita Ave
Corte Madera
Ca 94925