



COMMITTEE FOR  
GREEN FOOTHILLS

March 30, 2006

Meg Caldwell and Members  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 04105

By FAX 415-904-5400  
and U.S. Mail  
Agenda Item Th 5b  
Lennie Roberts  
Support Staff

**Re: Appeal Number A-2-SMC-04-005**  
**Applicant: Pescadero Conservation Alliance**  
**Appellants: Coastside Habitat Coalition, Committee for Green Foothills,**  
**Jim Rourke, Center for Biological Diversity**

Dear Chair Caldwell and Members of the Commission,

On behalf of the Committee for Green Foothills, one of the four Appellants of the above-referenced project, I am writing in strong support of the Staff Recommendation for Denial of this project.

We are greatly concerned that the Marbled Murrelets at the southern end of their range in the Santa Cruz Mountains, are in serious peril. The Final Restoration Plan for the Command Oil Spill, dated June, 2004 (page 22), states: ***“The Marbled Murrelet population in the Santa Cruz Mountains, is small, isolated, and declining. At present, their rate of reproduction is insufficient to sustain the population.”*** The Restoration Plan also describes the Marbled Murrelet as one of the most vulnerable seabirds in the world.

Given the status of the Murrelet, it is incumbent upon all of us to ensure that these endangered birds do not suffer any further declines in population. In fact, it is critical in cases where there may be a disagreement among experts, or any doubt about the potential impacts of a project upon these imperiled seabirds, that decision-makers err on the side of protection of the species.

The subject property was purchased by Sempervirens Fund in part utilizing \$500,000 from settlement of state and federal litigation concerning the 1986 Apex Houston Oil Spill, specifically to protect potential nesting habitat for the Marbled Murrelets. The long-term success of Murrelet reproduction was clearly of paramount importance to the Apex Houston Trustee Council's decision regarding the purchase and protection of this property. The establishment of a year-round program that brings At Risk Youth into this sensitive habitat environment was not evaluated by the Apex Houston Trustee Council in granting funds for the protection of the Murrelets.

It is well documented that corvids, particularly ravens and jays, are primary nest predators of Marbled Murrelets. It is also well documented that corvids associate people with food, and are attracted to any areas where people congregate, such as campgrounds, picnic areas, and trails. This writer has personally experienced ravens and jays following hikers on trails in the Santa Cruz Mountains and elsewhere, as well as boaters on river trips in the Southwest. They are opportunistic, intelligent, and persistent birds. On one occasion a raven pulled an entire sandwich bag out of a slightly opened day pack, as the owner's back was turned. No one in this group of people had fed the birds, or had dropped crumbs to attract them.

In a letter dated July 14, 2005, California Fish and Game states in relevant part: "The proposed level and timing of activity poses an inherent risk to Marbled Murrelets by increasing chances of nest failure or preventing this area from serving as suitable nesting habitat. As such, DFG believes that the proposed project would contribute to the ongoing population decline of marbled murrelets in central California..."

The Applicant's proposed mitigation measures that depend upon controls of people's behavior at all times, controls of food and garbage, monitoring the numbers of corvids on site, and killing of corvids if their numbers increase, are uncertain and speculative and cannot be relied upon as hopeful justification for granting this permit. The Command Oil Spill Final Restoration Plan acknowledged that success of the Corvid Management Project in Big Basin, Butano and Portola State Parks and San Mateo County's Memorial Park through education, control of garbage, and removal of corvids and their nests is a novel project with several uncertainties. The Trustees determined however, that the condition of the Santa Cruz Marbled Murrelet population was so critical that a lower threshold regarding uncertainty of success would be acceptable for the use of the oil spill funds.

In the case of this Appeal, however, the standard of review and basis for your decision is the Coastal Act and the certified San Mateo County Local Coastal Program (LCP).

Under the Coastal Act and the County LCP, the burden of proof is upon the applicant to demonstrate that there will not be any significant impact on sensitive coastal habitats. Listed below are two of the relevant portions of LCP Policies regarding Sensitive Habitats:

#### 7.5 Permit Conditions

- a. As part of the development review process, require the applicant to demonstrate that there will be no significant impact on sensitive habitats.

#### 7.3 Protection of Sensitive Habitats

- a. Prohibit any land use or development which would have significant adverse impacts on sensitive habitat areas.
- b. Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.

The applicant has not demonstrated that there will not be any significant impact upon the Marbled Murrelets.

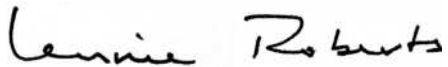
We also concur with the Findings that the proposed use is not consistent with the allowable density, public access, and recreation policies of the County's Local Coastal Program.

While Committee for Green Foothills supports the education and restoration efforts of the Pescadero Conservation Alliance, this is not the appropriate location for their proposed year-round program. Many people of good intentions do not see the unintended consequences of their actions. Eco-Tourism, for example, can have impacts upon the very resources that people want to protect.

We have learned through experience that it is not enough to simply purchase land for habitat protection. Management of those lands in favor of protection of the species is equally critical. When there is any question of risk or adverse impacts, it is incumbent upon agencies and citizens alike to err on the side of the threatened or endangered species rather than risk greater population declines due to inaction or adverse decisions.

Therefore, we urge your Commission to support the Staff Recommendation for Denial of this project.

Sincerely,

A handwritten signature in black ink that reads "Lennie Roberts". The signature is written in a cursive, slightly slanted style.

Lennie Roberts, Legislative Advocate  
Committee for Green Foothills  
339 La Cuesta Drive  
Portola Valley, CA 94028